

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT**

**Call to Order:** By CHAIRMAN BOB BACHINI, on February 11, 1991, at 9:00 a.m.

#### **ROLL CALL**

**Members Present:**

Bob Bachini, Chairman (D)  
Sheila Rice, Vice-Chair (D)  
Joe Barnett (R)  
Steve Benedict (R)  
Brent Cromley (D)  
Tim Dowell (D)  
Alvin Ellis, Jr. (R)  
Stella Jean Hansen (D)  
H.S. "Sonny" Hanson (R)  
Tom Kilpatrick (D)  
Dick Knox (R)  
Don Larson (D)  
Scott McCulloch (D)  
Bob Pavlovich (D)  
John Scott (D)  
Don Steppler (D)  
Rolph Tunby (R)  
Norm Wallin (R)

**Staff Present:** Paul Verdon, Legislative Council  
Jo Lahti, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Announcements/Discussion:** HB 329, HB 519, HB 688 were to be heard. Executive Action on HB 329, HB 519, HB 688.

#### **HEARING ON HOUSE BILL 329**

#### **Presentation and Opening Statement by Sponsor:**

REP. EDWARD DOLEZAL, HD 34, Great Falls, sponsor, explained HB 329. It is an Act revising qualifications for applicants to take the examination to practice manicuring and for applicants to receive temporary licenses to practice cosmetology and manicuring; clarifying the period of validity of temporary licenses; amending sections 37-31-304 and 37-13-307, MCA; and providing an immediate effective date.

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In working with this bill, some points of confusion came up. The sponsor has been working with people concerned to get the confusion resolved. One point of confusion deals with whether people currently practicing cosmetology will need a separate license in manicuring. Another point of confusion is whether people currently practicing cosmetology need two licenses in their shop, even if not required to go back to school for additional hours in manicuring. There will be testimony that will add background to the intent of this bill and hopefully clear up the confusion.

Proponent's Testimony:

Scott Stekly, Board of Cosmetology, Great Falls, stated the reason for this bill is to give a temporary license to a manicurist as there is now a temporary license for a cosmetologist. The difference between a manicurist and a cosmetologist needs to be distinguished. A cosmetologist can also perform manicuring because they have 2000 hours of training. A manicurist has only 350 hours. There was a case where a cosmetologist had her license revoked and was able to obtain a manicurist license. Things like this should be resolved.

Marlene Sorum, Board of Cosmetology, supports the bill. The separation in licensing is a concern. It is important a person be licensed in the field in which he is educated. Persons studying cosmetology should not be able to get a temporary manicurist license.

Opponent's Testimony:

Rick Tucker, Montana State Cosmetology Association, appears on behalf of the Association in opposition to HB 329. EXHIBIT 1 This legislation would create an additional, improper and unnecessary layer of licensing for a cosmetologist. The practice of cosmetology has always included manicuring. This bill should be tabled.

Beverly Ball, Great Falls, opposes HB 329. EXHIBIT 2 As the owner of a school of cosmetology and a school of manicuring, current licensure meets the needs of students and professionals in the field of manicuring. Any change would be restrictive, costly and unnecessary. She asked HB 329 be defeated.

Darlene Battaiola, Montana State Cosmetologists Association, Butte, which has over 650 members, opposes HB 329. She owns a salon and a cosmetology school in Butte. EXHIBIT 3 This legislation will no longer allow a cosmetologist to practice manicuring which is an integral part of their education and professional livelihood without many more hours of study.

F. F. Griffith, Acme Beauty College and Acme Manicure School, Billings, opposes HB 329 because it is an anti-labor law. The bill being submitted at the request of the Board of Cosmetology

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has never been debated in an open meeting. Page 1, line 20, the proposed bill eliminates "unless he is licensed to practice cosmetology" prevents cosmetologists from doing manicures which they have been able to do since the law was enacted. Referring to page 2, line 25, Mr. Griffith stated the license to operate a manicurist school has always been a Cosmetology School license. A copy of Mr. Griffith's 1991 license is presented. **EXHIBIT 4** This bill would prevent a cosmetologist from working in small communities where it is not always possible to have a manager in charge.

**Sue Eades, Licensed Cosmetologist, Lewistown, Vice President of the Montana Cosmetology Association,** has been a licensed cosmetologist for 18 years. From a personal standpoint, this bill would be very devastating to cosmetologists. Approximately 14% of the income of Ms. Eades' salon comes from manicuring. The 90 day temporary permit would create hardship for individuals beginning to build clientele to have to stop and wait for the next Board of Cosmetology examination and relicensing. Ms. Eades urges the committee to defeat the bill.

