

ALASKA STATE LEGISLATURE
SENATE LABOR AND COMMERCE STANDING COMMITTEE

March 2, 2017

1:34 p.m.

MEMBERS PRESENT

Senator Mia Costello, Chair
Senator Shelley Hughes, Vice Chair
Senator Kevin Meyer
Senator Berta Gardner

MEMBERS ABSENT

Senator Gary Stevens

COMMITTEE CALENDAR

SENATE BILL NO. 15

"An Act relating to possession of an electronic smoking product or a product containing nicotine by a minor and to selling or giving an electronic smoking product to a minor; relating to business license endorsements to sell cigarettes, cigars, tobacco, products containing tobacco, electronic smoking products, or products containing nicotine; and relating to citations for certain offenses concerning tobacco or nicotine products."

- MOVED CSSB 15(L&C) OUT OF COMMITTEE

SENATE BILL NO. 29

"An Act repealing the Workers' Compensation Appeals Commission; relating to decisions and orders of the Workers' Compensation Appeals Commission; relating to superior court jurisdiction over appeals from Alaska Workers' Compensation Board decisions; repealing Rules 201.1, 401.1, and 501.1, Alaska Rules of Appellate Procedure, and amending Rules 202(a), 204(a) - (c), 210(e), 601(b), and 603(a), Alaska Rules of Appellate Procedure; and providing for an effective date."

- MOVED SB 29 OUT OF COMMITTEE

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 4

"An Act relating to the Board of Barbers and Hairdressers; relating to a limited license to practice non-chemical

barbering; relating to a license to practice hair braiding; relating to the Department of Environmental Conservation; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 51

"An Act extending the termination date of the Board of Veterinary Examiners; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 15

SHORT TITLE: E-CIGS: SALE TO AND POSSESSION BY MINOR

SPONSOR(S): SENATOR(S) STEVENS

| | | |
|----------|-----|-----------------------------------|
| 01/13/17 | (S) | PREFILE RELEASED 1/13/17 |
| 01/18/17 | (S) | READ THE FIRST TIME - REFERRALS |
| 01/18/17 | (S) | L&C, JUD |
| 02/14/17 | (S) | L&C AT 1:30 PM BELTZ 105 (TSBldg) |
| 02/14/17 | (S) | Heard & Held |
| 02/14/17 | (S) | MINUTE(L&C) |
| 02/21/17 | (S) | L&C AT 1:30 PM BELTZ 105 (TSBldg) |
| 02/21/17 | (S) | Heard & Held |
| 02/21/17 | (S) | MINUTE(L&C) |
| 02/28/17 | (S) | L&C AT 1:30 PM BELTZ 105 (TSBldg) |
| 02/28/17 | (S) | <Bill Hearing Canceled> |
| 03/02/17 | (S) | L&C AT 1:30 PM BELTZ 105 (TSBldg) |

BILL: SB 29

SHORT TITLE: REPEAL WORKERS' COMP APPEALS COMMISSION

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

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|----------|-----|-----------------------------------|
| 01/20/17 | (S) | READ THE FIRST TIME - REFERRALS |
| 01/20/17 | (S) | L&C, JUD, FIN |
| 02/14/17 | (S) | L&C AT 1:30 PM BELTZ 105 (TSBldg) |
| 02/14/17 | (S) | Heard & Held |
| 02/14/17 | (S) | MINUTE(L&C) |
| 02/28/17 | (S) | L&C AT 1:30 PM BELTZ 105 (TSBldg) |
| 02/28/17 | (S) | Heard & Held |
| 02/28/17 | (S) | MINUTE(L&C) |
| 03/02/17 | (S) | L&C AT 1:30 PM BELTZ 105 (TSBldg) |

BILL: SB 4

SHORT TITLE: NON-CHEMICAL BARBERING;HAIR BRAIDING

SPONSOR(s): SENATOR(s) MICCICHE

01/09/17 (S) PREFILE RELEASED 1/9/17
01/18/17 (S) READ THE FIRST TIME - REFERRALS
01/18/17 (S) L&C, FIN
02/17/17 (S) SPONSOR SUBSTITUTE INTRODUCED-REFERRALS
02/17/17 (S) L&C, FIN
03/02/17 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 51

SHORT TITLE: EXTEND BOARD OF VETERINARY EXAMINERS

SPONSOR(s): SENATOR(s) VON IMHOF

02/08/17 (S) READ THE FIRST TIME - REFERRALS
02/08/17 (S) L&C, FIN
03/02/17 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

TIM LAMKIN, Staff

Senator Gary Stevens

Alaska State Legislature

POSITION STATEMENT: Reviewed the differences between version A and version R of SB 15.

ANGELA BIRT, Chief Investigator

Division of Corporations, Business, and Professional Licensing

Department of Commerce, Community and Economic Development

Juneau, Alaska

POSITION STATEMENT: Provided information related to SB 15.

