

BARBER
EXAM.

SENATE COMMERCE COMMITTEE

HEARING MINUTES

OCTOBER 22, 1979

The meeting was called to order by Chairman Senator Brad Bradley at 9:00 a.m. The meeting was held in Room 262, Consortium Library, University of Alaska, Anchorage, 3211 Providence Drive, Anchorage, Alaska. Other committee members present were Senator Arliss Sturgulewski; Senator Tim Kelly; and Licia Piceno, Administrative Assistant Senator Stimson. Representative Terry Martin was also in attendance and participated in the proceedings. Committee staff members in attendance were Christian Basler and Janet Seitz.

Attached is a transcript of the hearing taken from a taped recording. Also attached are copies of written testimony presented and witnesses that testified.

BOARD OF BARBER EXAMINERS

Written Testimony Submitted by Following:

Judy Dixson
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Witnesses Testifying in Addition to Those Submitting Written Testimony:

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Dick Evans
(NO ADDRESS INFORMATION GIVEN)

Yvonne DeVatos
(NO ADDRESS INFORMATION GIVEN)
Juneau, Alaska

BRADLEY: The Commerce Committee will come to order. First I would like to introduce the Committee members and the people that are representing members. I'll start with the Vice-Chairman, Senator Arliss Sturgulewski, on my right; Senator Tim Kelly; and Licia Piceno, who represents Senator Terry Stimson. On my left is Representative Terry Martin, who is with us today and he is in Commerce on the House Side. I see we have six people testifying today. Have any others come in that haven't signed in? I guess not. Judy, how many people do we have testifying from Fairbanks? Three? Juneau, one? Does anybody in here disagree with having the teleconference individuals testify first or is someone in a big hurry? If someone is in a hurry to go someplace else, we'll take them first. All right. We'll take the teleconference individuals at the various locations, Fairbanks and Juneau first, if there is no disagreement with that. Judy, could we have -- which one is available first, Fairbanks or Juneau? All right. Does any member of the Committee disagree with going ahead and getting all of the teleconference individuals that are to testify, including the hairdressers although that was scheduled for this afternoon. I think we can probably change. Okay, we'll go ahead with all the teleconference. Maybe you can do other things, too, Judy. We may have to continue after lunch. So we'll start with either Fairbanks or Juneau? Fairbanks, go ahead please with the first one to testify. This is for the Board of Barber Examiners. Over.

FAIRBANKS MODERATOR: Our first witness is Bill Keyse.

KEYSE: My name is William Keyse. I'm a resident of Fairbanks and I've been a barber in Alaska for 24 years. I will be brief but I would like to say that for the most part this audit report seems to more than imply that the Barber Board does little more -- looking over a memorandum, which I have here, to the Legislature (SOUND OUT)

(SOUND OUT FROM KEYSE'S TESTIMONY FROM FAIRBANKS THROUGH RICK THORNTON'S TESTIMONY FROM FAIRBANKS. WRITTEN TESTIMONY HAS BEEN REQUESTED FROM WITNESSES KEYSE, GRANT, BRANSON, KEUBER AND THORNTON.)

THORNTON: I just have one question for the Board. That is, if the Barber Board was omitted, what happens to the licensing? Who is going to be in charge of licensing?

BRADLEY: Mr. Thornton, it could be done by the Department of Commerce, more specifically, the Division of Occupational Licensing. They could issue the license or they could given an examination, some standard examination and issue the license. There are some alternatives. Not that that is what we will approve but there's some alternatives. Any further questions, over?

THORNTON: Yes. I would just like to say one thing for the Barber Board. That is if the committee would keep in mind that if the licensing is omitted that you are going to be putting products in the hands of non-professional people and I think that this is more dangerous to the consumer and I think that the Board should look at this very seriously.

BRADLEY: That's a quite valid comment, Mr. Thornton, and I'd like for everybody listening in to understand that just because the Audit Division recommended that this Board be terminated doesn't mean that it will be. That's just their opinion. Over.

THORNTON: Okay. Well again, I thank you for your time and, again, if the Board will just keep in mind that by putting professional products in the hands of those that are not qualified to use them I think that the public is more in danger than the Barber Board itself.

BRADLEY: Thank you very much, Mr. Thornton. Any other witnesses?

FAIRBANKS MODERATOR: We have no further witnesses for the Board of Barbers; however, we do have several for the Board of Hairdressers. Would you like us to wait with those?

BRADLEY: Juneau, do you have any witnesses to testify concerning the Barber Examiners Board? Over.

JUNEAU MODERATOR: Yes, Mr. Chairman. We have one lady here who would like to speak on behalf of the Barbers. Her name is Yvonne DeVatos and she is ready to speak now.

BRADLEY: Go ahead, Yvonne.

DEVATOS: My name is Yvonne DeVatos and (UNDISCERNABLE) Barber Board (UN - DISCERNABLE). I agree with many of the recommendations of the Legislative Audit and would like to enunciate on certain areas of it. There is a need for professionalism in our business of haircutting. That could come from various areas. Such as in the schooling or through organized ways of testing people, such as apprenticeship program or in case of having the Barbering Board in effect at this point, that is a way of testing them also. I do feel that after a person has gone through nine months of schooling, they should, if they can pass all the schooling, be ready to be in business, either working with somebody or opening up their own business. If there is a need for licensing, it can happen in various departments and not necessarily only in the Barber Board department. If there is a testing, I think that the testing needs to be updated. A lot of new concepts have come into action in haircutting but people are not being testing for it at the time of the Barber Board testing. I don't know that the testing as it is now is an accurate means of seeing whether that person is able to go out and practice but if there is a need for testing then let's upgrade it and let's do what is needed for today. I have to think a minute of what else to say. I guess I will stop at that. Thank you.

BRADLEY: Thank you, Yvonne. The Chairman of Commerce Committee and members need a haircut real bad. We miss your haircuts up here. You think you might could arrange a trip up to Anchorage?

DEVATOS: Well, we could see about. I don't know, I would have to look at my schedule.

BRADLEY: And those massages, too. They're worth a lot. That's sort of a fringe benefit. Any questions by members of the Committee? Thank you, Yvonne. They're no questions. We know what you can do.

JUNEAU MODERATOR: Mr. Chairman, this is Juneau. We have no further witnesses here for the Barbers.

FAIRBANKS MODERATOR: Mr. Chairman, this is Fairbanks. I'd like to ask you a question. We have several people that wish to testify for

the Board of Hairdressing. They are not here at the moment. They will be called when you are ready. Are you going to be ready for them within the next half hour or so?

BRADLEY: You just read my mind. I was getting ready to say that since we had scheduled the Hairdreesers for this afternoon, contrary to what I said earlier, it might be better to hold most of the hairdressers this afternoon unless this one hairdresser in Juneau, I believe, is in some big hurry. Most of them will probably be available in the afternoon. That's the way they were notified. The one hairdresser in Juneau, course there will probably be more, we'll hold your testimony until we finish the Barbers. We've had quite a few people to come in after we convened and I think probably some of these people will be expected to be back on their job in the afternoon. So we'd best take care of these now.

JUNEAU MODERATOR: Mr. Chairman, this is Juneau.

BRADLEY: Yes, Juneau. Over.

JUNEAU MODERATOR: We have at least five people who wish to speak on behalf of the hairdressers at this point, but we will stand by.

BRADLEY: Since we notified the hairdressers that it would be in the afternoon, I think that, in all due respect to the people that are the barbers to testify that are here this morning and I'm sure they expect maybe not to be here this afternoon, we'd better proceed with the barber testimony and then upon finishing it, we'll take up the hairdressers whether it is afternoon or morning, if they are available. Over.

JUNEAU MODERATOR: We have people here who are listening to you, Mr. Chairman, and they will be standing by.

BRADLEY: Thank you very much. Fairbanks, do you have any more barbers that wish to testify that may have come in later?

FAIRBANKS MODERATOR: No, we don't.

BRADLEY: And Juneau?

JUNEAU MODERATOR: No, we do not, Mr. Chairman.

BRADLEY: Thank you very much. We'll proceed with those that we have in the room before us from Anchorage.

ANCHORAGE MODERATOR: Stand by, please.

BRADLEY: First one we will have to testify is Judy Dixon.

ANCHORAGE MODERATOR: For your information, Ms. Dixon is passing out some information and will be presenting her testimony in a moment.

BRADLEY: Go ahead with your testimony, Judy. Judy Dixon.

DIXSON: My name is Judy Dixson and I'm speaking as one of a member of a large body of Anchorage barbers who are very concerned about maintaining the standards of our profession. And, Barber laws have been on the Alaska books since Statehood and this should be an indication as to the concern, public as well as professional, regarding the guarantee of a safe and sanitary service when the public goes into a barber shop. We barbers agree that many changes must be made in the Board of Barber Examiners and we've addressed some of these in the report that we made and there are more changes that we would like to see made given more time. We haven't had as much notice as we'd like. We've evaluated the performance review and found valid recommendations and we also came up with our recommendations that you have before you (SEE WRITTEN DOCUMENTS SUBMITTED). The one thing that the majority did agree on was that there must be State licensing of barbers and the most qualified individuals to oversee this licensing are Board of Barber Examiners comprised of experienced and professional peers. Over the years, barber styling has progressed into a huge industry that reaches almost everyone on a personal level and because of the standards established by examination and State licensing, we can all pretty much rest assured that we will get the quality of service that we want when we go to a barber styling establishment. Without the peer review of the Barber Board and without a practical examination to weed out incompetents, all the professional standards we have worked so hard to establish would be shattered. Due to the overall high quality of basic barbering training that is required in just about every state, the spread of contagious skin and scalp diseases, such as ringworm, have been virtually eradicated. If there were little or no requirements involved in becoming a barber, there would be much less impetus to seek out and receive the necessary training, which includes those basics of sanitation and bacteriology that have contributed to the control of these contagious diseases. I'm sure that none of us present today would relish the sight of an untrained practitioner determining our appearance without the knowledge of the correct processes involved. This is too personal a service to leave to chance. As professionals, we see this sunset review as yet another way to upgrade our standards, but we also have come to the conclusion that this can only be done by continuing to make the Board of Examiners a cornerstone in our foundation. If you'd like, I could go over this report that we have. Maybe give you just a few of the highlights that we found. This is strictly on the Legislative Audit Review and after speaking with the House Commerce Committee the other day a lot, I found out some things that, you know, have opened new areas that need to be covered now, but apparently we will have some more time to work on these things. Along with these recommendations, one of the most important things that we'd like to see done between now and the time that action is taken on our particular board is have a comprehensive set of barber laws included in any legislation that might be going through because our laws need to be upgraded; they do need to be broadened because they are very limited right now and there are a lot of areas that need to be covered and the laws are very old and we have tried several times in the past to get laws passed and to get things straightened out and it's been very difficult. So we see this as an excellent opportunity to work with our legislators to help us get some action in this area. Okay? I don't know. Let's see, I think you all have copies of the performance review. I believe the, just the recommendations begin on page 9, I believe, and, okay. Rather than read off the questions and the statements made and the recommendations,

I'll just address them. If you have any questions at any time, please feel free to ask them. Okay, the report states that the examination unnecessarily restricts entry of qualified personnel into the profession. The questions we are dealing with here, the two parts in review, are reciprocity with other states and that students are issues permits if from Alaska when the Outsiders must produce a license from their state. Okay -- reciprocity. Due to widely varying standards of education in different states, reciprocity is not possible at this time. States requiring 2,000 hours do not accept an Alaska license as we only require 1,500 hours, and that's not even on the books at this point. We don't even have that, although that is the minimum requirement that we have here in our schools. And Alaska can't accept an Outside license, they shouldn't, that requires only 1,200 hours. Until there are federal standards that cover barbering in all states and all the requirements are the same and who knows how long it will be before that happens, if it ever does, or if it should, the only way the reciprocity is going to be possible is through private agreements between individual states. And this could be possible for Alaska only if our Barber Board was allocated the funds to attend the National Association of Barber Examiners convention where these problems can be discussed with other professionals. If we have no means of communication with the other states then, yes sir?

BRADLEY: Representative Martin?

MARTIN: Miss Dixson, why is it necessary for a private organization or private individuals like yourself to depend on the government to give you funds to upgrade yourself by going to national meetings or even regional meetings? There are many professional groups that do it on their own.

DIXSON: At this point, we don't have a strong enough group in Alaska to allow for these funds and since the Board is a State -- you know, they are appointed by the State. They are not private individuals, you know, doing this on their own. They are appointed by the State and since they are part of a State agency at this point, then we'd like to see those funds allocated. We're one of the, probably one of the cheapest boards you have. Our total cost is right around \$11,000 and I think over \$6,000 of that is strictly costs to Division of Occupational Licensing that they've broken down over all the boards. The actual cost of our board is about \$3,200 for the per diem and for the travel expenses of all of our members and to ask for a very small amount of additional funds for one or maybe two Board members to go would be definitely worth the public will and probably one of the cheapest investments for a good return that they could make.

MARTIN: Miss Dixson, do you have a state association, professional association outside the Board, and does the state have meetings periodically?

DIXSON: We do have a barbers' union that is active in Anchorage. Mr. Newman is going to be speaking on behalf of the union. He could give you more information than I could. It's small membership at this time and that is, as far as I am aware, the only professional organization that we do have although we are very strongly talking about -- we'd like to see a good strong professional organization that will be coming up in the future, too, we hope, and that won't be dependent upon any sort of state aid or state funds. Okay, as far as the second recommendation

of test materials. The group of concerned barbers in Anchorage have come up with a slightly different format than one that is implemented now although the one that is implemented now has been no problem up until now but since they recommended a different format, we thought that this would be something that would be very fair and that would be just totally -- a person would have to try really hard to fail this one. And the way the points are distributed and it would be just a very, very equal test for all applicants and the breakdown is there. Seventy-five out of 100 points and that includes all the practical and written. So a person would only need 75 overall. Something that was brought up as far as when a person goes in to get their work permit before they take their exam, apparently it has not been made clear, or they feel it hasn't been made clear, what is going to be on the test. That's one of the big complaints that we've tested on. And something that we've suggested that would be a very important thing would be to include some kind of a guideline sheet with the test application packet that would include the text books from which the test will be taken and subjects that will most likely be covered and requirements that you must bring your own tools and that there will be time limits and so they will know all the information that is pertinent. That's something we'd like to see done and the Board could be responsible for. As far as limiting the term of Board members, this would probably be a good idea except that they are appointed and that as the administration change, appointments do change. So it would be rather difficult to make a very standard set up unless the appointments were changed. The public member on the Board should be appointed. That's a very good idea and we'd like to see that done and we'd be more than happy to accept that idea. And as far as recommendation number 5, the Board inspection of health. As far as that goes, the health inspections are the province of the Health Department and we don't see where the Board would need to be inspecting for health purposes. The only inspection that we'd like to see is the inspection of new schools to insure that the facilities and equipment were adequate for the proper teaching of barbering and also to insure that the curriculum is adequate and that standard textbooks are used and that a certain amount of classroom time is allocated so that the students receive the preparation for their written exam that they need. That's all that I have to say on this at this time. And if you'd like to look at that in more depth at your own leisure, I'd certainly appreciate it. Any more questions?

STURGULEWSKI: Mr. Chairman?

BRADLEY: Senator Sturgulewski.

STURGULEWSKI: Judy, I know you have done a lot of talking to a lot of people and a lot of thinking about this. I guess this kind of comes under a philosophical question and I think in a sense that that is almost the kind of a decision that we are going to have to make. There's a great deal of, throughout the country, trend toward regulation as being inhibiting business and keeping people from getting jobs and making profits and all of the rest. And yet we have here from profession after profession as we've reviewed the boards under sunset really a great push for the profession itself saying that there is a need for professionalism that it's in the public interest. And I'd really like you to speak to is it in the public interest or is it in the best interest of the, of your profession and for those members within it to be regulated. I really think I'd like some comment on how is the public served by the continuation of the professional licensing and so on. I think it's important to note

that there are obviously several ways that you could go. You could continue as it is with certain changes; it could be taken over, all of the functions, by Occupational Licensing; or, as basically has been suggested, not to do any regulation at all. So, if you could speak kind of on that philosophical point, I'd appreciate it.

DIXSON: There's been a lot of other people who have testified this morning that have brought up valid points that are part of that. Some of the things that I've brought up myself. Once again, okay, the spread of contagious diseases. If you've never been to school and never learned to recognize these things, and I saw them in school and I learned to recognize them and I know that all of the fellow barbers I went to school with have all seen that. If you've never seen it and you don't understand it and you have no knowledge of it, then there is no way that you can know what to do when you do see it and you won't be able to recognize it and deal with it appropriately and I'm sure that this training could be had -- you know, you could take the textbook home and try to figure it out for yourself and you could try just cutting people's hair and just see what happens but I think the public would probably suffer from that. First of all, by looking awful and personal appearances -- you know, would any of you here just decide to cut each other's hair and take that chance. I wouldn't let any of you cut my hair, afraid not. So that's -- it seems, it may not be a big matter of safety although we do use some tools. You know, the straight razor is nothing to be laughed at. I've cut myself very well a few times in the process of learning how to use it and if you're not aware of how to use it on somebody's face or somebody's hair properly then you can really get yourself into trouble because you're working around ears and eyes and it's not an easy thing to learn. It took me a good six months before I felt comfortable using it and that was every day in school. I suppose, I'm not saying it's impossible
(END TAPE 1, SIDE A)

(BEGIN TAPE 1, SIDE B)

and everyone of those hours was necessary and I don't feel that if a person did not go to school and did not have the experience and training and somebody watching over them, teaching them the proper methods of cutting the hair and sanitation and sterilization, they would be doing the public a great disservice by cutting on them. Also a point that Mr. Thornton brought out about barbers as well as beauticians using chemicals -- perms, dyes, things like that -- that can be very harmful to somebody's hair and scalp and can be just down right damaging. Those are things that a person needs training for before they're allowed to use on the public and I think that's very important.

STURGULEWSKI: Mr. Chairman, if I could continue? It's interesting to me that with the barbers there is no professional organization apart from the Board. We've seen some criticisms in the reports that have come that have been on the action of (1) on the part of the Board, some deficiencies with Occupational Licensing and with the ability to handle complaints and so on. I think again we have seen this as we have reviewed, as you know, ten of the major health boards last year and we have another series of which this is one for the coming year. But, what responsibility do you see, as a professional, to see (1) that the Board is doing its job, to address some of these questions, to address the regulations, to address needed statute changes, to do some action as far as getting OL on its, on the stick. It seems to me that there has been until this came along perhaps not enough interest to see that some of these questions were addressed. What responsibility do you feel toward some of the things that have been brought out here? As a member of this profession, do you

think that if the Board were to be continued that we would see any difference? Would we be back in another three year situation with the same complaints before us and perhaps, you know, the same thing coming out in an audit report? What do you think should happen out of this and what would the responsibility be of those members of the profession that are not on the Barber Board?

DIXSON: Oh, I think you'd see a lot of changes, a lot of changes for the good. All the recommendations that we've made just off of the performance review, I don't know about a lot of the other people, but I know there are several of us that are very interested and would really be quite interested to make sure that these things were, were done. And I know I've spoken to the Board members and they are also very concerned and very interested in seeing changes made. There are a lot of changes that they would like to have seen made because it has been impossible because there hasn't been enough attention paid, you know, who cares, so you're just the Barber Board. This is a real good opportunity -- out of this, like I said, we could get some laws passed that we need quite badly and I assume that you would find that as a positive movement and that is just very important to us. And I think the Board could stand quite a bit more organization. It's done very well with what it has had on the very limited amount of money and limited amount of time. They only meet for two days twice a year and there is only so much work you can get done in that time. But, they have, they do have problems being as they are scattered all over the State with some of the organization that could definitely stand to be improved but if they could formulate a good statement of goals and objectives and formulate a good procedure to follow instead of leaving so much of it to chance and well, what do you think we should do now, then I think that would make it a lot more efficient and if some of the testing is maybe a little more standardized and improved, I see nothing but improvements. As far as the alternatives, I haven't really -- I've heard a lot of different possibilities to the Board. I think more than the Board itself I think peer review is the important part here. Now whether it is done by a group titled "Board of Barber Examiners" or a group of barbers hired by the Occupational Licensing to do it, it doesn't make sense to me to throw out one group of peers to pick out another group of peers and go through all the paperwork and problems involved to do that. If there was no licensing whatsoever, is that a possibility from what I've understood? No licensing at all? I can't see how that would even be dreamed of as far as opening up competition, etc., etc. Of everybody that I know that is a barber, I don't know anybody that wants to be a barber that isn't working as one. Anybody who hasn't had the small amount of get-up-and-go that is required to go to school and get your license. Just like any other profession, it takes training and it takes time. I see nothing but improvement coming from this. And enough of the barbers I have spoken to are concerned that I think it would happen if it happened fairly fast.

STURGULEWSKI: Thank you.

BRADLEY: Representative Martin?

MARTIN: Thank you, Senator Bradley. I have a battery of questions thought up and I'd like to add to Senator Sturgulewski -- what she said. Last (UNDISCERNABLE)

FAIRBANKS MODERATOR: Mr. Chairman, this is Fairbanks. We can't hear the speaker.

MARTIN: Last year I was quite concerned with some of the professional groups that were abolished as a board but at the same time they had professional groups, like the veterinarians and the chiropractors and physical therapists and these people were having classes throughout the year, they were attending professional meetings on their own not because (UNDISCERNABLE) They paid it on their own. Yet they were blackmarked, so to speak, because they didn't accept the State monies. So, you know, it seems like our review board is going to get you one way or the other, but that's their problem. The thing is, I'm a little surprised right now to find out that the barber group is not really a professional group. What is to assure the public today, you say if we continue this we are going to have everything right in the future, and I'm somewhat surprised that we don't have it now. For instance in your report and the report from Juneau, they heavily stress the medical aspect and the health aspect and the reason why disorders of the human bodies and handling and recognizing contagious disease. Well, I doubt if any of you know what a (UNDISCERNABLE) disease is. Of course, dermatologists don't know that. How much medical schooling do you have and if you do have medical schooling, why is it determined on a board that is sanctioned from the State? Why doesn't the profession itself continue your own schooling, if you have any schooling at all? Is there a continuation? You have a minimum here of 1500 hours. Is there any continuation?

DIXSON: That's up to the individual. Like I said, barbering is a very big industry in this country and there are a lot of professional -- there's a lot of professional training available once you've gotten your license and gotten your basic barbering out of the way. As far as any of the medical training we get -- it's limited. It certainly doesn't qualify you to treat any diseases but, like I said, it at least qualifies you to recognize them and in the 1500 hours, which is one of the laws we'd like to see passed. At this point, we have no hour requirement. Most states do require a certain number of hours. Anywhere from 1200 to 2000 hours of school and a certain portion of that is classroom training as well as practical. We have a lot of private companies that, oh, say companies that we buy our products from, that offer franchisees and that offer continual training all through the states. The barbers, as individuals, attend these training sessions at their own discretion. Now it is up to the individual; there are no requirements. But if you want to be a good barber and you want to be an established professional, you do attend these trainings. I, myself, have paid my own way, not affiliated with any state organization, to go down to the states and receive training. And just about every barber that I know of has done so repeatedly and invested thousands and thousands of dollars in furthering our knowledge of our profession. And this was with no backing from any state association or any state agency. We just have done it on our own. And as far as the state association, like I said we do have the union. Many of us have chosen not to join this particular union. We may form an additional group. We may join the union. At this time, I can't speak for the other barbers. I know that enough people have been concerned over this and have gotten together over this that we're enough of a unified body that we can at least work towards something that we feel is this important. What we are concerned about -- like I said before, we want to see the Board continued because we feel that this is the best way to move our licensing procedure economically and swiftly. But what we want, we want to keep our licensing. We want to keep basic requirements and if the Board is the best method of doing this and, you know, we

feel it is and, you know, like I said the cost is minimal for what we get. We feel that we get a lot for the small amount of money..

BRADLEY: Senatc. Sturgulewski?

STURGULEWSKI: Judy, one further question. There is a present exemption in the law as to the more rural parts of Alaska. What kind, if any, interchange have you had there? How reasonable is it to expect some of the very rural communities to be able to say handle this question of coming to a center to receive their training. Have you addressed this problem at all?

DIXSON: At our school here in Anchorage, we've had several people from the Bush that have come in and they've received state aid and private help from Native -- and, you know, aid from their Native corporations, municipal funds and there are student loans available for schooling also since we are licensed by the State -- the school is -- and there's been. There's one person who has completed the course and graduated and is a practicing licensed barber in Juneau at this time. And there is another fellow who is also in school right now and is doing extremely well and will be graduating soon. And these people have not found it any problem to get the necessary financial aid from the various available sources and it has been quite easy for them to do that. Now, a person could always open a barber school some place in the Bush if that was a good idea. But that once again, the barber schools are private. They're not public. So it is up to the owner's discretion as to where they want to put a school. Anybody who has wanted to from the Bush hasn't had any problem up until now as far as we know we people have done it and been successful.

BRADLEY: Any other questions from members of the Committee? If not, Judy, I have one. Are you in private practice or are you a teacher at the Barber College?

DIXSON: I'm in private practice right now. I just received my instructor's license (UNDISCERNABLE)

BRADLEY: Appreciate your testimony. You've done a lot of homework. You know we did our best to have combined meetings between the House and the Senate Commerce Committees to save people a lot of inconvenience in having to testify twice but we couldn't get with the House and suddenly they throw theirs in before ours and we had our scheduled before and we did most of the coordinating with them. So, we were a little disturbed about that. Suddenly they throw in theirs on Saturday. Do you think it is beneficial that you have one and then the other? Maybe you learn a little something from one that you can benefit by in your testimony, by testifying the second time? Just as a matter of interest?

DIXSON: Well, personally, I did. But I'm not saying that I would have enjoyed being able to spend all day Saturday at work instead of having to take time out to go there. I think that the questions, the questions that were asked by the Representatives on the Commerce Committee were pertinent and would probably have been brought up today also. So, either way was fine.

BRADLEY: It doesn't make all the difference in the world. But I think it would be much better to have them both together. Do it once rather than twice. Okay, you know we've had some bills concerned the barber profession. We had one during not the last session but the previously legislature. And it

wasn't pushed and it had in their moral character and so forth. Many of our professional boards have this requirement -- moral character. I know it is a personal interpretation. How important do you think that is? Your personal interpretation.

DIXSON: Well, as a member of the barbers' group that we formed and legislative committee of that group, we agreed in the recommendations that it was too subject to personal interpretation and should be deleted. My personal feelings on this are a little bit different but I'm speaking more or less for the group so I'll just leave it at that. It is too difficult to judge that. What we were trying to do is to keep (UNDISCERNABLE) people working while they were intoxicated and that is a common problem and if the Board if is aware of a person who is intoxicated and who is practicing then this clause would allow them to say "Hey, you'd better go home and sober up before you start taking your shears to people's heads." But once again everybody's standards are a little bit different and some people's vary quite widely and it's really difficult to say you have good moral character and you don't so therefore it should probably be deleted. I knew where to point.

BRADLEY: I guess maybe I'd better leave that question. But I think it probably rather than just have it as a requirement, good moral character, I think you'd need some explanation in that many people are probably are very good barbers but maybe their off-duty moral character may not be just so but it has nothing to do with their efficiency as a barber. But anything as obvious as intoxication or an alcoholic, I think maybe we need, in my opinion, it needs to be included but explained. Incidentally, anybody prefers any coffee, we made sure we had enough for everybody. I don't like to drink coffee with everybody else not drinking coffee and I haven't got up to get mine but I will soon. So feel free to get up and get a cup of coffee whenever you like, members included. Thank you very much for your well-prepared testimony, Judy. I think I learned a little something.

FAIRBANKS MODERATOR: Mr. Chairman, this is Fairbanks.

ANCHORAGE MODERATOR: Go ahead, Nancy.

FAIRBANKS MODERATOR: Do I understand that we will for sure be waiting until 1:30 p.m. Anchorage time for the testimony from the hairdressers.

ANCHORAGE MODERATOR: Nancy, my understanding is that when the testimony of the barbers is completed if we're still in the morning hours, we'll start taking testimony from the hairdressers. What is your witness situation there now as far count?

FAIRBANKS MODERATOR: We have two witnesses and then somebody who is waiting to call others who will be here when we know what the time the meeting, they'll be taking testimony.

ANCHORAGE MODERATOR: The Committee definitely will be taking testimony from the hairdressers at 1:00 p.m.

FAIRBANKS MODERATOR: One o'clock Anchorage time?

ANCHORAGE MODERATOR: That's correct. Juneau?

JUNEAU MODERATOR: Juneau has four witnesses with one possible for the Board of Hairdressing.

ANCHORAGE MODERATOR: Fairbanks. Do you have any additional witnesses on the Barber Board?

FAIRBANKS MODERATOR: No, we don't.

ANCHORAGE MODERATOR: And Juneau, have you?

JUNEAU MODERATOR: We have no further witnesses on the Barber Board.

ANCHORAGE MODERATOR: Okay. And Debbie, how many did you say you had on the Hairdressers?

JUNEAU MODERATOR: We have four definite and one possible.

ANCHORAGE MODERATOR: Okay. Fine. Thank you.

BRADLEY: Very well. Thank you for that check, Judy. Do we have anybody that wishes to testify that hasn't signed the sheet? Okay, the next one is Mr. James Newman. In case it's not verified to everyone, as soon as we are finished with all the barber testimony, we'll take the hairdressers. Go ahead, James.

NEWMAN: Thank you, Mr. Chairman. James Newman representing Local 56 of the Barbers, Beauticians and Allied Industries, the Anchorage affiliate. I have in front of me a report presented by the Legislative Affairs Agency and there are a great number of factors in here that need to be brought to the attention of the Committee. One of them, which we just talking about, was moral character. There is a very good definition in the back as to moral character. Conviction of a felony. Gross malpractice or incompetence. Continual practice while knowingly carrying a communicable disease. Habitual drunkenness or addiction to the use of narcotics or other habit forming drugs. Those are the type of things that within our professional could be considered immoral character. Because of those factors, the immoral character clause should be left in but should be very definitely defined. The State of Alaska had renewal of 209 licenses in 1978. We have approximately 200,000 male members of our population. That gives us approximately 1,000 male customers per barber. Now that is a good ratio. That enables the customers to receive adequate service at the same time allowing the professional to earn an adequate living. Many states have a far lower average. This is years ago, this report that I have here is based on a great number of years ago. Going through this, you'll find that some states have as low as 600, even as low as 500 potential customers per barber. This is fantastic for the waiting line to get in to get your hair cut; however, it is not indictive to a good healthy practice. I have taken a great deal of my education in the State of California twenty years ago. At that time we were cutting hair at a price that was almost impossible to make a living. The State of California induced a minimum price law. The minimum price law was based on the amount of time an individual would need to practice per customer in order to maintain sanitary benefits. As far as the question of having a licensing law in the State of Alaska and as to whether the potential benefits equal the deficit to the general public, are rather easily understood in the fact that 48 of the 50 states now require licensing, including the State of Alaska. If no license was required or it was not important that we have a license, why have all the 48 of the 50 states said "License the barber." If education was not

important, why is the average number of hours required throughout the United States 1,438 hours? That is an average throughout the United States. If an apprentice law was not required, why is it that only two states do not have apprentice laws? If apprenticeship was not important to the general public, why is the average number of months spent in apprenticeship throughout the United States 18.4 months? If education, minimum education, is not important, why is the average throughout the United States requirement of 9.5 years primary education? Eighty-six percent of the states do not require a residency requirement in order to be eligible to take the state test. Of those that do require it, the average is six months. The State of Alaska does have a temporary permit situation. It is applicable in our State due to the fact that our Board meets but twice a year for the purpose of examining. Many incidents, my own included -- I arrived approximately thirty days after the Board in the year that I arrived in 1972. Had it not been for the permit situation, I would have been unable to make a living for five months. But because of the permit situation, I was allowed to go to work. Now there are two ways to deal with that. Eliminate the permit and increase the frequency of the Board examinations and in so doing increase the costs of maintaining a Board. Continue to issue the permits, maintain the number of Board meetings that we have now and maintain very low costs. According to the summary report, the expenditure above and beyond per diem, transportation costs for our Board is approximately \$6,000 -- between \$6,000 and \$7,000. I would like to be able to buy the kind of insurance for the public at any insurance company in the world for \$6,000. That's what our Board, our education requirements are. They are a very inexpensive but a very important part of an insurance policy for the public and the State of Alaska. The last page of the consumer's report consisted of a letter written by Local 56, page 51(d), and it brings out that due to the action, due to the repeated efforts of barber boards throughout the United States certain diseases have been virtually eliminated. Impentigo is one of them. Ringworm is something that is almost of the past. Many of us who are older remember ringworm all too well. Many of us came in contact with impentigo all too well. But because of the requirements in our education which, who can better determine that than a Board of Barber Examiners? Those diseases have been almost wiped out and with continued perservance will be totally eliminated from this society. This is something to look forward to.

BRADLEY: Thank you, Jim.

STURGULEWSKI: Mr. Chairman?

BRADLEY: Senator Sturgulewski.

STURGULEWSKI: Mr. Newman, not only you yourself but others have spoken to the issue of the training that you have in various kinds of scalp disease and have indicated that there has been a reduction in that. Okay. So I come in and I've got a problem. What do you do about it? What do others do about it?

NEWMAN: In answer to that, my training in medical field is nothing more than diagnostic work. We are taught to recognize diseases of the hair, of the scalp and of the skin. In most states, however unfortunately our laws do not cover it though we have tried many, many years to upgrade our laws, I have copies that go clear back into the 60s. By most state laws, I am prohibited to work on a customer that has a communicable disease unless that customer is under the direct care of a physician. So the way

it is dealt with is that upon recognizing or suspecting a communicable disease that customer is advised to attend a physician and return.

BRADLEY: Any other questions from members of the Committee? Representative Martin.

MARTIN: Thank you, Mr. Chairman. Sir, once again on the education aspect. Perhaps I misunderstood you, but you said there is an average eighteen month apprenticeship required and you alluded to nine years of education requirement but I didn't know what you meant by that because one report here that Ms. Dixon presented showed that in Alaska we need 1500 hours, which is approximately forty work weeks, and in some places they have 2000 hours, which is approximately fifty-two work weeks. Could you explain the big difference there?

NEWMAN: Okay. What I was referred to there is the average primary education or gradeschool/high school requirement to be eligible to enter into barber college is and then the average numbers of -- the eighteen months is the average apprenticeship program which is recommended in most of the states or 48 out of the 50. I will leave this report with the Board to give them an opportunity to go over it and possibly if they can find it within their scope, include this, recognition of this, for the apprenticeship program within the laws of the State of Alaska. I do, and for this I apologize, I did neglect to extend the last page of this which covers exemptions. And I think that this might shed a lot of light on our situation. Exempt persons from licensing that are allowed to do barber work in most states are persons authorized by law to practice medicine, surgery; commissioned medical and surgical officers in the United States Army, Navy, and Public Health Services; undertakers, embalmers and morticians. Those are the people that are exempt in most states from having a barber license and those are people that have already been educated in the possible spread of diseases. Those are the only exemptions in most states requiring the barber law.

BRADLEY: Senator Sturgulewski? Mr. Martin has another question.

MARTIN: Thank you, Senator. Just two other questions, Senator. You were talking about moral character and you mentioned that you would probably uphold a standard that you read off there and encourage the continuation (UNDISCERNABLE). We are talking about a felony. I do believe in rehabilitation but felonies come in different characters and in different qualities and in different crimes. If a person has been rehabilitated, so to speak, in our society, what would be wrong with allowing him to become a barber later? Also, you were talking about communicable diseases. There are a number of diseases that people can have and are taking treatment for it but still are carriers of it and why should we condemn them. For instance, tuberculosis which used to be very prevalent in the state. A person can have it and it can be active but yet they can be taking medication for it and it would not be contagious to the other person. (UNDISCERNABLE)

NEWMAN: In answer to that. When they have taken -- when a person is under medication even though they are a carrier of tuberculosis or of another disease, the statement is carrying a communicable disease. Now if they are under treatment, they cannot give that disease to an individual so that takes it out of the category of being communicable. In this report that I am going to be leaving with you, it states that those persons convicted of felonies and take training while in a correctional

would not be eliminated because of the felony record. It also recommends the hours for work that they do while in the correctional institution be credited toward hours required for receiving, being eligible to take the license. As far as convicted -- being convicted of a felony, being a controlling factor on that, I think that would depend on the particular felony. Surely in to heaven you could not consider a person who had possibly gone to sleep because he had driven too many miles that day, many hours that night, and dozed off for a moment and while he was in a dozed status clipped somebody, a pedestrian, not realizing it, but was convicted for a felony hit and run. You could not necessarily include that individual as being an immoral character. But for a person that had gone out and had gotten totally wiped out on alcohol or drugs and hit a pedestrian and knowingly drove off, that would be an immoral character. So there would have to be -- that would have to be defined by the members of the Board as to include in there that they would have grounds to refuse, suspend or revoke licenses. I think all of us know what is moral and immoral when it comes to a felony situation. Gross malpractice, that is easy enough to handle. You end up somebody paying out a half a million dollars on a malpractice lawsuit, that's pretty well gross malpractice. Incompetency, again, if we have testing to determine whether or not people that will serve the public are competent professionals, we have very little worry about incompetency.

BRADLEY: Senator Sturgulewski?

JUNEAU MODERATOR: Mr. Chairman, Juneau is having difficulty in hearing the witness.

ANCHORAGE MODERATOR: We've asked our witnesses to speak more closely to the microphone.

STURGULEWSKI: Mr. Chairman. Mr. Newman. Judy Dixson in her paper addresses a question of reciprocity. One of the things, as sort of a personal statement, I think we should do whatever we can to make people coming from other areas to be able to fit into the job market. I don't believe in exclusionary practices. I guess this is one of the reasons I'm surprised that there has not been a professional organization working toward a standardization of requirements throughout the country. I'm wondering, is your union, does that across the country more or less take the place of professional societies in barbers or are there generally barbers associations, professional associations, apart from the union? Hows does that work just as a matter of your particular trade?

NEWMAN: Okay. There are basically two organizations within the profession of barbering. There is the International Union of Barbers, Beauticians & Allied Industries. There is another organization known as the AMBBA -- that's the American Barbers and Beauticians, the American Master Barbers and Beauticians. Yes, we are pretty well throughout the United States. Currently have approximately 27,000 members. We are a small union. As to why we do not have a more standard or have a tighter knit between state to state on reciprocity, unfortunately, we as barbers do not make the laws. The laws are made by congressional groups of each state. In order to have a reciprocity situation within our state with other states, we would also have to have a standardized system of laws between each of the states and again this goes right back in to your own laps of the law-making body. As far as reciprocity is concerned, with the current system where permits are given, reciprocity is not in reality a necessity. But

let's take that one step further. As we probably all noticed this morning on the way in, there was a slight nip in the air. Now if I had a California license and knew that I could go down there and go to work, I might well be packing my things up to head south just like the birds do. And many others would be doing the same thing. So come winter time we end up in a situation where it is almost impossible to find a barber. Come spring time and the fish start running, we all know what that means. Every barber in the Lower 48 would want to be coming up here fishing which would result in a starvation situation for the barbers. Let's extend that one step further because I know how good I am and I know how good the people within this room are. They're all good; they're all going to make a living. So the people would be coming up, say now wait a minute. These people have got an established clientele; how am I going to take that away from them. They start cutting the prices -- reducing the prices to an extreme low. This is fine for the consumer excepting that in order to do so that barber would eliminate washing his hands, not worry about cleaning his chair between customers; as a result, create a gross negligence in sanitation and health to the public. So this is the way that I would answer whether or not reciprocity should or should not be included. On the recommendation of Local 56, it is definitely "No."

BRADLEY: Any further questions from members of the Committee? If not, Jim, I have one. And that is in regard to what you were just discussing concerning migration of barbers up during the summer and migration the other direction during the winter, and that's true in many type of jobs and professions in this State, do you think we should have a residency requirement for licensing? And do you prefer more frequent examinations or the permit law?

NEWMAN: Is that personally or as a representative of Local 56?

BRADLEY: Both.

NEWMAN: Okay. I had to clarify that because the answer on both clauses are identical. This way I can get to speak for both myself and Local 56 so I get to speak twice. We prefer the system as is with the permit system and the frequency of the test every six months. Looking at the reports as to how many were tested, in '77, '78, '79, you're averaging out fifteen to sixteen and this is twice a year. There is no way that I or anyone else could justify increasing the frequency of the meetings. The best alternate is to use the permit system because at least the State and the Board have some idea of who other than those licensed are practicing within the State of Alaska.

BRADLEY: Question -- how many barbers have been suspended for not living up to the standards required on malpractice, say in the last year and then in the last five years?

NEWMAN: To my knowledge, none. However, that is not information that is readily available to the practitioner in the field. This is something that the Board could probably answer a little bit better. Due to the fact that we do have a Board at large, unless there is a complaint filed by an individual within the profession, the Board has no way of knowing about any incorrect behavior of a barber or member of the profession because being barbers at large they do not and cannot afford to take time away from their chair to go out and spend one week a month doing the type of inspection that we are talking about. This is the main reason that even

though at one time the Board had the authority to do health inspections, they deemed it more applicable to turn that over to the Department of Health and where it has remained ever since.

BRADLEY: Senator Kelly.

KELLY: Yeah. Getting back to this permit thing. I don't quite understand how the permit system operates up here. Secondly, does your union as a national union have any kind of regulations or rules pertaining to inter travel between states?

