

**HB**

**222**

<TARGET><BILL>HB 222</BILL><SUBJECT>HB  
222</SUBJECT><COMM>HL&C30</COMM></TARGET>



# Alaska State Legislature

## Representative Matt Claman

Session: State Capitol, Rm 405 Juneau, AK 99801 Phone: 465-4919  
Interim: 716 W. 4<sup>th</sup> Ave, Rm 312 Anch, AK 99501 Phone: 269-0130

To: Representative Sam Kito III, Chair  
House Labor & Commerce Committee

From: Representative Matt Claman  
HB 86 Prime Sponsor

A handwritten signature in blue ink, appearing to read "Matt Claman".

Subject: Hearing Request for HB 222

Date: April 10, 2017

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I respectfully request that you calendar HB 222 for a hearing in the House Labor & Commerce Committee. You have received a copy of the most recent version of the bill, the sponsor statement, and additional support material.

The bill will amend statutes which require practicing manicurists to take 250 hours of educational courses after renewing their license before August 31, 2017 by submitting proof of 250 hours of work experience and passing an examination. This bill will effectively grandfather manicurists who have held a license since prior to December 2015.

The staff assigned to this bill is Owen Phillips who can be reached at 465-4919. Please do not hesitate to contact my office if we can provide any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Claman".



# Alaska State Legislature

## Representative Matt Claman

Session: State Capitol, Rm 118 Juneau, AK 99801 Phone: 465-4919  
Interim: 1500 W. Benson Blvd., Anch, AK 99503 Phone: 269-0130

### House Bill 222 Sponsor Statement

*An Act relating to the licensure of nail technicians; and providing for an effective date.*

House Bill 222 amends AS 08.13.030 by clarifying the grandfather clause, which allows individuals who held a manicurists' license prior to December 2015 to forego the 250 hours of instruction in manicuring required of new applicants. They will still be required to prove 250 hours of prior work experience as a manicurist and take an examination.

The current rules for nail technicians are outlined in House Bill 131, which the 29<sup>th</sup> Alaska Legislature passed in 2015. The House Labor & Commerce Committee intended to include a grandfather clause in statute. The bill was amended on the House Floor to add a grandfather clause. However, the Board of Barbers and Hairdressers interpreted the passed bill to have a temporary, confusing grandfather clause. The following is now required of experienced manicurists seeking to renew their license:

- By August 31, 2017, proof of 250 hours of work as a manicurist
- By August 31, 2017, take and pass a written or oral examination

After one renewal period, however, an experienced manicurists is nevertheless required to take 250 hours of educational coursework to receive a "nail technician" license after a two-year grandfathered license that does not require the coursework. HB 222 seeks to remove the education requirement for people who were already licensed and working under statutes prior to December 31<sup>st</sup>, 2015.

Requiring 250 hours of coursework, or essentially six weeks to two months of fulltime effort, could mean these experienced, working manicurists might not be able to work. Many of the individuals who would be affected are "Mom-n-Pop" business owners or single mothers. Requiring this training for persons who have been practicing successfully for years could have detrimental impacts on their finances and families.

In addition, HB 222 extends the deadline for completing the exam from this year, to 2019, with a provision of intent that the Board of Barbers and Hairdressers alter the exam to make it accessible to people who may not speak one of the four languages in which the test is currently offered: English, Spanish, Vietnamese, and Korean.

It is the intention of HB 222 is to remove the unnecessary burden of educational training hours for experienced manicurists who practiced prior to December 31<sup>st</sup>, 2015 and extend equal opportunity to individuals who may have difficulty with language barriers.



# Alaska State Legislature

## Representative Matt Claman

Session: State Capitol, Rm 118 Juneau, AK 99801 Phone: 465-4919  
Interim: 1500 W. Benson Blvd., Anch, AK 99503 Phone: 269-0130

### CS for House Bill 222 Sectional Analysis —Version O

“An Act relating to the licensure of nail technicians; and providing for an effective date.”

**Section 1** – Amends the uncodified law of the State of Alaska by adding a new section of legislative intent that the Board of Barbers and Hairdressers allowing license applicants the ability to use a translator during their required oral or written examination.

**Section 2** – Amends AS 08.13.030 by adding a new subsection (d) that states that the Board may not require 250 hours of instruction in manicuring (under AS 08.13.080(a)(4)) for applicants who hold a valid license to practice manicuring that was issued before Dec. 31, 2015. This, in effect, defines the grandfather clause.

**Section 3** – Amends Sec. 13(a), ch. 27, SLA 2015 allows a person who holds a valid license on Jan 1, 2016 to continue practicing manicuring until their license normally expires. Subsection (1) states that a person is allowed to renew their license before August 31, 2017, if the person meets preexisting requirements under AS 08.13 as it existed prior to Jan 1, 2016. Subsection (2) states that a person may renew their license for an additional period before August 31, 2019 if the person submits (A) proof of 250 hours of satisfactory work experience and (B) has taken and passed a written or oral exam under AS 08.13.090.

**Section 4** – Retroactively amends Section 13(a), ch. 27, SLA 2015, by section 3 of this Act to Jan. 1, 2016.

**Section 5** – Provides an immediate effective date.

30-LS0803\O  
Bruce  
4/17/17

**CS FOR HOUSE BILL NO. 222(L&C)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**THIRTIETH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE LABOR AND COMMERCE COMMITTEE**

**Offered:**  
**Referred:**

**Sponsor(s): REPRESENTATIVE CLAMAN**

**A BILL**  
**FOR AN ACT ENTITLED**

1 **"An Act relating to the licensure of nail technicians; and providing for an effective**  
2 **date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 LEGISLATIVE INTENT. It is the intent of the legislature that the Board of Barbers  
7 and Hairdressers consider allowing an applicant to use a foreign language interpreter or  
8 translator who is certified by the Board of Barbers and Hairdressers during a nail technician  
9 examination.