SENATOR PETER MICCICHE

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 4.

RACHEL HANKE, Staff

Senator Peter Micciche

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Delivered a sectional analysis for SSSB 4.

CHRISTINA CARPENTER, Director

Division of Environmental Health

Department of Environmental Conservation (DEC)

Anchorage, Alaska

POSITION STATEMENT: Answered questions related to SSSB 4.

JANEY HOVENDEN, Director
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community and Economic Development
Juneau, Alaska

POSITION STATEMENT: Answered questions related to SSSB 4.

WILLIE CANADY, Member
Board of Barbers and Hairdressers
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SSSB 4.

JEANNINE JABAAY, Member
Board of Barbers and Hairdressers
Hope, Alaska

POSITION STATEMENT: Testified in support of SSSB 4.

KEVIN MCKINLEY, Chair
Board of Barbers and Hairdressers
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SSSB 4.

DAVE COLESON, Old-Fashioned Barber
Kenai, Alaska

POSITION STATEMENT: Testified in support of SSSB 4.

SHAREEN CROSBY, Staff
Senator Natasha von Imhof
Alaska State Legislature

POSITION STATEMENT: Introduced SB 51 on behalf of the sponsor.

SENATOR NATASHA VON IMHOF
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 51.

KRIS CURTIS, Legislative Auditor
Division of Legislative Audit
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Discussed the sunset audit addressed in SB 51.

RACHEL BERNGARTT, Member
Board of Veterinary Examiners
Juneau, Alaska

POSITION STATEMENT: Testified on SB 51.

PAMELA SAMASH, representing herself
Nenana, Alaska

POSITION STATEMENT: Testified in opposition to SB 51 due to lack of rural representation.

MARGIE RILEY, representing herself
Nenana, Alaska

POSITION STATEMENT: Testified in opposition to SB 51 due to lack of rural representation.

ANGIE FITCH, representing herself
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SB 51 due to lack of rural representation.

LEA MCKENZIE, representing herself
Sutton, Alaska

POSITION STATEMENT: Testified in opposition to SB 51 due to lack of rural representation.

BRIAN BERUBE
Veterinary Clinic
Rural Alaska

POSITION STATEMENT: Testified that he would support SB 51 if it were amended to include rural representation.

ACTION NARRATIVE

[1:34:05 PM](#)

CHAIR MIA COSTELLO called the Senate Labor and Commerce Standing Committee meeting to order at 1:34 p.m. Present at the call to order were Senators Meyer, Hughes, Gardner, and Chair Costello.

SB 15-E-CIGS: SALE TO AND POSSESSION BY MINOR

[1:35:13 PM](#)

CHAIR COSTELLO announced the consideration of SB 15. She noted that there was a new committee substitute (CS).

[1:35:57 PM](#)

SENATOR HUGHES moved to adopt the work draft CS for Senate Bill 15, labeled 30-LS0170\R, as the working document.

[1:36:07 PM](#)

CHAIR COSTELLO objected for an explanation.

TIM LAMKIN, Staff, Senator Gary Stevens, Alaska State Legislature, sponsor of SB 15, reminded the members that the primary purpose of the is bill is to restrict youth access to e-cigarette products.

He reviewed the changes between version A and version R of SB 15 speaking to the following summary: [Original punctuation provided.]

The Department of Commerce, Community, & Economic Development requested penalties associated with violations of the law restricting youth access to tobacco and E-Cigarette products be increased to more effectively compel compliance, as described below.

CSSB 15 (L&C) Version R, increases the criminal and civil penalties (fines) associated with violating the law by selling tobacco, products containing nicotine, or E-Cigarette products to minors, as follows:

1. Under AS 43.70.075(d), the person holding the business license endorsement is fined the following:

1st offense: a civil penalty of \$1,000
(increased from \$300)

2nd offense: a civil penalty of \$2,000
(increased from \$500)

3rd offense: a civil penalty of \$4,000
(increased from \$1,000)

After 3 convictions: suspend license indefinitely (increased from 1 year) and a civil penalty of \$10,000 (increased from \$2,500)

The only other substantive change in Version R is regarding the required product 'warning' signage. The verbiage is consolidated to include reference to tobacco products, products containing nicotine, or "electronic smoking products," as being illegal to sell to persons under the age of 19. The dimensions of the signage were reduced to 8.5" x 11" to allow for more efficient means for DCED to e-mail signage to

vendors, and for vendors to print and post signage on their own. This change will reduce the current fiscal note considerably.

1:39:30 PM

SENATOR HUGHES asked what "indefinite suspension of license after three convictions" means in practice.

MR. LAMKIN suggested the department speak to that, but he believes there would be no good-faith remedy after three convictions.

1:40:34 PM

ANGELA BIRT, Chief Investigator, Division of Corporations, Business, and Professional Licensing, Department of Commerce, Community and Economic Development (DCCED), explained that a business or person could resume selling tobacco products if both DCCED and the Department of Health and Social Services were satisfied that appropriate training and constraints were in place to prevent the sale of tobacco or nicotine products to children.

