

657 SC FILE NO. 17

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Regulations authorizing the Board to make inspections should be repealed.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	15	7	8	53.3
<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>
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1. Board discriminates.	1
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2. Barbers are needed to test barbers.	1
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<u>Yes</u>	<u>No</u>
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10.	Are you aware of any discriminatory practices involving licensing or investigations of the Board?	7	32
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<u>Comments</u>	<u>Times Encountered</u>
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1. Conflict of interest.	1
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2. Temporary permits.	1
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3. Board discriminates.	2
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4. Difficult test is in the public's interest.	1
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<u>Yes</u>	<u>No</u>
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11.	Do you believe that consumer complaints should be handled by the Board of Barber Examiners?	30	10
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<u>Comments</u>	<u>Times Encountered</u>
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1. Barber is own worst enemy.	1
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2. Bad barbers will starve out.	2
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3. Board should get more money.	3
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4. Barber should handle complaints.	4
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5. By investigation unit at OL.	2
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6. Use Consumer Protection.	2
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	<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. <i>Conflict of interest.</i>	1
11. <i>Residency before licensure.</i>	1
12. <i>Board is pro union.</i>	1
13. <i>Don't issue temporary permits.</i>	1
14. <i>Board membership on merit.</i>	1
15. <i>Alaskans should take care of Alaskans.</i>	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. Some parts of the exam are vague, giving the Board the opportunity to discriminate.	1
9. For what they teach in school, the Board is fair.	1
10. Exam should be true-false and multiple choice, not essay.	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. Board regulates competition.	1
2. Board not interested in professional achievements.	1
3. Yes.	1
4. Out-of-State applicants checked more closely and harshly.	2
5. See conversation.	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>Comments</u>	<u>Times Encountered</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>Comments</u>	<u>Times Encountered</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.

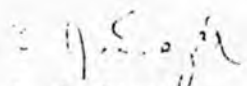
We note that the board requires a minimum of 75 out of 100 questions answered correctly for licensure and it is impossible to determine the validity of this cutscore in the absence of supporting data.

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

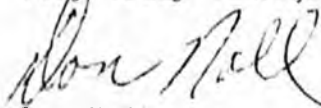
It is my opinion that there is a need for the licensing function of the Board of Barber Examiners. It performs a much needed service to both the industry and the public. Both consumers and employers should be able to expect that a barber is fully qualified for his job.

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,

Enclose 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
combine 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
Milday 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 undesirable in the barter 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 undesirable 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 unsect 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
15 431.18, 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:

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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:

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- 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

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- 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,