10 \* **Sec. 2.** AS 08.13.030 is amended by adding a new subsection to read:

11 (d) The board may not require that an applicant for a license or renewal of a  
12 license to practice manicuring complete 250 hours of instruction in manicuring from a  
13 school of manicuring under AS 08.13.080(a)(4) if the applicant holds a valid license to  
14 practice manicuring that was issued on or before December 31, 2015.

1 \* **Sec. 3.** Section 13(a), ch. 27, SLA 2015, is amended to read:

2 (a) On and after January 1, 2016, a person who holds a valid license to  
3 practice manicuring on January 1, 2016, may continue to engage in the practice of  
4 manicuring under the license until the license expires normally under AS 08.13, as  
5 AS 08.13 existed before January 1, 2016, but shall otherwise comply with AS 08.13,  
6 as amended by this Act. A person who is eligible to engage in the practice of  
7 manicuring under this subsection may, for one

8 (1) renewal period, renew the person's license to practice manicuring  
9 [IF,] before August 31, 2017, if the person meets the requirements for renewal  
10 under AS 08.13 as AS 08.13 existed before January 1, 2016; and

11 (2) additional renewal period, renew the person's license to  
12 practice manicuring before August 31, 2019 [AUGUST 31, 2017], if the person

13 (A) [(1)] submits proof satisfactory to the board that the person  
14 has completed 250 hours of work experience as a manicurist; and

15 (B) [(2)] has taken and passed a written or oral examination  
16 under AS 08.13.090.

17 \* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to  
18 read:

19 RETROACTIVITY. Section 13(a), ch. 27, SLA 2015, as amended by sec. 3 of this  
20 Act, is retroactive to January 1, 2016.

21 \* **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).

# Fiscal Note

State of Alaska  
2017 Legislative Session

Bill Version: HB 222  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB222-DCCED-CBPL-04-14-17  
Title: LICENSURE OF MANICURISTS/NAIL TECHS  
Sponsor: CLAMAN  
Requester: (H) Labor & Commerce

Department: Department of Commerce, Community and  
Economic Development  
Appropriation: Corporations, Business and Professional  
Licensing  
Allocation: Corporations, Business and Professional  
Licensing  
OMB Component Number: 2360

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2018 Appropriation Requested	Included in Governor's FY2018 Request	Out-Year Cost Estimates					
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services	5.0							
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>5.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

1156 Rcpt Svcs (DGF)	5.0							
<b>Total</b>	<b>5.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time								
Part-time								
Temporary								

**Change in Revenues**

1156 Rcpt Svcs (DGF)	5.0							
<b>Total</b>	<b>5.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Estimated SUPPLEMENTAL (FY2017) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2018) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes  
If yes, by what date are the regulations to be adopted, amended or repealed? 07/01/18

**Why this fiscal note differs from previous version:**

Not applicable, initial version.

Prepared By:	Janey Hovenden, Director	Phone:	(907)465-2538
Division:	Corporations, Business and Professional Licensing	Date:	04/14/2017 12:00 PM
Approved By:	Catherine Reardon, Director	Date:	04/14/17
Agency:	Division of Administrative Services, DCCED		

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2017 LEGISLATIVE SESSION

BILL NO. HB 222

**Analysis**

HB 222 removes the requirement that applicants for a new license or renewal to practice manicuring complete 250 hours of instruction in manicuring, if the applicant holds a valid license to practice manicuring that was issued on or before December 31, 2015.

If the bill passes the division will require \$5.0 to cover legal costs to amend regulations, printing, and postage in the first year.

Professional licensing programs within the Division of Corporations, Business and Professional Licensing are funded by Receipt Supported Services, fund source 1156 Rcpt Svcs (DGF). Licensing fees for each occupation are set per AS 08.01.065 so the total amount of revenue collected approximately equals the occupation's actual regulatory costs.



# Alaska State Legislature

## Representative Matt Claman

Session: State Capitol, Rm 118 Juneau, AK 99801 Phone: 465-4919  
Interim: 1500 W. Benson Blvd., Anch, AK 99503 Phone: 269-0130

### House Bill 222 Sponsor Statement

*An Act relating to the licensure of nail technicians; and providing for an effective date.*

House Bill 222 amends AS 08.13.030 by clarifying the grandfather clause, which allows individuals who held a manicurists' license prior to December 2015 to forego the 250 hours of instruction in manicuring required of new applicants. They will still be required to prove 250 hours of prior work experience as a manicurist.

The current rules for nail technicians are outlined in House Bill 131, which the 29<sup>th</sup> Alaska Legislature passed in 2015. The House Labor & Commerce Committee intended to include a grandfather clause in statute. The bill was amended on the House Floor to add a grandfather clause. However, the Board of Barbers and Hairdressers interpreted the passed bill to have a temporary, confusing grandfather clause. The following is now required of experienced manicurists seeking to renew their license:

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After one renewal period, however, an experienced manicurists is nevertheless required to take 250 hours of educational coursework to receive a "nail technician" license after a two-year grandfathered license that does not require the coursework. HB 222 seeks to remove the education requirement for people who were already licensed and working under statutes prior to December 31<sup>st</sup>, 2015.

Requiring 250 hours of coursework, or essentially six weeks to two months of fulltime effort, could mean these experienced, working manicurists might not be able to work. Many of the individuals who would be affected are "Mom-n-Pop" business owners or single mothers. Requiring this training for persons who have been practicing successfully for years could have detrimental impacts on their finances and families.