CHAIR COSTELLO asked the department to put that in writing, so it could follow the bill through the process.

SENATOR HUGHES commented that three occurrences over 30 years is very different than three occurrences over just a few years so it's appropriate to have a path back to good standing.

MR. LAMKIN pointed out that the bill stipulates three occurrences within two years.

SENATOR GARDNER asked if the department wanted the penalties in Section 14 to apply to all tobacco sales and if the bill is a vehicle for that.

MR. LAMKIN said that is his understanding but the department should speak to that directly.

1:43:22 PM

MS. BIRT confirmed that the department asked for the change to update the fine structure and support the cost of running the program.

SENATOR HUGHES asked if the bill only requires these products to be behind the counter and out of reach, not out of a child's sight.

MR. LAMKIN answered that's correct.

SENATOR HUGHES suggested that should be addressed at some point in the future. She asked if the sponsor would consider requiring the products to be out of sight rather than just incidentally behind the counter.

MR. LAMKIN said that has been brought to the sponsor's attention and the idea will be vetted.

CHAIR COSTELLO removed her objection and found no further objection; therefore, version R was adopted.

[1:48:10 PM](#)

SENATOR HUGHES moved to report the CS for SB 15 from committee with individual recommendations and attached fiscal note(s).

CHAIR COSTELLO announced that without objection, CSSB 15(L&C) is reported from the Senate Labor and Commerce Standing Committee.

[1:48:23 PM](#)

SB 29-REPEAL WORKERS' COMP APPEALS COMMISSION

[1:50:33 PM](#)

CHAIR COSTELLO reconvened the meeting and announced the consideration of SB 29. She noted that the department endorsed the bill and Andy Hemenway contacted her office to say he is interested in changing his earlier testimony. She suggested he send a letter so that his sentiment could be included in the official bill file. She noted that Mr. Hemenway was the former [Chair] of the Workers' Compensation Appeals Commission so he has intimate knowledge of how the commission works. Finding no questions, she solicited a motion.

[1:52:09 PM](#)

SENATOR HUGHES moved to report SB 29 from committee with individual recommendations and attached fiscal note(s).

CHAIR COSTELLO announced that without objection, SB 29 is reported from the Senate Labor and Commerce Standing Committee.

[1:52:27 PM](#)

At ease

SB 4-NON-CHEMICAL BARBERING;HAIR BRAIDING

[1:56:14 PM](#)

CHAIR COSTELLO reconvened the meeting and announced the consideration of SSSB 4. She stated that this is the first hearing and the intention is to hear the bill, take member's questions, and hold the bill for further consideration.

[1:56:57 PM](#)

SENATOR PETER MICCICHE, Alaska State Legislature, sponsor of SSSB 4, introduced the bill speaking to the following sponsor statement: [Original punctuation provided.]

During this time of recession in Alaska's economy, we are evaluating the balance between quality training programs and situations where government has hindered commerce and the ability for Alaskans to earn a living. Revisions to the barbers' and hairdressers' statutes provide several opportunities to correct these imbalances.

Under Title 8 licensed professionals regulated by the Board of Barbers and Hairdressers (Board) must work in a licensed shop. These students or practitioners are required by statute to conspicuously display their licenses, however the shop owner is not. This inequity has led to employees being fined because, unbeknownst to them, the shop owner's license had lapsed.

SSSB4 requires the shop owner to conspicuously display the shop license, as well as the licenses of employees, renters and students.

By statute, an individual must obtain a shop certification from the Department of Environmental Conservation (DEC) before they receive a license from the Board of Barbers and Hairdressers. The DEC is no longer providing certifications due to budget reductions. SSSB4 will allow a DEC standard self-certification process regulated through the Board.

Additionally, SSSB4 creates two new license types. First is a non-chemical barber's license. Currently, all barbers are held to nearly the same standard as hairdressers and are required to have practical

training in chemical waving, chemical straightening, bleaching, and coloring.

They must complete a total of 1,650 training hours or 3,000 apprentice hours, which is equivalent to hairdressers. SSSB4 will open the door to more Alaskans interested in joining the industry by balancing training requirements and reducing the burden. In essence, the bill provides more economic opportunity and less government-induced burden for hard working Alaskans. The higher-level barber's license will remain available to those who wish to perform chemical procedures.

Finally, SSSB4 will create a specific license for braiding; a trade that has been growing in popularity. Braiders are also being held to the same standard as hairdressers, including the same 1,650 hours or more of practical training in addition to a written exam. This bill will welcome more workers into the industry, creating jobs and a stronger economy by balancing training requirements to the specific demands and required skills of the trade.

[1:59:55 PM](#)

RACHEL HANKE, Staff, Senator Micciche, Alaska State Legislature, delivered the following sectional analysis of SSSB 4.