NEWMAN: Okay. The way the permit system works currently. I will take my own incident and make it maybe a little easier for you to understand. I arrived in November '72. Presented to, at that time, a member of the Board, a copy of my California license. Acquired the required sized photograph; obtained a money order payable to the State of Alaska for the amount of \$25.00, which is the cost of being tested; presented them to the Board member; he immediately had me mail those to the Department of Commerce and wrote me a permit which was good until the next Board meeting. This is the normal way that a permit is issued or upon showing a diploma or completion of the required number of hours in a school, again due to the fact that the Board meets twice a year and a person could graduate from school with the required number of hours shortly after a Board has met, like within the next week. They would have five months to wait before they would be eligible for a Board. As far as inter travel within the union system, to my knowledge and I haven't done any extensive research on this, the union does not recommend reciprocity one state to another; they do not abide a guideline for reciprocity; however, they do offer something that I also neglected before the Board reflecting back to questions that was asked of Ms. Dixon about continuing education. Currently, residing here or waiting here in the State of Alaska to visit our barber college and to visit some of the shops is an international guest artists, the 1979 Hairstylist of the Year, whose transportation to the State of Alaska was paid for by the international union. He is an educator so there is an ongoing system of education through the international union.

(TAPE 2, SIDE A)

MARTIN: Sometimes when I go to different cities and even with in Anchorage at the time I'm in a hurry to get a hair cut and some shops I look at them from the outside and then I'll go to another shop that looks pretty good from the outside and then go in. Has there been any talks with the union and/or perhaps a professional group developing some kind of shield that would tell the consumer "Hey, this is quality here." Regardless of whether you have a piece of paper that says "I, barber, in the State" or not. This is what I am getting to in helping your own professional to recognize its peer group and to help the customer say "Hey look this is a professional group shield. I know I can get quality there."

NEWMAN: Yes, there's been a great deal of thought about that but then you run in to one particular situation. I personally drive a Ford because to me that's the best vehicle there is. I've got a friend that drives a Cadillac because he thinks that is the best vehicle there is. I've got another friend that drives a Chevy. Now, who sets the standards in your mind as to what is the best. I know some people that swear one particular barber is the best barber in the entire city of Anchorage and I know other people who have gone to that same barber and have said "Boy, I wouldn't

let him cut my dog's hair." Because the individual requirement of the customer differs so much that it would be virtually impossible to establish a criteria as to what would be the requirements for having a shield of performance and so on and so forth. And as far as to the exterior of the building, whether you say that is going to be a good shop or that is going to be bad shop, that is usually left up to the landlord to control the exterior of it and only to the shop owner as far as the interior.

BRADLEY: Any other questions from members of the Committee? If not, I have some real quick ones. Are you in private practice, Jim, or are you an instructor at the barber college or both?

NEWMAN: I am in private practice. I do have an instructor's license which I am not using at this time.

BRADLEY: In regard to barbers not making laws, you're right but also wrong in that people do influence the making of laws and those that put out an effort and lobby and write the most letters and make the most noise usually get the most laws passed. So that's one reason that the bill that I had, you know, some time back in the committee, last legislature, didn't go anywhere. And it didn't say very much either. It didn't do much good, I think, even if we would have passed that one. So, if you think there are some things that you do need, there are ways of getting it but you've got to sort of get organized. Nobody ever got anything without getting organized. Now, from your experience, what do you -- do you think that the Department of Health inspections are adequate? I've sat around a lot of barber shops. I've got my barber expert friend here so I know he's the best and that shop but, as you say, you like a Ford and I like a Chevrolet and so on. So I've seen some things, like a barber would shave or cut hair from one to another and never sterilize any instruments. The Department of Health can't be there all the time. So, just your comments in that regard.

NEWMAN: The Department of Health does as well as they possibly can, unfortunately there is no system that is totally adequate in inspection. From what I understand, we have only one hospital in the State of Alaska that is certified as being totally sanitary. You know, we have a great number of hospitals in the State. The best way to insure the sanitation that is required in the shop again goes back to education because the one most susceptible to the disease is the one that spends eight or nine hours a day in that environment. So the education of the practitioner would be the best way to maintain a sanitary condition.

BRADLEY: Any other questions? Thank you very much, Jim. Thanks immensely. Very good testimony.

ANCHORAGE MODERATOR: Stand by just a moment please.

BRADLEY: I'd like to notify the teleconference network that we currently have only six people to testify concerning

BRADLEY: I'd like to notify the teleconference network that we currently have only six people to testify concerning the barbers, the Barber Examiners Board. Just so you know maybe how long you will have to wait. Go ahead, Bud.

SMITH: My name is Maurice Smith and I am the newest member elected to the Barber Board as of March of 1979. Does the Board have any questions at this time to ask me?

BRADLEY: We'll proceed with questions unless you prefer to give your testimony

and then answer questions. Would you like to answer questions immediately, Bud?

SMITH: Well, I would like to go over some of the testimony that has been given so far. It's really be covered quite clearly, I think.

BRADLEY: Why don't you go ahead and do that, Bud, and that may stimulate some questions.

SMITH: Just a second while I run over these notes, please.

BRADLEY: While Mr. Smith is going over his notes, does any member of the Committee have any questions they would like to ask? Mr. Martin.

MARTIN: Thank you, Senator. Mr. Smith, I was told some time ago and I was waiting for this committee to have hearings to ask this question of one of the members that there is a considerable turf protection in the sense that isn't their one barber college in town that is owned by an individual that is on the Board that somehow individuals that need licenses or accreditation need to go to his facility and is that the only outlet? This is just one complaint from one barber and it is strictly going to you as I heard it so could you enlighten me as to what is available for a person that must be licensed?

SMITH: Yes, there is one college at the time in this State and it is here in Anchorage and it is owned by Manual Norat, who is a Board member. I don't know if Mr. Norat is going to speak today but he has informed us, the other members of the Board, that he will be dropping soon from the Board. He has other engagements (UNDISCERNABLE) very tightly that way and there will be another set open on that Board. But I'd like to clarify something. I've worked as a Board member on the, I've set in on the last two testings, last April and this October. The procedure, I feel, that Mr. Norat's way is very good as far as if we have a student coming from his college, he automatically disqualifies himself and will not grade that person. I think this is a very fair way of doing it and I also had two people that took the last test that are working among my shops and I disqualified myself from grading them also. So we're trying to cut down any discrepancies whatsoever there. I think that's a very good system.

MARTIN: Thank you, sir. How do people from Fairbanks, sir, and Juneau or other sections of our state get qualified if they cannot go to a or at least get the education? Is it possible for a person in the northern part of our state to meet the minimum requirements without having to come to Anchorage to the barber college?

SMITH: No, sir. At the present time to enter this profession one must go to an accredited barber college. I feel that that is the way it should be in any state. The instructors at that college are very well qualified. I have examined the college myself and am very impressed with their procedures. I have lived in six states in all and I have licenses in four and the procedures in this college are actually above most other colleges that I have participated in.

STURGULEWSKI: Mr. Chairman?

BRADLEY: Senator Sturgulewski.

STURGULEWSKI: Bud, you've heard not only at this meeting but at others the need for practice act or statute and regulatory change. How do you, as a Board member, see your responsibility to bringing those? Do you just see you responding to the bureaucracy or the Legislature or do you see your Board moving ahead to address some of these issues that have been raised? Okay, if you're continued in other words, what's your responsibility, what's your role?

SMITH: Well, as a Board member, I am actually open to all comments in all directions. As far as other barbers, I want them to come forward and I've stated that way since I was elected to the Board at different meetings and things that I'm open at all times to any suggestions from my profession. As far as goals, I'll be sending in a report of what I'd like to do this coming year and what I'd like to accomplish and it's going to be quite lengthy. Like I said, I've just been appointed to the Board and it takes time really to get these things done. You can't do it over night. We've got a tremendous amount of changes in legislation coming up and I hope legislators go over these legislation and do it very closely and help us in this respect.

STURGULEWSKI: Mr. Chairman. Just to continue a bit but do you see that as your direct responsibility to see that those changes are developed and put into legislation. I mean are you waiting for somebody to come with something so you react or do you see you taking a positive action to develop those needed changes. I think I'm looking for accountability. Whose responsibility is it to address a number of the concerns that have been raised?

SMITH: Yes, ma'am. Personally, I'm going to monitor this right up until these bills are served. This is one of my goals. We have set up a legislative committee, the barbers here in this town, and they've come up with a tremendous amount of changes on our laws to date and I think you're going to find that all these changes are needed for many years. You're going to find (UNDISCERNABLE)

STURGULEWSKI: Thank you.

BRADLEY: Anyone else on the Committee have a question? If not, Bud, I know you are relatively knew and you may have heard, are you aware of any license being suspended or being revoke as a result of malpractice or not living up to the standards of the Board?

SMITH: Not at the moment, Sir, I'm not.

BRADLEY: You know, one of the criticisms by the audit which was alluded to and implied in the report and then by some of those who testified that conducted the audit during the Budget & Audit Committee meeting that they weren't doing anything. If they weren't doing anything, we don't need them. There are two ways to go, I think, there. Either terminate or appoint new members that do something. So that's just a comment. Normally I refrain from giving personal opinions during these testimonies but I think it's admirable of Manuel Norat to drop from the Board because I've got the same complaint from numerous people, too, but everybody who has done anything has got a conflict of interest. If you haven't done anything, you don't have a conflict of interest. So you have to depend on the integrity of some people. But that might be a good thing to do. Having a barber shop and then the barber college and then being on the Board does subject

him to criticism so I think it's admirable of him to consider that. Your comments regarding that particular thing are most appropriate, too, and they might be good to keep in mind but it has been a common complaint from people who have called and written letter.

SMITH: Yes. I find that very true, sir, going over the minutes of the last few years.

BRADLEY: Any other questions? If not, Bud, thank you very much.

ANCHORAGE MODERATOR: Stand by just a moment please.

(UNDISCERNABLE - TESTIMONY FROM DONALD MORRIS, ANCHORAGE)

MORRIS: There is a definite need in my belief find the paramount duties of the barbers to prevent the spread of disease and to give a good commodity to the public, general public. The duty, as I see it, of the Board of Barbers is to see that they have the proper facilities, proper education, the proper testing, examing, licensing, so that we are assured that the barbers in the profession have been trained thoroughly, have been examined and are capable of rendering this service in protecting the general welfare. Otherwise, I am in complete agreement with what Judy said. We worked on the same committee. I am in agreement with what the gentlemen before Jim said with its reciprocity permits. We are the only state that allows people to work with a permit until the Board convenes again so that they can be examined. There is no other state. If you do not have their license, you do not work in their State until you have been examined and, therefore, I think this permit is very fair to someone from the Outside coming in. Really, that's all I have to say except to answer some questions.

BRADLEY: Then what do you recommend -- that we keep the permit situation as it is although no other state has such?

MORRIS: Well, with the Board only convening unless they want to change and have the Board convene more often, the permit situation seems to be the only solution. Now, Judy, we have recommended, this committee that I'm working with, that students coming out of school only be allowed to work in a shop, be issued a permit only working under the direct supervisions of a master barber, who is already a master barber in the state, until the time that the Board convenes so that they can be exempt.

BRADLEY: What about somebody coming from the Outside? Does anybody investigate? How do you know he didn't just leave barber school down there?

MORRIS: I don't know the workings of the State Barber Board right now but if they have a license, they are given a permit but as far as coming out of school, I don't know. I personally, myself, don't believe that they should be given a permit until they have been tested.

BRADLEY: Well, the reason I mentioned that is (UNDISCERNABLE)

ANCHORAGE MODERATOR: Stand by, please.

BRADLEY: If anybody has any comments to make although you're not on these sheet, maybe as a result of some of the testimony stimulated, might want to make two or three comments.

MOHR: My name is George Mohr, spelled M-o-h-r. I live 4824 Queens Court, Anchorage. Yes, I will fill this in. I would like to ask the members of this hearing, if I am, I'm fairly familiar with the provisions that a sunset law involves when it goes into effect. Doesn't it mean for the consumer, and I am a consumer -- I'm a customer; I'm not a barber and I know nothing about unions and permitting procedures. Doesn't it mean that there would be no qualification tests or procedures at all if the sunset law takes effect? In other words, if the current supervision over the qualification of people who cut my hair is abandoned is then there no more standard for performing the art properly available in the State of Alaska? Is that a correct assumption?

BRADLEY: It need not necessarily be that way. You know like some states give an examination and you pass it or you don't pass it. You go to school or

MOHR: Do we have that now?

BRADLEY: We have the school right now. We have one of these that was grandfathered in. And how it will be if we decide to terminate this Board, we don't know right. Maybe they'll just issue a license. Maybe they'll have to take some standard examination before it will be issued?

MOHR: So there will be some assurance. I'm asking for this reason, I've been here 28 years and when I came to the Territory, the availability of proper barber services was very limited on a hit or miss basis you had to find out who was good, which, of course, is okay in many things in the open market places. You find out who is good and who can serve you and if not you don't, you don't patronize them. Excuse me. With the development to which Anchorage and the rest of the State is coming now, this is a shocking experience that it happens to you that you get a very bad treatment and then what you do to remedy the situation? At least for the next four weeks. If you have an important engagement here. That is the deal and if this is a real obstacle and hazard. I mention this because it happened to me and I wasn't very pleased when I knew that the barbers were eventually allowed to practice in the metropolitan area here are well qualified and I have not had a bad experience. But I did have my bad experience before this went into effect. So that's my concern is that something should be there. I have no technical understanding of the medical hazards that might arise if any qualification procedures are dropped but I'm, and of course I hope they are maintained. I'm concerned with the state of the art. Okay?

BRADLEY: Thank you very much, George. I'm glad we got a consumer here. We put the advertisements in the paper and what not but sometimes you just get the professionals and not the consumers. Judy, when two people are pressing the button at the same time, only one talking, is it okay? Same time? Do you have any further comments to make?

MOHR: No, not at all. As I say, I only hope that whatever I'm able to enjoy here as far as barbering (UNDISCERNABLE) something or another how a Board or any other commission is run. I've got to rely on some

BRADLEY: Regulation but not overregulation?

MOHR: Okay, it is exactly that.

BRADLEY: We'll have some protection. Okay. Thank you very much. Is there anyone else wishes to make some comments. Yes, Dick?

EVANS: I'm Dick Evans. I'd like to comment about the law. I view it like the driver's license. All the drivers aren't too good but if we didn't have a law, they'd be a whole lot worse. I hate to see Manual quit the Board. He cares and we need people who care. That's it.

BRADLEY: Okay, Dick, thanks. Any questions? I agree. I think it's going to be a loss, too, and I think a lot of people complain because, you know, they find an excuse to complain. You know, I've put in a few bills, too, that I've got criticized for because I had a conflict of interest. Well, I've done away with my conflict of interest. By golly, if you've done anything, you've got a conflict of interest. It's going to be a loss. I agree. Had enough initiative and get up and go and drive to start a barber college, to set some standards, to protect me -- I've got scalped quite a few times -- kind of like the barber asking you "how do you want it?" It's better to take off too little than too much. Can't put it back on. And good barbers do that. But that is a common complaint and for the good of the profession I think it's admirable for Norat to -- he can still do the same thing he's doing. Probably even influence the Board because a lot of people have respect for him. Yes, Bud? Bud Smith. If you speak loudly will it pick up, Judy? Okay, I'll repeat it. Please, please come back. This will be Mr. Maurice "Bud" Smith making additional comments for his initial testimony. Just, we're all home folks here.

SMITH: In summing up, I would like to say a few points here that at the present time, I am trying to get a state barbers' association started in this state and my goal is January 1980 to get this underway. Another respect, I'd like to see a limit to the Barber Board members. What I would like to see is two three-year terms at the most and have them rotating so that we'd have a new member coming on the Board as one goes off. Another respect I'd like to run over here is our products. Now we've been told by our insurance companies -- most all of us carry malpractice insurance -- and if there's no examining Board to qualify licensed barbers, all these insurance companies are going to drop our malpractice.

BRADLEY: Bud, can I interrupt just a minute. Is there anyone here that is from the hairdressers that wishes to testify? It looks like we are going to be through with the barbers' testifying soon so we could probably start with some of those if you like. I just thought I would make that comment. Go ahead.

SMITH: Another thing I would like to clarify too as being on the Board -- procedure of permits. This is quite an issue, I can see by listening to the testimony. The way it is set up right now, anybody coming in from another state wishing to obtain a license in our state, we, as Board members, examine their credentials, we have to see a copy or the diploma from an accredited barber college or a license for barbering in another state. Upon this we can write a permit for them to go to work until the test is given. Now, once the test is given, we pick up that permit and it is no longer good. It is up to this individual to have done his homework and pass this test. While we are on the testing, I would like to bring up the point that if you

review our results in this past test in October, you will find it quite good. What we did there is we went through a new procedure that has never been done before to my knowledge. What we did, our chairman of the examining board, Mr. Jim Rossi, gave us, the Barber Board members, certain areas in one particular book that we are using only in the State -- this will be on the law coming up also with the name of the book. I, myself, was assigned to an in bacteriology and sterilization and sanitation. I made up questions from this area. I sent in my questions to Occupational Licensing. All Board members were assigned different categories in this book and we sent in all to Occupational Licensing and it was up to them to sit down and pick out a hundred questions out of what we sent in. The examination, we were handed these questions and we served them. I, myself, have been a great believer in doing away with 100% essay questions. I feel that this is not fair to people no matter what profession you are in because of the hard grading system on an essay question. I made recommendations prior to this test to other Board members that we should keep it very simple -- either fill-ins, true or false, and multiple choice. I, myself, prefer multiple choice. We had 75 questions of multiple choice. Twenty-five were essay questions which were quite easy, I must say. I don't have right with me at the present moment the percentage that passed the test and did not but I am sure that it was quite high that passed the test. Another thing I'd like to bring to your attention is that chairman Jim Rossi has moved from Soldotna to Anchorage. Now we've had problems in the past working with Jim Rossi. It would either have to be telephone at our expense or letters because no teleconference there from Soldotna. I find myself having Mr. Rossi still the chairman of this Board and located in our town here, I find myself that we are going to be able to work much closer and upgrade the Board in that respect. I, myself, hope to have Mr. Rossi over to my house many evenings that way and go over different aspects of what we are talking about here today and different laws and other Board members if they possibly can make it. Another thing I would like to try, I don't think it's ever been tried in this State before, on my own, I would like to put a newspaper ad in the local paper to see what the public feelings are on our profession. We ask people daily different criteria that way behind the chair but nevertheless I want something in writing. I want to be able to show you legislators what the feelings are of the people on the street. Another thing I would like to do as a Board member, I would like to try to set up a national law criteria with other states. This has never been accomplished before and I don't believe that it has ever been tried. Two weeks ago I spent two days, approximately 23 hours, reading material from other states and I find tremendous difference in laws and I find that there is too much difference. I, myself, would like to go to the national board meeting next year, even if I have to pay my own expense, I would like to do it and I think I will. While we are on that point, I think there are areas where we might be able to come up with our own financing that way and myself, speaking as myself and not a Board member at the present moment, I don't think it is up to the State, personally, to send us anywhere in the United States. I think it is up to us Board members to come up with the money anyway we possibly can.

BRADLEY: As a result of association dues? As in many professions.

SMITH: I think that pretty well sums up what I have to say here. Listening to testimony this morning it really covered an awful lot of material and I don't want to duplicate it and take your time but I can reassure you as a new

Board member that there are a tremendous amount of changes coming up in laws and whatever in our profession and I would like to have you judge us on more or less that merit -- the changes that we are hoping to do and not phase us out.

STURGULEWSKI: Mr. Chairman?

BRADLEY: Senator Sturgulewski.

STURGULEWSKI: A comment. I think it is one of the helpful things on the whole sunset review even if we don't eliminate a good number of the boards is for people to get their act together and if we've got barriers either through staffing problems in the state or the individual board members not doing their job, I think that is the time that we start to address some of those things and there is a responsibility of the people in the profession not just the Board. I would like to have later for the record, obviously we are not going to take any action until the Legislature is in session, we can't, but you made a comment regarding malpractice insurance. If at all possible, I wish you would get some firm to make some statements regarding just what the procedure is for handling malpractice as far as this profession goes. What are the kind of rates? What kind of problems do we get into and, in fact, how would they look at it if there were no standards? What kind of liability are we talking about? In other words, I'm not informed about that. I think your point is interesting and I'd like to see some information on it. If you could supply that to me, I'd certainly welcome the information.

SMITH: Yes, ma'm. I certainly will.

BRADLEY: Any other questions? Well, Bud, I personally, and I think I can speak for the Board, appreciate your interest and attitude as a Board member. I think that is what the Board needs. I think we'd better check with the teleconference network and see if any latecomers have come in from Fairbanks or Juneau. Fairbanks, do you have any people that might have come in later that would prefer to testify concerning the Barber Examiners Board? Over.

FAIRBANKS MODERATOR: No, we don't have any.

BRADLEY: Juneau? Over.

JUNEAU MODERATOR: No, not at this time, Mr. Chairman.

BRADLEY: Thank both Fairbanks and Juneau for your cooperation for the testimony concerning the Barber Examiners Board. And, at this time we will take a two or three minute stretch break and decide what we will do from this point on. I suppose we will take, the Committee will agree to take those hairdressers that are available now up to lunch and the remainder of them after lunch. All right Judy, make your network check.

ANCHORAGE MODERATOR: Fairbanks, how many hairdressers or

FAIRBANKS: Others will be returning in awhile and they do all wish to speak later.

ANCHORAGE MODERATOR: Would you judge sort of informally that the people who are there in the room waiting to testify now will probably want to hear all of the testimony and might prefer to wait until one o'clock to present theirs?

SEMINAR SCHEDULE FOR OCTOBER 22/23 SENATE COMMERCE COMMITTEE HEARINGS
ON SUNSET LEGISLATION.

OCTOBER 22/ 1979

Anchorage --- Room 262
University of Alaska
Consortium Library
3211 Providence Drive, Anchorage Ak.

(Judy Mengel 263-1832)
Time (9:00 am to 5:00 pm) ANC time

Juneau --- Butrovich Room #207
Capitol Building
Juneau, Alaska

(Dave Hammick) 586-1201
(Sue Plumer)

Time (11:00 am to end) JNU Time

Fairbanks --- Legislative Affairs
101 College Road, Building F., Room #250
Fairbanks, Alaska

(Maxine 452-4449)

Time (9:00 am to 5:00 pm) FBX Time

Board of Barber Examiners
Board of Hairdressing & Beauty Culture Examiners

AUDIT REPORTS ---

AN A PERFORMANCE REVIEW OF THE BOARD OF BARBER EXAMINERS
March 31, 1979

PH A PERFORMANCE REVIEW OF THE BOARD OF HAIRDRESSING AND BEAUTY
CULTURE EXAMINERS
June 11, 1979

Division of Legislative Audit, Att: Gerald L. Wilkerson
State Office Building
Pouch W, State Capitol Juneau, Alaska 99811. (465-3830)

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SCHEDULE FOR OCTOBER 22/23 SENATE COMMERCE COMMITTEE HEARINGS
ON SUNSET LEGISLATION.

²³
OCTOBER ~~22~~/ 1979

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Time (11:00 am to end) JNU Time

Fairbanks --- Legislative Affairs
101 College Road, Building F., Room #250
Fairbanks, Alaska

(Maxine 452-4449)

Time (9:00 am to 5:00 pm) FBX Time

Board of Registration for Architects, Engineers and Land Surveyors

AUDIT REPORTS ---

A PERFORMANCE REVIEW OF THE BOARD OF REGISTRATION FOR ARCHITECTS,
ENGINEERS AND LAND SURVEYORS
May 11, 1979

Division of Legislative Audit, Att: Gerald L. Wilkerson
State Office Building
Pouch W, State Capitol, Juneau, Alaska 99811 (465-3830)

PLEASE REPLY TO:

1016 West Sixth Avenue, Suite 201
Anchorage, AK 99501

Telephone: 278-1581; 278-1582

September 25, 1979.

Ms. Maria Dunham

Board of Hairdressing and Beauty Culture Examiners

Shawnee's Beauty Salon.

530 Seventh Avenue

Fairbanks, AK 99701

Dear Ms. Dunham:

The Senate Commerce Committee will convene at 9:00 a.m. on October 22, 1979, for the purpose of holding a public "Sunset" hearing on the Board of Hairdressing and Beauty Culture Examiners. The hearing will be held in Room 262 of the Consortium Library, University of Alaska, 3211 Providence Drive, Anchorage, Alaska, and will be teleconferenced to Juneau and Fairbanks.

The Juneau teleconference will begin at 11:00 a.m. (Juneau time) in the Butrovich Room (Room 207), Capitol Building, Juneau, Alaska.

The Fairbanks teleconference will begin at 9:00 a.m. (Fairbanks time) in Room 250, Building F, Legislative Information Office, 101 College Road, Fairbanks, Alaska.

The following Audit Report is available at the local Legislative Information Offices:

A Performance Review of the Board of Hairdressing and Beauty Culture Examiners. July 11, 1979.

If you have any questions, contact Christian Basler at 278-1581.

Sincerely,

Brad Bradley
Chairman
Senate Commerce Committee

Attached letter sent to following:

Maria Dunham
Board of Hairdressing and Beauty Culture Examiners
Shawnee's Beauty Salon
530 Seventh Avenue
Fairbanks, AK 99701

Mrs. Ione Lambert
Board of Hairdressing and Beauty Culture Examiners
PO Box 441
Douglas, AK 99824

Mr. Dennis Milhouse
Board of Hairdressing and Beauty Culture Examiners
407 East Northern Lights
Anchorage, AK 99503

Ms. Judith R. Maness
Board of Hairdressing and Beauty Culture Examiners
2807 Turnagain Blvd.
Anchorage, AK 99503

Hair Today
Attention: Yvonne
191 South Franklin
Juneau, AK 99801

Elaine Garrett
Division of Occupational Licensing
Department of Commerce & Economic Development
Pouch D, Mail Stop 0800
Juneau, AK 99811

PLEASE REPLY TO:

1016 West Sixth Avenue, Suite 201
Anchorage, AK 99501

Telephone: 278-1581; 278-1582

September 25, 1979

The Honorable Arliss Sturgulewski
Senate Commerce Committee
2957 Sheldon Jackson Drive
Anchorage, AK 99504

Dear Senator Sturgulewski:

The Senate Commerce Committee will convene at 9:00 a.m. on October 22, 1979, for the purpose of holding public "Sunset" hearings on the Board of Barber Examiners and the Board of Hairdressing and Beauty Culture Examiners. The hearings will be held in Room 262 of the Consortium Library, University of Alaska, 3211 Providence Drive, Anchorage, Alaska, and will be teleconferenced to Juneau and Fairbanks.

The Juneau teleconference will begin at 11:00 a.m. (Juneau time) in the Butrovich Room (Room 207), Capitol Building, Juneau, Alaska.

The Fairbanks teleconference will begin at 9:00 a.m. (Fairbanks time) in Room 250, Building F, Legislative Information Office, 101 College Road, Fairbanks, Alaska.

The Senate Commerce Committee will also hold a public "Sunset" hearing on the Board of Registration for Architects, Engineers, and Land Surveyors on October 23, 1979. The time, places and teleconferencing will be the same as for the October 22, 1979, hearings.

The following Audit Reports are available at the local Legislative Information Offices:

A Performance Review of the Board of Registration for Architects, Engineers, and Land Surveyors. May 11, 1979.

A Performance Review of the Board of Hairdressing and Beauty Culture

September 25, 1979

Page 2

Examiners. July 11, 1979.

A Performance Review of the Board of Barber Examiners. March 31, 1979.

If you have any questions, contact Christian Basler at 278-1581.

Sincerely,

Brad Bradley, Chairman
Senate Commerce Committee

The Honorable Jerry Strison
Senate Commerce Committee
1610 1st Street
Anchorage, AK 99501

The Honorable Frank Brown, Chairman
House Commerce Committee
Box 1718
Fairbanks, AK 99701

The Honorable J. ...
House Commerce Committee
210 ...
Anchorage, AK

The Honorable ...
House Commerce Committee
210 ...
Anchorage, AK

The Honorable ...
House Commerce Committee
210 ...
Anchorage, AK

The Honorable ...
House Commerce Committee
210 ...
Anchorage, AK

Department of Commerce & Economic

State Treasurer, Coordinator
Legislative Information Network
Department of Public Services
Legislative Affairs Agency
Fourth Fl., Mail Stop 3131
Anchorage, AK 99511

The Honorable Jerry Cardina
Speaker of Alaska House of Representatives
Box 6000
Ketchikan, AK 99901

The Honorable ... Gillen
President of Alaska State Senate
210 ...
Anchorage, AK 99503

A. Anderson, Jr.

...
...
...
Anchorage, AK

...
...
...
Anchorage, AK

Miss Blue
Administrative Assistant
House Commerce Committee
210 ...
Anchorage, AK

...
...
...
Anchorage, AK

Attached letter mailed to following:

The Honorable Arliss Sturgulewski
Senate Commerce Committee
2957 Sheldon Jackson Drive
Anchorage, AK 99504

The Honorable Tim Kelly
Senate Commerce Committee
Box 1004
Eagle River, AK 99577

The Honorable Frank Ferguson
Senate Commerce Committee
Box 131
Kotzebue, AK 99752

The Honorable Terry Stimson
Senate Commerce Committee
1610 "E" Street
Anchorage, AK 99501

The Honorable Fred Brown, Chairman
House Commerce Committee
Box 1718
Fairbanks, AK 99707

The Honorable Joyce Munson
House Commerce Committee
935 East 79th Avenue
Anchorage, AK 99502

The Honorable Hugh Malone
House Commerce Committee
Box 9
Kenai, AK 99611

The Honorable Alvin Osterback
House Commerce Committee
Box 71
Sand Point, AK 99661

The Honorable Robert Bettisworth
House Commerce Committee
Box 80288
College, AK 99708

The Honorable Richard Halford
House Commerce Committee
Box 66
Chugiak, AK 99567

The Honorable Richard Randolph
House Commerce Committee
Box 123
Fairbanks, AK 99707

Elaine Garrett
Division of Occupational Licensing
Department of Commerce & Economic
Development
Pouch D, Mail Stop 0800
Juneau, AK 99811

Sioux Plummer, Coordinator
Legislative Teleconference Network
Division of Public Services
Legislative Affairs Agency
Pouch Y, Mail Stop 3101
Juneau, AK 99811

The Honorable Terry Gardiner
Speaker of Alaska House of Representatives
Box 6092
Ketchikan, AK 99901

The Honorable Clem Tillion
President of Alaska State Senate
Box 373
Homer, AK 99603

The Honorable Nels A. Anderson, Jr.
Majority Leader, Alaska House of Representatives
Box 234
Dillingham, AK 99576

The Honorable Mike Colletta
Majority Leader, Alaska Senate
1016 West Sixth Avenue, Suite 435
Anchorage, AK 99501

Gerald L. Wilkerson
Legislative Audit Division
State Office Building
Pouch W
Juneau, AK 99811

Alan Blume
Administrative Assistant
House Commerce Committee
PO Box 1370
Fairbanks, AK 99701

Judy Hopkins
Legislative Affairs Agency
1024 West Sixth Avenue
Anchorage, AK 99501

Debi Smith
Legislative Affairs Agency
Pouch Y
Juneau, AK 99811

Legislative Information Office, Fairbanks
Attention: Maxine
101 College Road, Building F
Room 252
Fairbanks, AK 99701

Pam Derrer,
ARCO
134 North Franklin
Juneau, AK 99801

~~XXXXXXXXXX~~
~~Karen Baker~~
Rep. Terry Martin
3960 Reka
Anchorage, Ak. 99504

Judy Mengel
Media Services Department
University of Alaska, Anchorage
3211 Providence Drive
Anchorage, AK 99503

Paul Harris (276-1443)
Legislative Audit Division
PO Box 1231
Anchorage, AK 99510

Karen Baker (272-5514)
% Jay. Baxter & Co.
207 East Northern Lights Blvd.
Anchorage Alaska 99503



Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business
PLEASE REPLY TO:

1016 West Sixth Avenue, Suite 201
Anchorage, AK 99501

Telephone: 278-1581; 278-1582

September 25, 1979

Mr. Dan A. Noll
Board of Barber Examiners
604 Second Street
Fairbanks, AK 99701

Dear Mr. Noll:

The Senate Commerce Committee will convene at 9:00 a.m. on October 22, 1979, for the purpose of holding a public "Sunset" hearing on the Board of Barber Examiners. The hearing will be held in Room 262 of the Consortium Library, University of Alaska, 3211 Providence Drive, Anchorage, Alaska, and will be teleconferenced to Juneau and Fairbanks.

The Juneau teleconference will begin at 11:00 a.m. (Juneau time) in the Butrovich Room (Room 207), Capitol Building, Juneau, Alaska.

The Fairbanks teleconference will begin at 9:00 a.m. (Fairbanks time) in Room 250, Building F, Legislative Information Office, 101 College Road, Fairbanks, Alaska.

The following Audit Report is available at the local Legislative Information Offices:

A Performance Review of the Board of Barber Examiners. March 31, 1979.

If you have any questions, contact Christian Basler at 278-1581.

Sincerely,

Brad Bradley
Chairman
Senate Commerce Committee

Attached letter sent to following:

Mr. Dan A. Noll
Board of Barber Examiners
604 Second Street
Fairbanks, AK 99701

Mr. Manuel Norat
Board of Barber Examiners
PO Box 238
Anchorage, AK 99510

Mr. James Russi, Chairman
Board of Barber Examiners
PO Box 1122
Soldotna, AK 99669

Mr. Maurice "Bud" Smith
Board of Barber Examiners
Anchorage Sportsman's Barber Shop
1650 W. Northern Lights
Anchorage, AK 99503

Mr. Elmo Kienbaum
Board of Barber Examiners
2337 Second Avenue
Ketchikan, AK 99901

Mr. Manuel Norat
c/o Anchorage Barber College
3519 Mt. View Drive
Anchorage, AK 99504

Hair Today
Attention: Yvonne
191 South Franklin
Juneau, AK 99801

Elaine Garrett
Division of Occupational Licensing
Department of Commerce & Economic Development
Pouch D, Mail Stop 0800
Juneau, AK 99811

Elaine Carreen
Division of Occupational Licensing
Department of Commerce & Economic Development
P.O. Box 1144
Juneau, Alaska 99801

PLEASE REPLY TO:

1016 West Sixth Avenue, Suite 201
Anchorage, AK 99501

September 25, 1979

Mr. Wayne K. Jenson
Board of Registration for Architects,
Engineers, and Land Surveyors
PO Box 190
Douglas, AK 99824

Telephone: 278-1581; 278-1582

William M. F.
430 W. 7th
Anchorage, Alaska
274-5231

Dear Mr. Jenson:

The Senate Commerce Committee will convene at 9:00 a.m. on October 23, 1979, for the purpose of holding a public "Sunset" hearing on the Board of Registration for Architects, Engineers, and Land Surveyors. The hearing will be held in Room 262 of the Consortium Library, University of Alaska, 3211 Providence Drive, Anchorage, Alaska, and will be teleconferenced to Juneau and Fairbanks.

The Juneau teleconference will begin at 11:00 a.m. (Juneau time) in the Butrovich Room (Room 207), Capitol Building, Juneau, Alaska.

The Fairbanks teleconference will begin at 9:00 a.m. (Fairbanks time) in Room 250, Building F, Legislative Information Office, 101 College Road, Fairbanks, Alaska.

The following Audit Report is available at the local Legislative Information Offices:

A Performance Review of the Board of Registration for
Architects, Engineers, and Land Surveyors. May 11, 1979.

If you have any questions, contact Christian Basler at 278-1581.

Sincerely,

Brad Bradley
Chairman
Senate Commerce Committee

Attached letter sent to following:

Mr. Wayne K. Jenson
State Board of Registration for Architects,
Engineers & Land Surveyors
PO Box 190
Douglas, AK 99824

Elaine Garrett
Division of Occupational Licensing
Department of Commerce & Economic
Development
Pouch D, Mail Stop 0800
Juneau, AK 99811

Mr. Jim Bridges
State Board of Registration for Architects,
Engineers & Land Surveyors
4789 Business Park Boulevard
Anchorage, AK 99503

William M. Smith
430 W. 7th Suite #210
Anchorage, Ak 99501
274-8231

Mr. Donald J. Cook
State Board of Registration for Architects,
Engineers & Land Surveyors
Box 80093
College, AK 99701

Ken Walch
DOWL Engineering
4040 B Street
Anchorage, AK 99503

Mr. Wallace Deboff, Chairman
Board of Registration for Architects, Engineers
& Land Surveyors
RR5, Box 5521
Juneau, AK 99803

Mr. James M. Lake
Board of Registration for Architects, Engineers &
Land Surveyors
206 Nerland Building, Room 206
Fairbanks, AK 99701

Mr. Loren Lounsbury
Board of Registration for Architects,
Engineers & Land Surveyors
723 West Sixth Avenue
Anchorage, AK 99501

Mr. Paul E. Stutzmann
Board of Registration for Architects,
Engineers & Land Surveyors
PO Box 1429
Fairbanks, AK 99707

Mr. Gordon R. Unwin
Board of Registration for Architects,
Engineers & Land Surveyors
103 East 26th Avenue
Anchorage, AK 99503

Mr. Wallace Wellenstein
Board of Registration for Architects,
Engineers & Land Surveyors
325 Barrow
Anchorage, AK 99501

STATE OF ALASKA



BOARD OF BARBER EXAMINERS

CENTRALIZED LICENSING STATUTE, AS 08.01.

BARBER ACT, AS 08.12.

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

POUCH "D"

JUNEAU, ALASKA 99811



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 11, 1980

Honorable W.E. "Brad" Bradley
Chairman
Senate Commerce Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Bradley:

Re: Regulation of Barbers and
Beauticians

Enclosed are this committee's recommendations concerning the Boards of Barber Examiners and Hairdressing and Beauty Culture Examiners. We realize these recommendations are coming to the committee at a late stage of the "Sunset" review process, however, we offer them for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bob Palmer".

Committee on Regulatory Reform
Bob Palmer, Special Projects
Coordinator
Charles R. Webber, Commissioner
Commerce & Economic Development
Ernst W. Mueller, Commissioner
Environmental Conservation

Enclosures

Pursuant to the objectives and function of this committee, we have reviewed the functions of the above referenced boards and the licensing of the above referenced occupations. During the review, we have kept in mind the Governor's policy theme which stated the need and desire "to improve the ability of the private market system to provide needed goods and services," "encourage private sector competition," "to reduce unnecessary governmental intervention," "reduce restrictions on new business formation," and "to provide government services in an efficient manner."

Accordingly, the following is recommended:

1. The Board of Barber Examiners and the Board of Hairdressing and Beauty Culture Examiners; Cosmetologists, should be combined into a single five-member board consisting of four members from the profession and one member from the general public who is not involved in the profession.
2. Those that practice in these occupations that offer only the services of cutting or trimming hair and/or beards and/or mustaches and/or washing or shampooing the hair with water and prepared commercial shampoos should not be required to be licensed to practice such occupation.
3. Those who give facial and scalp massages or treatments with oil, creams, lotions or other preparations either by hand or mechanical devices or singe, dress, dye, bleach, color, or wave the hair utilizing cosmetic preparations, antiseptics, tonics, lotions or creams with the hands or with a mechanical or electrical apparatus shall be licensed and regulated by the State.
4. The requirement for "good moral character" should be deleted.
5. Examination should be waived for those who hold either a bona fide license issued by another territory, state or country, or a diploma from an accredited barber college or beauty school.
6. Any requirement for a high school diploma should be deleted.
7. Delete manicurist from any regulation.

April 9, 1930

Senator Brad Dudley,

This letter offers comments on HB 978. Passage of HB 978 would deal a serious blow at cosmetologists as the word is used in the beauty culture field and by legislatures elsewhere, which includes hairdressers, as opposed to barbers. We believe that it would also be of real concern to the customers who would have no way of knowing whether an operator (licensee) is a person trained in one area or the other.

The bill appears to be a great one for barbers, but a sad one for hairdressers. There are several areas that need to be taken under great consideration:

1. The definition of cosmetology used (A.S. 08.13.220 (3)) does not follow the meaning of the word generally adopted throughout the nation or by the writer in the subject.
2. "Hairdressing" is not defined.
3. No legislative guideline or standard is given for schools other than requiring regulations as to "curriculum, minimum hours of instruction, physical condition of the facilities, and financial responsibility of the owner." (A.S. 08.13.110). Nothing is provided regulating or establishing standards for teachers, or student-teacher ratio, minimum equipment required, supplies, reports, required filings, or standards for approval, disapproval suspension, or revocation.
4. No standards are provided for shops.
5. No inspection of shops or schools is provided, except for health and sanitation enforcement by Health and Social Services who has had a dismal performance of the same authority in the past.
6. This bill lumps barbers and cosmetologists together so that the board may be totally controlled by one profession, the barbers.
7. Grandfather rights are provided for barbers by A.S. 08.13.150, but none are provided for cosmetologists.

In conclusion, the bill, as written, appears to be in need of considerable revision.

Very truly yours,

Alice J. M. M.

from Alice

Rose & Breeze
Attorneys at Law - a Professional Corporation
526 J Street - Anchorage, Alaska 99501

David A. Rose
Robert A. Breeze

Telephone
(907) 277-0533

April 2, 1980

Alaska State Legislature
Senate Commerce Committee
Pouch V
Juneau, AK 99811

Attn: The Honorable Senator Bradley, Chairman

Dear Senator Bradley:

This letter offers comments on HB 978. On behalf of the Alaska Hairdressers and Cosmetologists Association, it is submitted that the bill does not meet the desires of the thousands of consumers who have submitted statements to your committee, or the substance of the testimony at hearings held by your committee. The consolidation of the two existing boards, Barbers and Hairdressing and Beauty Culture, does not require the combining of the professions or the domination of the new agency by barbers, as the new bill proposes.

Passage of HB 978 would deal a serious blow at cosmetologists as the word is used in the beauty culture field and by legislatures elsewhere, which includes hairdressers, as opposed to barbers. We believe that it would also be of real concern to the customers who would have no way of knowing whether an operator (licensee) is a person trained in one area or the other.