**REP. DICK SIMPKINS, House District 39, Great Falls,** is not opposed to making the cosmetology board operate more efficiently, but the problem is not in the laws. The problem is in the rules which need to be straightened out to make them function properly. Rules state no application for examination shall be accepted unless accompanied with a fee, credentials, and hour report. Credentials are no longer used, but the rule has not been changed. The hour report is also defined as an attendance report. The form isn't signed but is a certification of the hours, the graduation date and number of months the student attended. That information is certified and notarized on the application with the signature of the school. Yet the unsigned form is required. Manicuring should still be considered in the field of cosmetology. Manicuring school alone does not qualify for student aid because it is so short. The 2,000 hour cosmetology school does qualify. Laws do not need to be changed. **REP. SIMPKINS** presented the definitions in law of cosmetology. **EXHIBIT 5** He suggested giving the Board of Cosmetology rulemaking authority so they can revise their rules to make it work more smoothly.

**Vincent Maddio, Owner, Maddio's Cosmetology College, Helena,** a school in existence since 1966, is opposed to this legislation. Manicuring is a part of his business and has been from the first. If rule changes are needed to clarify law, the Board of Cosmetology has the power to make rule changes. This legislation is not necessary at this time.

**Richard Danielson, Mr. Rich's Beauty College, Missoula,** has been a school owner for 26 years and a hairdresser for 33 years. He opposes this bill and recommends tabling it.

**Patrick Evans, Bozeman,** has owned a beauty college for 32 years and has been a cosmetologist for 38 years. Mr. Evans is opposed

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to the bill.

**Wendell Peterson, President, Montana State Cosmetologists Association, Missoula,** feels this is an unnecessary bill and asks the committee to please table it.

**Don Henderson, Great Falls,** is opposed to the bill. Section 1, line 20 will grandfather in present operators, but from that point forward the cosmetology license will be separate and 350 hours of specialized study will be required for a manicurist license. There would be schools for cosmetology and schools for manicurists. Presently the professions are all included in the cosmetology study. This bill will make a mess out of things.

**Jill H. Scheeler** opposed HB 329. Present law is working fine.  
**EXHIBIT 5-A**

**Loretta Dengel,** opposed HB 329. As a newly licensed cosmetologist she has just gone through 200 hours of manicurist training which was a requirement to obtain her license.

Informational testimony:

**Steve Meloy, Chief, Occupational Licensing Bureau,** which houses the Board of Cosmetology, is neither an opponent nor proponent of HB 329, but is available to answer questions.

Questions From Committee Members:

**REP. PAVLOVICH** asked if a bill is necessary or can this be taken care of by rule? **Marie Deegan, Department of Commerce,** believes the language in the bill is needed because the statutes govern the rules and without this bill changes they want cannot be made.

**REP. PAVLOVICH** asked what brought this up. He thought it was all worked out. **Mr. Tucker** explained it appears that both HB 329 and HB 519 are being directed at one school in particular and maybe another. The school already is now in the process of bringing an action against the Board for the action that has been taken. He feels he is well able to teach manicuring in his School of Cosmetology and always has been. This would require him to have a special license to teach only manicuring. He would have to register students for one course only for manicuring. He would have to hire a specific teacher who is a cosmetologist but who can also teach manicuring. It appears to be that is why this is here. It is directed at him. There was no legislation proposed, and all three pieces of legislation indirectly came from outside the Board of Cosmetology.

**REP. KILPATRICK** said administrative changes cannot be made without this bill, is that correct? **Marie Deegan** replied that was right.

**REP. WALLIN** asked if he taught both. Will some students who work

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in manicuring be out of a job if this bill goes through? Will this bill bring in more students? Mr. Evans said with HB 329 he would have to hire a new teacher. He had thought about doing this, but eight students did not warrant hiring another teacher. The Schools of Cosmetology also teach manicuring. He teaches both professions.

REP. STELLA JEAN HANSEN asked him to add to the lobbyist's explanation of what this bill was about? Scott Stekly said the bill was not against any school or any particular person. It came about because a student finished a School of Cosmetology. Her picture was shown across the pages of the Great Falls Tribune, but she had not taken her exam or received a license of cosmetology at that time. She was then reprimanded and told she could lose her license. She then obtained a manicuring license.

REP. RICE asked if people come to the school with the intent of becoming cosmetologists, while others come only to be licensed as manicurists and their part of the curriculum is separate. Bev Ball said that was correct. When you take cosmetology training, you are also trained to do manicuring but not by licensed manicurists. Cosmetology teaches a student to recognize what can be treated by her and what should be directed to a physician.