Section 1

AS 08.01.065(h) removes the requirement that the Department of Environmental Conservation inspect or regulate barbering, hairdressing, manicuring, or esthetics establishments.

Section 2, 5, 10-11, 13, 16-18, 20, 22-24

Add the term "hair braiding" or "hair braider" to statute.

Section 3

AS 08.13.030(c) removes the ability of the DEC to investigate the practices of a person, shop or school in the fields of barbering, hairdressing, manicuring or esthetics, it also adds hair braiding to this list. Adds new subsection that will continue to allow the

DEC to investigate practices for body piercing, tattooing, and permanent cosmetic coloring.

Section 4

AS 08.13.040 adds a new subsection that will not allow the board to administer an exam to an individual applying for a limited non-chemical barber's license that tests a person's knowledge in the areas of chemical processes such as permanent waving, bleaching, coloring, or chemical straightening.

Section 6

AS 08.13.080(a) specifies that courses and curriculum required for a barber's examination may be limited to non-chemical barbering.

Section 7

AS 08.13.080 adds a new subsection (e) that establishes the application requirements for a hair braiding license.

Section 8

AS 08.13.082(a) removes the ability of the board to require a person applying for a limited non-chemical barber's license to have practical hours or training in chemical processes, which includes permanent waving, bleaching, coloring or chemical straightening.

Section 9

AS 08.13.100(a) adds a sentence that requires the board to issue a hair braiding license to each applicant who satisfied all requirements under AS 08.13.080(d).

Section 12

AS 08.13.100 adds new subsection (f) that directs the board to adopt regulations allowing for the practice of non-chemical barbering and requires that the limitation be stated on the license.

Section 14

AS 08.13.120 adds new subsection instructs the board to adopt regulations for standards of cleanliness for licensed establishments, not including tattooing, piercing or permanent cosmetic coloring.

Section 15

AS 08.13.130(a) is amended to state that a shop owner is responsible for conspicuous display of the shop's license, as well as employees' and booth renters' licenses.

Section 19

AS 08.13.185(a) requires that the board set fees for initial hair braiding licenses and renewals.

Section 21

AS 08.13.210(a) establishes that the board will supervise health and sanitary conditions in barbering, hairdressing, hair braiding, manicuring and esthetics shops, maintains that DEC will supervise the tattoo, piercing and cosmetic coloring shops.

Section 25

AS 44.46.020(a) removes the requirement that DEC regulate the standards of cleanliness and sanitation in barbering, hairdressing, manicuring or esthetics shops.

Section 26

Uncodified law directs the board to adopt necessary regulations to implement these changes but not before the effective date.

Section 27

Uncodified law - provides that section 26 will take effect immediately.

Section 28

Uncodified law - provides that all other sections take effect January 1, 2018.

CHAIR COSTELLO asked if there is a definition in statute for hair braiding.

MS. HANKE read the definition on page 9, lines 1-4, of the bill.

CHAIR COSTELLO asked if the bill covers environments such as a state fair where a volunteer might be braiding.

MS. HANKE said she would check with the department but she believes they would need a license.

SENATOR MICCICHE clarified that the bill doesn't expand the universe of those required to have a license. It simply streamlines the requirements for professional hair braiders.

[2:04:52 PM](#)

SENATOR HUGHES asked if a hairdresser could hire someone right now who knows how to braid but isn't licensed. If so, the bill would increase the requirements for hair braiders.

SENATOR MICCICHE emphasized that the bill reduces requirements. A hairdresser can't hire someone to work in their shop if they haven't been through the training. He said the bill tries to balance the training hours against DEC's requirements for hygiene.

SENATOR HUGHES asked for an explanation of how it would work to have the board supervise health and sanitary conditions for hair braiding.

CHRISTINA CARPENTER, Director, Division of Environmental Health, Department of Environmental Conservation (DEC), Anchorage, Alaska, explained that with FY2016 budget reductions DEC neither issues memos of non-objection for a business to operate nor does inspections as a result of complaints.

SENATOR MICCICHE said he envisions that none of the DEC standards will be reduced. The board will develop a system of self-certification to maintain those same standards and provide the same protections.

SENATOR HUGHES asked if the board has the authority to investigate complaints.

SENATOR MICCICHE clarified that DEC isn't relinquishing its authority if there is a hygiene complaint.

[2:09:38 PM](#)

SENATOR MEYER asked if hair braiders in a booth at the state fair and similar venues would be required to have a license.

[2:10:22 PM](#)

JANEY HOVENDEN, Director, Division of Corporations, Business and Professional Licensing, Department of Commerce, Community and Economic Development (DCCED), advised that a volunteer would not need a license; they are only required when someone is braiding for commercial purposes.

SENATOR MEYER asked if it's a commercial operation if the booth is charging \$10 for braiding.

MS. HOVENDON said she would follow up with the answer.