While other states such as California have expanded the role of boards of cosmetology as reflected by the bill proposed by the Association, and require continuing professional education as a condition of renewal of licenses for the protection of the using public, HB 978 appears to be a step/backwards from consumer protection and a lowering of professional requirements.

The bill appears to be a great one for barbers, but a sad one for hairdressers.

1. The definition of cosmetology used (A.S. 08.13.220(3)) does not follow the meaning of the word generally adopted throughout the nation or by the writers in the subject.
2. "Hairdressing" is not defined.

Nissel A. Rose, Esq.

to

The Honorable Senator Bradley

April 2, 1980

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3. "Hairdresser" is not defined.
4. No legislative guideline or standard is given for schools other than requiring regulations as to "curriculum, minimum hours of instruction, physical condition of the facilities, and financial responsibility of the owner." (A.S. 08.13.110). Nothing is provided regulating or establishing standards for teachers, or student-teacher ratio, minimum equipment required, supplies, reports, required filings, or standards for approval, disapproval suspension, or revocation.
5. No standards are provided for shops.
6. No inspection of shops or schools is provided, except for health and sanitation enforcement by Health and Social Services who has had a dismal performance of the same authority in the past. California has resorted to inspectors under Board of Cosmetology supervision for the purpose, the same here would combine health, sanitation and compliance with other standards such as display of licenses, equipment used, checking personnel, professional supervision, etc. As licensees are required to demonstrate knowledge in these areas, they should be well qualified, and inspector qualifications can be higher.
7. Historically, as far back as ancient history, barbers and cosmetologists have been separate professions. They have separate associations. But this bill lumps them together so that the board may be totally controlled by one profession. As set out by Section 6, the five members of the existing Board of Barbers are to be voting ex-office members, thus assuring control of the new Board by Barbers to the exclusion of cosmetologists. Even without it, three "Hairdressers" may be all barbers! Only one cosmetologist is assured.
8. Grandfather rights are provided for barbers by A.S. 08.13.150, but none are provided for cosmetologists.
9. A "barber" license is provided by A.S. 08.13.150 and 010(b)(1) no definition is offered as to what is a barber, except by reference to A.S. 08.12 and regulations thereunder, but that statute is repealed by Section 5, and all regulations thereunder are repealed by implication, as they rely upon A.S. 08.12 for their validity. Thus, once A.S. 08.12 is repealed, any interested person would have to search statutes and regulations

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no longer published to attempt to find the meaning of the new statute. That is both unfair, unjust and unduly expensive and time consuming.

10. The only licenses contemplated by A.S. 08.13.070 are (1) for hairdressing or cosmetology, and (2) to organize, open or conduct a school. None appears to be provided for "barbers" or for teachers.
11. Qualifications under A.S. 08.13.080 require successful completion of all courses required to be taught by a school of hair design, but does not include any mention of a school of cosmetology. Furthermore, these provisions appear contrary to A.S. 08.13.090 which contemplates examination "within the field of practice for which the applicant is seeking a license", and to A.S. 08.13.100(b) which provides that "A license shall state the areas of practice the practitioner is qualified to perform." Again, that section provides for a designation as "barber", "hairdresser" or both, but neither is defined by the bill. Surely, if one is to be licensed in a limited area of practice, then one should not be required to successfully complete all courses offered.
12. It appears that A.S. 08.13.120 permits practice "outside of a place of business", but provides no criteria for such itinerant practice, particularly in the area of sanitation, and would appear to make it virtually impossible to subject such itinerant practitioner to any form of inspection, thus negating the intent.
13. If licensing and regulation of hairdressers and cosmetologists is deemed desirable for the protection of the consumers of the service, there appears to exist no logical reason for excluding from that protection communities of less than 1,000 people as provided by A.S. 08.13.150(b). The further question arises as to the status of an unlicensed practitioner in such a community who, after a period of some years of such practice, moves to a more populated area, or the area in which such person practices increases in population from 999 to 1,000. Would such a practitioner be suddenly illegal, or would he or she be somehow "grandfathered in"? There appears to be no reason why such a practitioner should not be required to be examined and licensed initially. The subsection should be eliminated.

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14. While A.S. 08.13.150(b) appears to create an exemption, the misdemeanor provisions of A.S. 08.13.180 contain no exception. Clarification would be helpful.
15. Page 8, line 10, "affect" is apparently intended to be "effect".
16. The loose definition of "cosmetology" in A.S. 08.13.220 may, conceivably, include manicurists, cosmeticians, and electrologists, but appears to be intended to cover only cosmeticians, although the phrase, "similar work" is subject to widely varying interpretations, and what is intended by "the human body" is likewise vague. For example, it could include pedicure, or even the occupation engaged in by massage parlors, erotic or otherwise. One may also wonder whether the head and the limbs are intended to be included in "the human body", or whether the phrase includes only the torso.
17. Although the minimum requirements of A.S. 08.13.082 [one year under (a), and six months under (b)] are understandable, the maximum requirements are not. If the language is changed to "not more than" instead of "not less than", the meaning is clearer, but the result would appear highly inequitable if the apprentice had to interrupt education for a period of time, such as for illness, resulting in going over the limitation. If A.S. 08.13.170 is intended to cure the problem such is not indicated by 082.
18. A number of states are requiring continuing professional education as a condition of license renewal. The bill proposed by the Alaska Hairdressers and Cosmetologists Association contained such a provision because customers should be entitled to know that new procedures, products, styles and safety provisions are known to the practitioner. This bill has no such provision, but it should.
19. The administrative disciplinary powers conferred upon the Board include only suspension and revocation of licenses. The harshness of the provisions often result in their failure of enforcement, or undue litigation efforts and expense on the part of the threatened licensee who needs to protect his right to earn a livelihood. Again, the bill proposed by the Association provided for the assessment of civil penalties or fines, which can often accomplish the desired result much more equitably,

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to
The Honorable Senator Bradley

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efficiently, and economically for the state as well as for the licensee. A specific power to issue orders to show cause might well speed up and facilitate the Board's administration of its disciplinary authority.

The attached draft statement for use by the various state chapters of the National Hairdressers and Cosmetologists Association discusses the wide differences between the professions which are not addressed by HB 978.

In conclusion, the bill, as written, appears to be in need of considerable revision if it is to accomplish the desired purposes equitably, with clarity, in the interest of the public, and without undue discrimination against cosmetologists who are considerably more numerous than barbers.

Very truly yours,

ROSE & BREEZE, P. C.

By: _____
Nissel A. Rose

cc: All members of Committee
Mr. Christian Basler
Alaska Hairdressers & Cosmetologists Association

NAR:lw

500.

STATEMENT BY THE
[STATE] HAIRDRESSERS AND COSMETOLOGISTS ASSOCIATION
CONCERNING THE MERGER OF THE
[STATE] BOARDS OF COSMETOLOGY AND BARBERING

For the past [number] years, the [State] Hairdressers and Cosmetologists Association has represented the concerns of the now more than [number] licensed cosmetologists in [state] and has been committed to ensuring high standards of professionalism among the practitioners of beauty culture. To this end, the [State] Hairdressers and Cosmetologists Association has sought to expand and intensify the curriculum of beauty schools and has supported an active role for the [state] board of cosmetology. However, because of such activities and because the officers of the [State] Hairdressers and Cosmetologists Association are themselves practicing cosmetologists, the [State] Hairdressers and Cosmetologists Association is vitally aware of the uniqueness of this profession and particularly the specialized skills required to service the patrons of beauty salons.

It is because of the distinctiveness of this profession that the [State] Hairdressers and Cosmetologists Association opposes the merger of the [state] boards of cosmetology and barbering. The qualifications and characteristics of these two professions are so diverse as to make it infeasible and therefore inappropriate for cosmetologists to serve on a board

which examines the qualifications of graduates of barber schools and conversely for barbers to evaluate the competency of graduates of beauty schools. It would be equally difficult for cosmetologists to fairly evaluate whether a barber's license should be suspended or revoked as it would be similarly infeasible to expect a barber to be able to judge the performance of a licensed cosmetologist. Therefore, the merger of these traditionally separate boards would do a disservice to both professions and would hinder the respective board members' ability to effectively fulfill their statutory obligations.

Moreover, there are limitations on a legislature's power to classify or merge various occupations with respect to licensure. In order to be lawful, the classification of occupations must be reasonable; accordingly, different classes must be regulated by different administrative bodies. Although the differences among the established classes must be "substantial" to warrant separate administration, it is clear that they do not have to be "great" to require individual licensing.

The disparity between the cosmetology profession and the barbering profession clearly requires separate and distinct licensing requirements and separate and distinct regulatory boards. The disparity is most noticeably reflected in the diversity of the services each renders to its particular clientele. Since the cosmetologist primarily serves female patrons, fashion is a critical factor in the performance of the art of hairdressing. It

is not enough to know how to cleanse and cut hair. A licensed cosmetologist must be an expert in hairstyling and be able to cut, set and comb out a patron's hair so that it not only reflects the latest trends in hair fashion but also suits the personality and physiognomy of the customer.

Since women can wear their hair short or long, straight or curly, twisted into French knots or corn rows, plain or adorned with ribbons, hairpieces, combs or barretts, it is obvious that the hairdresser requires different skills than the barber who remains essentially immune from the vagaries of hair fashion. In order to achieve certain effects, the hairdresser must be trained in finger-waving, wigology, curling, singeing, thinning, tinting, streaking, bleaching, rinsing, permanent waving, hair straightening, pin and roller curling as well as iron curling. Many of these skills would be of little service in a barber shop.

In addition, because the salon owners service a female clientele, the licensed cosmetologist must be skilled in the application of cosmetics. Not only do hairdressers need to understand the use and advantages of such cosmetics as eyeshadow, rouge and nail polish, but they must also be able to arch and tint eyebrows as well as remove facial hair by the use of tweezers, wax, depilatories and electricity or camouflage such superfluous hair by bleaching, again employing techniques not required by barbers who service their clients more appropriately by shaving off facial hairs.

Because cosmetologists and barbers provide different services to their patrons, they generally rely on different instruments and tools. It is the rare occasion at most that a barber would be called on to use hair pins, bobby pins, clips, curlers, rollers, hair nets, curling irons, hair dryers or eyebrow tweezers. It would be equally unusual for a cosmetologist to wield a straight razor during the course of a traditional day's practice.

Such diversity in the services performed and the implements used are reflected in the differences in the curriculum provided and often required by statute in schools that train future cosmetologists and barbers. The very fact that there are beauty schools which are separate and distinct in ownership and operation from barber schools underscores the separateness of the two professions. A perusal of the subjects offered in beauty schools indicates that cosmetologists emphasize clinical instruction and receive extensive training in hair styling, permanent waving (a service which barbers are prohibited by law from offering in California and several other states), cosmetics, hair coloring and lightening as well as the care and styling of wigs.

In addition, a survey of the hours of training required for cosmetologists and barbers reveals that cosmetologists in 29 states were required by law to have considerably more instruction than student barbers. In another 13 states, both professions have an equal number of training

hours, leaving only 8 states where cosmetologists receive less instruction than barbers. In fact, cosmetologists generally receive 1,000 to 2,500 hours of training in contrast to barbers who receive from 0 to 2,000 hours. Further, not only are cosmetologists' apprenticeship training periods generally longer than in the barber apprenticeship programs, but the minimum educational qualifications for admission to beauty schools are higher than the requirements for acceptance in barber schools.

Finally, the existence of two separate and distinct professions is confirmed by the fact that there are now and traditionally have been two separate trade associations, the National Hairdressers and Cosmetologists Association, Inc., which represents the concerns of the licensed cosmetologist and the Associated Master Barbers and Beauticians Association which represents the practicing barber. Each explores the interests and deals with the problems unique to its membership. Although there is informational exchange between the two groups, each association works to service the particular needs and express the views of their individual members.

Thus, it is imperative that the [state] board of cosmetology and the [state] board of barbering continue to function as two separate entities. The cosmetologist and the barber serve different clients, perform different services, use different implements, study different courses and have different interests as reflected in the existence of their separate

trade associations. The [State] Hairdressers and Cosmetologists Association therefore opposes the merger of these two distinctive licensing boards so that applicants and practitioners alike can be evaluated by those best suited to judge their capabilities and their performance.

Combine W/ Händuss

BOARD OF BARBER EXAMINERS SUNSET

KEY TO REFERENCES:

- (Y) - (yellow cover) - State of Alaska Sunset Review, 1979, Prepared by The Division of Occupational Licensing.
- (B) - (blue cover) - Division of Legislative Audit Performance Review.
- (W) - (white cover) - Senate Commerce Committee Public Hearing testimony, October 22, 1979.

- 1. The Barber Examiners Board should not be continued.
 - (Y) - p. 1, par. 2.
 - (B) - p. 8, par. 4.

If The Board of Barber Examiners is to be continued then the following changes/recommendations are suggested:

- A. The Board should review its examination procedures and develop a valid, consistent examination and grading standard.
 - (Y) - p. 5, par 1; p. 6, par 3; p. 7, par 2; p. 9, par 3; p. 12, par 5; p. 13, par 5.
 - (W) - p. 2, p. 6, p. 8.
 - (B) - p. 10, recommendation #2.
- B. There should be an inclusion of two public members on the board without increasing its overall size. (5)
 - (Y) - p. 11, par. 3; p. 13.
 - (W) - p. 6, par. 1.
 - (B) - p. 11, recommendation #4; p. 12, last par.
- C. The five (5) year Alaska License restriction for Board members should be deleted. (08.12.020)
 - (Y) - p. 9, par. 5; p. 13. par. 4.
 - (B) - p. 12, par. 3 (definition of the statute in question)
- D. Board Membership should be limited to two consecutive terms.
 - (Y) - p. 13, par. 4.
 - (W) - p. 23.
 - (B) - p. 11, last par.; p. 12, par. 5 & last par.
- E. Statutory authority for reciprocity should exist for obtaining a license. Presently, licensure is by examination only.
 - (Y) - p. 9, par. 4; p. 13, par. 4.
 - (B) - p. 7, par. 4; p. 9, par. 4; p. 10, par. 1.
- F. Section 08.12.270 should be repealed. (applies to a person engaged in barbering in a community having more than 1,000 persons, etc.)

BOARD OF BARBER EXAMINERS

(Y) - p. 9, par. 4; p. 10, par. 3; p. 13, par. 4.

G. Section 08.12.180 should be repealed. (Licensing of person barbering before 1957 without examination.)

(Y) - p. 13, par. 3. (this is now obsolete. If a person in this category does not have a license by now he never will. Formality.)

H. Change Fees - Board recommendation

Section 08.12.080. [EXAMINATION] FEES. An applicant [FOR EXAMINATION] shall submit with his application a [AN EXAMINATION] fee as follows:

(1) examination for apprentice barber registration [LICENSE]..... \$25

(2) annual apprentice registration fee [EXAMINATION FOR BARBER TEACHER LICENSE].... \$10 [\$75]

(3) annual barber license fee.... \$15

(4) annual barber teacher license fee.... \$50

(5) annual barber school or college license fee.. .. \$150

(6) examination for barber teacher license.... \$75

GENERAL COMMENTS:

The Board of Barber Examiners should establish formal goals, objectives, and quantifiable measures which should be included in the Division of Occupational Licensing's budget document.

THE BOARD DOES NOT HAVE A STATEMENT OF GOALS AND OBJECTIVES TO DATE ACCORDING TO THE O. L. REPORT (Y).

(B) - p. 14, recommendation #7.

The testimony of the Barber Examiners hearing on October 22, 1979 said very little regarding significant changes and recommendations.

Board of Barber Examiners
Audit Report Page 21

| | |
|--|-----------------|
| <u>Expenditures</u> | <u>\$11,243</u> |
| Personal Services (Allocated Expense) | 6,358 * |
| Travel Expense and Per diem | 2,231 |
| Contractual & Office Supplies | 2,654 ** |

* * Indicates that the amount above is an estimate due to the total expense of the Division of Occupational License being divided up among all the various boards.

**Also an estimated cost. This is 2% of the total Division of Occ. License expenses for personal services.

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

POUCH D

JUNEAU, ALASKA 99811

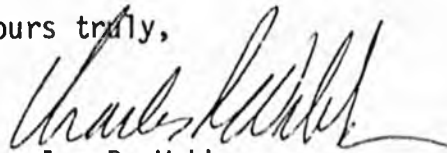
October 19, 1979

Alaska State Legislature:

Transmitted herewith, pursuant to AS 44.66.050, are the reports of the Alaska State Board of Barber Examiners and Board of Hairdressing and Beauty Culture Examiners.

This evaluation, supplemental to the Department's testimony before the Legislature, serves to focus attention upon the questions of whether or not the boards are best serving the interests of the public. Data as provided by the Division of Occupational Licensing, the board members, licensees and members of the public has been received, reviewed and evaluated.

Yours truly,



Charles R. Webber
Commissioner

CRW/kkk3/15

STATE OF ALASKA
Board of Barber Examiners
July, 1979

Findings

The Board of Barber Examiners was created in 1957. Members of this profession, and the Board, are regulated under AS 08.12; control over health and sanitation of facilities is with the Department of Health and Social Services (AS 08.12.030(2) and AS 18.05.040(9)).

Alternatives to the present operation of the Board and to State regulation of the barbering profession are discussed in this review; however, we believe that the review indicates termination of the Board and licensing.

I. General Information

A. Regulated Parties

1. Barbers

B. Definitions

"Barbering includes the following practices when performed for hire or reward:

- (1) shaving or trimming the beard or cutting the hair;
- (2) giving facial and scalp massages or treatments with oils, creams, lotions or other preparations either by hand or mechanical appliances;
- (3) singeing, shampooing, dressing or dyeing the hair or applying hair tonics." (AS 08.12.280)

C. Nature and Composition of Board

1. Board members and terms:

(No specified length of term and no restrictions regarding consecutive terms or numbers of terms.)

Don A. Noll
Manual Norat
James Russi
Elmo Kienbaum
Maurice Smith

2. Representation:

Profession = 5 (by statute)

Public = 0

3. Qualifications:

Four members shall be from separate major senatorial districts and the fifth from the district having the largest number of practicing licensed barbers. Each member shall be a practicing barber who has engaged in barbering the State for at least five years prior to his appointment.

D. Licensing Data

Currently licensed:

| | | | |
|--------------|---|-----------|--------------|
| in-State | = | 204 | |
| out-of-State | = | <u>40</u> | |
| Total | | 244 | (July, 1979) |

E. Fees

| | |
|--------------------------------|---------|
| 1. barber license exam | \$25.00 |
| 2. teacher license exam | 75.00 |
| 3. annual relicensure | 10.00 |
| 4. annual teaching relicensure | 50.00 |
| 5. annual school/college fee | 150.00 |
| 6. temporary permit | 25.00 |

F. Board Revenues and Expenditures

| | FY '76 | FY '77 | FY '78 | FY '79 |
|-------------------------------|-------------------|-------------------|-------------------|-------------------|
| Receipts | \$4,087.00 | \$5,005.54 | \$4,410.18 | \$4,369.00 |
| -Refunds | <u>-</u> | <u>35.00</u> | <u>10.00</u> | <u>95.00</u> |
| Total | 4,087.00 | 4,970.54 | 4,400.18 | \$4,274.00 |
| Expenditures | | | | |
| Per Diem | 1,152.50 | 1,714.50 | 1,297.75 | 1,227.50 |
| Transportation | 586.93 | 583.61 | 723.22 | 1,647.25 |
| Phone | 20.75 | 74.20 | 84.30 | 464.86 |
| Printing, Adver. & Postage | 558.61 | 425.96 | 228.49 | 272.78 |
| Fees & Services | 170.40 | 115.00 | 300.00 | 35.00 |
| Rents, Leases & Other | <u>-</u> | <u>-</u> | <u>300.00</u> | <u>725.65</u> |
| Total | <u>\$2,489.19</u> | <u>\$2,913.27</u> | <u>\$2,933.76</u> | <u>\$1,498.29</u> |
| Surplus | \$1,597.81 | \$2,057.27 | \$1,466.42 | \$2,775.71 |
| Deficit | - | - | - | - |

(EXCLUDES DIVISION OF OCCUPATIONAL LICENSING ADMINISTRATIVE OVERHEAD)

G. Complaints

Eight of the twelve complaints filed with the administrative agency from January, 1976 through June, 1979 were complaints against the Board regarding its examination procedures. The remaining four cases consisted of complaints that individuals were practicing barbering without a license. Although these were filed in 1976 and 1977, only one has been closed. All complaints against the Board (filed in 1978) remain open.

H. Professional Qualifications

None. Most states require barber training or schooling as a prerequisite to licensure.

II. Analysis

- A. To what extent has the Board of Barber Examiners operated in the public interest?

The Board is statutorily required to issue licenses and permits to qualified individuals or schools, to examine applicants for a barber teacher license, and to regulate conduct and standards of teaching facilities. The Board also has general powers which it may exercise: (1) adoption of examinations in accordance with nationally recognized standards; (2) adoption of reasonable rules and regulations relative to sanitation - ultimate control over health and sanitary conditions is expressly cited as being with the Department of Health and Social Services; (3) suspension of licenses for failure to maintain sanitary standards; (4) inspection of shops; (5) adoption of rules concerning Board operations; (6) delegation of examination, inspection and enforcement powers; and (7) other acts and things necessary to carry out the purposes of AS 08.12.

The Board of Barber Examiners has experienced several problems with its past examinations and procedures. Eight of twelve complaints filed with the administrative agency from January, 1976, through June, 1979, were complaints against the Board regarding its examination.

All applicants for licensure must take an examination. No statutory authority exists by which the Board may license through endorsement or reciprocity. In addition to the written portion of the examination, a practical portion is given consisting of four parts: haircut, shampoo, shave and massage. A passing grade of 75% must be attained on the written portion and on all parts of the practical portion. If any part of the practical is failed, the applicant must retake all four parts.

The written examination given by the Board in the past has contained a variety of types of questions (i.e., multiple choice, short essay, fill-in-the-blank). No key was utilized by the Board in grading which appears to have resulted in some inconsistencies. The test utilized in April, 1979, was provided by the National Board of Barber Examiners of America. Two out of twelve applicants passed that examination and complaints were received regarding the relevancy of some questions. The Board is currently developing a pool of test questions, with answers, from which the Division of Occupational Licensing can formulate future examinations. In this way standard procedures will be established yet each exam will be different in content.

Administration of the practical examination has also met with considerable criticism. In August of 1978 a meeting was held with the Board, representatives of the Department of Law and Division of Occupational Licensing and a representative from the Office of the Governor. The purpose of the meeting was to review allegations of impropriety on the part of the Board and to develop guidelines to assist the Board in its future operations. One Board member, who owns a barber school in the State, was advised to refrain from grading students of his facility.

The member has complied with this advice, however, he has participated in grading of other applicants. Because scores are averaged, such a procedure could work to the disadvantage of "nonstudents." A review of files of applicants who have been licensed since mid-1974 (and are still active) indicate that a significant percentage (84%) were given exactly the same passing grade (75) on all parts of the practical examination by one member of the Board. In a few of these instances the proportionate points given did not total 75 and in one case proper addition would have failed the applicant.

Past Board procedure has been to review the examinations the day after they are given. Scores on some examination papers have been changed either at the time of scoring or during the Board review process. The Board has been made aware of the potential problems this procedure could generate and has been advised to discontinue this practice. The Board has also been advised to establish standard grading criteria for its own benefit as well as that of the applicants.

The Board has adopted regulations for the conduct of the practice of barbering in accordance with reasonable standards of sanitation. However, it does not inspect facilities or ensure that the regulations are being adhered to. Standards for barber schools and colleges also have been established by regulations as have application procedures and some examination information. AS 08.12.030(2) specifically provides that the Department of Health and Social Services have "ultimate control over health and sanitary conditions for all licensees under this chapter..." At its April, 1979, meeting the Board resolved not to involve itself in inspection activities but rather to leave this to other agencies.

The Board may suspend licenses for failure to maintain sanitation standards. There is no record of such an instance having come before the Board in recent years.

Applicants for licensure must submit evidence of good moral character (certified attestation by two parties), a health certificate, and "other information required" by regulation. There is no requirement that an applicant have attended barber school or training, or that (s)he have barbering experience. The Board has proposed statutory amendments which would establish an apprentice program and which would require either 1,500 hours or two years of schooling and/or training.

Statutory exemptions from licensure are licensed cosmetologists, persons engaged in barbering within a military reservation and persons barbering in a community of less than 1,000 persons, or more than 25 miles from such a community. (In analyzing the need for regulation of this profession, one may note that the public in small isolated communities apparently does not need protection.) The Board has also requested a statutory amendment which would delete the latter exception from licensure.

Temporary permits "shall" be issued by the Board to persons entering the State or transferrring from exempt status who have either a barber college diploma or a license issued by another jurisdiction. While new graduates from another state may be issued a temporary permit, none is provided for in-State graduates. The Board has, however, been issuing permits to these individuals. Permits are valid until the next examination and are nonrenewable (except that those failing the April, 1979 examination were reissued permits).

We believe that termination of the Board of Barber Examiners and cessation of State regulation of this profession would not have any significant impact on public well-being. No complaints have been received from the public or regarding any threat to public safety. Barbers do not utilize strong chemical agents. Monetary costs of services to the consumer are relatively minor. A bill was introduced during the 1979

Legislative session, SB 215, which would abolish the Board and relevant statutes (See Appendix A). This bill is now in the Senate Commerce Committee.

- B. To what extent has the operation of the Board of Barber Examiners been impeded or enhanced by existing statutes, procedures and practices which it has adopted, or any other matter, including budgetary, resource and personnel matters?

The greatest impediment to efficient Board operation has been its examination procedures. As previously noted, this has been discussed with the Board and suggestions were made to correct past deficiencies. The fact that the Board can license only by examination has created problems when individuals have demanded licensure by endorsement or reciprocity.

The Board has indicated that it feels the statutory exemption for barbers in small outlying communities is inappropriate. It has also requested that barber schooling or training be made a statutory requirement for licensure.

There is no term of membership provided for board members. The restriction on Board membership for only persons who have been licensed in the State for five years should be reexamined.

The Board of Barber Examiners has experienced some difficulty with respect to personnel and budgetary restrictions. Support staff is provided by the Division of Occupational Licensing and is presently adequate to serve Board needs; however, past employee turnover has impeded continuity and follow-up on Board requests. Fees and revenues for all boards and commissions under the jurisdiction of the Division of Occupational Licensing are collected through the Division and are deposited into a general fund. Monies deposited and withdrawn are identified by codes so that direct Board revenues and expenses may be determined.

The Board has encountered the same difficulties as have all other boards and commissions with respect to investigative services provided by the administrative agency. During FY'78 two investigator positions were vacant; as a result, one position was abolished by the Legislature. At the present time, two investigators are located in Anchorage with a Chief Investigator located in Juneau. An additional investigator position was approved in the FY '80 budget but will probably not be filled immediately due to vacancy factors incorporated into the personal service category of the budget. Procedural constraints of the administrative adjudication article of the Administrative Procedure Act (AS 44.62.330-630), while necessary, restrict timely disposition of litigation. Prioritization based on time, staffing and nature of alleged offense results in pursuit of only the most flagrant and potentially injurious licensing complaints. The administrative agency will continue to address the need for initial assessment and follow through on complaints with emphasis on magnitude of offense as it relates to public safety.

- C. To what extent has the Board of Barber Examiners recommended statutory changes which are generally of benefit to the public interest?

No amendments of consequence have been made to AS 08.12 since 1960.

If regulation of the profession is determined to be of benefit to the public interest, the following amendments requested by the Board would further those interests: (1) provisions for apprenticeship programs; (2) requirements for schooling or training as licensure qualifications; and (3) deletion of exemption for persons barbering in a community having less than 1,000 persons, or more than 25 miles from such a community.

- D. To what extent has the Board of Barber Examiners encouraged interested persons to participate in a report to it concerning the making and effect of its regulations and decisions, or to report to it concerning the effectiveness, economy, and availability of service which it has provided?

Notices of pending meetings and new or amended regulations are published in newspapers in the State by the administrative agency. Board regulations have not been amended since 1964. Meeting minutes for the past three years indicate no interest or participation by other than persons seeking examination privileges from the Board.

Public interests would be furthered by the presence of public members on the Board. "In recent years a number of states have added one or more public members (citizens with no particular interest in the occupation or profession governed by the board) to licensing boards in an effort to ensure that the interest of the public would be represented in decision-making."¹ The State of California, which provides for a one-third public membership on health care boards and a public majority on others has indicated that its experience with public members has been highly rewarding.

¹Shimberg, B. and Roederer, D., Occupational Licensing: Questions a Legislator Should Ask, The Council of State Governments, Lexington, Kentucky, March, 1978, p. 20.

- E. How efficiently are public inquiries or complaints regarding the activities of the Board of Barber Examiners processed and resolved?

Twelve compliants were filed with the administrative agency from January, 1976, through June, 1979; eight were from applicants regarding Board examination procedures, and four involving unlicensed activity were initiated by the agency. One of these cases had been closed (in September of 1978) as of June 30, 1979.

The administrative agency has been addressing investigative procedures and the need for timely disposition of complaints.

- F. To what extent does the Board of Barber examiners present qualified applicants to serve the public?

The only method the Board has of assuring qualification is the examination procedure. Applicants are not required to have schooling, training or experience and the Board is unable to accept verification of licensure in another jurisdiction for licensure without examination in Alaska. Past examination procedures, however, have not proved satisfactory as measurements of ability either. The administrative agency and the Board will continue to work toward valid examination and grading standards.

- G. To what extent have State personnel practices, including affirmative action requirements, been complied with by the Board of Barber Examiners in its own activities, and in its area of activity or interest?

Board staff consists of the support services of a licensing examiner employed by the Division of Occupational Licensing (also responsible for

four other regulated professions) who is hired through the State Personnel System and is subject to affirmative action requirements.

Affirmative action requirements are not applicable to statutory criteria for licensure.

H. To what extent are statutory, budgetary or other changes necessary to enable the Board of Barber Examiners to better serve the interests of the public?

If the board is reestablished, the following statutory amendments are suggested: (1) deletion of the requirement that Board members come from separate senatorial districts and the five year Alaska license restriction, length of terms should be established and number of consecutive terms limited, § 010; (2) inclusion of public members on the Board while not increasing overall size, § 020; (3) requirements for schooling or training as a condition of licensure, § 070; (4) biennial rather than annual license fees, §§ 090, 100 and 110; (5) requirement of health certification as a condition of renewal; (6) provisions for issuance of temporary permits to in-State graduates pending examination, § 160; (7) endorsement of applicants licensed in another jurisdiction with similar qualifications; (8) repeal of § 180; (9) repeal of exemption for persons barbering in a community with less than 1,000 persons, or more than 25 miles from such a community, § 270; and (10) provisions for apprentice programs.

The Board should establish examination and grading standards. It should work to solicit the interest and participation of those it regulates. Temporary permits should be issued only in accordance with statutory authority until and unless an amendment is made.

Board and administrative expenses outweigh revenues collected through regulation of this profession. Fees collected are not adequate to cover transportation and per diem for meetings and examinations, and Division of Occupational Licensing overhead such as staff salaries and investigative services.

Introduced: 2/13/79
Referred: Commerce

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2 SENATE BILL NO. 215

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act abolishing the Board of Barber Examiners."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 08.01.010(2), AS 08.03.010(b)(2), AS 08.12, and AS 44.-
9 62.330(a)(1) are repealed.

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SB 215

Chapter 12. Barbers

Article

1. Board of Barber Examiners (§§ 08.12.010-08.12.050)
2. Examination and Licensing (§§ 08.12.060-08.12.190)
3. Barber Schools and Colleges (§§ 08.12.200-08.12.240)
4. Unlawful Acts and Penalties (§§ 08.12.250-08.12.260)
5. General Provisions (§§ 08.12.270-08.12.280)

Article 1. Board of Barber Examiners.

Section

10. Creation and membership of board
20. Qualifications of board members
30. General powers of board
40. Meetings and examinations
50. Board expenses

Sec. 08.12.010. Creation and membership of board. There is created the Board of Barber Examiners, referred to in this chapter as the board, composed of five members appointed by the governor. Four members of the board shall be from separate major senatorial districts. The fifth member shall be appointed from the district having the largest number of practicing licensed barbers. The members serve at the pleasure of the governor. (§ 1 art II ch 68 SLA 1957; am § 1 ch 168 SLA 1960)

Sec. 08.12.020. Qualifications of board members. Each member of the board shall be a practicing barber who has engaged in barbering in the state for at least five years prior to his appointment. Engaging in the practicing of barbering within a military reservation is not qualifying experience. (§ 2 art II ch 68 SLA 1957)

Sec. 08.12.030. General powers of board. The board may

(1) adopt examinations in accordance with standards provided by any nationally recognized manual of barber science and examine applicants for licenses to engage in the practice of barbering;

(2) adopt rules and regulations for the conduct of the practice of barbering in accordance with reasonable standards of sanitation which do not derogate from the ultimate control over health and sanitary conditions for all licensees under this chapter which is in the Department of Health and Social Services;

(3) suspend licenses for failure to maintain standards of sanitation prescribed by the board;

(4) conduct inspections of barber shops to insure that standards of sanitation are being maintained, except that the board may not

conduct a second inspection of the same shop within 90 days after the first inspection;

(5) adopt rules of procedure for its own organization and conduct of its meetings, examinations, and inspections;

(6) delegate its powers of examination, inspection, and enforcement to a member of the board to be exercised in the judicial district in which he resides;

(7) do such other acts and things necessary to carry out this chapter. (§ 3 art II ch 68 SLA 1957; am § 2 ch 168 SLA 1960; am § 6 ch 104 SLA 1971)

Sec. 08.12.040. Meetings and examinations. The board shall meet as often as necessary to conduct its business but shall hold at least one examination in each year in which applications for a license have been filed. (§ 4 art II ch 68 SLA 1957)

Sec. 08.12.050. Board expenses. Members of the board receive no salary, but are entitled to per diem and expenses authorized by law. (§ 5 art II ch 68 SLA 1957)

Article 2. Examination and Licensing.

Section

- 60. License required
- 70. Application
- 80. Examination fees
- 90. License fee for barbers
- 100. License fee for barber teachers
- 110. License fee for barber schools
- 120. Licenses
- 130. Display of licenses
- 140. [Repealed]
- 150. Reinstatement of lapsed license
- 160. Temporary permit
- 170. Issuance of temporary permit
- 180. License for certain resident barbers
- 190. Deposit of receipts

Sec. 08.12.060. License required. No person may engage in the practice of, or attempt to practice, barbering without a license or permit issued by the board. (§ 1 art III ch 68 SLA 1957)

Sec. 08.12.070. Application. A person wishing to practice barbering shall apply to the board by submitting

- (1) evidence of his good moral character;
- (2) a certificate of health from a physician; and
- (3) other information required under regulations adopted by the board. (§ 2 art III ch 68 SLA 1957)

Sec. 08.12.080. Examination fees. An applicant for examination shall submit with his application an examination fee as follows:

- (1) examination for barber license.....\$25
 - (2) examination for barber teacher license.....\$75
- (§ 3 art III ch 68 SLA 1957; am § 3 ch 168 SLA 1960)

Sec. 08.12.090. License fee for barbers. The annual fee for a license to engage in barbering is \$10. (§ 5 art III ch 68 SLA 1957; am § 6 ch 168 SLA 1960; § 3A art III ch 68 SLA 1957; added by § 4 ch 168 SLA 1960)

Sec. 08.12.100. License fee for barber teachers. The annual fee for a license to engage in the teaching of barbering is \$50. (§ 3A art III ch 68 SLA 1957; added by § 4 ch 168 SLA 1960)

Sec. 08.12.110. License fee for barber schools. The annual fee for a license to conduct a barber school or college is \$150. (§ 2 art V ch 68 SLA 1957; am § 8 ch 168 SLA 1960; § 3A art III ch 68 SLA 1957; added by § 4 ch 168 SLA 1960)

Sec. 08.12.120. Licenses. Licenses shall be issued by the board to any applicant who passes the examination and who possesses the other necessary qualifications. Each license and temporary permit shall have a photograph of the licensee attached. (§ 4 art III ch 68 SLA 1957; am § 5 ch 168 SLA 1960)

Sec. 08.12.130. Display of licenses. Every licensee or permittee shall display his license or permit in a conspicuous place in his place of business. Owners, operators, and managers of shops and schools are responsible for the display of all licenses held by their employees. (§ 4 art III ch 68 SLA 1957; am § 5 ch 168 SLA 1960)

Sec. 08.12.140. Duplicate license or permit. Repealed by § 7 ch 94 SLA 1968.

Sec. 08.12.150. Reinstatement of lapsed license. A lapsed license may be reinstated if it has not remained lapsed for more than five years. (§ 5 art III ch 68 SLA 1957; am § 6 ch 168 SLA 1960; am § 4 ch 94 SLA 1968)

Sec. 08.12.160. Temporary permit. Any person entering the state or transferring from a practice exempt under the provisions of § 27C of this chapter, and who desires to engage in barbering who has (1) a diploma from a barber college accredited by the board or (2) a bona fide license issued by another territory or state, shall be issued a temporary permit, valid until the next examination given by the board. (§ 6 art III ch 68 SLA 1957)

Sec. 08.12.170. Issuance of temporary permit. A temporary permit may be issued by any member of the board upon application under terms and conditions established by regulations of the board, and upon the receipt of an application fee of \$25. The fee shall be credited to the temporary permittee, who shall be permitted to take an examination for a regular license without any additional fee. Upon taking the examination, the holder shall surrender the temporary permit to the board or the committee conducting the examination. (§ 7 art III ch 68 SLA 1957)

Sec. 08.12.180. License for certain resident barbers. The board shall issue a license without examination to a person who was engaged in the practice of barbering in the state, before March 18, 1957. Application for a license shall be accompanied by payment of a fee of \$25, an affidavit that the applicant qualifies for a license under this section, and a certificate of health from a physician that the applicant has no contagious or infectious disease. (§ 8 art III ch 68 SLA 1957)

Sec. 08.12.190. Deposit of receipts. All money received by the board shall be paid into the general fund of the state. (§ 9 art III ch 68 SLA 1957)

Article 3. Barber Schools and Colleges

Section

- 200. Regulation by board
- 210. License required
- 220. Application
- 230. Examination
- 240. School license

Sec. 08.12.200. Regulation by board. The board shall provide for the conduct and supervision of barber schools and colleges in the state. The board shall adopt regulations establishing standards of sanitation and skill for barber schools and colleges and the teachers and instructors. (§ 1 art V ch 68 SLA 1957; am § 8 ch 168 SLA 1960)

Sec. 08.12.210. License required. No person may operate a barber school or college, or teach in a barber school or college, without a barber teacher license issued by the board. (§ 2 art V ch 68 SLA 1957; am § 8 ch 168 SLA 1960)

Sec. 08.12.220. Application. A person wishing to operate a barber school or college or teach in a barber school or college shall apply for examination and licensing to the board and submit

(1) evidence of his good moral character satisfactory to the board;

(2) a certificate of health from a physician;

(3) a diploma from a nationally accredited barber school or college offering a course in barber science evidencing the applicant's qualifications as a barber teacher;

(4) such other information as may be required by regulations adopted by the board. (§ 3 art V ch 68 SLA 1957; am § 8 ch 168 SLA 1960)

Sec. 08.12.230. Examination. Each applicant for a barber teacher license shall demonstrate to the board by passing an examination in theory and practice that he has the ability to instruct barber students in subjects necessary to qualify them as competent barbers. (§ 4 art V ch 68 SLA 1957; am § 8 ch 168 SLA 1960)

Sec. 08.12.240. School license. No person may operate a barber school or college without a license issued by the board. The board shall issue a license if it finds that the school or college is properly staffed with licensed barbers and the premises and equipment are sufficient, sanitary, and proper. (§ 5 art V ch 68 SLA 1957; am § 8 ch 168 SLA 1960)

Article 4. Unlawful Acts and Penalties.

Section

250. Failure to possess license

260. Suspension of license

Sec. 08.12.250. Failure to possess license. A person who practices, or attempts to practice barbering or operates a barber school or college or teaches in a barber school or college without a license is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$500, or by imprisonment for a period of not more than 30 days, or by both. (§ 1 art IV ch 68 SLA 1957; am § 7 ch 168 SLA 1960)

Sec. 08.12.260. Suspension of license. The board may suspend the license or permit of a person who violates any provision of this chapter. The board shall suspend the license of a person who, by his acts, gives evidence that he is not of good moral character, or who uses narcotics or overindulges in the use of alcoholic beverages while practicing his profession, until it is satisfied that he will conduct his profession in a proper manner. (§ 2 art IV ch 68 SLA 1957)

Article 5. General Provisions.

Section

270. Application of chapter

280. Barbering defined

Sec. 08.12.270. Application of chapter. This chapter applies to a person engaged in barbering in a community in the state having a population of more than 1,000 persons, or within 25 miles of such a community. Persons engaged in barbering entirely within a military reservation and licensed cosmetologists are excepted from this chapter. (§ 2 art I ch 68 SLA 1957)

Sec. 08.12.280. Barbering defined. Barbering includes the following practices when performed for hire or reward:

- (1) shaving or trimming the beard or cutting the hair;
- (2) giving facial and scalp massages or treatments with oils, creams, lotions or other preparations either by hand or mechanical appliances;
- (3) singeing, shampooing, dressing or dyeing the hair or applying hair tonics. (§ 1 art I ch 68 SLA 1957)

STATE OF ALASKA
BOARD OF HAIRDRESSING AND BEAUTY CULTURE EXAMINERS
June, 1979

Findings

This Board was created in 1957 and, until the past year, has met annually to conduct its affairs. Members of this profession are regulated by AS 08.28; control over health and sanitation is with the Department of Health and Social Services (AS 18.05.040). Alternatives to the present operation of the Board and to regulation of this profession are discussed in this review.