REP. RICE asked how long it took to complete the manicurist school. Ms. Ball said the manicuring part runs from nine to twelve weeks. REP. RICE asked her to respond to the issue of the cosmetologist who lost her license and obtained a manicurist license. Is that a problem or is there an alternative way to handle that? Ms. Ball replied anyone working outside licensure is a negative statement within the field, let alone being photographed. There have been instances where people work under a temporary license. Mr. Stekly presented testimony there was no temporary manicurist licensing. A cosmetology student of Ms. Ball whose main interest was nails petitioned for a temporary license and upon paying fees, received one and went to work in a manicuring salon.

REP. KILPATRICK is ignorant on manicuring, and would like to know what acrylic nails are? What is the big deal? Ms. Ball said it is molecular bonding of products to the nail surface. Safety and sanitation are absolute requirements. In standing in opposition to this bill, we stand collectively in opposition to one thing. That was the requirement for a manicuring license. It was not to cause confusion and cause such disruption in administration in the school and Board office, it was introduced so people could pursue the study to get a license and get into the job market.

REP. STELLA JEAN HANSEN asked if a manicurist can operate independently of a cosmetology business with this bill? Marlene Sorum replied a manicurist can operate independently now, and the bill will not change that. They would not have to be licensed as a cosmetologist.

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Closing by Sponsor:

REP. DOLEZAL said it seems confusion still exists as to what cosmetologists are required to do and not do. An amendment is proposed to HB 329 on page 1, line 20. The amendment reinserts the sentence that was deleted on page 1, line 20, stating a person must obtain a license to practice manicuring from the Department "unless he is licensed to practice cosmetology".

**EXHIBIT 6** A need has developed for a school for special training for manicuring because of the sophisticated technology. The Board wants to streamline the requirements for a school of manicuring, to make it as clear as possible that the person is qualified to practice manicuring. There are only two schools of manicuring within schools of cosmetology. In the future separate schools of manicuring may appear. The confusion is that manicurists will not be able to practice manicuring any more with the amendment on Page 2, lines 24-25 requiring a course of study prescribed by the Board in a registered school of manicuring. This legislation could set up guidelines for rules for the new schools. The bill has merit, and REP. DOLEZAL urged do pass.

HEARING ON HOUSE BILL 519

REP. EDWARD DOLEZAL, HD 34, Great Falls, introduced HB 519 at the request of the Board of Cosmetology. It is an act requiring that separate teachers supervise the work of cosmetology students and manicuring students; clarifying that violations of rules are subject to disciplinary action; providing a penalty for failure to file timely reports with the Board of Cosmetology; and amending Sections 37-31-311 and 37-31-331, MCA.

This bill is similar to HB 329. Part of this bill has already been referred to in testimony on the last bill. HB 519 requires a licensed manicurist to teach manicuring students. Some of the schools do teach manicuring within their schools. The same confusion exists in this bill as exists in HB 329. Must a special licensed manicurist be hired to teach students manicuring? Members of the Board say this is not the intent. The intent is supervision. The second part of the bill expands powers of the Board in determining whether a license should be revoked. On page 5 lines 21-25 (h) inserts new language "the failure of a person, firm or partnership or corporation operating a school of cosmetology or school of manicuring to submit to the Board in a timely manner all reports and correspondence required by the chapter or rules adopted under this chapter."

Proponents' Testimony:

Marlene Sorum, Board of Cosmetology, is concerned about the quality of education. Supervision should be present at all times. There could be a problem in meeting that qualification when teaching in a classroom for cosmetology and leaving to teach a manicuring class also being taught in cosmetology schools. Students' routine should not be interrupted, there should be

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constant supervision. A school should have everything necessary to give a quality education including teachers in that program. Separate teachers for separate schools will be a cost factor. She believes quality education and public safety overweighs the cost consideration. This does not try to limit a cosmetologist to teaching one or both, but tries to limit them from doing both at the same time.

Scott Stekly, Board of Cosmetology, believes that this is a good bill. It does not matter if a teacher is teaching theory as long as they are supervised at all times. He is in favor of this bill. It does not intend to disrupt teaching.

Opponents' Testimony:

Rick Tucker, Montana State Cosmetologists Association, opposes HB 519. Students should be supervised at all times. Interruptions do occur. The intent as stated is not that a dual teacher is required, only that students are supervised at all times. He also has a problem with the strong action of a license revocation because a person does not follow a rule adopted under this act. He would like a definition of "timely manner".