SENATOR MEYER said he likes the South Dakota approach that doesn't require training or licensing for hair braiding.

SENATOR MICCICHE restated that there are some expectations of hygiene and cleanliness that need to be balanced against requirements for training. He acknowledged that fewer training hours is the committee's discretion and offered his belief that no training would be inadequate.

SENATOR MEYER asked how many hours of training would get Alaska to an A or B grade.

SENATOR MICCICHE reviewed a handout that indicated that a state would receive an A if it didn't require any training hours, an A- if it required 6 hours of training, and a B+ if it required 16 hours of training. He said he isn't shooting for an A in this context because there is some responsibility to ensure the health and wellbeing of Alaskans.

SENATOR MEYER asked if that organization also grades non-chemical barbers.

[2:15:06 PM](#)

SENATOR MICCICHE said the document he is citing only addresses braiding.

SENATOR MEYER commented on not imposing an undue burden on barbers with 35 hours of training and added that he would accept what the bill proposes.

SENATOR MICCICHE said he trusts the Board of Barbers and Hairdressers and he believes their approach has been reasonable. He asked the committee to also take a reasonable approach to ensure adequate public safety.

[2:16:42 PM](#)

SENATOR GARDNER said it seems that the shop owner has responsibility for basic cleanliness of the facility and making sure that workers practice basic sterilizing for brushes and combs. She said she doesn't see a lot of public purpose in requiring 35 hours training for someone who is braiding hair. She expressed concern that DEC doesn't do any inspections and related a personal experience that demonstrates the need for them.

SENATOR MICCICHE pointed out that inspections are not being done now, and individuals are licensed on their professional conduct. The shop is licensed, and the professional hairdresser is licensed. Should the bill pass, barbers and braiders will have their own standards of conduct and professionalism, but all the licenses require some level of training. He urged balance and cautioned against amending the bill to zero hours of training for braiders.

[2:20:00 PM](#)

SENATOR HUGHES asked if the 35 hours is all on hygiene or if part of it is instruction in braiding.

SENATOR MICCICHE said Section 7 lays out the health, safety, and skill training for a hair braider.

SENATOR HUGHES mentioned the health concern of detecting lice and scalp infections that a braider would need to be aware of.

[2:22:04 PM](#)

SENATOR GARDNER asked, instead of identifying a number of hours, if it makes sense to say a person has to demonstrate an appropriate understanding of the health, safety, and sanitation practices for the particular work. It would be different for someone who does braiding than someone who does chemical dying.

SENATOR MICCICHE clarified that all certifications are based on hours of training. The bill reduces the number of hours required

for barbers and hair braiders to be certified from 1,650 to 35. The board has determined that this is the number of hours to adequately train an individual to understand the trade as well as public health, safety, and sanitation.

SENATOR GARDNER observed that this can be an entry level business and not everyone has to have the same level of expertise. A haircut can cost \$100 or \$10 and the market accommodates that.

SENATOR HUGHES asked what it would cost for 35 hours of instruction.

SENATOR MICCICHE deferred the question to the board and reminded the committee that the bill is about reducing the number of hours of instruction from 1,650 to 35. He reiterated that it is important to recognize basic policies and procedures that ensure public safety.

[2:26:02 PM](#)

CHAIR COSTELLO asked Ms. Hovenden if the Board of Barbers and Hairdressers is operating in the red or black and if she had any concerns to share with the committee.

MS. HOVENDEN advised that the board ended the first quarter of FY2017 \$460,688 in the black, and that there are no concerns about the board's financial health.

[2:27:15 PM](#)

CHAIR COSTELLO opened public testimony on SSSB 4.

[2:27:33 PM](#)

WILLIE CANADY, Member, Board of Barbers and Hairdressers, Anchorage, Alaska, explained that hair braiding is meshing, weaving, and in-weaving natural hair without using chemicals. She maintained that 35 hours of instruction is adequate to ensure an understanding of safety, sanitation, and hair and scalp analysis. The bill seeks to encourage braiders to come out of the shadows and ensure health and safety for customers. She said many braiders operate out of their homes because they don't want to pay for 1,600 hours of instruction when 85 percent of the curriculum doesn't apply to braiding. She pointed out that the bill does not cover advanced techniques such as full-head weaving, just braiding.

CHAIR COSTELLO asked her to email photos to illustrate the type of braiding under discussion.

SENATOR MEYER said he's come to agree with the sponsor that 35 hours of training is adequate, but he wonders how much it would cost and how many places in Alaska provide this type of training.

MS. CANADY said everyone she's spoken with agrees that anything under 50 hours is sufficient for braiding certification.

CHAIR COSTELLO asked her to forward the letters discussing hours of instruction to her office. She also asked what the instruction costs.

MS. CANADY estimated that 50 hours would cost about \$600.

CHAIR COSTELLO asked what braiders charge.