It is the intention of HB 222 is to remove the unnecessary burden of educational training hours for experienced manicurists who practiced prior to December 31<sup>st</sup>, 2015.

1600 A STREET, SUITE 101  
ANCHORAGE, AK 99501

**FORTIER & MIKKO**  
A PROFESSIONAL CORPORATION  
*Attorneys at Law*

SAMUEL J. FORTIER  
DAGMAR C. MIKKO

TELEPHONE: (907) 277-4222  
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ASSOCIATES  
RACHEL B. LAUESEN  
HELEN POITRA-CHALMERS

March 20, 2017

Mr. Jun Maiquis  
Regulations Specialist II  
DCCED  
P.O. Box 110806  
Juneau, Alaska 99811-0806

*Via email and mail: jun.maiquis@alaska.gov*

Ms. Cynthia Spencer  
Licensing Examiner  
Corporations, Business, and Professional Licensing  
DCCED  
P.O. Box 110806  
Juneau, Alaska 99811-0806

*Via email and mail: cynthia.spencer@alaska.gov*

*RE: HB 131; 12 AAC 09.006—The Nail Technician Licensing Changes.*

Dear Mr. Maiquis and Ms. Spencer:

Fortier & Mikko, P.C. represents a licensed manicurist regulated through the Board of Barbers and Hairdressers (“the Board”). Our client, however, desires to remain anonymous due to fear of retaliation. This letter concerns an erroneous interpretation of 12 AAC 09.006, as conveyed through a fact sheet posted on the Board website and mailed to licensed manicurists.<sup>1</sup> Finally, additional issues surrounding HB 131 and 12 AAC 09.006 warrant your attention. They are (1) a potential misuse of official office by the prior Board chairperson, Glenda Ledford; and (2) concerning evidence of discriminatory motive behind the new testing requirement for manicurists.

**1. The Board Intended “Grandfathering” for Existing Manicurists with Work Experience.**

Attached are meeting minutes from the October 10, 2016 meeting of the Board of Barbers and Hairdressers.<sup>2</sup> It is very clear that the Board did not intend to require currently licensed manicurists who could pass the manicuring examination with 250 or

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<sup>1</sup> Exhibit 1.

<sup>2</sup> Exhibit 2.

more hours of work experience to attend 250 to 300 hours of instruction at a mancuting school.<sup>3</sup> The Board requested that 12 AAC 09.006 be amended to allow for “grandfathering.”<sup>4</sup> Mr. Maiquis was going to confer with the Department of Law and get back to the Board on how to amend the laws to reflect the Board’s intent.<sup>5</sup> We request that Mr. Maiquis advise on the status of this.

## **2. The Legislature Intended “Grandfathering” Existing Manicurists with Work Experience**

The legislative history of HB 131 demonstrates the legislature also intended for “grandfathering” to apply to licensed 12-hour manicurists with 250 hours of work experience who pass the examination.<sup>6</sup> For example, Rep. Shelly Hughes expressed concern that the bill contained no requirement that existing manicurists be grandfathered in and asked whether the Board would be amenable to substitute some work experience to qualify for the proposed 250 training hours.<sup>7</sup> Glenda Ledford, the Board Chairperson, offered her belief “that those manicurists who can pass the state examination for the nail technician license that will be put in place should be able to resume under their licenses.”<sup>8</sup> There was substantial discussion about exempting current licensees from the educational requirements in exchange for their work experience.

## **3. DCCED’S Interpretation of 12 AAC 09.006 is Arbitrary and Capricious.**

Contrary to the clear intent by the legislature and the Board, DCCED distributed literature to manicurists containing an erroneous interpretation of 12 AAC 09.006. This misstatement of the law is also maintained on the Boards website.<sup>9</sup>

DCCED allows existing licensees to qualify for the examination with 250 hours of work experience, but is requiring them to attend 250 hours of instruction in manicuring after

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<sup>3</sup> *Id.* at pp. 29-34. When advised by Ms. Spencer that a manicurist would still be required to complete 250 to 300 hours of training to apply for the nail technician license, the Board expressly stated “that it was not their intent to require additional training from manicurists who could provide the 250 hours of work experience and pass the written examination.” Board member Jeannine Jabaay stated that “grandfathering” had been included in the first draft of the bill—which was the only draft the Board saw.

<sup>4</sup> *Id.* at p. 30.

<sup>5</sup> *Id.*

<sup>6</sup> Exhibit 3 (HB 131, HOUSE L&C COMMITTEE (April 10, 2015)).

<sup>7</sup> *Id.* at p. 18.

<sup>8</sup> *Id.*

<sup>9</sup> [https://www.commerce.alaska.gov/web/Portals/5/pub/BAH\\_Manirenewal.2017-2019.pdf](https://www.commerce.alaska.gov/web/Portals/5/pub/BAH_Manirenewal.2017-2019.pdf) (last accessed March 16, 2017).

the manicurist has passed the examination.<sup>10</sup> This is contrary to AS 08.13.100(a), which provides:

[T]he Board shall authorize the issuance of a license for the practice of barbering, manicuring, or esthetics to each qualified applicant who has passed an examination under AS 08.13.090 and meets other applicable requirements under this chapter.<sup>11</sup>

There is no other requirement for 250 hours of instruction under AS 08.13 *et seq.* other than AS 08.13.080(4) which “250 hours of instruction in manicuring” to be successfully completed before sitting for the manicuring examination.<sup>12</sup> Accordingly, the curriculum for the manicuring school is education on the subjects of the exam.<sup>13</sup> But here, the intent was to create an exception to AS 08.13.080(4) to “grandfather” existing licensees by substituting 250 hours of work experience in lieu of manicuring instruction as the condition for the examination. There is no authority (nor does it make sense) to require licensees with adequate work experience to attend 250 hours of manicuring school after they have passed the manicuring examination.