Bev Ball, Great Falls, opposes HB 519. EXHIBIT 7

Darlene Battaiola, Butte, represents over 600 members of the Montana Cosmetologists Association. They are opposed to HB 519 for several reasons. EXHIBIT 8

Farrell Griffin, Acme Beauty School and Acme Manicure School, Billings, is a certified instructor and a licensed cosmetologist. During a day, he can teach up to 25 cosmetologists and can teach them how to do manicures and acrylic nails. In the manicure school he can teach 20 manicure students and can only teach them manicuring and acrylic nails. Whether a teacher can cross over is being debated here. The product taught is the same, whether it is in the cosmetology school or the manicuring school. Mr. Griffin opposes HB 519 because the bill is aimed specifically at the case pending in litigation involving Acme Beauty College and Acme Manicuring School. Evidence from Acme's attorney is submitted. EXHIBIT 9. The bill was not discussed openly at a meeting. Students who successfully completed both programs and passed state exams have obtained jobs and earn a living in these professions.

Sue Eades, Lewistown, thinks HB 519 would be detrimental to the whole industry. If schools in the state do not have enough students to warrant an instructor, there will not be a program for manicurists under this bill. She urged this bill be tabled.

Vincent Maddio, owner Maddio's Cosmetology College, Helena, opposes this bill. Most cosmetology schools in Montana are small schools in relation to cosmetology schools in the nation. His school averages 20 to 35 students, who are taught manicuring and

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acrylic nails. If it becomes necessary to hire a second teacher to teach manicuring, a manicuring school would be unaffordable. The intent of the original manicure law was to bring people in for a shorter period of time for training to do professional manicuring without taking a complete cosmetology course. It was stated earlier by the Board member that products used by manicurists are toxic. Products used in permanent waving are toxic. Products used in hair coloring have caused death. To say a separate teacher is needed for manicuring because toxic materials are used, is not a good statement.

Richard Danielson, Mr. Rich's Beauty College, Missoula, has been a school owner for 26 years. Manicuring has always been taught in the school. Nails have come to the forefront in the last three or four years. Mr. Danielson opposes the bill.

Pat Evans, Mr. Mack's Beauty College, Bozeman, opposes the bill.

Questions From Committee Members:

REP. CROMLEY asked if the Board of Cosmetology is full time employment, and if she is a cosmetologist? Marlene Sorum replied she is a cosmetologist, but the Board is not full time employment. REP. CROMLEY asked if the Board has regular communication with cosmetologists in the state? Ms. Sorum said yes.

REP. CROMLEY asked if the bills proposed had been submitted to cosmetologists before submitting them to the legislature? Ms. Sorum said these bills were prepared in open sessions. The bills had not been submitted to cosmetologists prior to the Legislature. REP. CROMLEY asked if any cosmetologists are in favor of the bills? Marlene Sorum replied yes.

REP. CROMLEY said because of additional restrictions to be placed on manicurists, is it anticipated more inspections of manicurists will have to be done in the future? Ms. Sorum said no more than at present. There is currently a full time inspector who inspects all licensed establishments at least once a year. Another full time inspector is desirable, but at present there is not financing available.

REP. KNOX asked Ms. Ball's response to concerns about supervision of students in manicuring if teachers teach both cosmetology and manicuring. Bev Ball stated the manicuring curriculum is separate from the cosmetology curriculum, although at various times during the training all students are exposed to manicuring. The curriculum and classroom are not combined. Her school has been used for certifying instructors. There are four instructors on staff, including herself. The school is equipped to handle 100 students. Currently the enrollment is four to six students at both schools, so both areas are covered adequately.

REP. RICE asked if there is a ratio between students and

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instructors which must be complied with. Bev Ball said within cosmetology one licensed instructor per 25 students, and within manicuring one licensed instructor per 20 students is required.

REP. STEPPLER asked how often rule changes are initiated by the Board? Scott Stekly replied rules have recently been updated to be legal according to the Governor's directions to all boards. He does not know the last rule change.

REP. STEPPLER asked if cosmetologists are notified of rule changes? Scott Stekly replied yes, new rules are not implemented until the printing is out to all licensed cosmetologists.

REP. SONNY HANSON asked if normal administrative procedure was followed for adoption of the rules? Cosmetologists were not notified, an advertisement was placed in the paper that rule changes were being changed. There was no formal notification. Scott Stekly said he did not believe there was formal notification. It was discussed in open session at Board meetings.