MS. CANADY said it depends on what the client wants, but it can cost \$350-\$500 for a job that takes two days to complete. Basic cornrows without any design costs \$25-\$50.

CHAIR COSTELLO asked how many training facilities are in Alaska.

MS. CANADY replied there are none.

CHAIR COSTELLO asked where in Alaska you could receive the 35 hours of training.

MS. CANADY said any hair school or shop with an apprenticeship.

[2:37:11 PM](#)

SENATOR GARDNER asked who is responsible for evaluating and approving the quality of the trainers.

MS. CANADY said you need to be a licensed instructor in the state of Alaska.

SENATOR GARDNER asked who licenses instructors in Alaska.

MS. CANADY replied the Board of Barbers and Hairdressers. She also discussed instruction requirements for non-chemical barbering. She suggested looking at the curriculum and removing the portions related to the use of chemicals to tell what the appropriate number of hours of instruction would be for non-chemical barbers, which involves learning to use scissors and give a shave.

[2:38:43 PM](#)

JEANNINE JABAAY, Member, Board of Barbers and Hairdressers, Hope, Alaska, stated that SSSB 4 will help grow commerce, clean up the statutes, and remove burdensome regulation. Creating new licenses for hair braiding and non-chemical barbering will increase job opportunities. She said board members and licensees are very concerned about cross contamination of contagious diseases of the scalp and want practitioners who recognizes these issues.

She agreed with Ms. Canady's testimony that there is no formal training in Alaska to teach braiding and instruction on safety and sanitation. She shared her preference to allow the board to adopt regulations to demonstrate that safety standards are being met, similar to how it is addressed for non-chemical barbering. Addressing an earlier question, she opined that current schools throughout the state could easily adopt new curriculum to address these new licenses.

She stated support for eliminating the reference to DEC inspections because they haven't happened since July of 2015. That is what forced the board to allow self-certification. Under the current process, the applicant submits a notarized form stating that they meet the DEC safety regulations. She pointed out that self-certification is not compliant with statute and exposes the state to a potential lawsuit.

The bill also protects employees by requiring a shop owner to display their current license. She noted there is a letter of support in the packets from a shop owner who doesn't believe their employees should be penalized if the owner allowed their license to lapse. With regard to volunteers at schools, fairs, and church carnivals that manipulate hair for a fee and not charity, she said those operations fall outside the statute. She stated support amending the bill to correct that.

MS. JABAAY suggested adding a provision to grandfather nail technicians so they don't have to prove additional educational hours. This was an unintended consequence of House Bill 131 that was enacted in January 2016. It affects 994 technicians who could lose their livelihood by 2019 if the amendment isn't made.

She highlighted that the board is receipt supported and is consistently operating in the black. She expects it to carry a zero general fund fiscal note.

CHAIR COSTELLO noted that the bill has a fiscal note, so it will go to the Finance Committee. She expressed appreciation for the information that the 35 hours of instruction doesn't have to do with non-chemical barbering. The board will decide the hours required for that training.

[2:44:05 PM](#)

KEVIN MCKINLEY, Chair, Board of Barbers and Hairdressers, Anchorage, Alaska, said the board agrees with the testimony from Ms. Canady and Ms. Jabaay on SSSB 4. He agreed with the provision to remove the requirement for DEC inspections from the statutes, and opined that 35 hours of training isn't much time when the curriculum is split into safety, sanitation, and skin conditions, and then the actual hair braiding.

He also stated support for amending the bill to grandfather nail technicians from House Bill 131 and addressing braiders who volunteer their services.

SENATOR HUGHES asked Ms. Jabaay if she supports treating instruction for hair braiders the same as for non-chemical barbering.

MS. JABAAY said her personal preference is to allow the Board to adopt regulations governing hours of instruction instead of through the legislative process.

SENATOR HUGHES suggested getting the sponsor's thoughts on that recommendation.

[2:48:59 PM](#)

DAVE COLESON, representing himself, Kenai, Alaska, stated he has been a licensed barber in Alaska since 1985 and a licensed instructor since 1992. He talked about the injustice to the men and women of Alaska because the old-fashioned barbershops are disappearing. Forcing students to learn how to perform chemical services is unnecessary for those who want to be a plain old-fashioned barber. He said the current mindset won't keep this iconic American tradition alive and men and women will be deeply disappointed when they can't find an iconic barbershop to introduce their son to keep the monthly Saturday haircut tradition alive. He shared that as an instructor he is approached by a few people a year who want to do straight-razor shaves and flat tops, but when they find they will be required to learn to perform perms and hair coloring they back off.

He expressed hope for a law that allows the continued existence of barbers that do not have a chemical license.

CHAIR COSTELLO clarified that his letter states support for SSSB 4 because it addresses individuals who want to be a barber but not a beautician.

MR. COLESON agreed.