I. General Information

A. Regulated Parties

1. Schools
2. School owners
3. Instructors
4. Operators
5. Shop owners
6. Shop managers
7. Demonstrators
8. Consultants
9. Apprentices
10. Manicurists

B. Definitions

"(10)" 'practice of hairdressing and beauty culture' is engaging, for compensation or other reward, in any of the following practices: (A) arranging, dressing, curling, waving, cleansing, singeing, bleaching, coloring, or similar work on a wig or hair piece of artificial or human hair, or upon the hair of a living person by any means; (B) trimming hair, as a part of hairdressing; (C) utilizing cosmetic preparations, antiseptics, tonics, lotions, or creams, with the hands or with a mechanical or electrical apparatus, in massaging, cleansing, stimulating, manipulating, exercising, or beautifying the scalp, face, neck, arms, hands, bust, or upper part of the body of a person, for the purpose of beautification;" (08.28.320)

C. Nature and Composition of Board

1. Board members and terms:

Three-year term (no restrictions regarding consecutive terms or number of terms).

| | |
|------------------------|--------------------|
| Hester Pumphrey, | Ends June 15, 1978 |
| Ione Lambert, Chairman | Ends June 15, 1979 |
| Maria Dunham | Ends June 15, 1980 |
| Dennis Milhouse | Ends June 15, 1981 |

2. Representation:

| | | | |
|------------|---|---|--------------|
| Profession | = | 5 | (by statute) |
| Public | = | 0 | |

3. Qualifications:

Board members must be adults, United States citizens and Alaska residents. Four members must have at least five years' experience as an operator, manager-operator, or owner-operator, and one member must have at least three years' experience as the owner, manager, or instructor of a licensed beauty school. All members must remain active and shall take an oath of office. (AS 08.28.030)

D. Licensing Data

Current Licenses

| | | | |
|--------------|---|------------|---------------------|
| in-State | = | 1,466 | |
| out-of-State | = | <u>328</u> | |
| TOTAL | = | 1,794 | (through May, 1979) |

E. Fees

| | | |
|--------------------------------------|--|----------|
| 1. schools | | |
| registration and initial license fee | | \$500.00 |
| biennial Renewal | | 200.00 |
| 2. school owner | | |
| registration and initial license fee | | 40.00 |
| biennial renewal | | 30.00 |
| 3. instructor-operator: | | |
| registration and initial license fee | | 40.00 |
| biennial renewal | | 30.00 |
| 4. owner-operator: | | |
| registration and initial license fee | | 25.00 |
| biennial renewal | | 20.00 |
| 5. owner only, beauty shop: | | |
| registration and initial license fee | | 25.00 |
| biennial renewal | | 20.00 |

| | | |
|-----|--------------------------------------|-------|
| 6. | manager-operator: | |
| | registration and initial license fee | 25.00 |
| | biennial renewal | 20.00 |
| 7. | demonstrator or consultant: | |
| | registration and initial license fee | 40.00 |
| | biennial renewal | 30.00 |
| 8. | operator: | |
| | registration and initial license fee | 15.00 |
| | biennial renewal | 10.00 |
| 9. | apprentice or student: | |
| | registration and initial license fee | 5.00 |
| | annual renewal | 3.00 |
| 10. | manicurist: | |
| | registration and initial license fee | 15.00 |
| | biennial renewal | 10.00 |
| 11. | examination fee | 15.00 |
| 12. | investigation fee | 25.00 |

F. Board Revenues and Expenditures

| | FY '76 | FY '77 | FY '78 | FY '79 |
|-------------------------------|------------------------|------------------------|------------------------|------------------------|
| Receipts | \$23,245.00 | \$22,248.00 | \$22,237.00 | \$27,568.00 |
| - refunds | <u>170.00</u> | <u>285.00</u> | <u>416.00</u> | <u>598.00</u> |
| TOTAL | \$23,075.00 | \$21,963.00 | \$21,821.00 | \$26,970.00 |
| Expenditures | | | | |
| Transportation | 1,063.01 | 1,752.03 | 1,086.96 | 1,892.83 |
| Per Diem | 2,678.75 | 2,700.00 | 2,133.41 | 2,211.25 |
| Phone | 83.85 | 61.73 | 127.75 | 518.45 |
| Printing, Adver. & Postage | 902.44 | 818.79 | 405.70 | 288.52 |
| Fees & Services | 368.50 | 486.50 | 347.50 | 483.00 |
| Rents, Leases & Other | <u> </u> | <u>125.00</u> | <u>411.00</u> | <u>507.88</u> |
| Total | \$ 5,096.55 | \$ 5,944.05 | \$ 4,512.32 | \$ 5,901.93 |
| Surplus | \$17,978.45 | \$16,018.95 | \$17,308.68 | \$21,068.07 |
| Deficit | - | - | - | - |

(EXCLUDES DIVISION OF OCCUPATIONAL LICENSING ADMINISTRATIVE OVERHEAD)

G. Complaints

As of June 1, 1979, five complaints remain open in agency files and six are pending closure on Board approval. Sixty-seven were purged in 1978 and are pending closure due to lack of jurisdiction or age of the complaint. One of the open cases has been on-going since

1972 with continual infractions and complaints from a number of sources. Another case alleges physical injury to a member of the public (received a year after the alleged incident).

H. Professional Qualifications

All states require vocational training as a prerequisite to licensure.

II. Analysis

- A. To what extent has the Board of Hairdressing and Beauty Culture Examiners operated in the public interest?

Statutory powers and duties of the Board include examining applicants and issuing licenses. The written portion of the examination is a national test, composed and graded by the national organization. The Board is considering inclusion of a jurisprudence portion into this examination. A six-to-seven hour practical examination is also administered to newly graduated students. Monitoring and grading is done by the Board. Applicants must achieve a score of 75% in all portions of the examination and must retest in only the area(s) failed. The examination process is designed to demonstrate competency in a profession and helps to ensure that individuals are qualified to practice.

The Board also has responsibility for regulating and licensing schools of hairdressing and beauty culture. Four such schools exist in the State, one in Fairbanks, and three in Anchorage. The Board reviews and approves school layout, its curriculum, student-teacher ratios, necessary equipment, and other matters pertaining to training of students. Inspections of schools are conducted by the Board and by the State Department of Health and Social Services. 7 AAC 22.390 outlines the criteria by which the Department of Health and Social Services deter-

mines the sanitary status of establishments. The Board routinely inspects schools in Anchorage during the period in which it holds a scheduled meeting. It has not conducted inspections in Fairbanks; however, a board member was assigned this responsibility at the May, 1979, Board meeting. It should be noted also that the Board has consistently found infractions in one particular school which has been the subject of numerous complaints from a variety of sources since 1972. Although the school has been admonished regarding its practices, no definitive action has been taken. The Board has the authority to suspend or revoke a license for good cause.

The Board may promulgate rules and regulations necessary to carry out the purposes of AS 08.28. It is now in the process of revising and updating current regulations and adding provisions concerning application procedures, qualifications, requirements for schools, and examination and grading procedures. Members of the profession have exhibited interest in the regulation making activity.

Most licenses are issued without examination to applicants who are already licensed in another jurisdiction. This practice facilitates entry into the profession as does that of issuing temporary licenses pending examination. A review of applicant files indicates that out-of-state applicants are usually licensed about 4-5 weeks from the date of application. The Board has been relying on its examiner from the Division of Occupational Licensing to verify qualifications and issue licenses. The Board has formally authorized this procedure at its May, 1979, meeting and will review and ratify licensures during a regularly scheduled meeting.

Applicants for licensure must be at least 17 years of age, of good moral character, have completed two years of high school or its equivalent, and have the required training or work experience. These items are addressed on application forms but are not verified. No school transcripts are required; although applicants are required to list three

character references, in no case has this information been checked or used for any purpose. Also included on the application are questions regarding such matters as length of residency in Alaska and future job prospects. The Board should review its applications and procedures for licensing.

Schools are required to submit quarterly reports to the Board on student or apprentice achievement and to notify the Board of enrollments and terminations. These records are maintained by the administrative agency as are all Board and licentiate files. The agency is in the process of implementing improved file and data maintenance procedures for all boards.

Barbers are excluded from the provisions of AS 08.28.

The Board has been discussing the advantages and disadvantages of continuing education requirements but has not yet formulated a position other than to agree that members of the profession should take every opportunity to upgrade their skills. The Board has recognized additional fields of beauty culture (i.e., shampooists, facialists, manicurists) and has expressed a desire to address these specifically through applicable guidelines and procedures. While it was stated as past policy that apprenticeships would not be allowed in towns where schools are located, the Board reversed this position at its May, 1979, meeting. It also rescinded a previous action which required the Division to release student examination scores to schools.

The Board and regulation of the beauty culture profession could be allowed to terminate on June 30, 1980, as provided by law, probably without significant adverse impact on the consuming public. Another alternative would be termination of the Board and assumption of the licensure functions by the administrative agency. Or practitioners could simply be registered by the administrative agency.

The Board could also be reestablished for another four years or less. If it is reestablished and/or regulation of this profession continues, consideration should be given to the suggestions for efficient operation noted in this review.

- B. To what extent has the operation of the Board of Hairdressing and Beauty Culture Examiners been impeded or enhanced by existing statutes, procedures and practices which it has adopted, or any other matter, including budgetary, resource and personnel matters?

Practices and policies which utilize standard examinations, standard endorsement procedures and the issuance of temporary permits are felt to facilitate entry of qualified applicants into the profession and to promote availability of services. Student and apprenticeship programs also function to provide career opportunities and services in the State.

The Board of Hairdressing and Beauty Culture Examiners has experienced some difficulty with respect to personnel and budgetary restrictions. Support staff is provided by the Division of Occupational Licensing and is presently adequate to serve Board needs; however, past employee turnover has impeded continuity and follow-up on Board requests. Fees and revenues for all boards and commissions under the jurisdiction of the Division of Occupational Licensing are collected through the Division and are deposited into a general fund. Monies deposited and withdrawn are identified by codes so that direct board revenues and expenses may be determined.

The Board has encountered the same difficulties as have all other boards and commissions with respect to investigative services provided by the administrative agency. During FY '78 two investigator positions were

vacant; as a result, one position was abolished by the Legislature. At the present time, two investigators are located in Anchorage with a Chief Investigator located in Juneau. An additional investigator position was approved in the FY '80 budget but will probably not be filled immediately due to vacancy factors incorporated into the personal service category of the budget. Procedural constraints of the administrative adjudication article of the Administrative Procedure Act (AS 44.62.330-.630), while necessary, restrict timely disposition of litigation. Prioritization based on time, staffing and nature of alleged offense results in pursuit of only the most flagrant and potentially injurious licensing complaints. The administrative agency will continue to address the need for initial assessment and follow through on complaints with emphasis on magnitude of offense as it relates to public safety.

Regulations concerning applications for licensure and examination procedures are being promulgated. A review of Board statutes indicates that changes should be considered either by the Board or by the Legislature.

The term "good moral character" should be either defined or deleted from the statutes.

AS 08.28.030 requires that all Board members also be members of the profession. Public members should be allowed on this Board, although an increase in total membership is not advocated. Members have not taken an oath of office as required.

In reference to § 090, the Board has not promulgated regulations specifically for apprentices, however, this is not mandatory. Formal procedures have been established.

The Board has requested draft legislation which would repeal § 150, admission of shop owner without examination. This statute allows a shop

owner to practice hairdressing or beauty culture without a license as long as he employs a licensed manager-operator. §§ 240, 250 and 260, all grandfather clauses, are recommended to be repealed.

- C. To what extent has the Board of Hairdressing and Beauty Culture Examiners recommended statutory changes which are generally of benefit to the public interest?

1976 amendments added to the powers and duties of the Board and included general items of a "housekeeping" nature.

Board minutes from 1976 reflect the Board's recommendation for legislation for shampooists, facialists and manicurists. There is no record of any recommendations by the Board for statutory changes that would be of specific benefit to the public.

- D. To what extent has the Board of Hairdressing and Beauty Culture Examiners encouraged interested persons to participate in and report to it concerning the making and effect of its regulations and decisions, or to report to it concerning the effectiveness, economy, and availability of service which it has provided?

The bulk of participation at Board meetings and hearings has come from the profession. Substantial professional interest is generated by promulgation of regulations, by enforcement activities, and by quality of training facilities. Very little general "public" concern with Board functions has been demonstrated. Notices of pending meetings and new or

amended regulations are published in major newspapers in the State. Positive steps could be taken by the Board and the Division to heighten public awareness, such as public service radio announcements or utilization of other media.

Public interests would be furthered by the presence of public members on the Board. "In recent years a number of states have added one or more public members (citizens with no particular interest in the occupation or profession governed by the board) to licensing boards in an effort to ensure that the interests of the public would be represented in decision-making."¹ The State of California, which provides for a one-third public membership on health care boards and a public majority on others, has indicated that its experience with public members has been highly rewarding.

- E. How efficiently are public inquiries or complaints regarding the activities of the Board of Hairdressing and Beauty Culture Examiners processed and resolved?

Five open complaints regarding this profession were on file with the administrative agency as of June, 1979. One of these alleged physical injury to a consumer; however, it is worth noting that the complaint was referred by another division and had been received by them a year after the alleged incident occurred. Six additional cases are pending Board approval for closure and sixty-seven were purged in 1978 due to age and/or lack of jurisdiction (also pending closure). The administrative agency has been addressing the need for investigative procedures and for timely disposition of complaints.

¹Shimberg, B. and Roederer, D., Occupational Licensing: Questions a Legislator Should Ask, The Council of State Governments, Lexington, Kentucky, March, 1978, p. 20.

One complaint against the Board is on file but Board records indicate this issue has been resolved.

- F. To what extent does the Board of Hairdressing and Beauty Culture Examiners present qualified applicants to serve the public?

Individuals wishing to practice must submit fees and application to the administrative agency with relevant information regarding qualifications. 12 AAC 24.020 provides that examinations for licensure be given on a quarterly basis. Applicants who are statutorily qualified and who demonstrate the required level of knowledge and proficiency are issued a license.

Current Board practices which allow for licensure by endorsement and the issuance of temporary work permits are conducive to entry into the profession by qualified persons.

- G. To what extent have State personnel practices, including affirmative action requirements, been complied with by the Board of Hairdressing and Beauty Culture Examiners in its own activities, and in its area of activity or interest?

Board staff consists of the support services of a licensing examiner employed by the Division of Occupational Licensing (also responsible to four other regulated professions), who is hired through the State Personnel System and is subject to affirmative action requirements.

Licenses in this profession are issued on the basis of specific statutory criteria. Affirmative action requirements are not applicable to licensure qualifications.

H. To what extent are statutory, budgetary, or other changes necessary to enable the Board of Hairdressing and Beauty Culture Examiners to better serve the interests of the public?

Public members should be included on the Board. Statutory amendments should be introduced which would repeal §§ 150, 240, 250 and 260.

The Board should explore methods of informing the general public of its existence and functions. It also should assume a more active roll in regulation and inspection of schools. The administrative agency will continue to address the need for assessment and follow through on complaints as well as record keeping procedures.

The Board should review and revise its application forms and procedures.

Board and administrative expenses outweigh revenues collected through regulation of this profession. Fees collected are not adequate to cover transportation and per diem for meetings and examinations, and Division of Occupational Licensing administrative overhead such as staff salaries, examination expenses, and investigative services.

Chapter 28. Cosmetologists and Hairdressers.

Article

1. Board of Hairdressing and Beauty Culture Examiners (§§ 08.28.010-08.28.090)
2. Licenses (§§ 08.28.100-08.28.260)
3. Miscellaneous Provisions (§§ 08.28.270-08.28.290)
4. General Provisions (§§ 08.28.300-08.28.320)

Article 1. Board of Hairdressing and Beauty Culture Examiners.

10. Creation and membership of Board of Hairdressing and Beauty Culture Examiners
20. Term of office and removal
30. Qualifications of board members
40. Powers and duties of the board
50. Meetings of the board
- 60 -70. [Repealed]
80. Standards for regulations
90. Special regulations

Sec. 08.28.010. Creation and membership of Board of Hairdressing and Beauty Culture Examiners. There is created a Board of Hairdressing and Beauty Culture Examiners, referred to in this chapter as the board. The board consists of five members appointed by the governor. (§ 3(1) ch 52 SLA 1957)

Sec. 08.28.020. Term of office and removal. Members serve a term of three years and at the pleasure of the governor. (§ 3(1) ch 52 SLA 1957)

Sec. 08.28.030. Qualifications of board members. (a) To qualify for membership on the board, a member must be an adult, a citizen of the United States, and a resident of the state.

(b) The governor shall appoint persons so that four members have at least five years' experience as an operator, manager-operator, or owner-operator, and one member has at least three years' experience as the owner, manager, or instructor of a beauty school licensed under this chapter. To remain on the board, a member must remain active in an activity that would qualify him for appointment under this subsection.

(c) Each member shall take the oath provided by law for public officers. (§ 3(1) ch 52 SLA 1957; am § 1 ch 101 SLA 1963)

Sec. 08.28.040. Powers and duties of the board. The board shall exercise general control over the vocations of hairdressing and beauty culture within the state. The board

- (1) shall examine applicants and issue licenses;
- (2) shall issue licenses for schools of hairdressing or beauty culture;
- (3) may suspend or revoke a license;
- (4) may promulgate rules and regulations relating to hairdressing or beauty culture, and hairdressing or beauty culture schools, necessary to effectuate the purposes of this chapter;
- (5) except as provided in § 280 of this chapter, may inspect schools and shops in order to enforce the provisions of this chapter;
- (6) may, on its own motion, and shall, upon receipt of a written complaint, investigate the practices of a person, shop, or school licensed under this chapter. (§ 3(2) ch 52 SLA 1957; am § 1 ch 104 SLA 1976)

Sec. 08.28.050. Meetings of the board. The board shall meet at least once each year for the conduct of its business. The annual meeting shall be held at the place designated by the majority of the board members.

The board shall, at its annual meeting, elect a president, vice-president and secretary-treasurer from its members. Board members serve without pay. However, each member is entitled to transportation and per diem allowances authorized by law. (§ 3(3) ch 52 SLA 1957)

Sec. 08.28.060. Duties of secretary-treasurer. Repealed by § 3 ch 59 SLA 1966.

Sec. 08.28.070. Salary of secretary-treasurer. Repealed by § 3 ch 59 SLA 1966.

Sec. 08.28.080. Standards for regulations. The board shall adhere as closely as possible to the rules, regulations, and standards prescribed and recommended by the "Allied Cosmetology Council of State Board, Schools, and Shops." (§ 13 ch 52 SLA 1957)

Sec. 08.28.090. Special regulations. The board may prescribe special rules and regulations for apprentices whose job training is supervised by the Department of Education under a vocational rehabilitation program. However, these apprentices, to become licensed, shall pass the standard licensing examination given by the board. (§ 14 ch 52 SLA 1957)

Article 2. Licenses

Section

- 100. License required
- 110. Qualifications of applicants
- 120. Examination and other requirements
- 130. Temporary license
- 140. Out-of-state licenses
- 150. Admission of shop owner without examination
- 160. [Repealed]
- 170. Fees
- 180. School license
- 190. Display of license
- 200 - 210. [Repealed]
- 220. Lapsed license
- 230. Grounds for revocation or suspension of license
- 240. Application of license provisions to existing operators
- 250. Application of license provisions to beauty schools
- 260. Credit to students for prior study

Sec. 08.28.100. License required. No person may engage in the practice of hairdressing or beauty culture or organize, open, or conduct a school of hairdressing and beauty culture without a license. (§ 2 ch 52 SLA 1957)

Sec. 08.28.110. Qualifications of applicants. An applicant for a license as an operator, manager-operator, demonstrator or consultant, owner-operator, or instructor-operator shall

- (1) be at least 17 years of age;
- (2) be of good moral character;
- (3) have completed two years of high school or its equivalent;
- (4) have training at least 2,000 hours, extending over a school term of not less than 50 weeks in a school of hairdressing or beauty culture approved by the board, or service as an apprentice under a licensed operator in a shop approved by the board or completed training and working experience as a hairdresser in another state or country which the board finds to meet the minimum requirements of this state. (§ 4(1) ch 52 SLA 1957; am § 2 ch 112 SLA 1959; am § 2 ch 104 SLA 1976)

Sec. 08.28.120. Examination and other requirements. An applicant shall pass an examination given by the board. The examination shall cover subjects designated by the board. The board shall fix the time and place for examination and shall give at least one examination each year. The board may delegate the power of examination to a committee of the board or a board member. The board may prescribe additional requirements for a license. (§ 4(2) ch 52 SLA 1957)

Sec. 08.28.130. Temporary license. The board may issue a temporary license or working permit to a graduate of an approved school of hairdressing or beauty culture or to an apprentice who has received on-the-job training which complies with the rules and regulations of the board. A temporary license or working permit is valid until the results of the examination given to the student or apprentice are announced. (§ 4(3) ch 52 SLA 1957)

Sec. 08.28.140. Out-of-state licenses. A person holding a current valid license from a board of cosmetology and hairdressing in another state or country is entitled to a license under this chapter without examination if he applies, accompanying his application with

(1) proof of a foreign license;

(2) proof that he has completed at least 2,000 hours of training in a hairdressing and beauty culture school or service as an apprentice under a licensed hairdresser in a shop approved by the board or completed training and working experience as a hairdresser which the board finds to meet the minimum requirements of the state;

(3) payment of an investigation fee. (§ 4(4) ch 52 SLA 1957; am § 3 ch 112 SLA 1959; am § 2 ch 101 SLA 1963; am § 1 ch 2 SLA 1965; am § 1 ch 46 SLA 1968; am § 3 ch 104 SLA 1976)

Sec. 08.28.150. Admission of shop owner without examination. A shop owner may be licensed without examination but, unless licensed as an operator, he shall not engage in the practice of hairdressing or beauty culture without employing a licensed manager-operator. (§ 4(4) ch 52 SLA 1957; am § 3 ch 112 SLA 1959)

Sec. 08.28.160. Examination fee. Repealed by § 3 ch 46 SLA 1968.

Sec. 08.28.170. Fees. The following fees shall be imposed under this chapter when applicable

(1) schools:

| | |
|---|-------|
| registration and initial license fee..... | \$500 |
| biennial renewal..... | 200 |

(2) school owner:

| | |
|---|----|
| registration and initial license fee..... | 40 |
| biennial renewal..... | 30 |

| | |
|---|----|
| (3) instructor-operator: | |
| registration and initial license fee..... | 40 |
| biennial renewal..... | 30 |
| (4) owner-operator: | |
| registration and initial license fee..... | 25 |
| biennial renewal..... | 20 |
| (5) owner only, beauty shop: | |
| registration and initial license fee..... | 25 |
| biennial renewal..... | 20 |
| (6) manager-operator: | |
| registration and initial license fee..... | 25 |
| biennial renewal..... | 20 |
| (7) demonstrator or consultant: | |
| registration and initial license fee..... | 40 |
| biennial renewal..... | 30 |
| (8) operator: | |
| registration and initial license fee..... | 15 |
| biennial renewal..... | 10 |
| (9) apprentice or student: | |
| registration and one-year permit fee..... | 5 |
| annual renewal..... | 3 |
| (10) manicurist: | |
| registration and initial license fee..... | 15 |
| biennial renewal..... | 10 |
| (11) examination fee..... | 15 |
| (12) investigation fee..... | 25 |

(§ 4(5) ch 52 SLA 1957; am § 4 ch 112 SLA 1959; am § 2 ch 46 SLA 1968; am §§ 4, 5 ch 104 SLA 1976)

Sec. 08.28.180. School license. The board shall prescribe rules and regulations for the licensing of schools of hairdressing and beauty culture. The rules and regulations shall include the financial respon-

sibility of the owner, details of the curriculum, minimum hours of instruction, and physical condition of the school premises and facilities. (§ 5 ch 52 SLA 1957)

Sec. 08.28.190. Display of license. Every licensee shall display his license in a conspicuous place in his place of business or in his working booth. Each shop owner or manager is responsible for the display of licenses held by employees in their shops. (§ 6(1) ch 52 SLA 1957)

Sec. 08.28.200. License year. Repealed by § 3 ch 59 SLA 1966.

Sec. 08.28.210. Duplicate licenses. Repealed by § 3 ch 46 SLA 1968; § 7 ch 94 SLA 1968.

Sec. 08.28.220. Lapsed license. A lapsed license may be reinstated, if the license has not been lapsed for a period of more than five years, and all renewal and delinquent fees for the period during which the license has been lapsed are paid. (§ 6(4) ch 52 SLA 1957)

Sec. 08.28.230. Grounds for revocation or suspension of license. The board may suspend or revoke a license for failure to comply with this chapter, or a rule, regulation, or order of the board. (§ 8 ch 52 SLA 1957)

Sec. 08.28.240. Application of license provisions to existing operators. A person holding a valid license as an operator issued before March 16, 1957, is not required to obtain a new license, but shall nevertheless comply with all other provisions of this chapter. (§ 12 ch 52 SLA 1957)

Sec. 08.28.250. Application of license provisions to beauty schools. Hairdressing and beauty culture schools shall comply with the licensing provisions of this chapter and with rules and regulations issued under it. Upon application and payment of the fee by a beauty school which has been in operation and teaching a course of not less than 2,000 hours for one year before January 1, 1957, the board shall issue a license for its operation. (§ 12 ch 52 SLA 1957)

Sec. 08.28.260. Credit to students for prior study. A student of a hairdressing and beauty culture school shall receive credit for hours of instruction completed before March 16, 1957, if the school substantially met the minimum standards for curricula, the qualification of instructors, and other rules and regulations established by the board under this chapter. If the school met the prescribed minimum standards for a period of six months or more preceding March 16, 1957, all students who have satisfactorily completed the course of instruction shall receive credit for the entire period of instruction. (§ 12 ch 52 SLA 1957)

Article 3. Miscellaneous Provisions.

Section

- 270. Record of achievement
- 275. Advertising
- 280. Control of health and sanitary conditions
- 290. Applicability of Administrative Procedure Act

Sec. 08.28.270. Record of achievement. Each licensee who supervises a student or apprentice shall submit quarterly to the board a record of achievement of the student or apprentice. (§ 3 ch 52 SLA 1957)

Sec. 08.28.275. Advertising. No person, shop, or school engaged in the practice of hairdressing or beauty culture may knowingly use false or deceptive statements in advertising its services. A hairdressing or beauty culture school representing itself to be approved or accredited shall indicate the organization or agency issuing the approval or accreditation. (§ 6 ch 104 SLA 1976)

Sec. 08.28.280. Control of health and sanitary conditions. Control over health and sanitary conditions in shops and schools licensed under this chapter is in the Department of Health and Welfare. (§ 7 ch 52 SLA 1957)

Sec. 08.28.290. Applicability of Administrative Procedure Act. Procedures and rules and regulations adopted under this chapter shall comply with the Administrative Procedure Act (AS 44.62). (§ 10 ch 52 SLA 1957; am § 5 ch 112 SLA 1959)

Article 4. General Provisions.

Section

- 300. Barbers excluded
- 310. Penalties
- 320. Definitions

Sec. 08.28.300. Barbers excluded. This chapter does not apply to barbers exclusively engaged in the occupation of barbering. (§ 11 ch 52 SLA 1957)

Sec. 08.28.310. Penalties. A person who engages in the practice of hairdressing or beauty culture without obtaining a license, or any person who organizes, opens or conducts a school of hairdressing or beauty culture, without obtaining a license, is guilty of a misdemeanor and upon conviction is punishable by imprisonment for a period of not more than 90 days, or by a fine of not more than \$300, or by both. (§ 9 ch 52 SLA 1957)

Sec. 08.28.320. Definitions. As used in this chapter, unless the context otherwise requires,

(1) "apprentice" is a person at least 17 years of age who has completed two years of high school or equivalent education, who receives on-the-job training on licensed premises and who does not receive a wage or commission, and for whose work no charge is made until the apprentice has received at least 350 hours of training;

(2) "demonstrator" or "consultant" is a person who practices hairdressing and beauty culture upon a person acting as a subject or model when the demonstration is performed before students, operators, manager-operators, instructors or individuals, shop owners, school owners, or any other public gathering;

(3) "instructor-operator" is a person who gives instruction in the practice of hairdressing or beauty culture in a school, who has passed the qualifications of an owner-operator or manager-operator, and who has passed an examination and holds an instructor-operator license;

(4) "manager-operator" is a person of legal age who operates or manages a hairdressing or beauty culture shop or school;

(5) "manicurist" is a person who practices beauty culture by treating the hands and nails;

(6) "operator" is a person who engages in any practice defined in (10) of this section;

(7) "owner" is a person owning a hairdressing or beauty culture shop;

(8) "owner-operator" is a person who owns a hairdressing or beauty culture shop or school who is qualified under this chapter to practice the art of hairdressing and beauty culture or who is a licensed cosmetologist;

(9) "person" includes a corporation, copartnership, or unincorporated association;

(10) "practice of hairdressing and beauty culture" is engaging for compensation or other reward, in any of the following practices:

(A) arranging, dressing, curling, waving, cleansing, singeing, bleaching, coloring, or similar work on a wig or hair piece of artificial or human hair, or upon the hair of a living person by any means;

(B) trimming hair, as a part of hairdressing;

(C) utilizing cosmetic preparations, antiseptics, tonics, lotions, or creams, with the hands or with a mechanical or electrical apparatus, in massaging, cleansing, stimulating, manipulating,

exercising, or beautifying the scalp, face, neck, arms, hands, bust, or upper part of the body of a person, for the purpose of beautification;

(11) "school of hairdressing" or "school of beauty culture" is a place where a person operates and maintains a class to teach hairdressing or beauty culture;

(12) "shop" is a building or structure, or part of a building or structure, other than a school, where the practice of hairdressing or beauty culture is conducted;

(13) "student" is a person at least 16 years of age who has completed two years of high school or equivalent education, attends a licensed beauty school and does not receive a wage or commission, and for whose work no charge is made until the student has received at least 350 hours of training;

(14) "board" means the Board of Hairdressing and Beauty Culture Examiners;

(15) "department" means the Department of Commerce and Economic Development. (§ 1 ch 52 SLA 1957; am § 1 ch 112 SLA 1959; am § 1 ch 17 SLA 1966; am §§ 60, 61 ch 127 SLA 1974; am §§ 7, 8 ch 104 SLA 1976)

PLEASE REPLY TO:

1016 West Sixth Avenue, Suite 201
Anchorage, AK 99501

Telephone: 278-1581; 278-1582

September 25, 1979

The Honorable Arliss Sturgulewski
Senate Commerce Committee
2957 Sheldon Jackson Drive
Anchorage, AK 99504

Dear Senator Sturgulewski:

The Senate Commerce Committee will convene at 9:00 a.m. on October 22, 1979, for the purpose of holding public "Sunset" hearings on the Board of Barber Examiners and the Board of Hairdressing and Beauty Culture Examiners. The hearings will be held in Room 262 of the Consortium Library, University of Alaska, 3211 Providence Drive, Anchorage, Alaska, and will be teleconferenced to Juneau and Fairbanks.

The Juneau teleconference will begin at 11:00 a.m. (Juneau time) in the Butrovich Room (Room 207), Capitol Building, Juneau, Alaska.

The Fairbanks teleconference will begin at 9:00 a.m. (Fairbanks time) in Room 250, Building F, Legislative Information Office, 101 College Road, Fairbanks, Alaska.

The Senate Commerce Committee will also hold a public "Sunset" hearing on the Board of Registration for Architects, Engineers, and Land Surveyors on October 23, 1979. The time, places and teleconferencing will be the same as for the October 22, 1979, hearings.

The following Audit Reports are available at the local Legislative Information Offices:

A Performance Review of the Board of Registration for Architects, Engineers, and Land Surveyors. May 11, 1979.

A Performance Review of the Board of Hairdressing and Beauty Culture

THE HONORABLE ARTHUR STURGIENSKI
September 25, 1979
Page 2

Examiners. July 11, 1979.

A Performance Review of the Board of Barber Examiners. March 31,
1979.

If you have any questions, contact Christian Basler at 278-1581.

Sincerely,

Brad Bradley
Chairman
Senate Commerce Committee

Attached letter mailed to following:

The Honorable Arliss Sturgulewski
Senate Commerce Committee
2957 Sheldon Jackson Drive
Anchorage, AK 99504

The Honorable Tim Kelly
Senate Commerce Committee
Box 1004
Eagle River, AK 99577

The Honorable Frank Ferguson
Senate Commerce Committee
Box 131
Kotzebue, AK 99752

The Honorable Terry Stimson
Senate Commerce Committee
1610 "E" Street
Anchorage, AK 99501

The Honorable Fred Brown, Chairman
House Commerce Committee
Box 1718
Fairbanks, AK 99707

The Honorable Joyce Munson
House Commerce Committee
935 East 79th Avenue
Anchorage, AK 99502

The Honorable Hugh Malone
House Commerce Committee
Box 9
Kenai, AK 99611

The Honorable Alvin Osterback
House Commerce Committee
Box 71
Sand Point, AK 99661

The Honorable Robert Bettisworth
House Commerce Committee
Box 80288
College, AK 99708

The Honorable Richard Halford
House Commerce Committee
Box 66
Chugiak, AK 99567

The Honorable Richard Randolph
House Commerce Committee
Box 123
Fairbanks, AK 99707

Elaine Garrett
Division of Occupational Licensing
Department of Commerce & Economic
Development
Pouch D, Mail Stop 0800
Juneau, AK 99811

Sioux Plummer, Coordinator
Legislative Teleconference Network
Division of Public Services
Legislative Affairs Agency
Pouch Y, Mail Stop 3101
Juneau, AK 99811

The Honorable Terry Gardiner
Speaker of Alaska House of Representatives
Box 6092
Ketchikan, AK 99901

The Honorable Clem Tillion
President of Alaska State Senate
Box 373
Homer, AK 99603

The Honorable Nels A. Anderson, Jr.
Majority Leader, Alaska House of Representatives
Box 234
Dillingham, AK 99576

The Honorable Mike Colletta
Majority Leader, Alaska Senate
1016 West Sixth Avenue, Suite 435
Anchorage, AK 99501

Gerald L. Wilkerson
Legislative Audit Division
State Office Building
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Juneau, AK 99811

Alan Blume
Administrative Assistant
House Commerce Committee
PO Box 1370
Fairbanks, AK 99701

Judy Hopkins
Legislative Affairs Agency
1024 West Sixth Avenue
Anchorage, AK 99501

Debi Smith
Legislative Affairs Agency
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Juneau, AK 99811

Page 2

Legislative Information Office, Fairbanks
Attention: Maxine
101 College Road, Building F
Room 252
Fairbanks, AK 99701

Pam Derrer,
ARCO
134 North Franklin
Juneau, AK 99801

~~KAREN BAKER~~
Rep. Terry Martin
3960 Reka
Anchorage, Ak. 99504

Judy Mengel
Media Services Department
University of Alaska, Anchorage
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Paul Harris (276-1443)
Legislative Audit Division
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Anchorage, AK 99510

Karen Baker (272-5514)
% Jay. Baxter & Co.
207 East Northern Lights Blvd.
Anchorage Alaska 99503



Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business
PLEASE REPLY TO:

1016 West Sixth Avenue, Suite 201
Anchorage, AK 99501

Telephone: 278-1581; 278-1582

September 25, 1979

Mr. Dan A. Noll
Board of Barber Examiners
604 Second Street
Fairbanks, AK 99701

Dear Mr. Noll:

The Senate Commerce Committee will convene at 9:00 a.m. on October 22, 1979, for the purpose of holding a public "Sunset" hearing on the Board of Barber Examiners. The hearing will be held in Room 262 of the Consortium Library, University of Alaska, 3211 Providence Drive, Anchorage, Alaska, and will be teleconferenced to Juneau and Fairbanks.

The Juneau teleconference will begin at 11:00 a.m. (Juneau time) in the Butrovich Room (Room 207), Capitol Building, Juneau, Alaska.

The Fairbanks teleconference will begin at 9:00 a.m. (Fairbanks time) in Room 250, Building F, Legislative Information Office, 101 College Road, Fairbanks, Alaska.

The following Audit Report is available at the local Legislative Information Offices:

A Performance Review of the Board of Barber Examiners. March 31, 1979.

If you have any questions, contact Christian Basler at 278-1581.

Sincerely,

Brad Bradley
Chairman
Senate Commerce Committee

Attached letter sent to following:

Mr. Dan A. Noll
Board of Barber Examiners
604 Second Street
Fairbanks, AK 99701

Mr. Manuel Norat
Board of Barber Examiners
PO Box 238
Anchorage, AK 99510

Mr. James Russi, Chairman
Board of Barber Examiners
PO Box 1122
Soldotna, AK 99669

Mr. Maurice "Bud" Smith
Board of Barber Examiners
Anchorage Sportsman's Barber Shop
1650 W. Northern Lights
Anchorage, AK 99503

Mr. Elmo Kienbaum
Board of Barber Examiners
2337 Second Avenue
Ketchikan, AK 99901

Mr. Manuel Norat
c/o Anchorage Barber College
3519 Mt. View Drive
Anchorage, AK 99504

Hair Today
Attention: Yvonne
191 South Franklin
Juneau, AK 99801

Elaine Garrett
Division of Occupational Licensing
Department of Commerce & Economic Development
Pouch D, Mail Stop 0800
Juneau, AK 99811

January 15, 1980

State of Alaska
Department of Commerce
Division of Occupational Licensing
Juneau, Alaska 99811

Gentlemen: Re: My goals in 1980 as Barber Examiner

At the present time, we have sat down and updated our barber laws, and I will be introducing a lot of legislation this year which I hope the legislators will help me with. I think our past laws are very outdated, and there are areas in which we need new legislation, not available before. Reviewing other States and their laws, I found many areas that would help us out tremendously; also, I would like to work out a system with Occupational Licensing that we can fill you in on our business as we conduct it. I am proposing that we adopt as Barber Examiners, two workshops a year beyond what we now have. I find that half a day, after the test, is not sufficient time to conduct the business that is needed. I will ask for two days for each workshop, in which we will, with other committees, discuss the aspects of the barber profession.

Also, as a new Board member, I find we need to work out a better system wherein you could give us a little more time to reply to any material and reports sent out by you. I have found in the past, that quite often the material you sent to us is deadlined within a day or two, and this is too short a notice. I think this can be overcome very easily. Any reports sent out by you that are deadlined by a certain date to be turned in, it would be best that we Board members send it by registered mail.

Sincerely,

Bud Smith

January 15, 1980

Legislature of the State
of Alaska
Capitol Building
Juneau, Alaska 99811

Gentlemen:

As Barber Board Examiner, these are my goals for 1980. At the present time, I am working on a system to upgrade our testing material: both written exam and practical exam, of which I hope the other Board members will adopt.

Second, I would like to make several changes in our laws. I find by going over our laws in the past there is a lot of material that is extremely outdated. I would like to be able to introduce some new legislation which I think would benefit our profession greatly.

I would also like to see our Board members join the National Board of Barber Examiners. On a national level, I think we could do a much better job for our own State. Also, I would like to see our Board adopt workshop periods; for instance, two shop periods per year when we could sit down and go over material more thoroughly, and stay updated. I find in this manner we would be able to correspond with other States, and unify our laws more closely. A better system should be worked out with occupational licensing to keep up to date with what exactly, barber examiners are doing. One problem we have at the present time with occupational licensing is that we were sent reports that needed to be filled out and returned within only one or two days. I don't know if the problem lies in Juneau, or if it lies within the mail service on this end. But, nevertheless, we need to work out a better system than we have now.

In 1979, I was sent a report to make out and send back into the Division of Audit. I sent my report in and even called the person in charge of the department, and told them my report was in the mail, but yet, looking at the performance record in the legislative audit, they did not receive nor record my reports. I am unaware of what ever became of this report, but nevertheless I did send it, and as stated above, called to advise the report was in the mail. By looking at

the Division of Legislative Audit, a questionnaire was sent out last year for comments, I am not too satisfied with their system. I definitely think that everyone in this profession should have been sent these questionnaire forms, so we could get a true, accurate report. As the system has been in the past we Board members meet twice a year. I find this is not sufficient enough time to get all of our business taken care of to update our material at that time. I feel, with the population increasing, and the change necessary to keep up to date, we need at least two workshops beyond the two regular meetings that we now have. I think these workshops would be extremely beneficial to barbers and the public.

In closing, I would like to say that the sunset law review has opened our eyes tremendously in this profession, and has brought to our attention that we must stay up to date at all times. All of us in this profession have expressed the need for a Barber Examining Board, and I, as a Barber Examiner, newly elected would definitely like to see this Board continue. Most States that have gone through the sunset review have reinstated their Barber Boards. I have put a new State program together which will be called the Master Barber Association. All barbers I have contacted in Anchorage are deeply concerned in a State association. Also, people in Fairbanks have been contacted and other areas who are more than willing to help me get this association off the ground and going. This has never been done before, and we would be affiliated with our national barber associations.

At this time I am asking you legislators to please reinstate this Board of Barber Examiners for at least two years so we can prove how efficient our new committees can be in helping our barber laws to become updated. I would like to thank you all at this time.

Sincerely,

Bud Smith

Sunset Review (Barbers)

Feb. 7, 1980

Mr. Chairman:

Thank you for granting this time to me to testify on behalf of the Barber Board.

There are many areas I would like to cover but I will keep my testimony to being as brief as possible.

1st I would like to draw to your attention the great strides we have made since our Sun Set Review. I and many others have spent a great deal of time reviewing other state Barbering Laws to try and bring our state laws up to the highest of standards. I think you will see we have made a substantial difference from what we have had in the past to what we have proposed for the future.

I know I have spent enormous amount of weekends and nights working on this review and I hope in the long run I have done some good for both my profession and the public.

2nd In the past we have had enormous problems with OL which I am sure we can work-out in time to come with our new programs.

3rd We have adopted new advisory committees that will help us ^{substantially} and at the present time, I am in the process of setting up other committees from Fairbanks and Southeast Alaska. I think this will be a exceptional advantage over what we have had in the past.