Closing by Sponsor:

REP. DOLEZAL stated there was specific interest about the intent of the bill. There is change occurring and with change there are problems. Students being instructed in manicuring classes are at times using hazardous chemicals. The intent of this bill is to insure students working in a situation that could be harmful to them are supervised. School owners say supervision is provided now. The intent is not to run small schools out of business by requiring a special teacher of manicuring. The term "timely" was discussed. Mr. Stekly and Ms. Sorum defined "timely" as in accordance with existing law. In some instances reports were not submitted in accordance with existing law, causing students to miss examination dates because necessary paperwork was not provided on time and they had to go out of state to take the exam and then got a reciprocity license. Discussions about the bill have indicated difficulty in communication between the board and schools. Hopefully that will be improved through these bills. The sponsor urged Do Pass.

HEARING ON HOUSE BILL 688

Presentation and Opening Statement by Sponsor:

REP. DICK SIMPKINS, HD 39, Great Falls, presented HB 688 which is an act removing the requirement that the Board of Cosmetologists conduct annual inspections; amending Section 37-31-312, MCA, dealing with one section of the law. Page 2, line 5, describes the board's annual inspection of each cosmetologist's establishment and manicuring shop in the state. If Board members conduct the inspection, an important appellate process is removed. The law states the Board shall appoint one inspector. The Board should stay out of the inspection business, keep to the rule business and let the department do inspections which should

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be reviewed by the Board if necessary. The Board feels this may devalue Board authority, so an amendment is proposed. Page 1, line 13, will say "and other duties as the department shall direct, in consultation with the board". The Board is back in the picture again and the Board and sponsor feel comfortable with that amendment. The board would get better communication with the cosmetologists this way. They have to eliminate the personality process and work together more closely. With this rule the Department may find that very few Board inspections would be necessary and this would also require an annual inspection. The inspector also would inspect for sanitation which has to be established by both in conjunction with the Department.

Proponents' Testimony:

Steve Meloy, Chief of the Professional and Occupational Licensing Bureau, stated 34 boards are housed in the Bureau for administrative support. Involved in that support is the attorney staff who expressed concern about having to represent the Board in an appeal of a licensee who was been cited by a Board member. Boards, because of their expertise, get involved in investigations and stipulated agreements. This bill will help those problems. A fiscal note was prepared and an extra FTE was added if the job is not getting done by the one inspector.

Rick Tucker, Montana State Cosmetologist's Association, is a proponent for HB 688. He has no quarrel with the proposed amendments.

Marlene Sorum, Chairman, Board of Cosmetology, spoke for this bill as amended on behalf of the entire board.

Beverly Ball, Great Falls, supports HB 688.

Farrell Griffin, Acme Beauty College, Billings, supports the bill. There would be one person, one agency to answer to, rather than to the Board and the Department.

Opponents' Testimony: None

Questions From Committee Members:

REP. PAVLOVICH asked where is the money coming from for the FTE? Steve Meloy replied the Governor's budget does not contain authority for another FTE. The Board of Cosmetology has a cash reserve of \$1,000 of earmarked funds.

REP. PAVLOVICH said if the bill is amended and money is earmarked from the Board of Cosmetology cash fund to pay the FTE, is that all right? Steve Meloy (DOC) said he does not know if it is O.K. with REP. SIMPKINS, but it would be all right with him.

REP. LARSON inquired about the number of inspectors. Steve Meloy said there is one inspector traveling statewide to all schools,

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shops, and booths. The Board would like inspections twice a year.

REP. KNOX asked if she backed the proposal to take money for the FTE from the fund currently held by the Board. Ms. Sorum replied she approved.

REP. KILPATRICK referred to leaving the decision of whether inspections will be semi-annual or annual up to the board. Does Ms. Sorum feel comfortable or could it conceivably go two or three years? Ms. Sorum said No; inspections need to be done at least annually.

REP. SIMPKINS stated it should be the power of the Board to set the schedule of inspections. Administrative rules should say that inspections must be done once or twice a year. One person inspecting every haircutting establishment or beauty parlor in this state is almost impossible. Another FTE, or two inspectors, is a step in the right direction. The Association and Board have agreed to that.

REP. KILPATRICK notes a disagreement between the Board and cosmetologists. Now the Board is being told to make the decision. The Board states inspections are desired two times a year, but if that is not mandated, the Board could say there is not enough money and the FTE will not be hired.

REP. SIMPKINS said the discussion has indicated that either the Board get together with the cosmetologists and the Association or there will be bigger problems in the future. The Board wants the authority and if the job is not done, next time the Board can be told what to do.

REP. STELLA JEAN HANSEN mentioned there are other businesses that have mandated inspections for various other projects. It bothers her to take it out of that fund. She would be more comfortable with hiring an additional FTE and paying for it out of the School of Cosmetology's special revenue fund. There is a potential for a lot of abuse. REP. HANSEN favors hiring an additional FTE.