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SENATOR GARDNER thanked Mr. Coleson for his testimony. It reminded her that her grandfather converted his front porch to a barbershop when he retired. "He spent the rest of his life cutting his neighbors' hair and giving them a Saturday morning shave."

MR. COLESON replied it's an important part of the fabric of the nation.

SENATOR HUGHES shared that her father-in-law was an old-fashioned barber; she envisions a Norman Rockwell painting.

MR. COLESON responded, "We're losing that, and we need to keep it alive."

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CHAIR COSTELLO closed public testimony on SSSB 4 and held the bill in committee.

SB 51-EXTEND BOARD OF VETERINARY EXAMINERS

[2:52:47 PM](#)

CHAIR COSTELLO announced the consideration of SB 51. She noted that this is the first hearing; the intention is to hear the bill, take members questions, take public testimony, and hold the bill for further consideration.

[2:53:34 PM](#)

SHAREEN CROSBY, Staff, Senator Natasha von Imhof, Alaska State Legislature, introduced SB 51 on behalf of the sponsor speaking to the following sponsor statement:

SB 51 extends the termination date of the Board of Veterinary Examiners (BVE). Currently, the board will sunset on June 30, 2017. SB 51 extends this date by eight years, to June 30, 2025.

I encourage all of the members to review the Legislative Audit summary and the full audit report. You will see that in the opinion of our auditors, the BE is serving the public's interest by effectively licensing and regulating veterinarians and veterinary technicians. The board monitors licensees and works to ensure only qualified individuals practice. Additionally it was found, the board develops and adopts regulations to improve the veterinarian and veterinary technician occupations in Alaska.

The BVE serves an important role in protecting the health and safety of Alaska's many pets and farm animals. From lap dogs to sled dogs, ball pythons to sleigh-pulling work horses, our pets and animals in Alaska deserve qualified veterinarians and veterinary technicians for their care and well-being. The continuation of the board is very important.

MS. CROSBY noted the individuals available to answer questions.

SENATOR NATASHA VON IMHOF, Alaska State Legislature, sponsor of SB 51, said this is an excellent board that does good work. She deferred questions to her staff and the auditor.

CHAIR COSTELLO clarified that testimony should be restricted to the bill itself.

[2:56:37 PM](#)

KRIS CURTIS, Legislative Auditor, Division of Legislative Audit, Alaska State Legislature, stated that the division conducted a sunset audit of the Board of Veterinary Examiners and concluded that the board is serving the public interest by effectively licensing and regulating veterinarians and veterinary technicians and is appropriately regulating the industry. The audit recommends that the legislature extend the board's termination date eight years to June 30, 2025.

She directed attention to Exhibit 2 on page 5 of the audit that reports that as of February 2016 this board had 670 licenses. She noted this is a 57 percent increase since the last sunset audit in 2008. Exhibit 3 on page 5 reports that at the end of FY2013 the board had a \$108,829 surplus. Fees were decreased at that time so at the end of FY2015 the surplus was \$22,735. Fees were not adjusted and at the end of February 2016 the board was running a [\$25,828] deficit. At the time of the audit, the

Division of Corporations, Business and Professional Licensing indicated plans to reassess fees at the end of FY2016.

MS. CURTIS directed attention to the administrative housekeeping recommendation on page 7 for the board chair to review the annual report for accuracy and completeness before final submission to the Department of Commerce, Community, and Economic Develop. It was an oversight of DCBPL staff that every year for the last four years the board reported on the status of the Board of Dental Examiners rather than those of the Board of Veterinary Examiners.

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SENATOR GARDNER asked if the board addressed the fee increase at the end of FY2016.

MS. CURTIS said she didn't know and deferred the question to the division.

SENATOR MEYER asked about the 69 open complaints, 18 of which resulted in investigations.

MS. CURTIS said that is discussed on the bottom of page 3. She paraphrased the following:

There were 69 complaints open or opened between July 1, 2012, and February 15, 2016. Eighteen investigations resulted from the complaints, of which 14 were closed during the period. The remaining four open investigations were open for less than eight months as of February 2016.

She explained that this review is done to assess timely investigations and the conclusion was there was not a significant problem with timeliness.

SENATOR GARDNER asked if the complaints that weren't investigated were not pursued because they were unfounded, out of jurisdiction, or some other reason.

MS. CURTIS said the audit doesn't report the reason, but the myriad of codes for not going forward include those she mentioned.

SENATOR GARDNER asked if those numbers are in the auditor's comfort range.

MS. CURTIS said the risk-based approach to auditing indicated it didn't warrant expending resources.

CHAIR COSTELLO asked what the threshold is for identifying an area as a risk worth investigating.

MS. CURTIS explained that during the planning survey phase of an audit they review board meeting minutes and annual reports, they interview board members and department licensing staff, and they get statistics from the investigative section. If that process shows complaints aren't followed up or there are concerns with investigations in general, they will identify that as an area of risk and do detailed audit work on it.