DCCED’s interpretation of the new laws governing manicuring is arbitrary and capricious. By law, the general control in the vocation of manicuring is vested in the Board, not DCCED.<sup>14</sup> The Board clearly did not intend this result.

#### **4. The Educational Requirement Derives From a Conflict of Interest and Is Not Feasible.**

Assuming, *arguendo*, that DCCED’s interpretation is lawful and aligned with the intent of the Board and the legislature (which it is not), there are serious problems with the new legislation and regulations:

1. The schools are expensive. I am informed they are an upwards of \$4,000.
2. There are no manicuring schools licensed by the Alaska Commission for Postsecondary Education (“ACPE”).<sup>15</sup> The law mandates the schools be accredited by ACPE to qualify for a nail technician license.<sup>16</sup>

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<sup>10</sup> Exhibit 1.

<sup>11</sup> (Emphasis supplied).

<sup>12</sup> See also, 12 AAC 09.108, which requires verification of training to sit for the nail technicians license examination.

<sup>13</sup> See, 12 AAC 09.148—establishing the manicuring curriculum.

<sup>14</sup> AS 08.13.030(a).

<sup>15</sup> See, 12 AAC 09.125(a)(6). See also, 12 AAC 09.002(m)(2)(A).

3. While ACPE recognizes zero schools, the Board only recognizes three schools in Alaska.<sup>17</sup> One is in Anchorage. Another is in Juneau. One is in the Mat-Su Valley. The schools are not available statewide and cannot accommodate the number of students that will need to attend. Sarah Chambers, acting director for the State of Alaska Division of Corporations, testified before the legislature that at the end of FY 2014, there were approximately 1,261 licensed manicurists in the State of Alaska,<sup>18</sup> but only twelve of the 1,261 licensees hold the advanced manicuring endorsement—less than 1%.<sup>19</sup> Thus, three schools will need to educate 99.1% of Alaska’s manicurists in a relatively short period of time.

4. The school in the Valley, Glenda’s Training Center, LLC, is 100% owned by Glenda Ledford.<sup>20</sup> Ms. Ledford was the Board’s chairperson when HB 131 was introduced and signed into law. Ms. Ledford is a well-known, public supporter of former Rep. Lynn Gattis.<sup>21</sup> Rep. Gattis referenced Ms. Ledford’s service on the Board when she introduced the HB 131. Thus, Ms. Ledford used her official capacity to introduce legislation for which she derives direct, financial gain.<sup>22</sup>

**5. The Testing Requirement Disproportionately Impacts Minority Immigrant Manicurists Without Serving Any Demonstrated Public Purpose.**

The premise for HB 131 is that the lack of formal training and testing in the manicuring industry threatens public safety and minimizes professionalism. Thus, the increased barriers to entry and renewal set forth in HB 131 are justified. But here, in introducing HB 131, Rep. Gattis admitted that Alaska’s manicurists already have the 250 or more hour training. She said:

...many nail technicians are Asian and most were trained in the Lower 48...It was not uncommon for practicing nail technicians to have acquired 250 to 400 hours of training, which is very different from the minimal 8-12 hours of training required in Alaska.<sup>23</sup>

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<sup>16</sup> *Id.*

<sup>17</sup> Exhibit 4.

<sup>18</sup> Exhibit 3 at p. 13.

<sup>19</sup> Manicurists with the advanced manicuring endorsement are automatically eligible for the nail technician license.

<sup>20</sup> Exhibit 5. Chairperson Ledford formed Glenda’s Training Center, LLC two days before HB 131 took effect.

<sup>21</sup> Exhibit 6.

<sup>22</sup> This may constitute a violation of AS 39.52.120—Misuse of Official Position.

<sup>23</sup> Exhibit 3 at p. 5.

Chairperson Ledford said “she believes that many of the 12 hour licensees have been to California and other places and have at least 250 hours of training...but have currently opted to apply for the manicurist license [but not the advanced manicurist license].”<sup>24</sup> Thus, Rep. Gattis and Chairperson Ledford, the two proponents of the bill, admit that many of Alaska’s manicurists already possess the knowledge pertaining to health, safety, and hygiene, but have simply not taken the examination. The obvious reason for not taking the exam: a language barrier, as “many nail technicians are Asian...”

Rep. LeDoux identified this issue right away and inquired into whether the manicurists could take the test in their native language.<sup>25</sup> Ms. Ledford referenced the “testing” for the 12 hour license course and stated she “assumed that these individuals must have taken the exam for certification in their native language or they were able to take the exam orally to qualify.”<sup>26</sup> Deanna Pruhs, another Board member, discussed “that applicants that have already passed the twelve hour exam could likely pass this one.”<sup>27</sup>

But prior to HB 131, AS 08.13.040 read “the board may not require an applicant for a licensure as a manicurist to take or pass an examination conducted by the Board for the field of manicuring...” Thus, the assertion that a language barrier was not a concern because manicurists had already passed one test is demonstrably false. These Board members knew, or should have known, that less than 1% of manicurists had taken a test.<sup>28</sup>

The examination is a timed, written exam. The only languages the written exam is offered in are English, Spanish, Vietnamese, and Korean.<sup>29</sup> The only option for the verbal examination is English.<sup>30</sup> We believe the passage and enforcement of HB 131 suggests a discriminatory purpose against Alaska’s minority and immigrant population, and results in personal enrichment for Board member Glenda Ledford at the expense of this hardworking community.