REP. SIMPKINS responded he favors an amendment to add an FTE, to be paid for by licensing of cosmetologists, so there could be two inspectors.

REP. PAVLOVICH asked the cost of inspection. Marlene Sorum said \$25.

Closing by Sponsor:

REP. SIMPKINS appreciates the committee presenting ideas to make the bill better. The cosmetologists are willing to pay for another inspector to police their own business. Rules of the Board will determine how to implement the laws.

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EXECUTIVE ACTION ON HOUSE BILL 329

Motion/Vote: REP. CROMLEY MOVED TO TABLE HB 329. Motion carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 519

Motion/Vote: REP. PAVLOVICH MOVED HB 519 BE TABLED. Motion carried with REPS. KILPATRICK, STELLA JEAN HANSEN, AND SCOTT voting no.

EXECUTIVE ACTION ON HOUSE BILL 688

Motion: REP. PAVLOVICH MOVED HB 688 DO PASS.

REP. PAVLOVICH moved to amend HB 688 on page 1, line 13, after the word "direct" add ", in consultation with the board".

Vote: Motion to amend carried with REP. STELLA JEAN HANSEN voting no.

Discussion:

REP. LARSON's concern is there be at least an annual inspection. REP. PAVLOVICH stated the Department is already doing one or more inspections. The Board doesn't do that, the Department does it.

Mr. Verdon explained there is nothing in the bill that says the Department has to do an inspection. REP. LARSON would rather the Board did not do the inspections.

REP. KILPATRICK said in providing for an extra FTE for an inspector, wording could be added for at least annual inspections. Should the money be legislatively earmarked?

REP. SCOTT suggested on page 2, lines 5 through 7, where all three lines were deleted to reinsert those lines but delete the word "Board" and insert "inspector".

REP. STEPPLER does not think the committee should limit inspections to annual inspections. It should be left up to the Board whether personnel and time are available to do it twice or three times a year or whenever. He does not think the Board would say "not at all". The Board is doing a good job of regulating the industry, and it should have the option of deciding how often inspections should be done.

REP. KILPATRICK said REP. STEPPLER has faith in the Board, but two bills have just been tabled which were recommended by the Board and opposed by the cosmetologists. REP. KILPATRICK feels there should be a mandate.

REP. KNOX concurs with REP. STEPPLER'S comments. The Department has the authority to do the job, let them do it.

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REP. SONNY HANSON pointed out the Department will have a recommendation and the Board will have input. Two identities will be making the decisions. He supports REP. STEPLER'S comments.

REP. ELLIS questioned whether a statement of intent or legislation should be used to be sure that another inspector would be funded through the \$400,000 reserve fund. Legislation may not be the way to go.

REP. LARSON asked if page 2, lines 5 to 7, should specify the Board shall authorize no less than annual inspections.

Paul Verdon stated the law already gives the Department authority to appoint one or more inspectors. What is needed is the appropriation. That is not within the purview of this bill. A bill cannot be amended to change its purpose, and this bill says nothing about appropriation, it deals only with removing the requirement of the Board of Cosmetology to conduct annual inspections.

Mr. Meloy does not think there is an appropriation in the Governor's budget for this Legislature. The budget is based on 1990 when there was one inspector.

REP. PAVLOVICH asked if money can be taken from the account by the Board. Mr. Meloy advised money can be shifted among cost categories, but not for salaries. It would have to moved to contracted services and an inspector contracted. Salaries must be set by the Legislature.

REP. RICE stated this bill can be passed as it sits, then have a committee bill for the appropriation. That would keep us out of trouble with having to change the title, etc.

**Motion: REP. PAVLOVICH MADE A SUBSTITUTE MOTION HB 688 AS AMENDED DO PASS.**

**Motion/Vote: REP. STELLA JEAN HANSEN MADE A SUBSTITUTE MOTION TO AMEND HB 688, on page 2 (4) lines 5-7, that "the Department shall conduct at least an annual inspection of each cosmetological establishment and manicuring shop in the state."**

**Discussion:**

REP. TUNBY stated people most concerned, cosmetologists and the Board, are comfortable with the bill as it stands, so it should be left as it is.

REP. STEPLER said the amendment reads one inspector would be employed by the Department and one by the Board. The money is under the jurisdiction of the Board, not the Department.

REP. STELLA JEAN HANSEN explained the committee bill would address that.

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Steve Meloy replied the Department has the authority to appoint one or more inspectors and transfer money for expenses. This allows them to be free of the Board.