SENATOR GARDNER asked if unusually high expenses accounted for the rapidly declining surplus between FY2013 and FY2015, because licenses increased 57 percent in that timeframe.

MS. CURTIS said the detail expenditures in Exhibit 3 were not identified as an area of concern. She acknowledged that increasing licenses typically reduces a deficit.

CHAIR COSTELLO asked when the board was established and if an eight-year extension is a typical for this board.

MS. CURTIS said this board received the maximum eight-year extension after the 2008 sunset audit. She noted that the recommendations from the prior audit are at the top of page 7. One recommendation was to review and decrease licensing fees, which is an indication there was a surplus. Another recommendation was to fill vacant seats in a timely manner. Those recommendations were addressed.

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CHAIR COSTELLO reconvened the meeting and opened public testimony on SB 51.

[3:06:46 PM](#)

RACHEL BERNGARTT, Member, Board of Veterinary Examiners, reported that in July 2016 the cost to renew all licenses for this board increased dramatically; for veterinarians a license jumped from \$300 to \$500. The board suggested numbers they thought would significantly address the deficit, but the state

had a different idea. She predicted that the board would soon be well in the black.

She pointed out that the audit found the board to be functional, necessary and unique.

SENATOR MEYER asked the cost of a veterinary license and a veterinary technician license.

MS. BERNGARTT said the veterinary license renewal is \$500 and the veterinary technician license renewal is \$100. Prior to 2016 the numbers were \$300 and \$50 respectively.

SENATOR HUGHES asked if there is still a shortage of veterinarians in Alaska.

MS. BERNGARTT replied the state is in much better shape now than a few years ago. She advised that the University of Alaska Fairbanks has a veterinarian program now; after two years the students transfer to a sister program at a university in the Lower 48. She added that the board is very cognizant of the shortage and strives to get veterinary services to rural communities.

SENATOR HUGHES said that's encouraging to hear.

[3:11:24 PM](#)

PAMELA SAMASH, representing herself, Nenana, Alaska, stated opposition to SB 51 because the current board has done little to help people in rural communities. Her community is going on the fourth year of having no veterinary care, which includes no spay or neutering and no rabies vaccines. This is a problem throughout Alaska and it stems from the fact that the current board has no rural representation.

She proposed starting with an entirely new board where rural people have a voice.

SENATOR GARDNER asked if she has suggestions about how the board can increase the number of veterinarians in rural Alaska.

MS. SAMASH said it would help to have a couple of people from rural communities on the board. They would actually look at the licenses of traveling vets who apply and decide whether or not to approve the applications. That isn't happening right now; it's generally known that itinerate vets have difficulty getting a license in Alaska.

SENATOR GARDNER asked if she is saying that traveling or out-of-state veterinarians don't get the necessary approval to practice in Alaska.

MS. SAMASH said that's been her experience.

CHAIR COSTELLO asked if her reference to traveling veterinarians means about veterinarians within Alaska who would travel to rural communities to provide services or veterinarians from outside the state who would do the same.

MS. SAMASH said all the above although it's more difficult for veterinarians from outside the state to get a license. Veterinarians within the state generally charge full price despite the limited resources of many rural residents. Veterinarians from outside often come from organizations that help with supplies so the cost to the consumer is less. She highlighted the problem of expired rabies vaccines and the dearth of rabies clinics in rural Alaska. It's becoming a human health risk, she said.

[3:18:54 PM](#)

MARGIE RILEY, representing herself, Nenana, Alaska, testified in opposition to SB 51. She reported on the lack of health care for animals throughout the Interior. She asked the committee to reconsider the composition of the board and recognize the importance of having veterinarians who will travel to rural communities.

[3:20:38 PM](#)

ANGIE FITCH, representing herself, Fairbanks, Alaska, urged the committee to either vote no on SB 51 or amend it to add rural representation.

[3:21:27 PM](#)

LEA MCKENZIE, representing herself, Sutton, Alaska, testified in opposition to SB 51. She described her experience with animal rescue and working in a clinic with a traveling veterinarian. Based on that experience she does not believe that the board is serving the public interest. She urged the committee not to extend the board until changes are made such that traveling veterinarians are approved to work in remote villages.

[3:23:18 PM](#)

BRIAN BERUBE, representing himself, Rural, Alaska, advised that he has helped set up veterinary clinics in rural communities and

he believes that the veterinary board has made progress in trying to solve the problems in rural communities associated with access to care. However, it's clear that a large portion of the state doesn't have adequate access to veterinary care. Having rural representation on the board would be beneficial for those areas and the entire state and improve the public perception.

CHAIR COSTELLO held SB 51 in committee for further consideration with public testimony open.

CHAIR COSTELLO reviewed the agenda for the following week.

[3:26:46 PM](#)

There being no further business to come before the committee, Chair Costello adjourned the Senate Labor and Commerce Standing Committee meeting at 3:26 p.m.