Sunset Review (Barbers)

Feb 7, 1980

4. I am working with Mr. Vern Hurst on a apprenticeship program which I hope to have all the bugs worked out soon. This program is taken a bit longer than I had hope for but I am sure we will have it real soon.

5. On our last written test, we revised a great deal of material and made the exam more understandable. I hope this coming test in April we will have Total True & False and multiple choice questions only, doing away with all short essay questions (All written exams must be Clean Fined Fully)

6. I would like to bring it to your attention one of the biggest problems the board has had in the past is a board member owned the only Barber college in the state, this person is no longer a board member. I am sure this will bring less problems to the board and state in future.

7. at this time I would like to take just a moment and go over some of our new proposals with you.

8. I think now by going over these proposals you can clearly see the major difference from our old programs and our new programs. I myself, is very confident of the outcome of our future if we work together.

- in conclusion -

without our Barber Board, there would be no professional standards. I am sure you and the public would see diseases spread enormously and a lot of persons would also be affected by harm constituted by poor Barbering work.

III

Sun Set Review

(Bankers)

Feb 7, 1980

This just can not be around Luddies and gentlemen. We must keep our standards as high as possible. Please don't set our profession back so far in time by taken away this Barisen Board. It is greatly needed in any and every state. I am sure you can clearly see this. Thank you very much for your time.

Bud Smith

ARTICLE 3

Barber School and Colleges

sec 08.12.220

Application

A person wishing to operate a barber school or college or teach in a barber school or college shall apply for examination and licensing to the board and submit

- (1) a certificate of health from a physician;
- (2) a diploma from a nationally accredited barber school or college offering a course in barber science evidencing the applicant's qualifications as a barber teacher;
- (3) such other information as may be required by regulations adopted by the board.

(sec 3 art. v ch 68 SLA 1957; am sec 8 ch 168 SLA 1960)

By the Board

Amend.

ARTICLE 1

Sec 08.12.030 General Powers of board.

The board may

- (1) adopt examinations in accordance with standards provided by any nationally recognized manual of barber science and examine applicants for licenses to engage in the practice of barbering;
- (2) adopt rules and regulations for conduct of the practice of barbering in accordance with reasonable standards of sanitation which do not derogate from the ultimate control over health and sanitary conditions for all licenses under this chapter which is in the Department of health and Welfare;
- (3) suspend licenses for failure to maintain standards of sanitation prescribed by the board;
- (4) adopt rules of procedure for its own organization and conduct of its meetings, examinations, and inspections;

By the Board

ARTicle 5 General Provisions

Sec. 08.12.280. Barber defined

Barbering includes the following practices when performed for hire or reward:

- (1) shaving or trimming the beard or cutting the hair;
- (2) giving facial and scalp massages or treatments with oils, creams, lotions or other preparations either by and or mechanical appliance;
- (3) singeing, shampooing, dressing or dyeing the hair or applying hair tonics.
- (4) arranging, setting and styling the hair
- (5) giving exams if applicant can show evidence to the Board of passing course conducting exams.

By Bud Smith

ARTICLE 2

SEC 08.12.171

Barber Technicians

Every Barber technician, in order to avail himself of this Chapter, shall, before entering employment as a barber technician, file with the Division of Occupational Licensing, on forms which shall be provided by the board, the name and place of business of the employer, the date on which employment will be commenced and the barber technician's full name and age. That age shall not be less than 16 years. The forms shall be accompanied by a registration fee of \$10.00. Any barber technician who shall change his place of employment shall promptly notify the Division of Occupational Licensing and furnish it with the name and place of business of the new employer and the date of the change.

The Division of Occupational Licensing shall furnish to each barber technician a certificate of registration, certifying that the holder is a barber technician. It shall be the duty of the holder of such a certificate of registration to post it in a conspicuous place where it may readily be seen by all persons, on or before the first day of January in each year. The fee for such a certificate shall be \$10.00 in the first instance and \$20.00 for each biennial renewal thereof.

(OVER)

No barber technician may independently practice barbering but may, as a barber technician, do only the following acts constituting the practice of barbering: Shampooing and drying of hair, and manicuring.

A barber technician shall not be considered an apprentice nor shall any time which he has been registered and been employed as a barber technician count toward training for eligibility to obtain a certificate of registration as a barber.

By Bud Smith

ARTicle 2

See 08.12.172

Student Temporary permit

All students upon completion of 1500 hours must pass a practical examination before one receives a permit to work. If student fails a practical examination, the student must continue additional school at no extra cost to ^{the student} ~~student~~ until he or she ^{will complete} ~~seems~~ ^{160 hrs additional training} convenient to take new examination.

Two board members and one public member need only to be present to administer examination. If student passes the practical examination they shall be accredited with this portion of state master barber test and will need only to pass the written test to receive their master barber license

No money will be collected at this time for this portion of test but will be collected while applying for written examination to receive a master barber license

Note - Must be OK by Manual Board

By Bud Smith

Article 1 Board of Barber Examiners
 Sec 08.12.015 National Board Convention

Moneys from the ^{barber} general fund will be appropriated each year to send one board member to the national barber board examiners convention. A copy of the minutes or summary of business conducted will be sent to Occupational License.

By the Board

ARTICLE 2

Sec 08.12.100

License Fee for Barber Teachers

The annual fee for a license to engage in the teaching of barbering is \$150 provided the board of barbers exist. If board is abolished then such teaching fees will resort back to \$50 per year

By Bud Smith

New Barber Laws

Article 1 Barber Board Examiners

"amend"

Sec. 08.12.010

Creation and membership of board. There is created the Board of Barber Examiners, referred to in this chapter as the board, composed of five members which are recommended by licensed barbers in their own areas and approved and appointed by the governor. One member on the board will not be a barber but will be a public member, which will also be approved and appointed by the governor. Each board member may serve a three year term and may be re-elected to serve a second three year term if approved by the existing board members. Three members of the board shall be from separate major senatorial districts. The South member shall be appointed from the district having the largest number of practicing licensed barbers. One public member shall be appointed from the district having the largest number of population.

By the Board

ARTICLE 2

SEC. 08.12.090

License Fee for barbers

The annual fee for a License to engage in barbering is \$25 provided the board of barbers exist. If board is abolished then such fees will resort back to \$10 per year

By Board

ARTicle 2 EXAMINATION and Licensing
 See 08.12.172 Reciprocity with other states

The Board may waive the examination and grant registration to any applicant who shall present proof of current registration or licensure in another state, other jurisdiction of the United States or another country which grants similar privileges to persons registered under this chapter or to any state that gives reciprocity to Alaska with the same amount of time requirements and conditions as Alaska state laws. Such an applicant shall pay the same fee as provided under Article 2.

By Bud Smith

Article 2 Examination and Licensing
See 08.12.170 Issuance of Temporary permit

A Temporary permit may be issued by any member of the board upon application under terms and conditions established by regulations of the board, and upon the receipt of an application fee of \$25. The fee shall be credited to the Temporary permittee who shall be permitted to take an examination for a regular license without any additional fee. Upon taking the examination, the holder shall surrender the Temporary permit to the board or the committee conducting the examination. If the applicant fails the first examination following qualification, the applicant may renew his permit to practice barbering under supervision of a person registered to practice barbering until the results of the next consecutive examination have been given, at which time the permit expires and shall not be renewable. The applicant shall not be considered an apprentice. The applicant shall pay to the Division of Occupational Licensing a fee of \$25.

By Bud Smith

Judy Dixon

BARBERS LEGISLATIVE COMMITTEE REVIEW ON FINDINGS
AND RECOMMENDATIONS OF LEGISLATIVE AUDIT

RECOMMENDATION I.

The report states that examination unnecessarily restricts entry of qualified personnel into the profession. The questions we are dealing with here are: (1) reciprocity with other states, and (2) students are issued permits if from Alaska when outsiders must produce a license from their state.

1. Reciprocity--Due to widely varying standards of education in different states, blanket reciprocity is not possible. States requiring 2,000 hours do not accept an Alaska license as we only require 1,500 hours, and Alaska cannot accept an outside license that requires only 1,200 hours. Until there are federal standards that cover barbering in all states, reciprocity will only be available through private agreements between individual states. This could be possible for Alaska only if our barber board was allocated funds to attend National Association of Barber Examiners conventions where these problems can be discussed in depth with other professionals.

One other consideration is that if reciprocity were established, there could well be a seasonal shortage or overabundance situation, particularly for Alaska. With reciprocity, Alaskan barbers and others from cold states would head south each winter, causing a shortage here and overabundance in the warmer areas. Come summer, the northern areas would overflow and the south could be short of barbers.

2. A valid point has been brought up in the fact that outside barbers must produce a license while students graduated from Alaskan schools can obtain a permit upon completion of their hours.

A viable solution would be to allow students to apply for a work permit upon completing 1,500 hours only if it can be guaranteed that they will work under direct supervision of a licensed barber. This can be done through a process of sponsorship where the licensed barber will be obligated to supervise the student's work until the next examination comes up and the student passes it. (The fine points of this program can be worked out and put into a comprehensive barber law.) As for outside applicants producing a license this is the only way that we can verify that individuals have indeed received basic barber training and at least meet minimal standards, as all states require some schooling and an exam before issuing a state license. This minimal standard in order to be issued a permit will insure that unfit practitioners will not be turned on the public between examinations. Issuing a permit (or license) on testimony of past experience is not reasonable--this would be the equivalent of issuing permits and licenses on hearsay, and has no validation to back it up.

RECOMMENDATION II.

1. Test Material--We are in agreement that written examinations should be upgraded. Less emphasis should be put on anatomy and physiology, although some basics should still be included. Sanitation, sterilization, and a basic knowledge about and recognition of contagious diseases should continue to be stressed. Open-ended questions are subject to personal interpretation and should be deleted. The written examination should be multiple choice--true/false in format to allow for specific grading criteria.

Suggested grading format for entire exam:

20 points written

25 points haircut

10 points oral

10 points shave

10 points sanitation

5 points application (use of tools)

5 points scalp massage

5 points facial

5 points time

5 points shampoo

100 points/75 passing

2. Administration of Examination

a. Grading criteria should be clarified for practical examination. There will always be some personal interpretation possible on grading work, but with five experienced board members an agreement can be made if guidelines are made and followed. Guidelines for board grading could be compiled by the board and distributed with packet for examination application, so that all applicants know what is expected of them. Guideline sheet with pertinent information should be compiled by the board and distributed to applicants with the examination application packet.

b. Time limits are at present set. We agree that they must be either followed more closely or adjusted accordingly.

c. This information on two authorized textbooks on which the test is based is available through school and through board members when applications for exams are turned in. This information should be available on a guideline sheet included in application for exam packet.

d. Guideline sheet should state that applicant should be responsible for ^{his} own tools, as it would be too costly to keep adequate supply of extras on hand for all applicants.

e. Agreed--Admittance to exam area should be limited to those required to be there.

RECOMMENDATION III.

Agree that owners only need not be licensed; instructors must be licensed. School facilities and curriculum should be examined by the board to insure that appropriate and adequate education was being provided by each school.

RECOMMENDATION IV.

1. Limiting term of board members:

- a. Agreed that a length of term should be established and members should be limited to two consecutive terms.
- b. One public member on the board should be appointed and would serve as a watchdog.

RECOMMENDATION V.

Board inspection legislation should be repealed to reduce duplication of effort. Health inspections are the province of the Health Dept. The only inspection necessary would be board inspection of new schools to insure adequate facilities, along with review of curriculum to insure appropriate education of student barbers.

RECOMMENDATION VI.

"Good Moral Character" is too subject to personal interpretation as written, and should be deleted.

RECOMMENDATION VII.

This must be done primarily by board members as they know better than anyone what the goals of the board should be.

RECOMMENDATION VIII.

Agreed that board members should improve minutes.

Christian Easter
Administrative Assistant
Senate Commerce Committee

Thank you for informing me of
the mechanical problems, involving the
testimony on the "Board of Barber Examiners."
I will address my reply to "Findings & Recommendations"
of the Division of Legislative Audit Page 9

Rec # I

A Grant reciprocity to the holder of a
Master Barber License from another state if the
person has earned his or her livelihood
by Barbering, prior to coming to Alaska.

B. I do not agree with the Attorney General
ruling of 1976 (see P 49A - reply by Ron Hall).
A Diploma from a school only means that
School hours have been completed. Many
people fail the Practical test at
this point.

C I personally have tried to get three
people into the Barber school in
Anchorage. They all qualified for
the G.F. Bill, but could not

use those Educational Benefits, because the school is not G.I. accredited and the Instructor then informed me it was quite "to much hassle and paper work"

I feel this is important to get Alaskan people into school, Barbers from Outside dont have a history of staying long.

Rec. # 2

1. test material.

A. Should not contain Essay type questions

B. Multiple Choice or True or False questions only

The Revision of Legislative Audit is either uninformed or somewhat pompous, in their recommendation on upgrading of written test material (see also ETS Reply page 46-47)

All Barber Science test books are almost identical in their content. having gone thru four different Books, I found one disagreement in one book as compared to the other three.

to comply with findings of ETS would mean writing a new

text Book.

I would suggest, the Board and the Instructor of the school make an attempt to comply with the findings of CTS by emphasizing those chapters of the text books that are more pertinent, (Sanitation Diseases, etc) and so inform all prospective examinees

Rec. # 3

The present school puts enough Barbers into the field. I would suggest a study be done to find out, how many of the Anchorage Barber school graduates, remain in the industry. and why many of the Rehabilitation students do not remain.

I would further suggest that any Instructor in any vocational school have teacher certification

Rec. # 4

Four Barber Board members should be, ~~one each~~ ^{one} from one from each of the four largest population areas of the state, to be voted into the Board, by Barbers in that area. One Lay Person from any of the four areas

qualifications

A Board member should be a practicing Barber for a period of five years and resided in and practiced within the state for the immediate past three years.

Should not have any interest in any Barber school.

Lay person should be a resident for three years

Rec # 5.

Agreed.

The Board should upgrade the form for inspection of Barber Shops by Public Health

Public Health Inspections, do not protect the public from spread of disease, the Barber must have Sanitation knowledge to accomplish this.

Rec # 6

agreed

Rec # 7

Objections of the Barber Board should simply be to fulfill obligations that the State Statutes dictate

Rec. # 8

Agreed
would only add that each Board
member should have on file minutes
of Board meetings, and make these
available to Barbers upon request

Other Suggested Changes

Professional and Vocational Regulations
Chapter 08 Board of Barber Examiners

Article 1

12 AAC060

A. Same as is

B. Practical Exam

75% on Taper (or Regular ^{short} Hair cut) above ears

75% Shave

75% Shampoo

75% Hair Style (Longer Hair) longer
than top of ear

Article II

operation of Shops and Schools

12 AAC 08 110 all Barber Shops should be licensed
as to location. A Shop license would
be needed for any location where
Barbering is engaged in.

12 AAC 150

Delete Completely

12 AAC 08. 210 Health Certificate

Health Certificate should be issued by Public Health and should not be on display. The license itself accomplishes this

~~12 AAC~~

Alaska Statutes

Article 5 Sexual Provisions

Sec. 08.12.380

Barbering Defined

1. Shaving or Trimming Beard, or cutting Hair
2. Giving facial or scalp massage
3. ~~Applying~~ Applying oil treatments
or any cream, lotion, tonic or any perfume
permanent type Chemical

Again Please forgive my husband, and
thank you

Mare Kuber
225 N Apt #21
Wedgwood Ave.
Fairbanks Ak
99701



Official Business

Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

November 15, 1979

PLEASE REPLY TO:

1016 West Sixth Avenue, Suite 201
Anchorage, AK 99501

Telephone: 278-1581/278-1582

Marse Kueber
#21 Wedgewood Manor
Fairbanks, AK 99701

Dear Mr. Kueber:

Thank you for your testimony regarding the Board of Barber Examiners, which you gave before the Senate Commerce Committee on October 22, 1979.

Due to mechanical problems with the recording system, we were unable to record your testimony for the Committee's records. This defect was not discovered until recently when transcription work was begun on this hearing. The system was operating and had been checked out prior to the hearing; however, it blanked out most of the Fairbanks testimony.

If possible, therefore, the Committee would appreciate it if you could submit either a copy of your testimony, if you were speaking from prepared text, or a summation of your views regarding this matter in order that your feelings might be made a part of the Committee's record.

We apologize for any inconvenience and we look forward to receiving your written testimony and/or exhibits concerning the Board of Barber Examiners. We would like to receive this testimony as soon as possible and should we be able to assist you, please do not hesitate to contact our offices.

Sincerely,

A handwritten signature in cursive script that reads "Christian Basler".

Christian Basler
Administrative Assistant
Senate Commerce Committee

SB 215

February 28, 1979

The Honorable Brad Bradley
Alaska State Senator
Pouch "V"
Juneau, Alaska 99811

Dear Senator Bradley:

I am writing in response to your letter regarding abolishing the Board of Barber Examiners. There are several reasons I feel it is imperative to have a Board of Barber Examiners.

1. This Board helps maintain and improve the quality of the existing profession.
2. It insures adequate quality control of influx of barbers from out of state, making sure they have the necessary skills.
3. It protects the existing profession from unskilled, untrained barbers.
4. It helps keep inadequately trained persons out of the profession. Training is necessitated for disease recognition and control, sanitation and other indirectly related facets.
5. It protects the citizen from unskilled barbering practices. Barbering laws are set up to protect the consumer.

The high barbering standards taken for granted in this state are a direct result of action by the Barber Board. With the resources at hand, I am not aware of any state without an active Barber Board. Some states are reorganizing their Boards (Washington, Oregon, Idaho) to include hairstyling since their professions so closely overlap. In these states the Barber Board gives separate exams to barbers and hairstylists and sets regulations for each. Contacts that can be made in Washington State are Mr. Al Pehl and Mr. Leland, both of Spokane.

I wish to thank you for your interest and hope you will support action to help us continue to upgrade our profession. Many barber laws are obsolete and need to be revised, but abolishing the Board would be a grave mistake in my opinion.

Sincerely,

Elmo O. Kienbaum /sk

Elmo O. Kienbaum

Barber Board

Ketchikan

2206 Tongass Avenue

Ketchikan, AK

99901

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

SUBJECT: Apprentice Programs for Barbers (W.O. 3179)

TO: Senator

FROM: Alexander Hoke,
Research Analyst

AH

In response to your request for a summary of legislation in other states regarding apprentice programs for barbers, two research reports published by the National Association of Barber Schools, Inc., are attached to supplement our recommendations for legislative measures necessary to establish a quality apprentice program for barbers in this state. For the purposes of this analysis, the statutes of the following states, believed to constitute a representative sample of 50 states, were scrutinized for all details of barbering apprenticeship programs: Oregon, California, New York, Michigan, North Carolina, Connecticut, New Mexico and Ohio.

The two research reports assembled by the National Association of Barber Schools, Inc., were published in July, 1972. It is our belief that the critically relevant information (statistics of state barber laws) is essentially an accurate picture of the present law in a national perspective. All data, checked against present statutes, have been verified to have remained essentially unaltered since the 1972 compilation.

Two parenthetical remarks might be made concerning research report No. 6A, Barber School, Barber Students and Barber Statistics. First, only one school of barbering is in operation in Alaska (Anchorage, Alaska School of Barbering). A catalog of procedures and operations is enclosed. Second, it is a significant fact that Alaska has, by far, the highest ratio of population per barber - 1,087, while the mean ratio of the 50 states is 713 persons per barber.

From the research report No. 3A, State Barber Laws, you will quickly notice that only Alaska and Alabama have no apprentice law (in fact, Alabama has no state barber law whatsoever). Furthermore, reading from the column at the left, Alaska compares with the remainder of the United States in the following ways (by category):

- (1) While Alaska requires 1,500 hours of study at an approved barber school or college prior to making application for practice as a barber, the mean number of hours required

in the other states is 1,438 hours.

- (2) With 78% of the states (including Washington, D. C.) requiring some minimum education level for prospective barber students, the mean grade level of education requisite in the states is 9.5 years (or 9th grade level plus 1/2 years). Alaska has no education requirement.
- (3) 89.8% of the states (including Alaska) require students in barbering colleges and schools to pass a satisfactory examination in order to receive a diploma.
- (4) With 75% of the states collecting a fee for apprentice examination, the average of the fees collected is \$16.71. Alaska has no apprentice law.
- (5) With 86% of the states collecting a fee for apprentice licensing, the average of the fees collected is \$7.28.
- (6) Only Alaska and Alabama required no apprenticeship period; the average number of months required by the remaining states is 18.4.
- (7) 88% of the states require that an apprentice pass a satisfactory examination after completing his/her apprenticeship practice. Alaska has no apprentice law.
- (8) While only Alabama and Tennessee do not require an examination fee for the privilege of taking the barber examination, the average fee collected is \$23.08. Alaska collects \$25.
- (9) Of the states which collect a renewal fee for barber certification (only Alabama collects no fee) the average renewal fee is \$9.72 annually. Alaska collects \$10 annually.
- (10) With 84% of the states defining a specific time limit for the restoration of an expired barber license, the average restoration period is 3.03 years. Alaska restoration period is five years.
- (11) The average restoration fee collected by the states is \$16.29. Alaska collects \$10 plus lapsed fees.

The remainder of the statistics apply to out-of-state applicants:

- (12) To qualify for application to practice as a registered barber, 86% of the states do not require a period of residency in the state. Of those that do require a period

of residency, six months is the most common period. Alaska has no residency requirement.

- (13) In 26 states, students from out-of-state barber schools are eligible to take the apprentice examination; in 17 states these students are not eligible; in 7 states there is no exam.
- (14) 31 states give credit for out-of-state apprentice experience; 18 do not give credit.
- (15) 12 states (including Alaska) offer a temporary permit to out-of-state barbers who are waiting for the examination to be scheduled by the board; 38 states do not offer temporary permits.

In our view, legislation on both the barber school and the registration aspects of our state law would be required in order to construct an effective and comprehensive apprenticeship program. If you wish to pursue the initiation of an apprenticeship program, we would suggest focusing on the following areas:

- I. Qualifications: students, apprentices, barbers
- II. Credit for training in state correctional institutions
- III. Out-of-State applicants
- IV. License fees
- V. Exemptions and General Provisions

It should be noted that some of these categories (exemptions for example) are not universally adopted by all the state statutes examined. Their inclusion is aimed at exploring all areas of thought relative to legislation of the barbering profession. Underlined numbers indicate quantitative values believed to be commensurate with the standards observed in other state statutes.

- I. Qualifications: students, apprentices, barbers

A. In most states, qualifications applicable to students of barbering take the form of qualifications imposed on schools and colleges of barbering seeking state approval under the Barber Act. The statutes, of the states examined, require that approved colleges accept students with a minimum 10th grade education or an equivalent education as determined by the state board of barber examiners (hereinafter referred to as the board). Additionally, approved barber schools must require for graduation, a minimum of 1,500 hours of instruction to be completed within 18 months, at the rate of not more than eight hours in any one working day. A student may, however, complete a service in process, with time credit, but not

to exceed 30 additional consecutive minutes per day, with the total hours per week not to exceed 42-1/2 hours, including accumulated service in process completion time.

Many states define the fundamentals of a proper course of instruction for those schools and colleges seeking approval of the board. A copy of California's barber college instruction essentials is attached for your perusal.

B. The statutes of the states examined in this study defined a person qualified to receive a certificate of registration as a registered apprentice as one who:

1. Has a 10th grade education or the equivalent to be determined by the board.
2. Is at least 17-1/2 years of age.
3. Is of good moral character and temperate habits.
4. Is a graduate of a school or college of barbering approved by the state board of barber examiners.
5. Has passed a satisfactory examination conducted by the board to determine his fitness to practice as a registered apprentice.
6. Produces a certificate from a physician licensed by the state that he is free of contagious or infectious disease.

There exist many variations of procedures to be followed in the event that an applicant fails the examination of his fitness to be registered as an apprentice. The most common procedures permit the applicant to take a second examination within 90 days of his first examination. Upon a second failure, or lapse of the 90-day period, an additional 350 hours of study, at an approved school or college of barbering is required before the applicant is again eligible for examination. Again, time constraints are placed on the period of additional study. Usually, the additional 350 hours must be completed within three months with no more than eight hours in any working day, except for the above allowance for completion of service in process. The total hours of study per week is limited to 48 hours.

Further statutory restrictions include a limitation of three years for the maximum length of time any person may practice as a registered apprentice. Moreover, no one shall work as an apprentice more than six months after completion of the working requirements of apprenticeship, without applying for and taking the examination for a certificate to practice as a registered barber.

C. In most states, a person is qualified to receive a certificate to practice as a registered barber if he:

1. Is qualified under the provisions for a registered apprentice.
2. Is at least 18 years of age.
3. Is of good moral character and temperate habits.
4. Has practiced as a registered apprentice for at least 18 months.
5. Has passed a satisfactory examination to determine his fitness to practice as a registered barber.
6. Produces a certificate of health from a physician licensed by the state that he is free of contagious or infectious disease.

An applicant who has failed the barber examination may, within 30 days of the expiration of his apprentice license, renew his license for 90 days and apply to take the next scheduled examination. A registered apprentice may apply for and take the examination of fitness to practice as a registered barber no more than three times.

II. Credit for Training in State Correctional Institutions

The statutes of all states studied grant credit for instruction received in state correctional institutions to applicants of certificates to practice as registered apprentices or registered barbers. A qualified applicant must have successfully completed a course of training which complies with the standards established for approved barber colleges or schools and:

- A. He must meet the minimum age and grade school education requirements.
- B. He must pass a satisfactory examination to determine his fitness to practice as an apprentice or barber (depending upon the certificate for which he is applying).
- C. He must produce a certificate from a licensed physician that he is free of contagious and infectious disease.
- D. He must have demonstrated good moral character and temperate habits subsequent to the granting of his parole or discharge from the correctional institution.

III. Out-of-State Applicants

A certification of an out-of-state applicant to practice as a registered apprentice in most states is granted if all qualifications for a registered apprentice have been met and either:

A. He produces a valid certificate of registration as an apprentice in another state or country which has substantially the same requirements for registration, or

B. He produces at least two affidavits that he has practiced as an apprentice in another state or country for at least six months within the preceeding two years.

Upon passing the examination, a certificate to practice as a registered apprentice is granted and the time spent as an apprentice in the other state or country is credited to his requirements to qualify for application to take the barber examination.

A person who practiced legally as a barber out-of-state may receive a license to practice as a barber in this state if he:

A. Has practiced as a registered apprentice or registered barber or both for at least five years and furnishes two affidavits in proof.

B. Is presently a qualified barber in the state or country in which experience is claimed.

C. Passes a satisfactory examination to determine his fitness to practice as a registered barber.

D. Meets the requirements for a registered barber in this state.

IV. Fees

License Fees:

| | |
|------------|---------|
| Apprentice | \$10.00 |
| Barber | 10.00 |

Renewal Fees:

| | |
|------------|---------|
| Apprentice | \$10.00 |
| Barber | 10.00 |

Restoration Fees:

| | |
|------------|--------------------------|
| Apprentice | \$10.00 plus lapsed fees |
| Barber | 10.00 plus lapsed fees |

Examination Fees:

| | |
|------------|---------|
| Apprentice | \$20.00 |
| Barber | 25.00 |

V. Exemptions and General Provisions

A. In most states, the following general provisions apply:

Persons are explicitly forbidden to serve or attempt to serve as an apprentice to a registered barber without a certificate of registration as a registered apprentice issued by the board of barber examiners.

Moreover, no registered apprentice may practice barbering independently, but he may perform all the functions of barbering under the direct supervision of a registered barber, except that as much as 1.5 hours may be unsupervised in any working day.

In any barber shop, no more than one apprentice may be employed for each registered barber practicing in the shop.

No registered apprentice may practice barbering for more than three years on an apprentice license, except that extensions may be granted by the board for good cause, i.e., illness, accident, service in the Armed Forces of the United States.

Examinations for prospective barber students, apprentices and registered barbers shall be conducted at least four times each year and is to be scheduled and announced to applicants at least 30 days in advance. The examinations shall consist of practical demonstrations and written and oral tests which embrace the subjects usually taught in approved barber schools and colleges.

Renewals of certificates for every registered barber, registered barber teachers and registered apprentice who continues in active practice or service shall, annually, on or before July 1 of each year, renew his certificate of registration and pay the required fee. The board may vary the dates of registration renewal by giving the applicant written notice of the renewal date and by making prorated adjustments in the renewal fee. Every certificate of registration which has not been renewed within 30 days of expiration may be renewed by paying the required restoration fee.

Grounds for refusal, suspension or revocation of registration include:

1. Conviction of a felony.
2. Gross malpractice or incompetency.
3. Continual practice while knowingly carrying a communicable disease.
4. Advertising by deceptive statements.
5. Habitual drunkenness or addiction to the use of narcotics or other habit forming drugs.

6. Immoral or unprofessional conduct.

7. Where the applicant has received any part of his course of instruction in barbering at a state correctional institution, the requirements of 1, 5 and 6 (above) shall be determined solely upon the conduct of the applicant after the granting of his parole or discharge from the institution.

B. Exemptions in many states include the following persons while in the proper discharge of their professional duties:

1. Persons authorized by law to practice medicine and surgery in this state.

2. Commissioned medical and surgical officers of the United States Army, Navy or Public Health Service.

3. Registered Nurses.

4. Persons authorized by the law of this state to practice cosmetic therapy.

5. Undertakers, embalmers and morticians.

C. The provisions of this apprenticeship proposal would not be applicable to:

1. Persons engaged in the acts of barbering for a member of his immediate family.

2. Persons licensed as registered barbers in this state at the time this act becomes effective.

Senator Frank ...

STATE OF ALASKA



DIVISION OF LEGISLATIVE AUDIT
Juneau, Alaska

STATE OF ALASKA

A PERFORMANCE REVIEW
OF THE
BOARD OF BARBER EXAMINERS

March 31, 1979

Director of the Department of Administration

Juneau, Alaska

A PERFORMANCE REVIEW
OF THE
BOARD OF BARBER EXAMINERS

March 31, 1979

Commissioner of the Department
of Commerce and Economic
Development
Deputy Commissioner of the
Department of Commerce and
Economic Development

Charles R. Webber

Bertram L. Wagnon

Members of the
Board of Barber Examiners

Chairman
Member
Member
Member
Member

James Russi
Don A. Noll
Manuel Norat
Elmo Kienbaum
Maurice Smith

STATE OF ALASKA

AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDING

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
POUCH WF—STATE CAPITOL

JUNEAU, ALASKA 99511

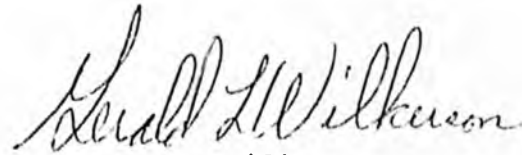
March 31, 1979

Members of the
Legislative Budget and Audit Committee:

In accordance with the intent of Title 24 and 44 of the Alaska
Statutes, the attached report is submitted for your review.

A PERFORMANCE REVIEW
OF THE
BOARD OF BARBER EXAMINERS

March 31, 1979



Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit

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PURPOSE AND SCOPE OF THE REVIEW

Purpose

In accordance with the intent of Alaska Statutes 24.20.271 (1) and 44.66.050 (sunset legislation), an audit of the Board of Barber Examiners was conducted to review Board activities and accomplishments to determine if the Board has been operating in an effective, efficient, and economical manner.

As required by legislative intent, this report shall be considered during the legislative oversight function in determining whether the Board of Barber Examiners should be reestablished. The law currently specifies that this Board will terminate on June 30, 1980, but will continue until June 30, 1981, for the purpose of concluding its affairs.

Scope

The major areas reviewed were the Board's operations and its licensing, examination, administration, complaint and affirmative action functions. Our review consisted of analyzing and evaluating the following:

- (1) Applicable statutes and Board regulations;
- (2) interviews with Board members and questionnaires sent to the Board;
- (3) interviews with health agencies and professional associations;
- (4) tests of records and documents of the Board and the Division of Occupational Licensing (OL), Department of Commerce and Economic Development;
- (5) interviews with OL employees;
- (6) complaints filed with OL, the Ombudsman's Office, Consumer Affairs Agency, and the Equal Employment Opportunity Office;
- (7) questionnaires sent to 119 State licensed barbers; and
- (8) questionnaires sent to 28 applicants who have failed the Barber Examination, 1976 - 1978.

Scope Constraints

This review was hampered by the following constraints:

- (1) The Board has not established and reported financial and program plans as required by AS 37.07.050 nor has it developed and reported performance information required by AS 37.07.090.
- (2) OL has not adequately collected, recorded and maintained pertinent files and statistics relating to the Board to effectively and efficiently carry out its administrative responsibilities.

ORGANIZATION AND FUNCTION

The Board of Barber Examiners was established by the 1957 Session Laws of Alaska. The Board consists of five licensed barbers appointed by the Governor. Board members serve until they resign or are removed by the Governor.

The Board is organized under the Department of Commerce and Economic Development, Division of Occupational Licensing (OL). OL provides the Board with licensing and investigative support. The licensing section processes applications, maintains license files, answers inquiries and provides other administrative help to the Board.

The function of the Board is primarily regulatory, mandated by AS 08.12. Accordingly, the Board has the authority to examine and issue licenses to qualified applicants, establish or amend rules and regulations necessary and desirable to enforce statutes, and to hold hearings to suspend or deny the license of a person violating the barber statutes and regulations.

REPORT CONCLUSION

Policy Issues

This review contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting these practices are not within the scope of this review but require legislative consideration. In debating these issues, the legislative oversight committees should take into consideration the findings and alternatives presented in this report, so that the potential impact of policy changes can be evaluated.

Report Conclusion

The primary purpose of a board is to protect the public through regulation of licensure.

Licensure is necessary when:

1. The unlicensed practice of an occupation poses a serious risk to consumers' life, health and safety, or economic well-being;
2. potential users of the occupational service cannot be expected to possess the knowledge needed to properly evaluate the qualifications of those offering services; and
3. benefits to the public clearly outweigh any potential harmful effects such as a decrease in availability of practitioners, higher costs of goods and services.

In order to find out whether or not the regulation of the practice of barbering satisfies these criteria, we reviewed the Board's activity in the areas of licensing, examination, inspection, administration and complaints. Our conclusions as to the Board's effectiveness follow:

1. Licensing: The Board does not grant licensure by endorsement or reciprocal agreement. Thus applicants who are otherwise qualified must wait to take the Alaska Board examination before they can obtain a license.
2. Examination: The examinations developed by the Board contain questions which are not job related and contain questions, the answers to which are subject to interpretation. The Board has not established sufficient procedures or consistently applied existing procedures for administration of

examinations. We found that most Board related complaints were concerning either the examination or the methods the Board used to administer the examination.

3. Inspection: The Board does not perform inspections. The Department of Health and Social Services is authorized under AS 18.05.040(9) to perform health and sanitation inspections. Therefore, it would be a duplication of effort for the Board to conduct similar inspections. There is no record that the Board ever conducted a compliance inspection of Alaska's only Barber School in accordance with 12 AAC 08.310.
4. Administration and Board Proceedings: The Board has not developed and reported program plans and performance information required by AS 37.07; the Board has no public members, and statutes, rules and regulations need to be reviewed and updated.
5. Complaints: Of 24 complaints reviewed, two were consumer related and minor in nature. The majority of complaints were made by applicants against the Board.

The practice of barbering does not meet the regulatory criteria described above. The Board of Barber Examiners should be allowed to terminate on June 30, 1980.

However, if the Board is not terminated and/or licensing of barbers is continued, then the following recommendations should be considered.

FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The Board of Barber Examiners should revise regulations to encourage entry of all qualified individuals as barbers.

The Board currently allows applicants to be licensed by examination only and allows applicants to practice in the interim in accordance with Sec. 08.12.160 of the Alaska Statutes which states:

Sec. 08.12.160. Temporary permit. Any person entering the state or transferring from a practice exempt under the provisions of § 270 of this chapter, and who desires to engage in barbering who has (1) a diploma from a barber college accredited by the board or (2) a bona fide license issued by another territory or state, shall be issued a temporary permit, valid until the next examination given by the board. (§ 6 art III ch 68 SLA 1957)

Consequently, applicants who are otherwise qualified would be denied licensure as they have not passed the Alaska Board examination; for example:

An applicant who has been licensed and practiced as a barber in another state for a period of years would be required to take the Alaska Board examination.

The effect of granting licensure by examination only unnecessarily restricts entry of qualified individuals into the profession.

In addition, applicants who have not demonstrated that they have met the minimum qualifications are allowed to practice in the interim; for example:

Applicants who seek licensure as a result of receiving a diploma from an accredited barber college are allowed to practice in the interim without first being tested for minimum competency. Consequently, there is a potential for unqualified applicants being allowed to serve the public.

The Board should revise regulations:

To allow licensure by endorsement and reciprocal agreement, whereby, an applicant can demonstrate that:

- A. His work has been accepted by the public through a history of work experience; and
- B. the requirements of the state in which the barber was previously licensed are generally in accordance with those requirements established by the Board.

Recommendation No. 2

The Board of Barber Examiners should improve procedures for:
1) Selection of test material to be included in the Barber written and practical examination; and 2) administration of the Barber written and practical examination.

Test Material

We requested through the Division of Occupational Licensing that copies of recent exams and answers given by the Board be sent to the Educational Testing Service (ETS) for evaluation. The results of the evaluation are included as Appendix G. We are in basic agreement with ETS and would encourage the Board to update the examination material accordingly.

The Board currently administers a State constructed examination.

Administration of the Examination

There have been a number of complaints concerning the methods the Board uses to administer the examinations. Most of the complaints result from inconsistent application or the absence of formal Board procedures in dealing with individual applicants. The following are areas where the Board could improve to reduce the number of complaints in the future:

- ① Grading criteria should be clarified and given to applicants before the examination. For example, applicants should know if more weight is given to certain test areas.
- ② Time limits for the examinations should be announced before the examination and should be adhered to.

3. Applicants should be informed that the barber regulations specifically authorized two barber textbooks for their use.
4. The Board should have a limited number of tools to lend applicants who have forgotten some of their tools. We realize that this may be contrary to the regulation that requires each applicant to furnish his own tools. Tools have been lent in the past and if it is Board policy to lend tools, then it should be done so consistently and understood by all applicants.
5. Admittance to the examination should be limited to those who are required to be there.

Recommendation No. 3

The Board of Barber Examiners should introduce legislation to amend AS 08.12.210 to encourage entry of barber schools to help provide an adequate supply of qualified barbers to serve the public.

Alaska Statute Section 08.12.210 states:

Sec. 08.12.210. License required. No person may operate a barber school or college, or teach in a barber school or college, without a barber teacher license issued by the board. (§ 2 art V ch 68 SLA 1957; am § 8 ch 168 SLA 1960)

According to a Board member and the personnel at the Division of Occupational Licensing, the term "to operate" includes ownership and/or management of a barber school.

Ownership and/or management of a barber school does not require that the owner and/or manager is required to teach. The requirement to be licensed as a barber teacher should apply only to those who are to instruct students.

AS 08.12.210 limits entry of those who are otherwise qualified to operate a barber school.

Increasing the number of barber schools in Alaska should be encouraged to increase the source of qualified barbers to serve the public.

Recommendation No. 4

The Board of Barber Examiners should submit legislation to: 1) Establish a term and to limit the length of service for Board members to two consecutive terms; and 2) require public members on the Board of Barber Examiners.

Alaska Statute Section 08.12.010-020 concerning creation, membership, and qualifications of Board members states:

Sec. 08.12.010. Creation and membership of board. There is created the Board of Barber Examiners, referred to in this chapter as the board, composed of five members appointed by the governor. Four members of the board shall be from separate major senatorial districts. The fifth member shall be appointed from the district having the largest number of practicing licensed barbers. The members serve at the pleasure of the governor. (sec 1 art II ch 68 SLA 1957; am sec 1 ch 168 SLA 1960)

Sec. 08.12.020. Qualifications of board members. Each member of the board shall be a practicing barber who has engaged in barbering in the state for at least five years prior to his appointment. Engaging in the practicing of barbering within a military reservation is not qualifying experience. (sec 2 art II ch 68 SLA 1957)

Currently AS 08.12.010 which creates the Board does not define the term and the number of terms a Board member may serve.

Limiting appointments to two consecutive terms would, over the years, permit a broader spectrum of professional background combined with increased opportunities for new members and ideas. This should make the Board more responsive to public needs and less subject to criticism.

AS 08.12.020 which establishes qualifications for the Board requires all five members of the Board to be representatives of the regulated profession.

The public, which is the group that the barber licensure laws were to protect, does not have representation on the Board.

In recent years, criticism of regulatory boards that only have representatives of the regulated profession as board members has increased. The public has lost confidence in these boards because they feel the profession's interest may be placed before that of the public's.

The Board should submit legislation to:

1. Establish a term and to limit the length of service for Board members to two consecutive terms.
2. Require public members on the Board.

Recommendation No. 5

The Board of Barber Examiners should introduce legislation to repeal Board inspection regulations to reduce duplication of effort.

The Board does not conduct health and sanitation inspections as authorized by Section 08.12.030(2) and (4) which states:

Sec. 08.12.030. General powers of board. The board may

(2) adopt rules and regulations for the conduct of the practice of barbering in accordance with reasonable standards of sanitation which do not derogate from the ultimate control over health and sanitary conditions for all licensees under this chapter which is in the Department of Health and Social Services;

(4) conduct inspections of barber shops to insure that standards of sanitation are being maintained, except that the board may not conduct a second inspection of the same shop within 90 days after the first inspection;

~~Health and sanitation inspections are performed by the Alaska Department of Health and Social Services which has ultimate control over health and sanitary conditions for barbers in accordance with AS 18.05.040(9).~~

Health and sanitation inspections are performed to protect the public from contagious diseases.

Regulations for the Board to make inspections are unnecessary and if carried out would be a duplication of effort.

Regulations authorizing the Board to make inspections should be repealed.