In summary, DCCED should publically repudiate its erroneous interpretation of 12 AAC 09.006 because it is arbitrary, capricious, and violates AS 08.13.100(a) and AS

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<sup>24</sup> *Id.* at p. 16.

<sup>25</sup> *Id.* at p. 11.

<sup>26</sup> *Id.* at p. 18.

<sup>27</sup> *Id.* at p. 11.

<sup>28</sup> Ms. Pruhs and Ms. Ledford are authorized to practice manicuring under their hairdressers license. At the time HB 131 was passed, there was no licensed manicurist on the board.

<sup>29</sup> Exhibit 7. Rep. LeDoux was particularly concerned about Hmong and Laotian manicurists in her constituency. These languages are not offered.

<sup>30</sup> *Id.*

08.13.030(a). The changes to AS 08.13 *et al.* should be repealed. There is no compelling public safety interest advanced in requiring 250 hours of education at a non-accredited school for manicurists that have already received this education in another state and/or have an equivalent amount of work experience. The exam should not be required until it DCCED is able to reasonably accommodate everyone who will foreseeably take the exam. This is particularly so where there has been no showing that there is a legitimate public safety and professionalism problem which could be remedied by the new requirements and the legislation is tainted by potential misuse of public office.

Please advise whether DCCED intends to rescind its erroneous interpretation of 12 AAC 09.006 and whether it is agreeable to repeal or stay the changes enacted by HB 131 until such time as the issues associated with the legislation can be resolved.

Very truly yours,

FORTIER & MIKKO, P.C.



Rachel B. Lauesen

RBL/mah

Encl.

Cc: Gov. Walker; Rep. LeDoux; Rep. Hughes; Rep. Tuck; Rep. Drummond; Rep. Claman; A.G. Lindemann; the Board of Barbers and Hairdressers; Dir. Hovenden; Joshua Decker (Alaska ACLU).



# LAWS OF ALASKA

2015

**Source**  
HB 131 am

**Chapter No.**  
\_\_\_\_\_

## AN ACT

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

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to the licensure of nail technicians and hairdressers; relating to the practice of  
2 manicuring; and providing for an effective date.

3 \_\_\_\_\_  
4 \* **Section 1.** AS 08.13.040 is amended to read:

5           **Sec. 08.13.040. Meetings and examinations.** The board shall meet as often as  
6 necessary to conduct its business. It shall conduct separate examinations covering the  
7 following fields of practice: barbering, hairdressing, [ADVANCED] manicuring, and  
8 esthetics. Examinations shall be given at least twice in every year for each of these  
9 fields of practice for which applications for licensure [OR ENDORSEMENTS] are  
10 pending. An applicant may take an examination in more than one field during the  
11 same testing session. [THE BOARD MAY NOT REQUIRE AN APPLICANT FOR  
12 LICENSURE AS A MANICURIST TO TAKE OR PASS AN EXAMINATION  
13 CONDUCTED BY THE BOARD FOR THE FIELD OF MANICURING;  
14 HOWEVER, NOTHING IN THIS SENTENCE PROHIBITS THE BOARD FROM

1 REQUIRING A LICENSED MANICURIST TO PASS AN EXAMINATION TO  
2 OBTAIN AN OPTIONAL ENDORSEMENT AS AN ADVANCED MANICURIST  
3 UNDER AS 08.13.080(c).]

4 \* **Sec. 2.** AS 08.13.080(a) is amended to read:

5 (a) An applicant for an examination authorized under AS 08.13.040 must

6 (1) have successfully completed all courses that a school with a  
7 curriculum in barbering approved by the board is required to teach in order to be  
8 licensed under AS 08.13.110 if applying for a license to practice barbering;

9 (2) have successfully completed all courses that a school with a  
10 curriculum in hairdressing approved by the board is required to teach to be licensed  
11 under AS 08.13.110 if applying for a license to practice hairdressing;

12 (3) have successfully completed all courses that a school with a  
13 curriculum in esthetics approved by the board is required to teach in order to be  
14 licensed under AS 08.13.110 if applying for a license to practice esthetics;

15 (4) have successfully completed 250 hours of instruction in  
16 manicuring from a school of manicuring or hairdressing licensed under  
17 AS 08.13.110 if applying for a license to practice manicuring;

18 (5) have served an apprenticeship under AS 08.13.082;

19 (6) [(5)] specify the field of practice in which the applicant intends to  
20 teach and have held a license to practice in the field for three years or have held a  
21 license in the field for one year and have completed 600 hours of student training as an  
22 instructor in the field of practice from a licensed school with a curriculum approved by  
23 the board if applying for a license as an instructor [EXCEPT THAT A PERSON  
24 LICENSED AS AN INSTRUCTOR IN HAIRDRESSING MAY BE AN  
25 INSTRUCTOR IN MANICURING FOR COURSES THAT SATISFY THE  
26 REQUIREMENT OF (b) OF THIS SECTION, AND THE BOARD MAY, BY  
27 REGULATION, ESTABLISH REQUIREMENTS FOR OTHER MANICURING  
28 INSTRUCTORS, INCLUDING INSTRUCTORS WHO TEACH COURSES THAT  
29 SATISFY REQUIREMENTS FOR AN ADVANCED MANICURIST  
30 ENDORSEMENT]; or

31 (7) [(6)] have completed [A COMBINATION OF] course work and, if

1           **applicable, an** apprenticeship acceptable to the board.

2   \* **Sec. 3.** AS 08.13.082 is amended by adding a new subsection to read:

3           (e) The period of apprenticeship to qualify an applicant for a license to  
4           practice manicuring shall be set by the board in regulation. The apprenticeship must be  
5           served in a shop approved by the board.