REP. STEPPLER said the Board has the money.

Steve Meloy said the Department has authority to hire and fire. This is important because it allows inspectors to be free of interference from the Board.

Vote: Motion to amend HB 688 on page 2 (4) lines 5-7 carried with REPS. STEPPLER, BARNETT, TUNBY, KNOX, SONNY HANSON voting NO.

Motion/Vote: REP. LARSON MOVED HB 688 DO PASS AS AMENDED. Motion carried unanimously.

ADJOURNMENT

Adjournment: 10:10 A.M.

  
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REP. BOB BACHINI, CHAIRMAN

  
\_\_\_\_\_  
JO LAHTI, SECRETARY

BB/jl

**BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE**

DATE Feb. 11, 1991

[illegible]

EXHIBIT 1

DATE 2/11/95

HB 329

*Exhibit #1*

HOUSE BILL 329

OPPONENT

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, FOR THE RECORD MY NAME IS RICK TUCKER. I REPRESENT THE STATE COSMETOLOGIST ASSOCIATION AND I APPEAR HERE ON THEIR BEHALF AS AN OPPONENT TO HOUSE BILL 329.

THIS LEGISLATION, IF PASSED, WOULD CREATE AN ADDITIONAL, IMPROPER AND UNNECESSARY LAYER OF LICENSING FOR A COSMETOLOGIST.

THE CHANGE ON PAGE 1, SEC.1, LINE 20, WOULD PROHIBIT A LICENSED COSMETOLOGIST FROM PRACTICING MANICURING WITHOUT FIRST OBTAINING A SEPERATE AND ADDITIONAL LICENSE TO PRACTICE MANICURING.

THIS CHANGE MAY EVEN BE CONSTRUED LATER TO REQUIRE A LICENSED COSMETOLOGIST TO TAKE ADDITIONAL (REPETITIVE) TRAINING ALONG WITH AN ADDITIONAL EXAMINATION TO BECOME LICENSED JUST TO PRACTICE MANICURING.

I MIGHT ADD MR. CHAIRMAN, AND MEMBERS OF THE COMMITTEE, THAT THE DRAFTERS DID NOT ATTEMPT TO CHANGE SEC. 37-31-101 MCA. WHICH STATES IN PART THE " PRACTICE AND TEACHING OF COSMETOLOGY" INCLUDES WORK GENERALLY AND USUALLY INCLUDED IN THE TERMS "HAIRDRESSING, "MANICURING", AND "BEAUTY CULTURE". THE PRACTICE OF COSMETOLOGY HAS NEVER NOT INCLUDED MANICURING.



OPPONENT TO HB 329

Ex. 1  
2/11/91  
HB 329

EVEN IF THIS SECTION OF THE BILL WERE TO BE AMENDED, TO REPLACE THE DELETED LANGUAGE ON LINE 20, THE PROBLEMS I HAVE DISCUSSED WITH REGARDS TO EXAMINATIONS FOR A MANICURING LICENSE WOULD STILL EXIST, WITH THE CHANGES ON PAGE 2 LINE 24. BY DELETING A REGISTERED SCHOOL OF COSMETOLOGY FROM THE TEXT ONLY PERSONS WHO HAVE COMPLETED A COURSE OF STUDY IN A REGISTERED SCHOOL OF MANICURING WOULD BE PERMITTED TO TAKE THE EXAMINATION FOR A MANICURING LICENSE. A GRADUATE FROM A REGISTERED SCHOOL OF COSMETOLOGY WOULD NOT BE PERMITTED TO TAKE THE EXAM. NOT WITH STANDING THAT HE OR SHE HAS HAD TRAINING EQUAL TOO OR MORE THAN IN A SCHOOL OF MANICURING.

SECTION 2, ON PAGE 3, IS ONLY REWORDING AND NOT NECESSARILY MAKING ANY CLEARER THAT SECTION OF THE LAW WHICH IS ALREADY IN PLACE.

IN CLOSING THE STATE ASSOCIATION MEMBERS FEEL , AND IT IS THEIR WISH, THAT THIS BILL BE TABLED WITH NO FURTHER CONSIDERATION.

THANK YOU.

REF: HB 329

EXHIBIT 2  
DATE 2/11/91  
RE 329

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE

I AM BEV BALL FROM GREAT FALLS AND I AM HERE IN OPPOSITION TO HB 329. IF THIS BILL IS MADE LAW, ANYONE HOLDING A COSMETOLOGY LICENSE WOULD BE UNABLE TO PERFORM THE SERVICE OF MANICURING WITHOUT:

- (1) PURCHASING A MANICURING LICENSE, OR
- (2) RETURNING TO A REGISTERED MANICURING SCHOOL FOR 350 HOURS.