Recommendation No. 6

The Board of Barber Examiners should introduce legislation deleting "good moral character" as a requirement for licensure.

The Barber Law currently requires evidence of "good moral character" for licensure. AS 08.12.070(1) and AS 08.12.220(1) state:

Sec. 08.12.070. Application. A person wishing to practice barbering shall apply to the board by submitting

(1) evidence of his good moral character;

Sec. 08.12.220. Application. A person wishing to operate a barber school or college or teach in a barber school or college shall apply for examination and licensing to the board and submit

(1) evidence of his good moral character satisfactory to the board;

The Board has not defined the requirement "good moral character". Without definition this requirement cannot be interpreted and enforced in a consistent manner.

The Board should either define what "good moral character" is or introduce legislation to delete it as a requirement for licensure.

Recommendation No. 7

The Board of Barber Examiners should establish formal goals, objectives and quantifiable measures which should be included in the Division of Occupational Licensing's budget document.

The Board does not have a statement of goals and objectives.

Objectives describe what an agency or board is seeking to accomplish during a specific year. Well formulated objectives are capable of measurement and should include numerical targets so that actual accomplishments can be compared with stated targets. Without goals and objectives, the Board's performance cannot be adequately evaluated and analyzed.

The Division of Occupational Licensing established its own budget goals and objectives. The budget documents do not include any goals or measures for individual boards. Without the Board's goals and measures being identified or measured, neither the Governor's Office nor the Legislature can evaluate the Board's performance (see the Division of Occupational Licensing Performance Audit Report).

Recommendation No. 8

The Board of Barber Examiners should improve formal Board minutes.

Board minutes are not complete and in enough detail to recreate what happened at the Board meetings.

Board minutes are the official public record of all proceedings of a board meeting and the only means a board has to formally state its actions. Therefore, it is essential that all minutes be detailed, accurate, and complete.

To improve the quality of all Board minutes, we recommend that the Board establish procedures that include the following requirements.

1. All Board proceedings, except for executive sessions, should be tape recorded to allow for a more accurate and detailed transcription;
2. tapes should be retained for a reasonable period of time following transcription;
3. minutes should include Board member attendance, absence and public attendance;
4. minutes should reflect more detail of discussions during the meeting and identification of the person speaking;
5. minutes should include an accurate quote of all motions and resolutions whether carried or not and an accurate breakdown of the membership's voting;
6. attachments to Board minutes should include any documents adopted, lists of applicants approved and denied for licensure or examination; and
7. minutes should be properly approved, signed and ratified in a timely manner.

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses indicate both positive and negative attainments as Board activities relate to the public need factors defined in the "Sunset" law. These analyses are not intended to be comprehensive in nature, but address those areas we were able to cover within the scope of our review.

- I. The extent to which the board, commission or program has operated in the public interest.
 1. The Board provides a State constructed examination twice a year in Anchorage.
 2. The Board holds at least two meetings a year in Anchorage.
 3. The Board is reviewing regulations written by the Attorney General's Office for adoption.

- II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.
 1. The Division of Occupational Licensing (OL) has not maintained updated records and statistics for Board use (see the OL Performance Audit Report).
 2. The OL investigative section has not provided adequate investigative support necessary for the enforcement of the law (see the OL Performance Audit Report).
 3. Appointments to the Board have not been made in a timely manner. The Board had been operating for more than nine months with only four members.
 4. Statutory requirements for operating a barber school are unnecessarily restrictive by requiring a barber teacher license.
 5. The Board does not have a statement of goals and objectives.
 6. The Board issues temporary permits in an inconsistent manner.

- III. The extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest.

We found no evidence to indicate that the Board has recommended statutory changes.

- IV. The extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.

1. No documentation was available to us to determine the extent of the Board's solicitation of interested party input to its regulatory effects.

- V. The extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions.

As required by statute, the Board has published notices of its meetings in Anchorage, Fairbanks, Juneau and Ketchikan. However, such notices have not been published in a consistent and timely manner.

- VI. The efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which a board, or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved.

1. The OL investigative section has not provided adequate investigative support necessary for the enforcement of the law (see the OL Performance Audit Report).
2. Six complaints were filed with the Office of the Ombudsman. One complaint has been closed. Three complaints are going into hearing, and two complaints are being investigated.

- VII. The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.

1. The Board has issued 15 temporary permits and 62 barber licenses in the last 3 years.

2. There are 14 complaints against the Board on file with OL for denial of licensure.
3. All barber examinations are given in Anchorage. This places an unnecessary hardship on barber applicants from other areas of the State.
4. The Board has initiated regulations in the following areas:
 - a. A barber must be a resident of the State to become licensed.
 - b. At this time an applicant does not need to go to school for licensure. However, proposed new regulations require 1,500 hours of school for licensure.
 - c. At examinations, Board members shall not communicate with applicants except to the extent necessary to implement the examination itself.
 - d. No Board member may pass upon an applicant for licensure if there is a conflict of interest.
5. The Board has the statutory authority to grant reciprocity, but has not established any reciprocal agreements with other states (see Recommendation No. 1).

VIII. The extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission or agency to its own activities and the area of activity or interest.

We did not note any discriminatory practices performed by the Board. One complaint filed with the Human Rights Commission concerning discrimination due to sex was found to be unsupported. However, barber license applications require unnecessary information such as date and location of birth, social security number, and a photograph of the applicant. These application requirements - if not justifiable by the Board - may be in violation of Equal Employment Opportunity requirements (see the OL Performance Audit Report).

- IX. The extent to which statutory, regulatory, budgeting or other changes are necessary to enable the agency, board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

Please refer to the previous section, Findings and Recommendations for detail on recommended changes to enable the Board to better serve the public interest.

APPENDIXES

APPENDIX A

BOARD OF BARBER EXAMINERS
REVENUES COMPARED WITH EXPENDITURES
Fiscal Year 1978
(UNAUDITED)

| | |
|--|-------------------------|
| Average Revenue (see Note 1 and Schedule 1) | \$ 4,686 |
| Expenditures (see Note 2) | <u>11,243</u> |
| Excess of Expenditures over Average Revenues | <u><u>\$(6,557)</u></u> |

Schedule 1
Types of Revenues

| <u>Revenues</u> | <u>Amount</u> | <u>Collection Time</u> |
|----------------------------------|---------------|------------------------|
| <u>Examination Fees</u> | | |
| Barber | \$ 25 | With Application |
| Barber Teacher | 75 | With Application |
| Temporary Permit (see Note 3) | 25 | With Application |
| <u>Annual Licensure Fees</u> | | |
| Barber | 10 | Biennial |
| Barber Teacher | 50 | Biennial |
| Barber School | 150 | Biennial |

Note 1

A significant portion of revenues are composed of license renewal fees. The renewal date is June 30 of the odd numbered year which causes revenues to be unequal from year to year. Therefore, we took an average of the revenues collected in Fiscal Year 1977 and 1978 in order to obtain a representative amount of collected revenues.

Note 2

Expenditures include those made by Board members, such as travel and per diem, and an allocated percentage (estimated) of total administrative expenses of OL. They do not include expenditures for efforts of other departments, such as the Department of Law, that may be assisting the Board and OL.

Note 3

The temporary permit fee is used as a credit toward the \$25 fee for the barber examination

APPENDIX B

EXAMINATION STATISTICS

| <u>Examination Date</u> | <u>Administered (Note 1)</u> | <u>Failed (Note 1)</u> | <u>Passed (Note 1)</u> | <u>Percentage Pass Rate</u> |
|-------------------------|----------------------------------|----------------------------|----------------------------|---------------------------------|
| April, 1976 | 17 | 4 | 13 | 76.5 |
| October, 1976 | 8 | 2 | 6 | 75.0 |
| April, 1977 | 18 | 3 | 15 | 83.3 |
| October, 1977 | 15 | 5 | 10 | 66.7 |
| April, 1978 | 15 | 8 | 7 | 46.7 |
| October, 1978 | <u>15</u> | <u>7</u> | <u>8</u> | <u>53.3</u> |
| <u>Total</u> | <u>88</u> | <u>29</u> | <u>59</u> | <u>67.0</u> |

Pass rate for 3 year period 67.0%

Note 1

Statistics from Division of Occupational Licensing.

APPENDIX C

ADMINISTRATIVE STATISTICS

| <u>Barber Licensing Statistics</u> <u>(Note 1)</u> | <u>1978</u> | <u>1977</u> | <u>1976</u> |
|---|-------------|-------------|-------------|
| Applied for Licensure | 61 | 63 | 60 |
| Temporary Permits Issued | 17 | 7 | 16 |
| Barber Licenses Issued | 15 | 23 | 24 |
| Barber Renewals (Note 2) | 209 | 25 | 241 |

Board Meetings

The Board of Barber Examiners held three meetings in 1976, two meetings in 1977 and three meetings in 1978 through October 16, 1978.

Note 1

Barber licensing statistics from Division of Occupational Licensing.

Note 2

Division of Occupational Licensing started to renew licenses biennially in 1968.

APPENDIX D

QUESTIONNAIRE FOR MEMBERS OF THE BOARD
OF BARBER EXAMINERS

1. What do you believe to be the goals and objectives of the Board of Barber Examiners?

Upgrade barber laws.

Develop a hairstylist examination.

Develop methods of inspection for shops.

Upgrade sanitation laws in barbering.

Develop an apprenticeship law of 1-2 years.

To revise, update and upgrade barbering in our State.

2. Should the number of years a Board member may serve on the Board be limited? If so, how many?

No. The more experience a member has the better job he/she does.

Depending on individual performance of each and every Board member.

3. How does the Board measure its progress in meeting its goals and objectives?

By going over progress and problems at each Board meeting and discussing how well current examinees are developing whenever possible.

4. Is the staff from the Department of Commerce and/or other departments adequate to perform and enforce all laws and regulations relating to the Board of Barber Examiners? What staff support services are provided adequately? Inadequately?

They need to be checking outlying areas for health certificates and licenses since Board members cannot do this.

It is helpful having your representative at each Board meeting as you currently do to take minutes, etc.

At most, yes. Depending on the interest of the office holder at the time.

5. Are the barber procedures used in the practical examination pertinent and relevant to the barber profession being regulated? Are the questions on the written examination pertinent and relevant? Please mention any studies and/or other support backing your opinion.

I feel both examinations are adequate. The barbers who pass the examination are helping build the profession.

Yes, except excessive anatomy and physiology.

6. What evidence exists demonstrating that the absence of barber regulations and/or the Board would be detrimental to the public's best interest?

Without a Board there would be no professional standards. Skin diseases, etc. would be spread. It would set barbering back hundreds of years. We need to continually upgrade barbering as a profession and establish higher standards.

Shops in the State at present. Board needs more authority in supervision of shops, sanitation and sterilization.

7. Are there any statutes or regulations that you believe to be obsolete, vague, unduly restrictive, and/or inadequate to provide the Board with the responsibility and power to properly govern the purpose and activities of the Board? Please list and explain.

I believe the Board should be allowed to inspect all barber shops to see that they use proper sanitation, that they are clean and do not use excessive alcohol and/or drugs while working.

They should be revised.

8. What changes could be made to the Board which would improve its service to the public?

Update obsolete barber laws. Give the Board the responsibility of checking to see that barbers in our respective areas have current licenses, current health certificates and proper sanitation.

The Board at present is too easily incriminated by anyone's feelings, like causing trouble over any emotion they may have can and without profit. One should have to prove cause by evidence proving their statements beyond reasonable doubt before any other action is taken.

9. What is the difference between a hairdresser and a barber.

A hairdresser has advanced training in styling, hair straightening, coloring, etc.

Methods and atmosphere in establishments.

10. Any additional comments.

Need for more and closer supervision in shops. More emphasis on sanitation and sterilization and less on anatomy. Also more participation of Board members for inspection of licenses.

The Board of Barber Examiners for the State of Alaska requires 1,500 hours in a barber school before taking the examination. The beauticians have their own examination.

Neither should be able to cross into the others field without the basic schooling such as beauticians taking the Barber Board with only the requirements filled for beauty school or vice versa.

These two boards are definitely different in application and technique and should be kept so.

Note 1

| | |
|---|------------|
| Number of Board members sent questionnaires | 4 |
| Number of responses | <u>2</u> |
| Percent responses | <u>50%</u> |

Note 2

Some Board members responded to each question with several answers. Therefore, total responses for each question may exceed the number of Board members who responded.

APPENDIX E

QUESTIONNAIRE SENT TO BARBERS
(See Notes 1 and 2)

| | <u>Yes</u> | <u>No</u> |
|---|------------|-----------|
| 1. Do you feel that it should be necessary for the following to be licensed by the State: | | |
| A. Barber? | 41 | 0 |
| B. Barber Teacher? | 39 | 2 |
| C. Barber School? | 40 | 2 |
| 2. Do you believe Alaska's requirements for permanent licensure as a barber are beneficial for the: | | |
| A. Profession? | 33 | 2 |
| B. Public interest? | 34 | 3 |
| 3. Do you feel that temporary permits are in the best interests of the public? | 25 | 16 |

Comments

Times Encountered

| | |
|--|---|
| 1. Applicants should be allowed to have a temporary permit more than once. | 1 |
| 2. The Board should not issue temporary permits. | 1 |
| 3. The Board should only be used in schools. | 1 |
| 4. Applicants should have a current license for temporary permits. | 1 |
| 5. There are too many bad barbers in Alaska. | 1 |

4. What contact have you had with the Board of Barber Examiners?

| <u>Comments</u> | <u>Times Encountered</u> |
|---------------------------------------|--------------------------|
| 1. None (by mail, very little, etc.). | 6 |
| 2. Examination. | 21 |
| 3. Know or worked for Board member. | 7 |
| 4. Board member. | 2 |
| 5. Meetings. | 2 |

| | <u>Yes</u> | <u>No</u> |
|---|------------|-----------|
| 5. Do you believe the Board has operated in the public's best interest? | 34 | 6 |

| <u>Comments</u> | <u>Times Encountered</u> |
|--|--------------------------|
| 1. The Board restricts competition | 1 |
| 2. Depends on how bad they need barbers. | 1 |

| | <u>Yes</u> | <u>No</u> |
|---|------------|-----------|
| 6. Would the absence of the Board be detrimental to the public's best interest? | 36 | 4 |

| <u>Comments</u> | <u>Times Encountered</u> |
|--|--------------------------|
| 1. The Board plays a vital role. | 1 |
| 2. The Board needs to tighten regulations. | 1 |

| | <u>Yes</u> | <u>No</u> |
|---|------------|-----------|
| 7. Are there any statutes or regulations for the Board that you consider to be obsolete, vague, unduly restrictive? | 6 | 27 |

| <u>Comments</u> | <u>Times Encountered</u> |
|--|--------------------------|
| 1. The Board is not fair. | 1 |
| 2. Give more pay and authority to the Board. | 1 |

| 7. <u>Comments (Cont'd.)</u> | <u>Times Encountered</u> |
|--|--------------------------|
| 3. <i>The Board should make inspections.</i> | 1 |
| 4. <i>Upgrade to modern times.</i> | 1 |
| 5. <i>No blood test is needed for licensure.</i> | 1 |
| 6. <i>Board appointments.</i> | 1 |
| 7. <i>Apprentice program is needed.</i> | 1 |
| 8. <i>Shaving is an important part of the examination.</i> | 1 |

| | <u>Yes</u> | <u>No</u> |
|---|------------|-----------|
| 8. Do you believe that the examination given by the Board is a fair and reasonable test of a barber's professional knowledge and ability? | 38 | 4 |

| <u>Comments</u> | <u>Times Encountered</u> |
|--------------------------------------|--------------------------|
| 1. <i>Needs upgrading.</i> | 1 |
| 2. <i>Parts untested.</i> | 3 |
| 3. <i>Board not qualified.</i> | 1 |
| 4. <i>If Board members are fair.</i> | 2 |
| 5. <i>Picks men from boys.</i> | 1 |
| 6. <i>Not relevant.</i> | 3 |
| 7. <i>Examination is fair.</i> | 2 |
| 8. <i>Examination is not fair.</i> | 1 |

9. Do you think the Board of Barber Examiners should be made up of:

| | <u>Number</u> | <u>Percentage</u> |
|---|---------------|-------------------|
| A. A majority of barbers? | 35 | 83.3 |
| B. An equal number of barbers and public members? | 6 | 14.3 |

| | | | |
|----|----------------------------------|---------------|-------------------|
| 9. | (Cont'd.) | <u>Number</u> | <u>Percentage</u> |
| | C. A majority of public members? | 1 | 2.4 |

Please circle one.

| | |
|-----------------|--------------------------|
| <u>Comments</u> | <u>Times Encountered</u> |
|-----------------|--------------------------|

- | | |
|--|---|
| 1. Board discriminates. | 1 |
| 2. Barbers are needed to test barbers. | 1 |

| | |
|------------|-----------|
| <u>Yes</u> | <u>No</u> |
|------------|-----------|

| | | | |
|-----|---|---|----|
| 10. | Are you aware of any discriminatory practices involving licensing or investigations of the Board? | 7 | 32 |
|-----|---|---|----|

| | |
|-----------------|--------------------------|
| <u>Comments</u> | <u>Times Encountered</u> |
|-----------------|--------------------------|

- | | |
|--|---|
| 1. Conflict of interest. | 1 |
| 2. Temporary permits. | 1 |
| 3. Board discriminates. | 2 |
| 4. Difficult test is in the public's interest. | 1 |

| | |
|------------|-----------|
| <u>Yes</u> | <u>No</u> |
|------------|-----------|

| | | | |
|-----|---|----|----|
| 11. | Do you believe that consumer complaints should be handled by the Board of Barber Examiners? | 30 | 10 |
|-----|---|----|----|

| | |
|-----------------|--------------------------|
| <u>Comments</u> | <u>Times Encountered</u> |
|-----------------|--------------------------|

- | | |
|-------------------------------------|---|
| 1. Barber is own worst enemy. | 1 |
| 2. Bad barbers will starve out. | 2 |
| 3. Board should get more money. | 3 |
| 4. Barber should handle complaints. | 4 |
| 5. By investigation unit at OL. | 2 |
| 6. Use Consumer Protection. | 2 |

| | <u>Yes</u> | <u>No</u> |
|---|------------|-----------|
| 12. Do you have any complaints concerning the service provided by the staff support of the Division of Occupational Licensing, Department of Commerce and Economic Development? | 4 | 36 |

| <u>Comments</u> | <u>Times Encountered</u> |
|--|--------------------------|
| 1. Good job. | 3 |
| 2. Quick, organized service. | 1 |
| 3. Should be controlled by Board. | 1 |
| 4. Issued license before approved. | 1 |
| 5. Staff needs better understanding of laws and regulations. | 1 |

| | <u>Yes</u> | <u>No</u> |
|---|------------|-----------|
| 13. Do you believe continuing education should be required for your profession? | 24 | 18 |

| <u>Comments</u> | <u>Times Encountered</u> |
|-----------------------------------|--------------------------|
| 1. For new styles and techniques. | 7 |
| 2. On barbers own. | 8 |
| 3. Mandatory. | 8 |
| 4. Not necessary. | 3 |
| 5. Patron will weed out. | 2 |

| | <u>Yes</u> | <u>No</u> |
|---|--------------------------|-----------|
| 14. Would you favor combining the Board of Barbers with the Board of Hairdressing and Beauty Culture Examiners? | 8 | 32 |
| | <i>Times Encountered</i> | |
| <u>Comments</u> | | |
| 1. Barber and hairstyling, but not hairdressing. | | 1 |
| 2. Barbers work on men. | | 1 |
| 3. Done in Oregon, not good. | | 1 |
| 4. Separate professions. | | 11 |
| 5. At a later date. | | 2 |
| 6. Same thing. | | 6 |
| 7. Need to be examined. | | 1 |

| | <u>Yes</u> | <u>No</u> |
|---|--------------------------|-----------|
| 15. Do you hold a current Alaska license? | 42 | 0 |
| 16. Do you recommend any changes to the Board to improve services to the public?, the profession? | 19 | 20 |
| | <i>Times Encountered</i> | |
| <u>Comments</u> | | |
| 1. Board could work on legislation. | | 2 |
| 2. Make them full-time. | | 1 |
| 3. More education. | | 1 |
| 4. Apprentice program. | | 2 |
| 5. Board elected by barbers. | | 2 |
| 6. Inspect shops. | | 1 |
| 7. No professional on Board. | | 1 |
| 8. Too much politics. | | 1 |
| 9. Relax equipment standards. | | 1 |

| | <u>Yes</u> | <u>No</u> |
|---|------------|-----------|
| 17. Should the number of years a Board member may serve on the Board be limited? If so, how many? | 27 | 15 |

| <u>Comments</u> | <u>Times Encountered</u> |
|-------------------------|--------------------------|
| 1. Three year limit. | 4 |
| 2. Stagger expirations. | 1 |
| 3. Five year limit. | 1 |
| 4. Two year limit. | 6 |
| 5. Six year limit. | 1 |
| 6. Four year limit. | 12 |
| 7. One term. | 2 |
| 8. Two terms. | 1 |
| 9. No limit. | 1 |

18. Any other comments? (This is your chance to air your gripes or compliments!)

| <u>Comments</u> | <u>Times Encountered</u> |
|--|--------------------------|
| 1. Shops should be inspected by Board. | 1 |
| 2. Too many X-rays for health cards. | 1 |
| 3. Platitudes for the Board. | 3 |
| 4. Fairbanks out of touch. | 1 |
| 5. No apprentice law. | 1 |
| 6. Board not up to public expectations. | 1 |
| 7. Examinations should be given every 3 months. | 1 |
| 8. Fines and jail for violators. | 1 |
| 9. No temporary permits after failing the examination. | 1 |

18. Cont'd

| <u>Comments</u> | <u>Times Encountered</u> |
|--|--------------------------|
| 10. Conflict of interest. | 1 |
| 11. Residency before licensure. | 1 |
| 12. Board is pro union. | 1 |
| 13. Don't issue temporary permits. | 1 |
| 14. Board membership on merit. | 1 |
| 15. Alaskans should take care of Alaskans. | 1 |

Note 1

| | |
|-------------------------------|--------------|
| Number of questionnaires sent | <u>119</u> |
| Number of responses | <u>42</u> |
| Percent response | <u>35.3%</u> |

Note 2

Some barbers responded to each question with several answers. Therefore, total responses for each question may exceed the number of barbers who responded.

APPENDIX F

QUESTIONNAIRE SENT TO APPLICANTS WHO FAILED
THE BARBER EXAMINATION, 1976-1978
 (See Notes 1 and 2)

| | | <u>Yes</u> | <u>No</u> |
|----|--|--------------------------|-----------|
| 1. | Do you feel that it should be necessary for the following to be licensed by the State: | | |
| | A. Barber? | 9 | 0 |
| | B. Barber Teacher? | 9 | 0 |
| | C. Barber School? | 9 | 0 |
| 2. | Do you believe Alaska's requirements for permanent licensure as a barber are beneficial for the: | | |
| | A. Profession? | 7 | 1 |
| | B. Public interest? | 5 | 3 |
| | <u>Comments</u> | <u>Times Encountered</u> | |
| | 1. Requirements must meet professional standards. | | 1 |
| | 2. The basic idea in relation to the public is sanitation requirements. | | 1 |
| | | <u>Yes</u> | <u>No</u> |
| 3. | Do you feel that temporary permits are in the best interests of the public? | 7 | 2 |
| | <u>Comments</u> | <u>Times Encountered</u> | |
| | 1. Also the applicant for barber license. | | 1 |
| | 2. Only if requirements are met. | | 1 |
| | 3. Permits should be issued by non-board members. | | 1 |

4. What contact have you had with the Board of Barber Examiners?

| <u>Comments</u> | <u>Times Encountered</u> |
|--------------------------------|--------------------------|
| 1. Examination. | 7 |
| 2. Met Board or Board members. | 1 |
| 3. For temporary permits. | 4 |
| 4. Complaint. | 1 |
| 5. Work for Board member. | 2 |
| 6. Licensure. | 1 |
| 7. None. | 1 |

5. Do you believe the Board has operated in the public's best interest?

| <u>Yes</u> | <u>No</u> |
|------------|-----------|
| 2 | 6 |

| <u>Comments</u> | <u>Times Encountered</u> |
|--|--------------------------|
| 1. The Board is not involved with the shops. | 1 |
| 2. Sanitation should be main concern. | 1 |
| 3. Board only tests applicants. | 1 |

6. Would the absence of the Board be detrimental to the public's best interest?

| <u>Yes</u> | <u>No</u> |
|------------|-----------|
| 7 | 2 |

| <u>Comments</u> | <u>Times Encountered</u> |
|--|--------------------------|
| 1. Board must be interested in individual members of the profession. | 1 |
| 2. Board must not be merely interested in self-interest. | 1 |

| | <u>Yes</u> | <u>No</u> |
|---|------------|-----------|
| 7. Are there any statutes or regulations for the Board that you consider to be obsolete, vague, unduly restrictive? | 5 | 2 |

Comments

Times Encountered

- | | |
|--|---|
| 1. Practical exam is purely personal opinion, no guidelines on test and grading. | 2 |
| 2. Laws vague. | 2 |
| 3. Instructors should not be allowed to judge. | 1 |
| 4. Out-of-State barbers must retest. | 1 |
| 5. Practical exam out-of-date. | 2 |
| 6. Written exam unbelievable. | 1 |

| | <u>Yes</u> | <u>No</u> |
|---|------------|-----------|
| 8. Do you believe that the examination given by the Board is a fair and reasonable test of a barber's professional knowledge and ability? | 2 | 7 |

Comments

Times Encountered

- | | |
|--|---|
| 1. Written exam given to out-of-State applicants at different time than residents. | 1 |
| 2. Alaska exam has many unimportant questions. | 2 |
| 3. Obtain from tape. | 1 |
| 4. Practical exam material out-of-date. | 2 |
| 5. Board members use up exam time. | 2 |
| 6. Board grades without actual knowledge. | 1 |
| 7. Board gives special treatment to some applicants. | 1 |

8. Cont'd

| <u>Comments</u> | <u>Times Encountered</u> |
|---|--------------------------|
| 8. <i>Some parts of the exam are vague, giving the Board the opportunity to discriminate.</i> | 1 |
| 9. <i>For what they teach in school, the Board is fair.</i> | 1 |
| 10. <i>Exam should be true-false and multiple choice, not essay.</i> | 1 |

9. Do you think the Board of Barber Examiners should be made up of:

| | <u>Number</u> |
|---|---------------|
| A. A majority of barbers? | 4 |
| B. An equal number of barbers and public members? | 4 |
| C. A majority of public members? | 0 |

Please circle one.

| | <u>Yes</u> | <u>No</u> |
|---|------------|-----------|
| 10. Are you aware of any discriminatory practices involving licensing or investigations of the Board? | 6 | 1 |

| <u>Comments</u> | <u>Times Encountered</u> |
|---|--------------------------|
| 1. <i>Board regulates competition.</i> | 1 |
| 2. <i>Board not interested in professional achievements.</i> | 1 |
| 3. <i>Yes.</i> | 1 |
| 4. <i>Out-of-State applicants checked more closely and harshly.</i> | 2 |
| 5. <i>See conversation.</i> | 1 |

| | <u>Yes</u> | <u>No</u> |
|---|--------------------------|-----------|
| 11. Do you believe that consumer complaints should be handled by the Board of Barber Examiners. | 1 | 8 |
| | <i>Times Encountered</i> | |
| <u>Comments</u> | | |
| 1. Board gets uptight over complaints. | | 1 |
| 2. Professional investigator should handle complaints. | | 2 |
| 3. Conflict of interest (members are shopowners). | | 2 |
| 4. This gives the Board power to be discriminatory. | | 2 |
| 5. No help from OL. | | 1 |
| 6. Should only complain about professional conduct or if someone was hurt. | | 1 |
| 7. Shop owners should handle complaints. | | 1 |

| | <u>Yes</u> | <u>No</u> |
|---|--------------------------|-----------|
| 12. Do you have any complaints concerning the service provided by the staff support of the Division of Occupational Licensing, Department of Commerce and Economic Development? | 2 | 6 |
| | <i>Times Encountered</i> | |
| <u>Comments</u> | | |
| 1. Information not reliable. | | 1 |
| 2. Some students given exam questions. | | 1 |
| 3. Didn't do anything. | | 1 |
| 4. Most helpful. | | 1 |

| | <u>Yes</u> | <u>No</u> |
|---|--------------------------|-----------|
| 13. Do you believe continuing education should be required for your profession? | 7 | 2 |
| | <u>Times Encountered</u> | |
| <u>Comments</u> | | |
| 1. Allows person to improve oneself. | | 2 |
| 2. Without continuing education barbering would not exist as a profession. | | 1 |
| 3. Standardize profession in relation to exam. | | 2 |
| 4. Only if more than basic barbering. | | 2 |
| 5. Optional. | | 2 |
| 6. Training before licensure. | | 1 |
| 7. Minimum education (12th Grade). | | 1 |

| | <u>Yes</u> | <u>No</u> |
|---|--------------------------|-----------|
| 14. Would you favor combining the Board of Barbers with the Board of Hairdressing and Beauty Culture Examiners? | 1 | 8 |
| | <u>Times Encountered</u> | |
| <u>Comments</u> | | |
| 1. Look at Oregon. | | 1 |
| 2. Fine for beautician but not barber. | | 1 |
| 3. If they teach both in school they should be able to work at both. | | 1 |
| 4. Two different professions. | | 5 |
| 5. Ok for Board members but not for licensees. | | 1 |
| 6. Why learn some profession you don't plan on using. | | 2 |
| 7. Only if barbers upgrade to level of hairdresser. | | 1 |
| 8. Barbers losing out to better organized beauticians. | | 1 |

| | <u>Yes</u> | <u>No</u> |
|--|------------|-----------|
| 15. Do you hold a current Alaska license? | 2 | 7 |
| 16. Do you recommend any changes to the Board to improve services to the public? The profession? | 7 | 1 |

Comments

Times Encountered

| | |
|--|---|
| 1. Board members must show competency. | 1 |
| 2. Board needs better relationship with licensees. | 1 |
| 3. Conflict of interest. | 1 |
| 4. Change Board members. | 1 |
| 5. Update laws. | 1 |

| | <u>Yes</u> | <u>No</u> |
|---|------------|-----------|
| 17. Should the number of years a Board member may serve on the board be limited? If so, how many? | 8 | 2 |

18. What do you believe to be the reason or reasons you failed the Barber Examination?

Comments

Times Encountered

| | |
|---|---|
| 1. You get more for your school money Outside. | 1 |
| 2. Refer to my transcript at OL. | 2 |
| 3. What text will exam material be from? | 2 |
| 4. Did not study. | 1 |
| 5. Listen to tape. | 1 |
| 6. Hard to find model who wears that out dated style. | 1 |
| 7. Instructor present. | 1 |
| 8. Special consideration for some. | 1 |

18. Cont'd

| <u>Comments</u> | <u>Times Encountered</u> |
|---|--------------------------|
| 9. Student who works on base - fails. | 1 |
| 10. Discriminated because she is hairdresser. | 1 |
| 11. Told she would never pass. | 1 |
| 12. Six hairdressers took exam, and failed. | 1 |
| 13. Go to work for a Board member and pass. | 1 |

19. Any other comments? (This is your chance to air your gripes or compliments!)

| <u>Comments</u> | <u>Times Encountered</u> |
|---|--------------------------|
| 1. Public needs better service. | 1 |
| 2. Need Board and test. | 1 |
| 3. Why retest out-of-State barbers? | 1 |
| 4. Test time puts on pressure. | 1 |
| 5. Board takes too long to check work. | 1 |
| 6. Listen to tape. | 1 |
| 7. Inspect all shops. | 1 |
| 8. Send me the book from which they will ask questions. | 1 |
| 9. Feel free to contact again if you have more questions. | 1 |
| 10. Attorney General should just interpret laws. | 1 |

Note 1

| | |
|-------------------------------|--------------|
| Number of Questionnaires sent | <u>28</u> |
| Number of Responses | <u>9</u> |
| Percent Response | <u>32.1%</u> |

Note 2

Some applicants responded to each question with several answers. Therefore, total responses for each question may exceed the number of applicants who responded.

APPENDIX G

EDUCATIONAL TESTING SERVICE



PRINCETON, N.J. 08541

050 021 0000
CABLE TELETYPE

CENTER FOR OCCUPATIONAL
AND PROFESSIONAL ASSESSMENT

January 29, 1979

Mr. Don Hostak
State of Alaska
Department of Commerce &
Economic Development
Division of Occupational Licensing
Pouch D
Juneau, AK 99811

Dear Mr. Hostak:

A test development specialist and I have quickly reviewed the written tests you sent last week. We are of the opinion that they are similar in content, style and quality to other state barbering tests which we have reviewed in detail and found to be neither job related or developed using currently acceptable measurement techniques.

While we will not make comments about specific test questions, we generally do not agree with some of the answers provided for many of the questions. Our work in the barbering field indicates that only those items dealing with the health, safety and protection of the public are important from a licensing and testing standpoint. Memorization of medical terminology or even a casual acquaintance with details of the nervous, skeletal, digestive or muscular systems do not meet the licensing criteria.

We do not encourage the use of open-ended questions on licensing examinations. Open-ended questions allow a great variety of responses, many of which could have several meanings. As a result, this type of question is difficult to grade. We recommend multiple-choice type questions which require only one answer that is not subject to interpretation by the person grading the test.

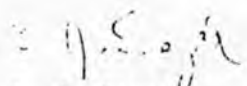
We note that the board requires a minimum of 75 out of 100 questions answered correctly for licensure and it is impossible to determine the validity of this cutscore in the absence of supporting data.

January 29, 1979

Our review indicates that an extensive effort by subject-matter experts, licensing officials and measurement specialists should be considered. Job analysis is needed to identify critical/important tasks of barbers and tests should be built to reflect the findings of the job analysis.

Thank you for thinking of ETS for your measurement needs. I am enclosing several publications which you may find useful. If I can provide further assistance please do not hesitate to call.

Sincerely,


C. J. Teryek
Program Director

enclosures

cc: Victor May

**DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT**

DIVISION OF OCCUPATIONAL LICENSING

POUCH D

JUNEAU, ALASKA 99811

July 30, 1979

RECEIVED

AUG 1 1979

**LEGISLATIVE
AUDIT**

Mr. Gerald Wilkerson, CPA
Division of Legislative Audit
Pouch W
Juneau, Alaska 99811

Dear Mr. Wilkerson:

The following comments are in response to the Performance Review of the Board of Barber Examiners, as submitted by the Division of Legislative Audit.

The Department of Commerce and Economic Development concurs with the Division of Legislative Audit's suggestion that the Board of Barber Examiners be allowed to terminate on June 30, 1980. Existence of the Board and regulation of the profession does not appear to meet the criteria by which public need or protection is determined.

Thank you for the opportunity to respond to this report and for the time and effort expended by you and your staff.

Sincerely,



Charles R. Webber
Commissioner

RECEIVED

AUG 2 1979

LEGISLATIVE
AUDIT

July 27, 1979
604 2ND Graehl
Fairbanks, Alaska 99701

Division Of Legislative Audit
Pouch W-Alaska Office Building
Juneau, Alaska 99811

Dear Sirs:

I have read your Performance Review of the Board of Barber Examiners, and have prepared the following response.

Recommendation No. 1

I agree that Sec. 08.12.160 leaves alot to be desired, and it is a fact that the Board did not issue permits to people with diplomas from out of state barber colleges until August, 1976. At that time I had denied a permit to Veda Vaughn. She wrote to the Attorney General's Office and I later received a letter from the Attorney General stating that in his opinion I could be held personally responsible for denying Mrs. Vaughn the right to work. A permit was then issued.

The Committee recommendation to allow licensure by reciprocal agreement is not a valid one. A large number of people who have been licensed find they have not developed the skill necessary to compete in the trade. These people move on to other endeavors, keep their license current and try again under different circumstances, only to find that they have lost some of the dexterity they did have.

Allowing licensure by endorsement is a farce as it would be no problem for a person to get a recommendation from someone in another state.

Allowing applicants who have not demonstrated minimum qualifications to practice barbering seems to be the only weakness of Sec. 08.12.160. It does not deny qualified barbers the right to work as they may practice barbering with a permit until the next examination date. A remedy to this situation would be for the Division Of Occupational Licensing to allow for more frequent examinations.

Recommendation No. 2

Work is presently in progress to revise and update test material. This work will be completed before the next scheduled examination.

All test questions are weighted equally and a State set requirement of 75% is needed to pass the exam, which all applicants are made aware of.

A time limit is announced to all applicants at the time of the exam, however all applicants are allowed more time if needed.

All applicants are informed of the two barber text books authorized by barber regulations.

In the 14 years I have served on the Board of Examiners, I am sure that no applicant has been denied the use of a tool he or she may have forgotten.

Admittance to the examination IS limited to those who are required to be there.

Recommendation No. 3

I am in strong disagreement with the Committee's recommendation regarding AS 08.12.210. Presently the school in Anchorage is providing more than an adequate number of qualified barbers. There is no reason to train more people than the industry can absorb.

Another aspect to consider as far as licensing a school, owner, or instructor is this. A student pays tuition to the school and receives no compensation for work done while training. This gives an unscrupulous person the opportunity to operate a cut-rate barber shop without paying any wages. This has happened on many occasions throughout the country and on one occasion in Alaska. Thus by requiring the licensure of operators the Board is able to prevent this from happening. (I am sure the Committee did not do its homework on this one.)

Recommendation No. 4

I am in agreement that sufficient service of Board member would be two four year terms. Further I would recommend that appointments be made at staggered two year intervals.

I fail to see the value of a public member on the Board of Examiners. It is my experience that the Board acts primarily in the public interest for the public is from whom the industry derives its livelihood. Furthermore, that is why we have the Budget and Audit Committee to look into these things.

Recommendation No. 5

I am in agreement with the committee that Sec. 08.12.030 (2) and (4) should be repealed. However I would like to point out that in regards to the barber school in Anchorage, that all examinations take place there and that any substandard conditions would be noted and orders to correct the situation would be given immediately.

Recommendation No. 6

Agreed

Recommendation No. 7

I agree with the Committee's recommendation that the Board prepare a statement of goals and objectives. However, here again we run into the problem of time. The Board is allowed four days a year to conduct its business. Usually the Board takes two days each in April and Oct-

ober. At each meeting we hold examinations, both written and practical for an average of 15 applicants. We typically finish late on the second day. This leaves no time to hash out formal goals and objectives.

Besides more frequent meetings, funding should also be provided to allow the Chairman of the Board to attend the National Association Of Barber Examiners Convention each year. I think it would be agreeable to a majority of the barbers in the state to raise license and renewal fees to cover this cost.

Recommendation No. 8

Agreed

Conclusion

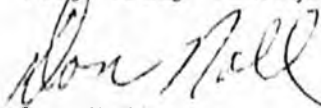
It is my opinion that there is a need for the licensing function of the Board of Barber Examiners. It performs a much needed service to both the industry and the public. Both consumers and employers should be able to expect that a barber is fully qualified for his job.

The Board has submitted recommendations of change for both regulations and statutes. We feel there should be a minimum of 2000 hours required for training in barber school as well as a two year apprenticeship program. It is unreasonable to expect that a person can attain a journeyman's level of competence with only 1500 hours of training. We have suggested allowing more time for the Board to conduct its business. This would help alleviate our biggest shortcomings. However to accomplish these things we need the support of the Division of Occupational Licensing.

It is not for lack of knowledge of the trade, nor lack of conscientious effort toward bettering the trade for both the industry and the public that we do not appear to meet "regulatory criteria". It is the lack of resources made available to us to perform our jobs.

Thank you for the opportunity to clarify my stand on the issue.

Very Truly Yours,



Don Noll

Board of Barber Examiners

RECEIVED

JUL 21 1979

LEGISLATIVE
AUDIT

July - 24 1979
Box. 238
Anchorage Alaska
99510
Manuel Norat

State of Alaska
The Legislature Budget and Audit Comm
Mr. Gerald S. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit

Dear Sir,

Enclosed please find my response
to your letter of 7/10/79.

If I can be of any help please
feel free to call me.

907 - 274 3204

- 277 3205

- 274 0732

Manuel Norat.

Reply to Findings and Recommendations
as requested by Revision of
Legislative Audit.

Reply to Recommendations No. 1 -
to No. 8

No. 1. No. 1.

Add to Sec. 08.12.160 State
Law to read.

Reciprocity = For any applicant
who has practiced as a Barber in another
state for a period of 24 months within
the past 36 months and has a Reg.
current Barber license from another state
or county and providing that state or county has
Reciprocity with the state of Alaska and
he or she pays the required license fee. He
be issued a license to practice in this
state.

No. 2

Recommend that the Examinations be
combined as listed here in.
to combine the writing and practice
exams.

Written Exam. to consist of 50
questions for a total score of
35 points to be completed in 45
minutes.

The Practical examination to
consist of a

Hair cut, Scalp Massage, Shampoo and Facial.

Consisting of 1 Hour 15 minutes
for a total of 65 points
For a combine total of 100 points
with 75 points needed to pass the
test

For any applicant consuming any
additional time he or she shall
lose 2 points for every additional 5
minutes consumed. From their total
score.

Every applicant should receive a
notice from the Division Office of
the date, time, ~~place~~ and place of
the examination. The letter should also
include the following information = sequence of
the test =

Writing test of 50 questions
Time = allowed 45 minutes
Points that can be granted if all are correct 35

Practical test consisting of -

- ① Hair cut
- ② Scalp massage
- ③ Shampoo
- ④ Hair E
- ⑤ Facial

to be given as listed to be completed
in 1 Hour 15 minutes For a
total of 65 points

For a combined total of 100 points

Writing Test 35 points
Practical Test 65 points

Needed to pass the Test 75 points
or Better

Also state the Test was used
Practice and Science of Shindand
Barbering, ~~Published~~ Published by
Meady Publishing Corp.
Brooklyn N. Y.