6   \* **Sec. 4.** AS 08.13.100(a) is amended to read:

7           (a) The board shall authorize the issuance of a license for the practice of  
8           barbering, hairdressing, **manicuring,** or esthetics to each qualified applicant who has  
9           passed an examination under AS 08.13.090 **and meets other applicable**  
10           **requirements under this chapter** [. THE BOARD SHALL AUTHORIZE THE  
11           ISSUANCE OF A LICENSE TO PRACTICE MANICURING TO EACH  
12           APPLICANT WHO HAS SATISFIED THE REQUIREMENTS OF AS 08.13.080(b).  
13           THE BOARD SHALL AUTHORIZE THE ISSUANCE OF AN ENDORSEMENT  
14           TO A LICENSE TO PRACTICE MANICURING OR HAIRDRESSING  
15           INDICATING THAT THE PERSON IS AN ADVANCED MANICURIST TO  
16           EACH APPLICANT WHO HAS SATISFIED THE REQUIREMENTS OF  
17           AS 08.13.080(c)]. The board shall authorize the issuance of a license for the practice  
18           of tattooing and permanent cosmetic coloring or for body piercing to each applicant  
19           who has satisfied the requirements of AS 08.13.080(d).

20   \* **Sec. 5.** AS 08.13.100(d) is amended to read:

21           (d) A person who holds a current valid license from a board of barbering,  
22           hairdressing, manicuring, or esthetics in another state or who is licensed by another  
23           state to practice tattooing and permanent cosmetic coloring or to practice body  
24           piercing is entitled to a license [OR ENDORSEMENT] under this chapter without  
25           examination or a new period of training in this state. An application must include

26                   (1) proof of a valid license issued by another licensing jurisdiction; and

27                   (2) proof of completed training, testing, and working experience that  
28           the board finds to meet the minimum requirements of this state.

29   \* **Sec. 6.** AS 08.13.160(d) is amended to read:

30           (d) The licensing and permit provisions of this chapter do not apply to

31                   (1) a person practicing barbering, hairdressing, manicuring, or

1 esthetics in a community having a population of less than 1,000 people that is not  
2 within 25 miles of a community of more than 1,000 people and who uses only  
3 chemicals available to the general public;

4 (2) [THE PRACTICE OF MANICURING BY A STUDENT AS  
5 PART OF INSTRUCTION IN A 12-HOUR COURSE APPROVED UNDER  
6 AS 08.13.110(b);

7 (3) A SHAMPOO PERSON;

8 (4)] a licensed health care professional;

9 ~~(3)~~ [(5)] a person licensed by another licensing jurisdiction in a field of  
10 practice licensed by this chapter while demonstrating techniques or products to  
11 persons holding licenses or permits under this chapter;

12 ~~(4)~~ [(6)] a person practicing tattooing and permanent cosmetic coloring  
13 or body piercing solely on the person's own body.

14 \* **Sec. 7.** AS 08.13.160(f) is amended to read:

15 (f) A person licensed under this chapter to practice hairdressing is considered  
16 to be licensed to practice [MANICURING AND] limited esthetics under the same  
17 license.

18 \* **Sec. 8.** AS 08.13.175 is amended to read:

19 **Sec. 08.13.175. Temporary license.** A person who meets the requirements of  
20 AS 08.13.080(a)(1), (2), (3), (4), ~~(5)~~, or ~~(7)~~ [(6)] is entitled to be temporarily licensed  
21 after applying for examination under this chapter if the applicant works under the  
22 direct supervision, and within the physical presence, of a person who is licensed in the  
23 area of practice for which the applicant has applied for examination. A temporary  
24 license issued under this section is valid for 120 days and is nonrenewable. A person  
25 may not receive more than one temporary license for each area of practice licensed  
26 under this chapter. An application for a temporary license must be signed by the  
27 supervising licensee and accompanied by the temporary license fee required under  
28 AS 08.13.185.

29 \* **Sec. 9.** AS 08.13.180 is amended to read:

30 **Sec. 08.13.180. Student permits.** A person attending a licensed school of  
31 barbering, hairdressing, manicuring, or esthetics and a person apprenticed to a

1 licensed instructor in a shop approved by the board or receiving training from a  
2 practitioner of tattooing and permanent cosmetic coloring or body piercing shall obtain  
3 a student permit. A student permit to practice barbering or hairdressing is valid for two  
4 years. A student permit to practice esthetics, tattooing and permanent cosmetic  
5 coloring, or body piercing is valid for one year. A student permit may not be renewed,  
6 but, upon application, the board may issue a new permit to the same person or extend  
7 an expired permit to the date of the next scheduled examination. Credit earned under  
8 an expired student permit may be transferred to a new permit as determined by the  
9 board.

10 \* **Sec. 10.** AS 08.13 is amended by adding a new section to read:

11 **Sec. 08.13.183. Use of title; unlicensed use prohibited.** (a) A person licensed  
12 to practice manicuring in the state may use the title "licensed nail technician."

13 (b) A person who uses the title "licensed nail technician" who is not licensed  
14 to practice manicuring under this chapter is guilty of a violation.

15 \* **Sec. 11.** AS 08.13.185(a) is amended to read:

16 (a) The Department of Commerce, Community, and Economic Development  
17 shall set fees under AS 08.01.065 for initial licenses [, ENDORSEMENTS,] and  
18 renewals for the following:

- 19 (1) schools;
- 20 (2) school owners;
- 21 (3) instructor;
- 22 (4) shop owner;
- 23 (5) practitioner of barbering;
- 24 (6) practitioner of hairdressing;
- 25 (7) practitioner of manicuring;
- 26 (8) practitioner of esthetics;
- 27 (9) [ENDORSEMENT FOR ADVANCED MANICURIST;
- 28 (10)] practitioner of tattooing and permanent cosmetic coloring;
- 29 **(10)** [(11)] practitioner of body piercing;
- 30 **(11)** [(12)] temporary shop license;
- 31 **(12)** [(13)] temporary permit;

1                    (13) [(14)] temporary license;

2                    (14) [(15)] student permit.

3       \* **Sec. 12.** AS 08.13.080(b), 08.13.080(c), 08.13.110(b), and 08.13.110(c) are repealed.

4       \* **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to  
5 read:

6                    TRANSITIONAL PROVISION: EFFECT ON CURRENT LICENSEES AND  
7 ENDORSEMENT HOLDERS. (a) On and after January 1, 2016, a person who holds a valid  
8 license to practice manicuring on January 1, 2016, may continue to engage in the practice of  
9 manicuring under the license until the license expires normally under AS 08.13, as AS 08.13  
10 existed before January 1, 2016, but shall otherwise comply with AS 08.13, as amended by this  
11 Act. A person who is eligible to engage in the practice of manicuring under this subsection  
12 may, for one renewal period, renew the person's license to practice manicuring if, before  
13 August 31, 2017, the person

14                    (1) submits proof satisfactory to the board that the person has completed 250  
15 hours of work experience as a manicurist; and

16                    (2) has taken and passed a written or oral examination under AS 08.13.090.

17                    (b) On and after January 1, 2016, a person who holds a valid endorsement to practice  
18 advanced manicuring on January 1, 2016, is eligible to receive a manicuring license. A license  
19 issued under this subsection expires when the endorsement to practice advanced manicuring  
20 expires normally under AS 08.13, as AS 08.13 existed before January 1, 2016.

21                    (c) On and after January 1, 2016, the holder of a valid license for a school of  
22 manicuring may continue to operate a school of manicuring under the license until the license  
23 expires normally under AS 08.13, as AS 08.13 existed before January 1, 2016, if the license  
24 holder

25                    (1) otherwise complies with AS 08.13, as amended by this Act; and

26                    (2) during that period, and until the board adopts regulations under  
27 AS 08.13.110, as amended by this Act, provides a curriculum that meets the requirements of  
28 regulations for qualifying students for advanced manicuring endorsement that were adopted  
29 by the board under AS 08.13.110(c), as AS 08.13.110(c) existed before January 1, 2016.

30       \* **Sec. 14.** The uncodified law of the State of Alaska is amended by adding a new section to  
31 read:

1           TRANSITIONAL PROVISION: REGULATIONS. The Department of Commerce,  
2 Community, and Economic Development may adopt regulations necessary to implement this  
3 Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not  
4 before the effective date of secs. 1 - 12 of this Act.

5       \* **Sec. 15.** Section 14 of this Act takes effect immediately under AS 01.10.070(c).

6       \* **Sec. 16.** Except as provided in sec. 15 of this Act, this Act takes effect January 1, 2016.

ALASKA STATE LEGISLATURE  
HOUSE LABOR AND COMMERCE STANDING COMMITTEE

April 10, 2015

3:19 p.m.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Representative Mike Chenault (alternate)

**COMMITTEE CALENDAR**

HOUSE BILL NO. 131

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

- MOVED HB 131 OUT OF COMMITTEE

HOUSE BILL NO. 6

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

- MOVED HB 6 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 131

SHORT TITLE: LICENSURE OF MANICURISTS/HAIR DRESSING

SPONSOR(S): REPRESENTATIVE(S) GATTIS

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

BILL: HB 6

SHORT TITLE: EMPLOYMENT PREFERENCE FOR VETS & SPOUSES

SPONSOR(S): REPRESENTATIVE(S) TUCK

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

**WITNESS REGISTER**

REPRESENTATIVE LYNN GATTIS  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Testified as prime sponsor of HB 131.

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

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

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

**POSITION STATEMENT:** Testified in support of HB 131.

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

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

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

**POSITION STATEMENT:** Testified in support of HB 131.

JEANINE ABAAY, Public Member  
Board of Barbers and Hairdressers

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

REPRESENTATIVE CHRIS TUCK  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Testified as prime sponsor of HB 6.

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

**POSITION STATEMENT:** Testified during the discussion of HB 6.

RUSSELL BALL  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 6.

RUSSELL POUNDS, Owner  
Pacific Rim Media  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 6.

#### **ACTION NARRATIVE**

3:19:48 PM

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

#### **HB 131-LICENSURE OF MANICURISTS/HAIR DRESSING**

3:20:08 PM

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

3:20:34 PM

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

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

3:23:23 PM

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

3:23:48 PM

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

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

3:25:39 PM

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

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

3:26:18 PM

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

3:26:40 PM

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

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

3:27:30 PM

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

3:28:40 PM

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

3:29:35 PM

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

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

3:30:56 PM

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

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

3:32:01 PM

REPRESENTATIVE LEDOUX understood the exemption was already in statute.

MR. GALLAGHER answered yes.

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

REPRESENTATIVE GATTIS deferred to the board.

3:33:04 PM

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

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

3:33:35 PM

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

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

3:34:00 PM

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

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

3:35:22 PM

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

REPRESENTATIVE GATTIS answered no.

3:35:37 PM

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

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

3:36:46 PM

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

REPRESENTATIVE GATTIS answered yes.

3:37:06 PM

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

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

3:37:42 PM

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

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

3:39:21 PM

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

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

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

3:40:43 PM

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

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

3:41:20 PM

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

REPRESENTATIVE GATTIS deferred to the board to respond.