I suggest that all tools and models
be the responsibility of the applicant.

1183.

Add to Sec. 23. 12 - 210 a

Any person may own or manage a
Barber School or Barber College providing
that a licensed teacher or Barbering
in attendance and supervising at all times
Also the following conditions must be met
A certificate to operate a Barber school
or College should be granted to any
qualified applicant provide the location of
the school or college has

Page 5

No. 4 Limiting the terms of Board members would be unadvisable, because experience is needed for adequate performance.

Add to Sec. 08.12.010
A Public member shall be appointed by the Governor.

a Public member would be desirable and beneficial.

No. 5. Barter Board members should be required to inspect all new shops and schools or colleges before said shops or schools are licensed by the State or municipality, to ensure proper requirements for quality.

No. 6. Delecting moral character would be in my ^{opinion} opening the door for unbecom-
ing behavior ^{professional} example

Excuse use of Alcohol
using and selling of Drugs.
sex molesters, Habitual Criminals
ect. ect.

By the retention of this wording
good moral character, it can only help to
discourage unbecomable in the Barter
profession and students or schools.

No. 7

The Board
The goals of the Board have
been limited due to the lack of budget
with proper budgeting a statement of
goals and objectives could be established

No. 8 Approval of as stated in your report

would request that the Lic. Exam
Journal type recorder and tapes and
paraphernalia needed as recommended.

Very truly yours
M. J. [Signature]

RECEIVED

LEGISLATIVE
AUDIT

July 25, 1979

Gerald Wilkerson, CPA
Legislative Auditor
Pouch WF - State Capitol
Juneau, Alaska 99811

Dear Mr. Wilkerson:

I am writing in response to the Performance Review of the Board of Barbers Examiners dated March 31, 1979.

FINDINGS & RECOMMENDATIONS

Recommendation No. 1 (Page 9)

Many barber schools (as in many vocational schools) do not meet satisfactory standards. In order to maintain a high level of skills in Alaska, we feel each applicant should be tested. Applicants need to prove their competency. There is really no other way to assure the State of Alaska of "qualified individuals".

Recommendation No 2 (Page 10)

Currently being done. (1) Potential barbers should be well versed in all phases of barbering even though it may not appear on the test. Naturally, if told they will be tested on specific areas - the remainder of important material will be left unlearned even though it is essential for high standards. (2) As for time limits, these are set and adhered to, but if extra time is needed students are always allowed this because the board realizes the amount of stress the applicants are experiencing during the exam. (3) (Page 11) This is currently being done. (4) This shows irresponsibility and would mean board members would have to travel with all their own tools. This, we feel, is the applicant's responsibility.

Recommendation No. 3 (Page 11)

Currently being done

Recommendation No. 4 (Page 11)

(1) Many barbers are not interested in serving, and those who do serve as board members should have several years of experience before being appointed. Young, inexperienced barbers are not qualified. Board members should also be well versed in Alaska laws and therefore should have lived in Alaska for a number of years to qualify. (2) How can a consumer grade an applicant on his/her haircut, shave or shampoo?

Recommendation No. 5 (Page 13)

If Health & Social Services would perform regular inspections, this would be satisfactory

Recommendation No. 6 (Page 13)

What happens if a dope addict, alcoholic or prostitute applies? This has happened and these people in no way should be allowed to serve the public. It is impossible to screen out every individual, but by supplying character witnesses, at least we can handle some of the problem areas.

Recommendation No 7 (Page 14)

At one of our recent meetings goals were discussed and set. (See Appendix D, Page 25) Also see Page 18 of Analysis No. 4a

Recommendation No. 8 (Page 14)

Minutes are taken by the secretary of the Department of Licensure. Possibly these need to be taped.

ANALYSIS OF PUBLIC NEED

II. 3. Page 16 Appointments to the Board have always been made by the Governor. In Southeast Alaska we were without a board member (although I had written to the Governor's office on several occasions and had had several prominent citizens write to the Governor regarding appointment) for several years. And at one time had a member on the board who found it difficult to attend meetings and therefore were not represented much of the time.

III. Because of limited budget for travel, etc. we have been unable to meet with legislative body. This would be extremely helpful in making statutory changes.

V. Only when there is an applicant in that area is the notice published. This was recommended by the Department of Commerce as a cost effective measure.

VII 3. This is done because of cost since most applicants and most examiners are in the Anchorage area.

VII 4. These were some goals that have been made and instituted.

VII 5. Refer to Recommendation 4 on Page 11.

VIII This does need revision

Gerald Wilkerson, CPA
July 25, 1979
Page 3

In summary, In Appendices D, E and F you will note that the majority of barbers, board members and applicants (even though these are ones who failed the exam) feel we DO need a board of barber examiners; they feel there are changes to be made but that this is a vital board to the welfare of the State of Alaska and the welfare of the public and the profession of barbering.

I am appalled at the lack of response you had to your questionnaires and feel, as in most professions, the majority of barbers don't realize the importance of getting involved but if anything doesn't go their way will be the first to complain.

I am enclosing a copy of a letter to the editor in the Anchorage paper recently. This letter does represent the viewpoint of many barbers but does include more than those who are in the union.

I do encourage you, as you study your reports, to pay particular notice to what barbers throughout the state are saying through the answers they have given in their questionnaires. I have tried to make my response as brief as possible, answering only those areas that I felt most important and skipping a few points that probably should have been dealt with a bit more completely.

If I can be of any further help to you or your committee, please do not hesitate to contact me.

Sincerely,

Elmo O. Kienbaum

Elmo O. Kienbaum
2206 Tongass Avenue
Ketchikan, Alaska 99901

(907) 225-5447 or (907) 225-2218

Printed in Anchorage
Letters to the
Editor

Dear Editor

On April 1 1979 a barbers test was given for the state licensing of barbers here in Anchorage.

A gross injustice was done by the Department of Commerce who took it upon them selves to override the board and bring in their own written examination in which more than half was nonconforming and totally irrelevant to barbering.

In our opinion this is just one example of more injustices that will come if Juneau and our Commerce Dept. has their way in eliminating the boards of not only the barbers but of the other professions such as doctors, dentists, attorneys, chiropractors and many others whos function directly protect the public.

We of the barbers Union Local 56 are appalled with the dictatorial attitude of our Dept. of Commerce which has been going on for years in regard to the professions.

The Alaskan people need these boards to insure that persons in these professions are equipped to protect the public in the areas of health, safety and sanitation.

Would you go to a doctor that had taken an electricians test or hire an electrician that had taken a doctors exam, or a dentist that had been given a welders exam or a barber given an exam totally unrelated to his or her field we doubt it.

If not then it is apparent that the public must get involved in regard to this so called suspect act which would eliminate the boards whos purpose is to protect the public.

These tests will be put together by people totally lacking knowledge in the field for which they are testing and further all practical examinations could be eliminated if these boards are discouraged.

Because of the boards, contagious diseases of the face and head, such as ringworm and impetigo have been virtually eliminated. Would you want these and many others contagious diseases returned to our society? We Wouldn't.

Journeyman Barbers International
Assoc. Local 56
1530 Garbell
Anch Alaska 99501.

Rose & Breeze

Attorneys at Law - a Professional Corporation

526 J Street - Anchorage, Alaska 99501

*Nissel A. Rose
Robert A. Breeze*

*Telephone
(907) 277-0533*

March 17, 1980

The Honorable W. "Brad" Bradley
Chairman, Senate Commerce Committee
Pouch V
Juneau, AK 99811

Dear Senator Bradley:

The enclosed proposed bill was intended to have reached you sooner, but was inadvertently sidetracked. It has been basically patterned after the California Statute, with some adjustments from Florida and from Alaska law which, we believe, fit the local situation better. As indicated by its title, the bill proposes to terminate the existence of the Board of Hairdressing and Beauty Culture Examiners, and replacing it with the Board of Cosmetology. Its contents are the result of the work product of the Alaska Hairdressers and Cosmetologists Association. On the behalf of the Association, I respectfully urge you to recommend the passage of the proposed bill, or one as closely patterned after it as possible. It is considerably more comprehensive than what has been provided by statute in Alaska in the past, and covers such fields as electrology and cosmeticians which were heretofore omitted.

If I can be of any assistance in answering questions on the proposed bill, or obtaining answers to questions for your committee, please feel free to call upon me at the above address or phone number.

Very truly yours,

ROSE & BREEZE, P. C.

By: 

Nissel A. Rose

Enclosure
Nar:pj

A BILL FOR AN ACT

Relating to occupational licensing; creating new provisions; amending ORS 293.110, 345.010 and 431.130; repealing ORS chapters 690 (1973 Replacement Part) and 691 (1975 Replacement Part); appropriating money; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. As used in sections 1 to 26 of this Act:

(1) "Board" means the State Board of Barbers and Hairdressers.

(2) "Certificate" means a certificate of registration, issued in accordance with this Act, authorizing the holder to practice hair design, cosmetology or manicure in accordance with the provisions of this Act.

(3) "Cosmetology" means the use of the hands, mechanical or electrical apparatus or appliances, cosmetic preparations, antiseptics, tonics, lotions or creams in massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work performed on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment either directly or indirectly for the public generally.

(4) "Hair design" means, when done upon the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment either directly or indirectly for the public generally, any one or more of the following practices:

(a) Shaving, trimming or cutting of the beard.

(b) Arranging, styling, dressing, curling, temporary waving, permanent waving, relaxing, cutting, singeing, bleaching, coloring, dyeing, cleansing, shampooing, conditioning, applying hair tonics or similar work upon the hair of an individual.

(5) "License" means a license to operate a shop issued under the provisions of this Act.

(6) "Manicure" means cutting, trimming, polishing, coloring, tinting, cleansing, or otherwise treating the nails of the hand or massaging, cleansing, treating or beautifying the hands performed for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment either directly or indirectly for the public generally.

(7) "Practitioner" means a person certified and registered to practice hair design, cosmetology or manicure under the provisions of this Act.

(8) "School of hair design" means an establishment operated for the purpose of teaching hair design and licensed under ORS chapter 345.

1 (9) "Shop" means an establishment operated for the purpose of engaging in the
2 practice of hair design, cosmetology or manicure and licensed under the provisions of
3 this Act.

4 SECTION 2. This Act does not apply to:

5 (1) Services performed without compensation in case of emergency or in domestic
6 administration.

7 (2) The following persons while in the proper discharge of their professional duties:

8 (a) Persons authorized by the law of this state to practice medicine, osteopathy,
9 surgery or dentistry.

10 (b) Registered nurses.

11 (c) Persons licensed by the State Board of Pharmacy, merchants or other individuals
12 when demonstrating apparatus or supplies for purposes of sale.

13 (d) Commissioned medical and surgical officers of the United States Army, Navy or
14 Marine Hospital Service.

15 (3) A student attending a school licensed to teach hair design, cosmetology or
16 manicure under ORS chapter 345 nor is such person required to obtain a license under
17 this Act to perform within the scope of his training.

18 SECTION 3. No person shall:

19 (1) Practice or attempt to practice hair design, cosmetology or manicure without a
20 certificate as a practitioner issued pursuant to this Act.

21 (2) Operate a shop unless it is at all times under the direct supervision and
22 management of a practitioner.

23 (3) Display a sign or in any way advertise or hold himself out as a practitioner,
24 barber or hairdresser or as being engaged in the practice or business of hair design,
25 cosmetology or manicure without first obtaining a certificate or license as provided in
26 this Act.

27 (4) Knowingly make a false statement on an application for a license, certificate or
28 permit or for the renewal of a license, certificate or permit issued under the provisions
29 of this Act.

30 (5) Permit any person in his employ or under his supervision or control to practice
31 hair design, cosmetology or manicure without a certificate as required by this Act.

32 (6) Obtain or attempt to obtain a certificate, license or permit by fraudulent means.

33 (7) Permit the fraudulent use of his certificate by another person.

34 SECTION 4. A person desiring to obtain a license or certificate shall apply in
35 writing to the board on a form provided by the board. Each application shall be

1 accompanied by evidence under oath or affirmation and satisfactory to the board that
2 the applicant possesses the necessary qualifications.

3 SECTION 5. (1) To be issued a certificate as a practitioner, each applicant shall:

4 (a) Pass the certification examination given by the board pursuant to section 7 of
5 this Act;

6 (b) Pay the examination fee and application fee determined by the board; and

7 (c) If the applicant is applying for a certificate to practice hair design have
8 successfully completed all courses a school of hair design is required to teach to be
9 licensed under ORS chapter 345; or

10 (d) If the applicant is applying for a certificate to practice cosmetology or manicure,
11 have successfully completed all courses a school permitted to teach cosmetology or
12 manicure is required to teach to be licensed under ORS chapter 345.

13 (2) An applicant who holds a currently valid license or certificate to perform hair
14 design, cosmetology or manicure issued by a licensing agency of another state or
15 territory of the United States shall not be required to comply with paragraph (c) or (d)
16 of subsection (1) of this section.

17 (3) An applicant shall not be required to comply with paragraph (c) or (d) of
18 subsection (1) of this section if the applicant is the graduate of a hair design,
19 cosmetology or manicure school in another state or territory or in a state correctional
20 institution and the requirements for successful completion of training at the school are
21 determined by the Superintendent of Public Instruction to meet the minimum
22 requirements for licensing a school of hair design or a school permitted to teach
23 cosmetology or manicure under ORS chapter 345.

24 (4) The board shall issue to each qualified applicant a certificate. A certificate shall
25 be valid for one year. The certificate shall be prima facie evidence of the right of the
26 holder to practice in the field of practice for which the holder has qualified and to
27 represent himself as a practitioner.

28 (5) At the request of any applicant who has qualified to perform hair design under
29 this section, the board shall issue a certificate designating its holder as either a
30 "barber" or "hairstylist," or both, as the applicant requests.

31 (6) A certificate shall state the areas of practice the practitioner may perform.

32 SECTION 6. (1) To be issued a license for a shop, each applicant shall:

33 (a) Be 18 years of age.

34 (b) Comply with the rules of the board concerning health, safety and sanitation.

1 (c) Comply with the applicable health and safety laws and rules of the Health
2 Division and any other state agencies.

3 (d) Pay the application fee determined by the board.

4 (2) The board shall issue to each qualified applicant a license. A license shall be
5 valid for one year. The license shall be prima facie evidence of the right of the owner of
6 the shop to operate a shop and to advertise as offering the services for which the shop is
7 licensed.

8 (3) A shop issued a license under the provisions of this Act must at all times be
9 under the direct supervision and management of a practitioner. If hair design is
10 practiced in the shop, the practitioner who supervises the shop must have a certificate
11 to practice hair design.

12 **SECTION 7.** (1) Examinations shall be given at such times and places as the board
13 may determine, but in no instance less often than once every month.

14 (2) Examinations shall be written or oral tests and shall test the applicant's
15 knowledge of sanitary practices and safety for all procedures permitted and in the use
16 of all instruments, equipment or chemicals permitted within the scope of a license and
17 certificate in the field of practice for which the applicant is seeking certification.

18 **SECTION 8.** The board may refuse to issue or may suspend or revoke any
19 certificate or license for any one or more of the following causes:

20 (1) Continued performance of hair design, cosmetology or manicure by a person
21 knowingly having an infectious or communicable disease.

22 (2) Violation of ORS 646.608 in the conduct of a hair design, cosmetology or
23 manicure business.

24 (3) Violation of any of the provisions of this Act.

25 **SECTION 9.** (1) Except as otherwise provided by this Act, all certificates and
26 licenses issued under sections 1 to 26 of this Act shall expire one year after the date of
27 issue, unless renewed within 30 days of the expiration date by payment of the required
28 renewal fee and compliance with other requirements for renewal. The board, however,
29 may vary the date of certificate and license renewal by giving to the applicant written
30 notice of the renewal date being assigned and by making prorated adjustments in the
31 renewal fee.

32 (2) Any license or certificate not renewed before it expires may be renewed within
33 one year by payment of the required renewal fee, compliance with other requirements
34 for renewal and payment of a late renewal fee set by the board.

1 (3) A certificate that has not been renewed for more than one year, and less than
2 five years, after the date of expiration may be renewed and restored upon payment of
3 one year's renewal fee.

4 (4) A certificate that has not been renewed for a period of five years after date of
5 expiration may be renewed and restored if the applicant:

6 (a) Satisfactorily passes the examination required by section 7 of this Act.

7 (b) Pays one year's license fee in advance.

8 SECTION 10. (1) Every holder of a certificate shall display it in a conspicuous
9 place adjacent to or near his work chair. If he has no work chair, the certificate shall be
10 displayed in a conspicuous place within the shop.

11 (2) Every holder of a license shall display it in a conspicuous place within the shop.

12 SECTION 11. (1) A person not certified under this Act who wishes to practice,
13 demonstrate and teach hair design, cosmetology or manicure, or perform any one or
14 more of such functions, temporarily and primarily for educational purposes and is
15 otherwise qualified as determined by the board shall first obtain a permit from the
16 board.

17 (2) The permit shall specify:

18 (a) The purpose for which it is granted.

19 (b) The period during which the person is permitted to practice, demonstrate and
20 teach, which period shall not exceed 10 days.

21 (c) The time and place of exercising the privilege granted by the permit.

22 (3) A person may be granted a permit under subsection (1) of this section if he:

23 (a) Makes application to the board for the permit.

24 (b) Is currently licensed or certified to practice or teach hair design, cosmetology or
25 manicure in another state and presents satisfactory evidence of that fact to the board,
26 or is otherwise qualified as determined by the board.

27 (c) Describes the purpose for which the permit is sought.

28 (d) Pays the required permit fee.

29 SECTION 12. (1) A person who wishes to temporarily operate any premises for
30 teaching hair design, cosmetology or manicure shall first obtain a temporary premises
31 license from the board.

32 (2) A person may be granted a license under subsection (1) of this section if he:

33 (a) Makes application to the board.

34 (b) Describes the purpose for which the license is sought.

35 (c) Identifies the location of the premises to be licensed.

- 1 (d) States the time and dates for which the license will be issued.
- 2 (e) Pays the required license fee.
- 3 (3) The license shall specify:
- 4 (a) The times, dates and location.
- 5 (b) The purpose for which the license is granted.
- 6 (c) The person to whom the license is issued. The person specified shall be
- 7 responsible for the adherence to board rules governing health and sanitation.
- 8 (4) The period during which the premises shall be licensed shall not exceed five
- 9 days.
- 10 (5) A temporary premises license is not required and shall not be issued if the
- 11 educational activity is conducted in a licensed school of hair design, cosmetology or
- 12 manicure.

13 **SECTION 13.** (1) A practitioner who practices outside of or away from a place of
14 business shall carry with him a certificate of identification which must be shown to a
15 person upon whom the work is being performed. The certificate shall contain the
16 signature of the practitioner, his post-office address, the number and date of his
17 certificate.

18 (2) The board shall, without charge, issue such certificates upon demand by any
19 practitioner who practices away from his place of business on persons who are
20 physically unable to visit a licensed shop.

21 **SECTION 14.** (1) There is created within the Department of Commerce a State
22 Board of Barbers and Hairdressers consisting of seven members appointed by the
23 Director of Commerce. Each member of the board shall serve for a term of three years
24 and until his successor is appointed and qualified. At all times the membership of the
25 board shall be so constituted that:

26 (a) Six members of the board shall be practitioners licensed under the provisions of
27 this Act.

28 (b) One member shall be a public member not licensed under this Act.

29 (2) A person is not eligible for appointment as a member of the board if:

30 (a) He is associated, directly or indirectly, in the manufacture of cosmetic or barber
31 appliances or supplies or their rental, sale or distribution to licensees.

32 (b) He has previously served two terms.

33 (3) A member of the board serves at the pleasure of the Director of Commerce.
34 Vacancies shall be filled by the Director of Commerce, by appointment for the
35 unexpired term.

1 SECTION 15. (1) Notwithstanding the qualifications of members of the board
2 specified in section 14 of this Act, the first practitioner members appointed to the board
3 shall be:

4 (a) Three persons currently licensed to practice as barbers under ORS chapter 690.

5 (b) Three persons currently licensed to practice as hairdressers under ORS chapter
6 691.

7 (2) Notwithstanding the terms of office specified in section 14 of this Act, of the
8 members first appointed to the board:

9 (a) Three shall serve for terms ending June 30, 1978.

10 (b) Two shall serve for terms ending June 30, 1979.

11 (c) Two shall serve for terms ending June 30, 1980.

12 SECTION 16. The board shall elect a chairperson. The board shall prescribe rules
13 to govern the proceedings of the board. The board shall hold meetings at such times and
14 places as it determines. A majority of the members of the board shall constitute a
15 quorum.

16 SECTION 17. Each member of the board is entitled to compensation and expenses
17 as provided in ORS 292.495.

18 SECTION 18. (1) The Director of Commerce shall fix the qualifications of and
19 appoint an administrator for the board who shall not be a member of the board. Subject
20 to the applicable provisions of the State Merit System Law, the director shall fix the
21 compensation of the administrator, who shall be in the unclassified service.

22 (2) The Director of Commerce shall provide the board with such services and
23 employes as the board requires to carry out its duties under the provisions of this Act.

24 SECTION 19. The board shall keep a record of its proceedings relating to the
25 issuance, refusal, suspension and revocation of certificates. This record shall also
26 contain the name, place of business and the date of each certificate and license issued
27 by the board. The records of the board shall at all reasonable times be open to
28 inspection by the public.

29 SECTION 20. (1) The board has authority to make reasonable rules for the
30 administration of the provisions of this Act and prescribe sanitary and safety
31 requirements for shops. Sanitary requirements for shops shall be subject to the
32 approval of the Health Division. A copy of the rules adopted by the board shall be
33 furnished by the board to the owner or manager of each shop.

34 (2) Notwithstanding subsection (1) of this section, the board may not prohibit the
35 use of the shop for domestic purposes if the part devoted to domestic purposes is in a

1 completely separate room not used by customers, with walls extending from floor to
2 ceiling and with any connecting doors kept closed while the shop is in actual operation.

3 **SECTION 21.** In addition to the powers otherwise granted by this Act, the board
4 shall have the power:

5 (1) To determine whether applicants to practice hair design, cosmetology or
6 manicure meet the qualifications under section 5 or 6 of this Act, to conduct
7 examinations, and to grant certificates and licenses to qualified applicants upon
8 compliance with this Act and the rules of the board.

9 (2) To establish sanitary and safety standards for the practice of hair design,
10 cosmetology or manicure, and to enforce the standards.

11 (3) To prescribe and furnish forms for applications for examinations, certificates,
12 licenses and permits.

13 (4) To do any act necessary or proper to effect and carry out the duties required of
14 the board by this Act.

15 **SECTION 22.** (1) Where the board proposes to revoke or suspend or refuse to issue
16 or renew a certificate, permit or license, opportunity for hearing shall be accorded as
17 provided in ORS chapter 183.

18 (2) Any rules adopted by the board shall be adopted in accordance with the
19 procedures set forth in ORS chapter 183.

20 **SECTION 23.** Fees required to be paid shall be paid in amounts determined by the
21 board and approved by the Director of Commerce, except that no fee shall exceed the
22 following:

23 (1) The filing of an application for an original certificate as a practitioner, \$15.

24 (2) An annual renewal of a certificate as a practitioner, \$15.

25 (3) Each examination for a certificate as a practitioner, \$15.

26 (4) A temporary permit issued under section 11 of this Act, \$5.

27 (5) A shop license, \$50.

28 (6) An annual renewal for a shop license, \$25.

29 (7) A temporary premises license, \$25.

30 (8) A duplicate or replacement of any certificate, license or permit, \$5.

31 (9) A late renewal fee, \$5.

32 **SECTION 24.** All fees and other funds received by the Department of Commerce
33 under this Act shall be paid into the Commerce Administration Account. The payments
34 shall be credited to a separate subaccount, and are continuously appropriated for the
35 purpose of administering sections 1 to 26 of this Act.

1 SECTION 25. Violation of section 3 of this Act is a Class B misdemeanor.

2 SECTION 26. (1) In addition to any other duties prescribed by law, the Director of
3 Commerce shall establish within the Department of Commerce a program to provide for
4 the inspection of shops licensed under sections 1 to 26 of this Act and of schools licensed
5 to teach hair design, cosmetology or manicure under ORS chapter 345.

6 (2) Inspections conducted under this section shall determine whether the shops
7 comply with the sanitary and safety requirements under sections 1 to 26 of this Act and
8 rules adopted thereunder and whether the schools comply with the sanitary and safety
9 requirements under ORS chapter 345 and rules adopted thereunder. Upon completion
10 of each school inspection the Director of Commerce shall cause a report of the results of
11 the inspection to be submitted to the Superintendent of Public Instruction.

12 Section 27. ORS 345.010 is amended to read:

13 345.010. As used in ORS 345.010 to 345.370, subsection (1) of 345.990 and ORS
14 345.992 to 345.997:

15 (1) "Agent" means any person owning an interest in, employed by or representing
16 for remuneration a vocational school within or outside this state who, by solicitation in
17 any form in this state enrolls or seeks to enroll for remuneration a resident of this state
18 for instruction or training offered by the vocational school, or offers to award
19 educational credentials on behalf of the vocational school, or who holds himself out to
20 residents of this state as representing a vocational school for any purpose stated in this
21 subsection.

22 (2) "Board" means the State Board of Education.

23 (3) "Cosmetology" has the meaning given in section 1 of this 1977 Act.

24 (4) "Hair design" has the meaning given in section 1 of this 1977 Act.

25 (5) "Manicure" has the meaning given in section 1 of this 1977 Act.

26 [(3)] (6) "Superintendent" means Superintendent of Public Instruction.

27 [(4)] (7) "Vocational school" means any private proprietary vocational, technical,
28 home study, correspondence, business, professional or other school instruction,
29 organization or person that offers any instruction or training for the purpose or
30 purported purpose of instructing, training or preparing persons for any vocation or
31 profession.

32 SECTION 28. Sections 29 to 35 of this Act are added to and made a part of ORS
33 345.010 to 345.370.

34 SECTION 29. In addition to the other requirements of this chapter, rules adopted
35 by the board to regulate schools teaching hair design, cosmetology or manicure:

1 (1) Shall be set out separately from other rules adopted by the board.

2 (2) Shall, if the rules concern cleanliness, sanitary practices or use of instruments
3 in the school, be adopted only after the board consults with the Health Division to
4 assure that such rules are consistent with the requirements of the Health Division.

5 (3) May include any rule the board considers necessary to protect the economic or
6 physical health and safety of the public or of the students attending the school.

7 (4) Shall include rules that set standards for teachers teaching in schools licensed to
8 teach hair design, cosmetology or manicure pursuant to this chapter.

9 SECTION 30. In addition to the requirements for issuance of a license under ORS
10 345.040, for schools seeking a license to teach hair design, cosmetology or manicure, the
11 board shall, by rule, require the schools to teach, and require for graduation from the
12 school, courses that meet minimum standards set by the board on sanitary practices and
13 safety for all procedures permitted and in the use of all instruments, equipment or
14 chemicals permitted within the respective field of practice.

15 SECTION 31. (1) For the purposes set forth in subsection (2) of ORS 345.330, the
16 superintendent shall appoint an advisory committee for vocational schools teaching
17 hair design.

18 (2) The membership of the advisory committee shall be so constituted that:

19 (a) Four members shall be owners of schools licensed under this chapter to teach
20 skills required for hair design.

21 (b) Two members shall be practitioners, certified under sections 1 to 26 of this 1977
22 Act, who are graduates of schools licensed under this chapter to teach hair design and
23 who have graduated within one year of the time appointed.

24 (c) Two members shall be practitioners licensed under sections 1 to 26 of this 1977
25 Act who have practiced for more than one year preceding appointment.

26 (d) Two members shall be owners of shops licensed under sections 1 to 26 of this
27 1977 Act.

28 (e) One member shall be from the general public.

29 (3) Each member of the advisory committee shall serve for a term of four years
30 ending June 30.

31 (4) The members of the advisory committee shall be entitled to compensation as
32 provided in subsection (3) of ORS 345.330.

33 SECTION 32. (1) Notwithstanding the qualifications of members of the advisory
34 committee specified in section 31 of this 1977 Act, the members of the committee first
35 appointed need not be licensed under ORS chapter 345, graduates of a school licensed

1 under ORS chapter 345 or certified under sections 1 to 26 of this 1977 Act but may be
2 persons currently holding a valid license or certificate under ORS chapter 690 or 691.

3 Of the practitioner members first appointed to the advisory committee:

4 (a) Two shall be barbers currently licensed to practice under ORS chapter 690.

5 (b) Two shall be cosmeticians currently licensed in the class of cosmetic therapy of
6 hairdresser under ORS chapter 691.

7 (2) Notwithstanding the terms of office specified in section 31 of this 1977 Act, of
8 the members first appointed to the advisory committee:

9 (a) Three shall serve for terms ending June 30, 1978.

10 (b) Three shall serve for terms ending June 30, 1979.

11 (c) Three shall serve for terms ending June 30, 1980.

12 (d) Two shall serve for terms ending June 30, 1981.

13 SECTION 33. In addition to the other duties of the Superintendent of Public
14 Instruction prescribed by law, the superintendent shall, at the request of the State
15 Board of Barbers and Hairdressers, determine whether a school teaching hair design,
16 cosmetology or manicure that is not licensed under the provisions of this chapter meets
17 the minimum requirements set by the board for licensing of a similar school under this
18 chapter.

19 SECTION 34. Sanitary and safety inspections performed in schools licensed under
20 this chapter to teach hair design, cosmetology or manicure shall be conducted by the
21 Department of Commerce.

22 SECTION 35. (1) In addition to the fees required by ORS 345.080, before issuing
23 any license under this chapter to a school teaching hair design, cosmetology or
24 manicure, the superintendent shall collect a nonrefundable annual inspection fee of
25 \$100.

26 (2) The inspection fee collected under subsection (1) of this section shall be
27 transferred to the Department of Commerce for inspections performed under section 34
28 of this 1977 Act.

29 Section 36. ORS 293.110 is amended to read:

30 293.110. (1) All payments of money into the State Treasury by virtue of any statute
31 providing for, creating, authorizing or continuing any of the funds enumerated in
32 subsection (2) of this section shall be paid into and become a part of the General Fund.

33 (2) The following funds shall be a part of the General Fund:

34 [(a) Board of Barber Examiners' Fund.]

35 [(b) (a) Board of Dental Examiners' Fund.]

- 1 [(c)] (b) Forest Patrol Fund.
- 2 [(d)] (c) Motor Vehicle Fund.
- 3 [(e)] (d) Oregon State Veterinary Medical Fund.
- 4 [(f)] (e) State Banking Fund.
- 5 [(g)] (f) State Institutional Betterment Fund.
- 6 [(h)] (g) State Library Contingent Fund.
- 7 [(i)] (h) State Library School Library Fund.
- 8 [(j)] (i) Tumalo Maintenance Fund.
- 9 [(k)] (j) All other funds created by law which are not trust funds.

10 Section 37. ORS 431.130 is amended to read:

11 431.130. (1) The Health Division shall, in accordance with the provisions of ORS
12 chapter 183, make such rules and regulations as, in its judgment, are necessary for
13 carrying out subsection (2) of ORS 276.990, ORS 418.405 to 418.455, 418.505, 418.515
14 to 418.530, 418.855, 431.010 to 431.040, 431.060, 431.110 to 431.150, 431.160 to
15 431.180, 431.310, 431.330 to 431.350, 431.410, 431.420 to 431.460, 433.005, 433.010,
16 433.106 to 433.155, 433.205, 433.216, 433.220, 433.230, 433.255 to 433.270, 433.340 to
17 433.390, 433.705, 433.715, subsection (6) of 433.990, ORS 434.260, 434.270, 437.010,
18 subsection (2) of 437.040, ORS 437.140, 437.410 to 437.500, 448.215 to 448.250[,] and
19 482.141 [and 690.200], including rules and regulations concerning the control of
20 venereal diseases and the care, treatment and quarantine of persons infected therewith.

21 (2) The Health Division may enforce the rules and regulations for the control of any
22 of the communicable diseases by quarantining or by the adoption of such other
23 reasonable measures as seem best for limiting the spread of communicable diseases and
24 for the preservation of the public health.

25 SECTION 37a. If Senate Bill 83 (1977) becomes law, then section 37 of this Act is
26 repealed.

27 SECTION 38. (1) Any valid license, certificate or permit to practice as a barber or
28 hairdresser or to practice cosmetology or manicure or to operate a shop that has been
29 issued by the State Board of Cosmetic Therapy or the Board of Barber Examiners under
30 ORS chapter 690 or 691 shall remain valid as issued and subject to the provisions of
31 ORS chapter 690 or 691 and rules adopted thereunder as effective on the effective date
32 of this Act and as enforced by the State Board of Barbers and Hairdressers and the
33 Department of Commerce. When the license, certificate or permit expires and is subject
34 to renewal, the State Board of Barbers and Hairdressers shall renew the license,

1 certificate or permit in accordance with the provisions for the renewal of licenses and
2 certificates under sections 1 to 26 of this Act.

3 (2) Any student enrolled in a school regulated by ORS chapter 690 or 691 on the
4 effective date of this Act may, at the election of the student and upon the completion of
5 the training at the school, apply for a certificate as provided in sections 1 to 26 of this
6 Act or may qualify for a certificate by complying with the provisions of ORS chapter
7 690 or 691 and rules adopted thereunder as the statutes and rules exist on the effective
8 date of this Act.

9 (3) Any person serving as an apprentice under ORS chapter 690 on the effective
10 date of this Act shall be issued, without charge, a certificate as a practitioner as
11 provided in sections 1 to 26 of this Act.

12 (4) For purposes of this section, the State Board of Barbers and Hairdressers shall
13 apply the appropriate provisions of ORS chapters 690 and 691 and rules adopted
14 thereunder, as the statutes and rules exist on the effective date of this Act, as
15 necessary.

16 SECTION 38a. (1) Notwithstanding any other provision of this Act, any school
17 licensed to teach barbering under the provisions of ORS chapter 690 on the effective
18 date of this Act may continue, at the election of the school, to operate under the
19 provisions of ORS chapter 690 and any rules adopted thereunder as effective on the
20 effective date of this Act and as administered by the Superintendent of Public
21 Instruction. If a school elects to become subject to the provisions of this section all
22 aspects of the operation of the school shall become subject to regulation under this
23 section, including, but not limited to, the course of study, admission requirements,
24 teacher requirements and qualifications, teacher licensing and license renewal,
25 requisites for graduation, work station requirements, curriculum and all other
26 requirements for the school.

27 (2) If a school elects to be regulated according to the provisions of this section, it is
28 not subject to regulation pursuant to any other provision of this Act. Any student
29 attending a school regulated according to the provisions of this section and any teacher
30 teaching in the school are subject to the requirements of ORS chapter 690 and any rules
31 adopted thereunder only while attending or teaching in the school.

32 (3) No school shall be regulated according to the provisions of this section unless the
33 school so elects before the effective date of the rules adopted by the State Board of
34 Education pursuant to section 39 of this Act. Any school electing to operate according to

1 this section may at any later time elect to withdraw from the provisions of this section
2 and become regulated as otherwise provided by this Act.

3 (4) Any license or certificate to teach barbering issued by the Board of Barber
4 Examiners pursuant to ORS chapter 690 before the effective date of this Act shall
5 remain valid and may be renewed according to the provisions of ORS chapter 690 and
6 rules adopted thereunder as effective on the effective date of this Act so long as the
7 holder teaches at a school regulated according to this section.

8 (5) The Superintendent of Public Instruction shall administer the provisions of this
9 section.

10 SECTION 39. (1) The State Board of Education shall adopt rules for the regulation
11 and licensing of schools teaching hair design, cosmetology or manicure. The rules shall
12 become effective not later than July 1, 1978.

13 (2) Until the effective date of rules adopted pursuant to subsection (1) of this
14 section, the Superintendent of Public Instruction shall regulate schools holding valid
15 licenses to teach under ORS chapter 690 or 691 in accordance with the provisions of the
16 statutes and rules in effect on the effective date of this Act.

17 (3) Students graduating from schools regulated by the Superintendent of Public
18 Instruction under the provisions of this section shall be considered to have graduated
19 from a licensed school for purposes of sections 1 to 26 of this Act.

20 SECTION 40. (1) Nothing in this Act relieves a person of an obligation to pay a fee
21 or charge or any other liability, duty or obligation owed to the State Board of Cosmetic
22 Therapy or the Board of Barber Examiners. The State Board of Barbers and
23 Hairdressers may undertake the collection or enforcement of such fee, charge, liability,
24 duty or obligation.

25 (2) The rights and obligations of the State Board of Cosmetic Therapy and the
26 Board of Barber Examiners legally incurred under contracts, leases and business
27 transactions, executed, entered into or begun before the effective date of this Act, are
28 transferred to the State Board of Barbers and Hairdressers. For the purpose of
29 succession to these rights and obligations, the State Board of Barbers and Hairdressers
30 is considered to be a continuation of the State Board of Cosmetic Therapy and the Board
31 of Barber Examiners and not a new authority, and the State Board of Barbers and
32 Hairdressers shall exercise those rights and fulfill those obligations as if they had not
33 been transferred.

34 SECTION 41. (1) The unexpended balances of amounts authorized to be expended
35 by the State Board of Cosmetic Therapy and the Board of Barber Examiners, from

1 revenues dedicated, continuously appropriated, appropriated, collected or otherwise
2 available for the purpose of administering and enforcing duties, functions and powers,
3 are appropriated and transferred to the Commerce Administration Account and are
4 available for expenditure by the Department of Commerce.

5 (2) The Department of Commerce may expend moneys received under subsection (1)
6 of this section for the purpose of administering and enforcing its duties, functions and
7 powers and for the payment of expenses lawfully incurred by the State Board of
8 Cosmetic Therapy and the Board of Barber Examiners to the extent that the money is
9 unexpended on the effective date of this Act.

10 (3) The Department of Commerce shall assume and pay all outstanding obligations
11 the State Board of Cosmetic Therapy and the Board of Barber Examiners lawfully
12 incurred before the effective date of this Act to the extent that the obligations are
13 properly charged against amounts authorized by this section to be expended by the
14 Department of Commerce.

15 SECTION 42. ORS chapters 690 (1973 Replacement Part) and 691 (1975
16 Replacement Part) are repealed.

17 SECTION 43: This Act being necessary for the immediate preservation of the
18 public peace, health and safety, an emergency is declared to exist, and this Act takes
19 effect July 1, 1977.

C-Engrossed House Bill 3167

Ordered by the Senate June 24
(Including Amendments by House April 22 and by Senate June 1 and June 24)

Sponsored by COMMITTEE ON BUSINESS AND CONSUMER AFFAIRS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Modifies provisions on registration and licensing of barbers, cosmetologists and barber and beauty shops and schools. Requires persons engaging in hair design, cosmetology or manicure for payment to obtain certificate or license from board upon written application, payment of fee, completion of school of hair courses design if applicant seeks certificate to practice hair design and successful completion of certification examination. Requires applicant for shop license to be 18 years of age, pay fee and comply with health, safety and sanitation rules and laws. Authorizes issuing temporary permits for persons wishing to demonstrate hair design for educational purposes. Defines "cosmetology", [and] "manicure" and "hair design".

Abolishes State Board of Barber Examiners and State Board of Cosmetic Therapy, replacing with seven-member State Board of Barbers and Hairdressers appointed by Director of Commerce.

Requires licensee to annually renew license and pay fee. Requires licensees who retire for more than five years to take regular examination and pay one year's license fee in advance. Requires displaying certificate of registration near barber's or cosmetologist's work chair.

(Continued on next page)

* 7 member Board
of State Barbers +
Hairdressers

NOTE: Matter in bold face in an amended section is new; matter (*italic and bracketed*) is existing law to be omitted; complete new sections begin with SECTION.

Requires hair design, cosmetology and manicure schools to post sign indicating work is done by students. Requires barber schools to be licensed and meet minimum sanitary and safety practices established by State Board of Education. Requires Director of Commerce to establish inspection program for hair design, cosmetology and manicure shops and schools to insure that they comply with sanitary and safety laws and rules. Requires State Board of Education to consult with Health Division in adopting rules regarding sanitary regulations of hair design, cosmetology and manicure schools. Authorizes Superintendent of Public Instruction to collect annual inspection fee of \$100 and requires transfer of these funds to Department of Commerce. Requires superintendent to appoint advisory committee for vocational schools teaching hair design, cosmetology and manicure. Establishes barber, hairdresser, cosmetology and manicure practitioner, shop and school license fees. Authorizes use of shop for domestic purposes conducted in separate room. Authorizes barber schools to elect continued regulation under ORS chapter 690 rather than this Act.

Punishes by Class B misdemeanor operating hair design shop or practicing hair design, cosmetology or manicure without license.

Declares emergency. Effective July 1, 1977.

Amended to resolve conflicts.

A BILL FOR AN ACT

1
2 Relating to occupational licensing; creating new provisions; amending ORS 293.110,
3 345.010 and 431.130; repealing ORS chapters 690 (1973 Replacement Part) and 691
4 (1975 Replacement Part); appropriating money; and declaring an emergency.

5 Be It Enacted by the People of the State of Oregon:

6 SECTION 1. As used in sections 1 to 26 of this Act:

7 (1) "Board" means the State Board of Barbers and Hairdressers.

8 (2) "Certificate" means a certificate of registration, issued in accordance with this
9 Act, authorizing the holder to practice hair design, cosmetology or manicure in
10 accordance with the provisions of this Act.

11 (3) "Cosmetology" means the use of the hands, mechanical or electrical apparatus
12 or appliances, cosmetic preparations, antiseptics, tonics, lotions or creams in massaging,
13 cleansing, stimulating, manipulating, exercising, beautifying or similar work
14 performed on the human body for cosmetic purposes and not for the treatment of
15 disease or physical or mental ailments, and when done for payment either directly or
16 indirectly for the public generally.