3:41:56 PM

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

3:43:38 PM

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

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

3:46:00 PM

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

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

3:47:03 PM

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

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

3:48:37 PM

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

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

3:49:58 PM

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

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

3:51:49 PM

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

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

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

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

3:53:22 PM

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

3:54:09 PM

CHAIR OLSON asked whether she felt that was adequate time.

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

3:54:35 PM

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

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

3:55:17 PM

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

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

3:55:47 PM

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

3:56:10 PM

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

3:57:04 PM

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

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

3:58:29 PM

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

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

3:59:37 PM

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

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

4:00:30 PM

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

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

4:01:16 PM

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

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

4:01:47 PM

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

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

4:03:35 PM

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

4:04:49 PM

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

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

4:08:28 PM

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

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

4:09:10 PM

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

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

4:11:03 PM

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

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

4:11:51 PM

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

4:14:35 PM

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

4:14:59 PM

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

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

4:16:12 PM

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

4:16:45 PM

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

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

4:17:16 PM

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

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

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

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

[Public testimony was previously closed on HB 131.]

4:19:42 PM

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

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

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

4:21:38 PM

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

4:21:59 PM

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

4:22:51 PM

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

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

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

4:24:43 PM

REPRESENTATIVE JOSEPHSON withdrew his objection.

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

4:25:05 PM

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

**HB 6-EMPLOYMENT PREFERENCE FOR VETS & SPOUSES**

4:27:23 PM

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

4:27:39 PM

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

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

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

4:29:01 PM

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

4:29:50 PM

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

4:30:41 PM

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

4:31:12 PM

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

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

4:32:00 PM

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

REPRESENTATIVE TUCK reiterated that 17 states have done so.

4:32:14 PM

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

4:32:39 PM

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

4:33:08 PM

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

REPRESENTATIVE TUCK thanked him for his service.

CHAIR OLSON opened public testimony on HB 6.

4:33:54 PM

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

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

4:36:25 PM

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

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

4:39:44 PM

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

4:41:57 PM

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

REPRESENTATIVE HUGHES offered her support for HB 6.

4:42:32 PM

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

4:42:57 PM

#### **ADJOURNMENT**

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



THE STATE  
of **ALASKA**

GOVERNOR BILL WALKER

Department of Commerce, Community,  
and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND  
PROFESSIONAL LICENSING

P.O. Box 110806  
Juneau, Alaska 99811-0806  
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July 1, 2015

Dear licensee:

Enclosed is your application for license renewal. In addition, I would like to preview some changes to manicurist licensure that were signed into law by Governor Walker on May 29, 2015. This legislation was initiated by the Board of Barbers and Hairdressers to increase the safety and sanitation of nail care in Alaska.

Below is a summary of the changes to manicuring licensing, manicuring schools, training, and scope of practice. The board will meet to discuss and propose regulations this summer to implement these changes. All affected licensees will receive a copy of the proposed regulations, and they will be posted to the board's web page at [www.professionallicense.alaska.gov/boardofbarbershairdressers](http://www.professionallicense.alaska.gov/boardofbarbershairdressers).

- A person licensed to practice manicuring in the state may use the title "licensed nail technician." It is the same scope of practice.
- Manicurists who are not licensed by 12/31/2015 must:
  - successfully complete 250 hours of instruction in manicuring from a school licensed by the board, and
  - pass the board-approved exam to be licensed as a nail technician.
- A 12-hour safety and sanitation course will no longer satisfy requirements for a manicurist/nail technician license on or after 1/1/2016.
- A person with a current advanced manicurist endorsement on or after 1/1/2016 is eligible to receive a new nail technician license which will expire 8/31/2017 unless renewed.
- A person who obtained a current manicurist license in another state, which required at least 250 hours of training in a school and passing a state written exam, may:
  - apply for a nail technician license after 1/1/2016, or
  - apply to have the advanced manicurist endorsement added to a current Alaska manicurist license no later than 12/31/2015.
- A manicurist working with a current license issued on or before 12/31/2015 may work with the license until 8/31/2017. At the 8/31/2017 renewal, this manicurist may renew one additional time through 8/31/2019 if the licensee can show proof of:
  - 250 hours of work experience as a manicurist, and
  - passing the board-approved exam to be licensed as a nail technician.
- Hairdressers licensed before 1/1/2016 may provide manicurist services under the scope of their license until it normally expires on 8/31/2017 and renew one additional time through 8/31/2019 with proof of:
  - 250 hours of work experience as a manicurist, and
  - passing the board-approved exam to be licensed as a nail technician.
- Schools of manicuring may only continue to operate after 1/1/2016 if the school complies with AS 08.13 as amended and provides a curriculum that meets the regulatory standards for an advanced manicuring license as AS 08.13.110(c) existed before 1/1/2016, or until new regulations are adopted by the Board of Barbers and Hairdressers.

July 1, 2015  
Page 2

- Schools providing the 250-hour course for the new license must first be accredited through the Alaska Commission of Postsecondary Education (ACPE) and issued a license by the Board of Barbers and Hairdressers.
- Instructors for the 250-hour manicuring course must have three years of experience as a licensed manicurist, pass the National Nail Technician written exam and instructor exam, and be issued an instructor license to provide the manicurist training.
- On or after 1/1/2016, a person must be a licensed hairdresser or barber to perform shampooing.
- On or after 1/1/2016, a person applying to be a hairdresser or barber may not combine apprentice training and school hours to satisfy the training requirements. They must complete either a 2000 hour apprenticeship under a licensed instructor or 1650 hours of training in a licensed school.

Please check the web page at [www.professionallicense.alaska.gov/boardofbarbershairdressers](http://www.professionallicense.alaska.gov/boardofbarbershairdressers) for additional information.

Sincerely,



Janey Hovenden  
Director