17 (4) "Hair design" means, when done upon the human body for cosmetic purposes
18 and not for the treatment of disease or physical or mental ailments, and when done for
19 payment either directly or indirectly for the public generally, any one or more of the
20 following practices:

21 (a) Shaving, trimming or cutting of the beard.

22 (b) Arranging, styling, dressing, curling, temporary waving, permanent waving,
23 relaxing, cutting, singeing, bleaching, coloring, dyeing, cleansing, shampooing,
24 conditioning, applying hair tonics or similar work upon the hair of an individual.

25 (5) "License" means a license to operate a shop issued under the provisions of this
26 Act.

27 (6) "Manicure" means cutting, trimming, polishing, coloring, tinting, cleansing, or
28 otherwise treating the nails of the hand or massaging, cleansing, treating or
29 beautifying the hands performed for cosmetic purposes and not for the treatment of
30 disease or physical or mental ailments, and when done for payment either directly or
31 indirectly for the public generally.

32 (7) "Practitioner" means a person certified and registered to practice hair design,
33 cosmetology or manicure under the provisions of this Act.

34 (8) "School of hair design" means an establishment operated for the purpose of
35 teaching hair design and licensed under ORS chapter 345.

1 (9) "Shop" means an establishment operated for the purpose of engaging in the
2 practice of hair design, cosmetology or manicure and licensed under the provisions of
3 this Act.

4 **SECTION 2.** This Act does not apply to:

5 (1) Services performed without compensation in case of emergency or in domestic
6 administration.

7 (2) The following persons while in the proper discharge of their professional duties:

8 (a) Persons authorized by the law of this state to practice medicine, osteopathy,
9 surgery or dentistry.

10 (b) Registered nurses.

11 (c) Persons licensed by the State Board of Pharmacy, merchants or other individuals
12 when demonstrating apparatus or supplies for purposes of sale.

13 (d) Commissioned medical and surgical officers of the United States Army, Navy or
14 Marine Hospital Service.

15 (3) A student attending a school licensed to teach hair design, cosmetology or
16 manicure under ORS chapter 345 nor is such person required to obtain a license under
17 this Act to perform within the scope of his training.

18 **SECTION 3.** No person shall:

19 (1) Practice or attempt to practice hair design, cosmetology or manicure without a
20 certificate as a practitioner issued pursuant to this Act.

21 (2) Operate a shop unless it is at all times under the direct supervision and
22 management of a practitioner.

23 (3) Display a sign or in any way advertise or hold himself out as a practitioner,
24 barber or hairdresser or as being engaged in the practice or business of hair design,
25 cosmetology or manicure without first obtaining a certificate or license as provided in
26 this Act.

27 (4) Knowingly make a false statement on an application for a license, certificate or
28 permit or for the renewal of a license, certificate or permit issued under the provisions
29 of this Act.

30 (5) Permit any person in his employ or under his supervision or control to practice
31 hair design, cosmetology or manicure without a certificate as required by this Act.

32 (6) Obtain or attempt to obtain a certificate, license or permit by fraudulent means.

33 (7) Permit the fraudulent use of his certificate by another person.

34 **SECTION 4.** A person desiring to obtain a license or certificate shall apply in
35 writing to the board on a form provided by the board. Each application shall be

1 accompanied by evidence under oath or affirmation and satisfactory to the board that
2 the applicant possesses the necessary qualifications.

3 SECTION 5. (1) To be issued a certificate as a practitioner, each applicant shall:

4 (a) Pass the certification examination given by the board pursuant to section 7 of
5 this Act;

6 (b) Pay the examination fee and application fee determined by the board; and

7 (c) If the applicant is applying for a certificate to practice hair design have
8 successfully completed all courses a school of hair design is required to teach to be
9 licensed under ORS chapter 345; or

10 (d) If the applicant is applying for a certificate to practice cosmetology or manicure,
11 have successfully completed all courses a school permitted to teach cosmetology or
12 manicure is required to teach to be licensed under ORS chapter 345.

13 (2) An applicant who holds a currently valid license or certificate to perform hair
14 design, cosmetology or manicure issued by a licensing agency of another state or
15 territory of the United States shall not be required to comply with paragraph (c) or (d)
16 of subsection (1) of this section.

17 (3) An applicant shall not be required to comply with paragraph (c) or (d) of
18 subsection (1) of this section if the applicant is the graduate of a hair design,
19 cosmetology or manicure school in another state or territory or in a state correctional
20 institution and the requirements for successful completion of training at the school are
21 determined by the Superintendent of Public Instruction to meet the minimum
22 requirements for licensing a school of hair design or a school permitted to teach
23 cosmetology or manicure under ORS chapter 345.

24 (4) The board shall issue to each qualified applicant a certificate. A certificate shall
25 be valid for one year. The certificate shall be prima facie evidence of the right of the
26 holder to practice in the field of practice for which the holder has qualified and to
27 represent himself as a practitioner.

28 (5) At the request of any applicant who has qualified to perform hair design under
29 this section, the board shall issue a certificate designating its holder as either a
30 "barber" or "hairstylist," or both, as the applicant requests.

31 (6) A certificate shall state the areas of practice the practitioner may perform.

32 SECTION 6. (1) To be issued a license for a shop, each applicant shall:

33 (a) Be 18 years of age.

34 (b) Comply with the rules of the board concerning health, safety and sanitation.

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1 (c) Comply with the applicable health and safety laws and rules of the Health
2 Division and any other state agencies.

3 (d) Pay the application fee determined by the board.

4 (2) The board shall issue to each qualified applicant a license. A license shall be
5 valid for one year. The license shall be prima facie evidence of the right of the owner of
6 the shop to operate a shop and to advertise as offering the services for which the shop is
7 licensed.

8 (3) A shop issued a license under the provisions of this Act must at all times be
9 under the direct supervision and management of a practitioner. If hair design is
10 practiced in the shop, the practitioner who supervises the shop must have a certificate
11 to practice hair design.

12 **SECTION 7.** (1) Examinations shall be given at such times and places as the board
13 may determine, but in no instance less often than once every month.

14 (2) Examinations shall be written or oral tests and shall test the applicant's
15 knowledge of sanitary practices and safety for all procedures permitted and in the use
16 of all instruments, equipment or chemicals permitted within the scope of a license and
17 certificate in the field of practice for which the applicant is seeking certification.

18 **SECTION 8.** The board may refuse to issue or may suspend or revoke any
19 certificate or license for any one or more of the following causes:

20 (1) Continued performance of hair design, cosmetology or manicure by a person
21 knowingly having an infectious or communicable disease.

22 (2) Violation of ORS 646.608 in the conduct of a hair design, cosmetology or
23 manicure business.

24 (3) Violation of any of the provisions of this Act.

25 **SECTION 9.** (1) Except as otherwise provided by this Act, all certificates and
26 licenses issued under sections 1 to 26 of this Act shall expire one year after the date of
27 issue, unless renewed within 30 days of the expiration date by payment of the required
28 renewal fee and compliance with other requirements for renewal. The board, however,
29 may vary the date of certificate and license renewal by giving to the applicant written
30 notice of the renewal date being assigned and by making prorated adjustments in the
31 renewal fee.

32 (2) Any license or certificate not renewed before it expires may be renewed within
33 one year by payment of the required renewal fee, compliance with other requirements
34 for renewal and payment of a late renewal fee set by the board.

1 (3) A certificate that has not been renewed for more than one year, and less than
2 five years, after the date of expiration may be renewed and restored upon payment of
3 one year's renewal fee.

4 (4) A certificate that has not been renewed for a period of five years after date of
5 expiration may be renewed and restored if the applicant:

6 (a) Satisfactorily passes the examination required by section 7 of this Act.

7 (b) Pays one year's license fee in advance.

8 **SECTION 10.** (1) Every holder of a certificate shall display it in a conspicuous
9 place adjacent to or near his work chair. If he has no work chair, the certificate shall be
10 displayed in a conspicuous place within the shop.

11 (2) Every holder of a license shall display it in a conspicuous place within the shop.

12 **SECTION 11.** (1) A person not certified under this Act who wishes to practice,
13 demonstrate and teach hair design, cosmetology or manicure, or perform any one or
14 more of such functions, temporarily and primarily for educational purposes and is
15 otherwise qualified as determined by the board shall first obtain a permit from the
16 board.

17 (2) The permit shall specify:

18 (a) The purpose for which it is granted.

19 (b) The period during which the person is permitted to practice, demonstrate and
20 teach, which period shall not exceed 10 days.

21 (c) The time and place of exercising the privilege granted by the permit.

22 (3) A person may be granted a permit under subsection (1) of this section if he:

23 (a) Makes application to the board for the permit.

24 (b) Is currently licensed or certified to practice or teach hair design, cosmetology or
25 manicure in another state and presents satisfactory evidence of that fact to the board,
26 or is otherwise qualified as determined by the board.

27 (c) Describes the purpose for which the permit is sought.

28 (d) Pays the required permit fee.

29 **SECTION 12.** (1) A person who wishes to temporarily operate any premises for
30 teaching hair design, cosmetology or manicure shall first obtain a temporary premises
31 license from the board.

32 (2) A person may be granted a license under subsection (1) of this section if he:

33 (a) Makes application to the board.

34 (b) Describes the purpose for which the license is sought.

35 (c) Identifies the location of the premises to be licensed.

1 SECTION 15. (1) Notwithstanding the qualifications of members of the board
2 specified in section 14 of this Act, the first practitioner members appointed to the board
3 shall be:

4 (a) Three persons currently licensed to practice as barbers under ORS chapter 690.

5 (b) Three persons currently licensed to practice as hairdressers under ORS chapter
6 691.

7 (2) Notwithstanding the terms of office specified in section 14 of this Act, of the
8 members first appointed to the board:

9 (a) Three shall serve for terms ending June 30, 1978.

10 (b) Two shall serve for terms ending June 30, 1979.

11 (c) Two shall serve for terms ending June 30, 1980.

12 SECTION 16. The board shall elect a chairperson. The board shall prescribe rules
13 to govern the proceedings of the board. The board shall hold meetings at such times and
14 places as it determines. A majority of the members of the board shall constitute a
15 quorum.

16 SECTION 17. Each member of the board is entitled to compensation and expenses
17 as provided in ORS 292.495.

18 SECTION 18. (1) The Director of Commerce shall fix the qualifications of and
19 appoint an administrator for the board who shall not be a member of the board. Subject
20 to the applicable provisions of the State Merit System Law, the director shall fix the
21 compensation of the administrator, who shall be in the unclassified service.

22 (2) The Director of Commerce shall provide the board with such services and
23 employes as the board requires to carry out its duties under the provisions of this Act.

24 SECTION 19. The board shall keep a record of its proceedings relating to the
25 issuance, refusal, suspension and revocation of certificates. This record shall also
26 contain the name, place of business and the date of each certificate and license issued
27 by the board. The records of the board shall at all reasonable times be open to
28 inspection by the public.

29 SECTION 20. (1) The board has authority to make reasonable rules for the
30 administration of the provisions of this Act and prescribe sanitary and safety
31 requirements for shops. Sanitary requirements for shops shall be subject to the
32 approval of the Health Division. A copy of the rules adopted by the board shall be
33 furnished by the board to the owner or manager of each shop.

34 (2) Notwithstanding subsection (1) of this section, the board may not prohibit the
35 use of the shop for domestic purposes if the part devoted to domestic purposes is in a

1 completely separate room not used by customers, with walls extending from floor to
2 ceiling and with any connecting doors kept closed while the shop is in actual operation.

3 SECTION 21. In addition to the powers otherwise granted by this Act, the board
4 shall have the power:

5 (1) To determine whether applicants to practice hair design, cosmetology or
6 manicure meet the qualifications under section 5 or 6 of this Act, to conduct
7 examinations, and to grant certificates and licenses to qualified applicants upon
8 compliance with this Act and the rules of the board.

9 (2) To establish sanitary and safety standards for the practice of hair design,
10 cosmetology or manicure, and to enforce the standards.

11 (3) To prescribe and furnish forms for applications for examinations, certificates,
12 licenses and permits.

13 (4) To do any act necessary or proper to effect and carry out the duties required of
14 the board by this Act.

15 SECTION 22. (1) Where the board proposes to revoke or suspend or refuse to issue
16 or renew a certificate, permit or license, opportunity for hearing shall be accorded as
17 provided in ORS chapter 183.

18 (2) Any rules adopted by the board shall be adopted in accordance with the
19 procedures set forth in ORS chapter 183.

20 SECTION 23. Fees required to be paid shall be paid in amounts determined by the
21 board and approved by the Director of Commerce, except that no fee shall exceed the
22 following:

23 (1) The filing of an application for an original certificate as a practitioner, \$15.

24 (2) An annual renewal of a certificate as a practitioner, \$15.

25 (3) Each examination for a certificate as a practitioner, \$15.

26 (4) A temporary permit issued under section 11 of this Act, \$5.

27 (5) A shop license, \$50.

28 (6) An annual renewal for a shop license, \$25.

29 (7) A temporary premises license, \$25.

30 (8) A duplicate or replacement of any certificate, license or permit, \$5.

31 (9) A late renewal fee, \$5.

32 SECTION 24. All fees and other funds received by the Department of Commerce
33 under this Act shall be paid into the Commerce Administration Account. The payments
34 shall be credited to a separate subaccount, and are continuously appropriated for the
35 purpose of administering sections 1 to 26 of this Act.

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1 SECTION 25. Violation of section 3 of this Act is a Class B misdemeanor.

2 SECTION 26. (1) In addition to any other duties prescribed by law, the Director of
3 Commerce shall establish within the Department of Commerce a program to provide for
4 the inspection of shops licensed under sections 1 to 26 of this Act and of schools licensed
5 to teach hair design, cosmetology or manicure under ORS chapter 345.

6 (2) Inspections conducted under this section shall determine whether the shops
7 comply with the sanitary and safety requirements under sections 1 to 26 of this Act and
8 rules adopted thereunder and whether the schools comply with the sanitary and safety
9 requirements under ORS chapter 345 and rules adopted thereunder. Upon completion
10 of each school inspection the Director of Commerce shall cause a report of the results of
11 the inspection to be submitted to the Superintendent of Public Instruction.

12 Section 27. ORS 345.010 is amended to read:

13 345.010. As used in ORS 345.010 to 345.370, subsection (1) of 345.990 and ORS
14 345.992 to 345.997:

15 (1) "Agent" means any person owning an interest in, employed by or representing
16 for remuneration a vocational school within or outside this state who, by solicitation in
17 any form in this state enrolls or seeks to enroll for remuneration a resident of this state
18 for instruction or training offered by the vocational school, or offers to award
19 educational credentials on behalf of the vocational school, or who holds himself out to
20 residents of this state as representing a vocational school for any purpose stated in this
21 subsection.

22 (2) "Board" means the State Board of Education.

23 (3) "Cosmetology" has the meaning given in section 1 of this 1977 Act.

24 (4) "Hair design" has the meaning given in section 1 of this 1977 Act.

25 (5) "Manicure" has the meaning given in section 1 of this 1977 Act.

26 [(3)] (6) "Superintendent" means Superintendent of Public Instruction.

27 [(4)] (7) "Vocational school" means any private proprietary vocational, technical,
28 home study, correspondence, business, professional or other school instruction,
29 organization or person that offers any instruction or training for the purpose or
30 purported purpose of instructing, training or preparing persons for any vocation or
31 profession.

32 SECTION 28. Sections 29 to 35 of this Act are added to and made a part of ORS
33 345.010 to 345.370.

34 SECTION 29. In addition to the other requirements of this chapter, rules adopted
35 by the board to regulate schools teaching hair design, cosmetology or manicure:

*See 1977 Act
for original text
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*See 1977 Act
for original text*

1 (1) Shall be set out separately from other rules adopted by the board.

2 (2) Shall, if the rules concern cleanliness, sanitary practices or use of instruments
3 in the school, be adopted only after the board consults with the Health Division to
4 assure that such rules are consistent with the requirements of the Health Division.

5 (3) May include any rule the board considers necessary to protect the economic or
6 physical health and safety of the public or of the students attending the school.

7 (4) Shall include rules that set standards for teachers teaching in schools licensed to
8 teach hair design, cosmetology or manicure pursuant to this chapter.

9 SECTION 30. In addition to the requirements for issuance of a license under ORS
10 345.040, for schools seeking a license to teach hair design, cosmetology or manicure, the
11 board shall, by rule, require the schools to teach, and require for graduation from the
12 school, courses that meet minimum standards set by the board on sanitary practices and
13 safety for all procedures permitted and in the use of all instruments, equipment or
14 chemicals permitted within the respective field of practice.

15 SECTION 31. (1) For the purposes set forth in subsection (2) of ORS 345.330, the
16 superintendent shall appoint an advisory committee for vocational schools teaching
17 hair design.

18 (2) The membership of the advisory committee shall be so constituted that:

19 (a) Four members shall be owners of schools licensed under this chapter to teach
20 skills required for hair design.

21 (b) Two members shall be practitioners, certified under sections 1 to 26 of this 1977
22 Act, who are graduates of schools licensed under this chapter to teach hair design and
23 who have graduated within one year of the time appointed.

24 (c) Two members shall be practitioners licensed under sections 1 to 26 of this 1977
25 Act who have practiced for more than one year preceding appointment.

26 (d) Two members shall be owners of shops licensed under sections 1 to 26 of this
27 1977 Act.

28 (e) One member shall be from the general public.

29 (3) Each member of the advisory committee shall serve for a term of four years
30 ending June 30.

31 (4) The members of the advisory committee shall be entitled to compensation as
32 provided in subsection (3) of ORS 345.330.

33 SECTION 32. (1) Notwithstanding the qualifications of members of the advisory
34 committee specified in section 31 of this 1977 Act, the members of the committee first
35 appointed need not be licensed under ORS chapter 345, graduates of a school licensed

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1 under ORS chapter 345 or certified under sections 1 to 26 of this 1977 Act but may be
 2 persons currently holding a valid license or certificate under ORS chapter 690 or 691.
 3 Of the practitioner members first appointed to the advisory committee:

Do we need an advisory committee?

- 4 (a) Two shall be barbers currently licensed to practice under ORS chapter 690.
 5 (b) Two shall be cosmeticians currently licensed in the class of cosmetic therapy of
 6 hairdresser under OFS chapter 691.

7 (2) Notwithstanding the terms of office specified in section 31 of this 1977 Act, of
 8 the members first appointed to the advisory committee:

- 9 (a) Three shall serve for terms ending June 30, 1978.
 10 (b) Three shall serve for terms ending June 30, 1979.
 11 (c) Three shall serve for terms ending June 30, 1980.
 12 (d) Two shall serve for terms ending June 30, 1981.

13 **SECTION 33.** In addition to the other duties of the Superintendent of Public
 14 Instruction prescribed by law, the superintendent shall, at the request of the State
 15 Board of Barbers and Hairdressers, determine whether a school teaching hair design,
 16 cosmetology or manicure that is not licensed under the provisions of this chapter meets
 17 the minimum requirements set by the board for licensing of a similar school under this
 18 chapter.

19 **SECTION 34.** Sanitary and safety inspections performed in schools licensed under
 20 this chapter to teach hair design, cosmetology or manicure shall be conducted by the
 21 Department of Commerce.

22 **SECTION 35.** (1) In addition to the fees required by ORS 345.080, before issuing
 23 any license under this chapter to a school teaching hair design, cosmetology or
 24 manicure, the superintendent shall collect a nonrefundable annual inspection fee of
 25 \$100.

26 (2) The inspection fee collected under subsection (1) of this section shall be
 27 transferred to the Department of Commerce for inspections performed under section 34
 28 of this 1977 Act.

29 **Section 36.** ORS 293.110 is amended to read:

30 293.110. (1) All payments of money into the State Treasury by virtue of any statute
 31 providing for, creating, authorizing or continuing any of the funds enumerated in
 32 subsection (2) of this section shall be paid into and become a part of the General Fund.

33 (2) The following funds shall be a part of the General Fund:

- 34 [(a) Board of Barber Examiners' Fund.]
 35 [(b)] (a) Board of Dental Examiners' Fund.

*2 barbers
2 cosmeticians*

paid to dept of commerce

Amended

- 1 [(c)] (b) Forest Patrol Fund.
- 2 [(d)] (c) Motor Vehicle Fund.
- 3 [(e)] (d) Oregon State Veterinary Medical Fund.
- 4 [(f)] (e) State Banking Fund.
- 5 [(g)] (f) State Institutional Betterment Fund.
- 6 [(h)] (g) State Library Contingent Fund.
- 7 [(i)] (h) State Library School Library Fund.
- 8 [(j)] (i) Tumalo Maintenance Fund.
- 9 [(k)] (j) All other funds created by law which are not trust funds.

10 Section 37. ORS 431.130 is amended to read:

11 431.130. (1) The Health Division shall, in accordance with the provisions of ORS
12 chapter 183, make such rules and regulations as, in its judgment, are necessary for
13 carrying out subsection (2) of ORS 276.990, ORS 418.405 to 418.455, 418.505, 418.515
14 to 418.530, 418.855, 431.010 to 431.040, 431.060, 431.110 to 431.150, 431.160 to
15 431.180, 431.310, 431.330 to 431.350, 431.410, 431.420 to 431.460, 433.005, 433.010,
16 433.106 to 433.155, 433.205, 433.216, 433.220, 433.230, 433.255 to 433.270, 433.340 to
17 433.390, 433.705, 433.715, subsection (6) of 433.990, ORS 434.260, 434.270, 437.010,
18 subsection (2) of 437.040, ORS 437.140, 437.410 to 437.500, 448.215 to 448.250[,] and
19 482.141 [and 690.200], including rules and regulations concerning the control of
20 venereal diseases and the care, treatment and quarantine of persons infected therewith.

21 (2) The Health Division may enforce the rules and regulations for the control of any
22 of the communicable diseases by quarantining or by the adoption of such other
23 reasonable measures as seem best for limiting the spread of communicable diseases and
24 for the preservation of the public health.

25 SECTION 37a. If Senate Bill 83 (1977) becomes law, then section 37 of this Act is
26 repealed.

27 SECTION 38. (1) Any valid license, certificate or permit to practice as a barber or
28 hairdresser or to practice cosmetology or manicure or to operate a shop that has been
29 issued by the State Board of Cosmetic Therapy or the Board of Barber Examiners under
30 ORS chapter 690 or 691 shall remain valid as issued and subject to the provisions of
31 ORS chapter 690 or 691 and rules adopted thereunder as effective on the effective date
32 of this Act and as enforced by the State Board of Barbers and Hairdressers and the
33 Department of Commerce. When the license, certificate or permit expires and is subject
34 to renewal, the State Board of Barbers and Hairdressers shall renew the license,

1 certificate or permit in accordance with the provisions for the renewal of licenses and
2 certificates under sections 1 to 26 of this Act.

3 (2) Any student enrolled in a school regulated by ORS chapter 690 or 691 on the
4 effective date of this Act may, at the election of the student and upon the completion of
5 the training at the school, apply for a certificate as provided in sections 1 to 26 of this
6 Act or may qualify for a certificate by complying with the provisions of ORS chapter
7 690 or 691 and rules adopted thereunder as the statutes and rules exist on the effective
8 date of this Act.

9 (3) Any person serving as an apprentice under ORS chapter 690 on the effective
10 date of this Act shall be issued, without charge, a certificate as a practitioner as
11 provided in sections 1 to 26 of this Act.

12 (4) For purposes of this section, the State Board of Barbers and Hairdressers shall
13 apply the appropriate provisions of ORS chapters 690 and 691 and rules adopted
14 thereunder, as the statutes and rules exist on the effective date of this Act, as
15 necessary.

16 **SECTION 38a.** (1) Notwithstanding any other provision of this Act, any school
17 licensed to teach barbering under the provisions of ORS chapter 690 on the effective
18 date of this Act may continue, at the election of the school, to operate under the
19 provisions of ORS chapter 690 and any rules adopted thereunder as effective on the
20 effective date of this Act and as administered by the Superintendent of Public
21 Instruction. If a school elects to become subject to the provisions of this section all
22 aspects of the operation of the school shall become subject to regulation under this
23 section, including, but not limited to, the course of study, admission requirements,
24 teacher requirements and qualifications, teacher licensing and license renewal,
25 requisites for graduation, work station requirements, curriculum and all other
26 requirements for the school.

27 (2) If a school elects to be regulated according to the provisions of this section, it is
28 not subject to regulation pursuant to any other provision of this Act. Any student
29 attending a school regulated according to the provisions of this section and any teacher
30 teaching in the school are subject to the requirements of ORS chapter 690 and any rules
31 adopted thereunder only while attending or teaching in the school.

32 (3) No school shall be regulated according to the provisions of this section unless the
33 school so elects before the effective date of the rules adopted by the State Board of
34 Education pursuant to section 39 of this Act. Any school electing to operate according to

1 this section may at any later time elect to withdraw from the provisions of this section
2 and become regulated as otherwise provided by this Act.

3 (4) Any license or certificate to teach barbering issued by the Board of Barber
4 Examiners pursuant to ORS chapter 690 before the effective date of this Act shall
5 remain valid and may be renewed according to the provisions of ORS chapter 690 and
6 rules adopted thereunder as effective on the effective date of this Act so long as the
7 holder teaches at a school regulated according to this section.

8 (5) The Superintendent of Public Instruction shall administer the provisions of this
9 section.

10 **SECTION 39.** (1) The State Board of Education shall adopt rules for the regulation
11 and licensing of schools teaching hair design, cosmetology or manicure. The rules shall
12 become effective not later than July 1, 1978.

13 (2) Until the effective date of rules adopted pursuant to subsection (1) of this
14 section, the Superintendent of Public Instruction shall regulate schools holding valid
15 licenses to teach under ORS chapter 690 or 691 in accordance with the provisions of the
16 statutes and rules in effect on the effective date of this Act.

17 (3) Students graduating from schools regulated by the Superintendent of Public
18 Instruction under the provisions of this section shall be considered to have graduated
19 from a licensed school for purposes of sections 1 to 26 of this Act.

20 **SECTION 40.** (1) Nothing in this Act relieves a person of an obligation to pay a fee
21 or charge or any other liability, duty or obligation owed to the State Board of Cosmetic
22 Therapy or the Board of Barber Examiners. The State Board of Barbers and
23 Hairdressers may undertake the collection or enforcement of such fee, charge, liability,
24 duty or obligation.

25 (2) The rights and obligations of the State Board of Cosmetic Therapy and the
26 Board of Barber Examiners legally incurred under contracts, leases and business
27 transactions, executed, entered into or begun before the effective date of this Act, are
28 transferred to the State Board of Barbers and Hairdressers. For the purpose of
29 succession to these rights and obligations, the State Board of Barbers and Hairdressers
30 is considered to be a continuation of the State Board of Cosmetic Therapy and the Board
31 of Barber Examiners and not a new authority, and the State Board of Barbers and
32 Hairdressers shall exercise those rights and fulfill those obligations as if they had not
33 been transferred.

34 **SECTION 41.** (1) The unexpended balances of amounts authorized to be expended
35 by the State Board of Cosmetic Therapy and the Board of Barber Examiners, from

1 revenues dedicated, continuously appropriated, appropriated, collected or otherwise
2 available for the purpose of administering and enforcing duties, functions and powers,
3 are appropriated and transferred to the Commerce Administration Account and are
4 available for expenditure by the Department of Commerce.

5 (2) The Department of Commerce may expend moneys received under subsection (1)
6 of this section for the purpose of administering and enforcing its duties, functions and
7 powers and for the payment of expenses lawfully incurred by the State Board of
8 Cosmetic Therapy and the Board of Barber Examiners to the extent that the money is
9 unexpended on the effective date of this Act.

10 (3) The Department of Commerce shall assume and pay all outstanding obligations
11 the State Board of Cosmetic Therapy and the Board of Barber Examiners lawfully
12 incurred before the effective date of this Act to the extent that the obligations are
13 properly charged against amounts authorized by this section to be expended by the
14 Department of Commerce.

15 SECTION 42. ORS chapters 690 (1973 Replacement Part) and 691 (1975
16 Replacement Part) are repealed.

17 SECTION 43. This Act being necessary for the immediate preservation of the
18 public peace, health and safety, an emergency is declared to exist, and this Act takes
19 effect July 1, 1977.

Rose & Breeze
Attorneys at Law - a Professional Corporation
526 J Street - Anchorage, Alaska 99501

Assist. S. Rose
Robert A. Breeze

Telephone
(907) 277-0533

April 8, 1980

Mr. Robert Aaron
c/o House Commerce Committee
Pouch V
Juneau, AK 99811

Dear Bob,

✓ I appreciated your courtesy and interest in calling me on Sunday, March 31, 1980, to alert me about HB 978. Unfortunately, it seems that I caught you at a bad time when I called on April 4, 1980 after meeting with John Mathison.

✓ Bob, I was called on short notice to attend a meeting of beauty shop owners on April 2, 1980. Without any exaggeration, I have never met with a group of people as unhappy and frustrated over a bill. A number of them expressed the thought that it would be better to have no bill than HB 978. No one expressed any dissent from that view. It is their feeling that if that were to occur, they would have the opportunity for a better bill to be prepared between now and next January; have the opportunity to speak to the candidates and legislators during the same time; have the bill pre-filed for the next legislature; and, hopefully have it passed during the 1981 session.

✓ Since talking to you, I have received the Oregon statute and regulations, and the comments of the President of the Association, Oregon chapter. It is true that they are satisfied with their law and regulations, but it is obvious that the Oregon statute is considerably better than HB 978.

✓ Under the Oregon law, the board is totally different from that in HB 978. The only itinerant practitioner is one who practices on persons physically unable to visit a licensed shop, and for that, the practitioner receives a special certificate of identification.

X ✓ The Oregon law empowers the Board to control and enforce safety and health standards, to inspect, etc. the bill does not.

X ✓ The Oregon law is clear on school attendance and certification, the bill is not.

Nissel A. Rose, Esq.

to

Mr. Robert Aaron

April 8, 1980

Page Two

The Oregon law provides for an administrator, the bill does not.

The Oregon law requires certification of manicurists, the bill does not.

The Oregon law has no exemption for communities less than 1,000 people, the bill does.

The Oregon law does not have the abolished barber board members as voting, ex-officio members of the new board; the bill does.

The Oregon law provides standards for shops and schools; the bill does not.

The Oregon law provides grandfather rights for all licensees, the bill does not.

The Oregon law sets up an advisory committee for the regulation of schools by the Superintendent of Schools; the bill does not.

Basically, the Oregon law permits barbers to continue as such, and otherwise abolishes the profession prospectively. It abolished the old barber apprentice provisions, and made all new licensees, in effect, hairdressers. Thus, the higher standards of the hairdressers and cosmetologists were met, school standards were raised, and apprenticeship disappeared. Under the bill, on the other hand, exceptions are created, apprenticeship has no standards for teachers or instructors, and all the substantive aspects of shop and schools are left to regulation, subject to challenge as to statutory authority or sufficiency of guidelines.

It appears to me that the hairdressers and cosmeticians of Alaska would be satisfied with the Oregon law, although it will probably be subsequently further clarified by amendment, except that the Alaska Association would prefer to add a requirement for continuing professional education as a condition of renewal of licenses.

The addition to the board of the power and authority to assess civil penalties (fines) in addition to suspension and revocation would be a further improvement, along with a provision for orders to show cause.

Nissel A. Rose, Esq.
to
Mr. Robert Aaron

April 8, 1980

Page Three

Electrology is a growing field, and could well be included also, as it, too, involves health, sanitation and safety.

It is sincerely hoped that you accept these comments as constructive criticism, and not as picky argument.

Very truly yours,

ROSE & BREEZE, P. C.

By: 

Nissel A. Rose

cc: Senate Commerce Committee, Attn: John Mathison
Alaska Hairdressers & Cosmetologists Assn.

NAR:lw

STATE OF ALASKA THE LEGISLATURE

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LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 16, 1980

SUBJECT: Analysis of objection to HB 978 submitted
by Nissel A. Rose
(Work Order Number 8453)

TO: House Commerce Committee
Attn: Bob Aaron, A.A.

FROM: Tamara Brandt Cook
Legislative Counsel

You have asked for an analysis of the issues presented in a letter dated April 2, 1980 to the House Commerce Committee by Nissel A. Rose. This memo will address each objection to the bill in the order in which it appears in the letter, and will identify the issue raised according to its number in the letter.

1. Mr. Rose objects to the definition of cosmetology as it appears in HB 978. This definition, although somewhat shorter, is substantially the same as the definition used in the Oregon statute provided to me as a model. I have no basis on which to judge Mr. Rose's assertion that the definition does not follow the meaning of the word generally adopted throughout the nation.

2. Mr. Rose objects to the fact that "hairdressing" is not defined in the bill. "Hairdressing" is not defined in the Oregon bill upon which HB 978 was modeled. However, AS 08.-13.100(b) provides that a person who is qualified to perform hair design may be designated as a "hairdresser" on his license. Therefore, it seems clear that "hairdressing" involves the practice of "hair design." "Hair design" is defined in this bill. However, for the sake of clarity, I would recommend that the word "hairdressing" which appears only once in this bill, in section 08.13.030(c)(2) be replaced by the words "hair design."

3. Mr. Rose suggests that "hairstresser" should be defined. I believe that section 08.13.100(b) which provides that a person licensed to perform hair design may be designated as a "hairstresser" on his license is an adequate definition of the term.

4. Mr. Rose objects to the fact that no standards are set for schools, for teachers, or for curricula. HB 978 provides that the board may set by regulation, standards for curriculum, minimum hours of instruction, physical condition of the facilities, and financial responsibility of the owner. Mr. Rose is correct that the board is given complete discretion in this matter and not provided with any legislative guidelines. The Oregon bill also leaves these matters to the discretion of the occupational board but it also provides that the board must consult with the Health Division and an advisory committee on vocational training exists in Oregon to offer suggestions for standards to the board. Since this bill requires that health and sanitary conditions in schools are to be supervised by the Department of Health and Social Services, I see no need to require the board to consult with that department in adopting regulations for standards applicable to schools. A policy decision must be made as to whether the board should continue to have the discretion to regulate standards for schools and for teaching. If the legislature wishes to impose particular standards, these can be included within this bill.

5. Mr. Rose objects also to the fact that no legislative standards have been provided for the licensing and operation of shops. AS 08.13.070(3) requires that a shop be under the direct supervision of a licensed practitioner. AS 08.13.200 provides that health and sanitary conditions in shops shall be supervised by the Department of Health and Social Services. The Oregon statute provides for licensing of shops but imposes, essentially, only these two standards also. It would seem that requiring a shop to be under the direct supervision of a licensed practitioner would be adequate to protect the public; however, this bill could be changed to incorporate additional standards for shops and to require the licensing of shops.

6. Mr. Rose suggests that the bill is deficient because no inspection of shops or schools is provided for except through the Department of Health and Social Services. The

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board currently has no staff to conduct inspections. The Department of Commerce and Economic Development is authorized to conduct investigations for all occupational boards upon its own motion. If the legislature feels that this is not adequate protection for the public, an investigator could be assigned to the Board of Barbers and Hairdressers.

7. Mr. Rose raises questions concerning the composition of the Board of Barbers and Hairdressers. This is essentially a policy issue not a legal issue to be considered by the legislature.

8. Mr. Rose objects to the fact that grandfather rights are provided for barbers but not for cosmetologists. He is correct in this observation, and grandfather rights could also be provided for cosmetologists. This is a matter of policy. However, it is my understanding that cosmetologists were specifically excluded from the clause dealing with grandfather rights because current licensure requirements for cosmetologists substantially meet those set out in HB 978 and, therefore, cosmetologists would presumably have no difficulty in meeting the licensure requirements of this act.

9. Mr. Rose objects to the fact that there is no definition set out for the term "barber" and that barbers licensed originally under AS 08.12 would continue to be subject to that chapter even after it is repealed, which Mr. Rose considers to be unfair. HB 978 contains no definition of "barber" but AS 08.13.100(b) provides that a person licensed under this bill to perform "hair design" may be designated as a "barber" on his license if he chooses. The Oregon statute also provides that a person may choose whether to be designated as "barber", "hairdresser" or as both. Under this act a person who is licensed as a "barber" under the grandfather section is limited to performing those procedures he was licensed to perform under the original requirements, whereas the "barber" licensed under this act is allowed to perform any of the procedures which a "hairdresser" may perform because he has met that more stringent licensure requirement. If the legislature feels that the public needs to be informed of the different standards applied to "barbers", it could simply require that all persons licensed under this act be designated as "hairdressers" on their licenses.

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10. Mr. Rose objects to the fact that there is no licensing provided for "barbers" or for teachers. "Barbers" are licensed according to the provisions applied to "hairdressers" under this act. There is no requirement that teachers obtain any special teachers' license, but 08.13.180 requires that a person have a license, temporary permit, or student permit in order to teach. If this does not adequately protect the public, an additional licensing requirement can be imposed on teachers.

11. Mr. Rose feels that AS 08.13.080 is ambiguous. I agree and would recommend the section be changed to read:

(1) have successfully completed all courses that a school of hair design is required to teach to be licensed under AS 08.13.110, if applying for a license to practice hair design; or

(2) have successfully completed all courses that a school of cosmetology is required to teach in order to be licensed under AS 08.13.110, if applying for a license to practice cosmetology;

12. Mr. Rose objects to allowing licensed practitioners to work outside a place of business or shop with no criteria for these facilities. He points out that it would be virtually impossible to inspect this type of operation. It occurs to me that requiring that people who practice outside of a shop be licensed at least provides the board with a chance to take action upon the receipt of consumer complaints. If this is not considered adequate protection for the public, this provision could be eliminated.

13. Mr. Rose objects to excluding practitioners in communities having less than 1,000 people from the requirements of licensure. This is strictly a policy decision. I feel that there is no question that a person who is practicing without a license under this section who moves to a more populated area would be required to obtain a license in order to continue practicing. Likewise, if the population of the area increased over time so that it was no longer a community of less than 1,000 people, persons who have been practicing without a license would be required to obtain a license.

14. Mr. Rose suggests that 08.13.180 be clarified to reflect the fact that certain persons may practice without a license under the terms of this bill. This could be done by wording the section to read

A person who practices hair design or cosmetology or operates a school of hair design or cosmetology, or teaches in a school of hair design or cosmetology, without a license, temporary permit, or student permit required under AS 08.13 is guilty of a class B misdemeanor.

15. Mr. Rose points out that the word "affect" at page 8, line 10 should be "effect." This should be changed.

16. Mr. Rose again appears to be objecting to the definition of "cosmetology". This problem has been addressed in item 1.

17. Mr. Rose objects to the requirement which establishes a maximum period of time within which an apprentice may acquire the necessary training. This is a policy question, rather than a legal question; but as I understand it, the statute was specifically designed to preclude people from dabbling over an indefinite period of time and to require a serious commitment towards obtaining a license.

18. Mr. Rose suggests that the bill contain a provision requiring continuing professional education. This is a policy rather than a legal issue, and the bill can be changed to incorporate this suggestion.

19. Mr. Rose objects to the fact that only suspension or revocation of licenses is specifically mentioned as disciplinary powers of the board. AS 08.13.030(c)(3) provides that the board may "do any act necessary to carry out the provisions of this chapter." Under this section the board is given broad authority to censure or reprimand a licensee or to adopt regulations setting fines. I believe that this "catch-all" provision provides the board with an adequate range of disciplinary power; however, possible disciplinary actions open to the board could be specifically itemized. Mr. Rose particularly requests that the board be given the power to issue show cause.

Please contact me regarding any changes which you would like to have made to HB 978.

TBC:ljb

HOUSE RESEARCH AGENCY
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MEMORANDUM

March 4, 1980

TO: Representative Fred Brown

FROM: Elaine Mitchell, Research Analyst

RE: Oregon's Combined Board of Hairdressers and Barbers
Research Request No. 89

Background

In 1977, the Oregon Legislature, under sunset provisions, was considering the activities of various boards and commissions. At that time, there were separate boards of examiners for barbers and for hairdressers. There had been for a number of years, according to one contact, fighting between the two associations over "turf" i.e., which profession would prevail over what services of the industry. There was also a belief among some of the industry that if they didn't come up with a viable proposal, the legislature would "do it for them."

Opposition to the combination of the two boards was voiced strongly by organized barbers. Through the barbers' union, the traditional entry into the profession was via the apprentice-journeyman route. The barbers were opposed to any change in the system and mounted a labor-intensive campaign in an attempt to defeat the legislation to combine the boards.

An organization was formed for the specific purpose of lobbying for a combined board of examiners--to place the hairdressers and the barbers under one examining board. The organization, still in existence, is named The Professional Hair Industry, Inc.

Interview Comments

According to a spokesman for that organization, Wayne Beinert, who is head of the Executive Barbers School in Portland, the combined board is a positive move for the industry in general. It has simplified the licensing procedure by (a) providing for a "one-stop" examination and licensing procedure; (b) eliminating the practical demonstration type examination; and (c) providing for an on-going licensing procedure schedule. Exams are scheduled once a month at designated areas throughout the state; are written exams only; and cover five categories: chemistry, safety, sanitation, use of implements, and state laws.

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The administrator of the combined boards, Virginia Honeywell, discussed positive results: reduced paperwork within the administration and reduced cost. The latter will result this year in reduced cost to license applicants from \$50 to \$30, effective July 1, 1980; examination fees will be reduced from \$15 to \$10.

Individual licensed shop owners were also contacted. A barber (Eddie Gustamente) was a licensed barber at the time of the combination of the two boards, and is now a licensed hairdresser and barber. He related a positive reaction to the combined boards; and stated that objections by barbers at the time of the legislative consideration were voiced "probably because they were not prepared to get into 'hairdressing.'"

A hairdresser (Ilene Copeland) was a licensed hairdresser at the time of legislative consideration of the combination of the two boards, and is a member of the above named organization which lobbied for the change. She also related a positive attitude for the change, pointing out, in addition to the above comments, that it "has made life simpler for the licensed shop owner."

If you would like additional information, please let us know.

EM/dp