THE NEW RULES, WHICH WERE RECENTLY ADOPTED BY THE BOARD OF COSMETOLOGY, EXTENDED THE MANICURING CURRICULUM FROM 125 HOURS TO 200 HOURS AND NOW THIS CURRENT PROPOSAL WOULD ELIMINATE A PERSON'S EXPECTATIONS OF PERFORMING THIS SERVICE.

THE CURRENT STATUTE HAS BEEN EFFECTIVE AND APPROPRIATE IN IT'S PRESENT FORM.

AS THE OWNER OF A SCHOOL OF COSMETOLOGY AND A SCHOOL OF MANICURING, I CAN ASSURE YOU THAT CURRENT LICENSURE MEETS THE NEEDS OF STUDENTS AND PROFESSIONALS IN THE FIELD MANICURING. ANY CHANGE WOULD BE RESTRICTIVE, COSTLY AND UN-NECESSARY, THEREFORE I AM OPPOSED TO HB 329 AND WOULD ASK IT BE DEFEATED.

THANK YOU

BEVERLY BALL

GREAT FALLS

OPPOSED TO HB 329

HOUSE BILL 329

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, MY NAME IS DARLENE BATTAIOLA. I APPEAR HERE TODAY IN OPPOSITION TO HOUSE BILL 329. I AM HERE REPRESENTING THE OVER 650 MEMBERS OF THE MONTANA STATE COSMETOLOGISTS ASSOCIATION, AS ITS LEGISLATURE PROJECT CO-DIRECTOR, A PAST PRESIDENT AND CURRENT EDUCATIONAL COMMITTEE CHAIRMAN.

I AM A SALON OWNER AND A COSMETOLOGY SCHOOL OWNER FROM BUTTE.

HOUSE BILL 329 ENDEAVORS TO "CLARIFY" PRESENT LAW AS IT APPLIES TO (1) QUALIFICATIONS FOR APPLICANTS TO PRACTICE MANICURING; (2) SECURING A TEMPORARY LICENSE TO PRACTICE MANICURING; AND (3) THE PERIOD FOR WHICH A TEMPORARY LICENSE IS VALID.

THIS CLARIFICATION IS AIMED PURELY AT AN ADMINISTRATIVE LEVEL AND IS SUPERFLUOUS AND UNNEEDED LEGISLATION.

IN AN ATTEMPT TO CLARIFY LICENSURE FOR MANICURISTS, RESTRICTIONS AND LIMITATIONS WILL BE PLACED ON THE RANGE OF SERVICES A LICENSED COSMETOLOGIST WILL BE ABLE TO PRACTICE, THUS CREATING A HARDSHIP FOR THEM TO EARN A LIVING AND PROPERLY SERVE THEIR CLIENTELE AND PUBLIC.

IF PASSED, HB 329 WILL NO LONGER ALLOW A COSMETOLOGIST TO PRACTICE MANICURING, WHICH IS AN INTEGRAL PART OF THEIR EDUCATION AND PROFESSIONAL LIVELIHOOD.

STUDENTS PRESENTLY ENROLLED IN COSMETOLOGY SCHOOLS HAVE PAID TUITION AND COMPLETED HOURS OF COSMETOLOGY TRAINING, WHICH INCLUDES A MINIMUM OF 200 HOURS OF MANICURING, EXPECTING TO BE ABLE TO PERFORM MANICURING. THESE PEOPLE

WOULD NOT BE ALLOWED TO PRACTICE MANICURING WITHOUT SECURING A MANICURIST LICENSE IN ADDITION TO THEIR COSMETOLOGY LICENSE. TO DO SO, THEY WOULD HAVE TO ATTEND 350 HOURS IN A REGISTERED SCHOOL OF MANICURING (THERE ARE ONLY TWO SUCH SCHOOLS IN THE STATE) AND RETAKE THE TRAINING THEY HAD ALREADY RECEIVED IN COSMETOLOGY SCHOOL. THEY WOULD HAVE TO SUBMIT TO ANOTHER EXAMINATION AND PAY ALL THE ADDITIONAL EXAM AND LICENSE FEES.

IN AN ATTEMPT TO CLARIFY TEMPORARY LICENSES FOR MANICURISTS, IT WOULD SEEM THAT MANICURING IS AGAIN BEING SEPARATED OUT FROM A COSMETOLOGY LICENSE, RATHER THAN BEING AN ADDITIONAL LICENSE AVAILABLE TO THOSE WANTING TO EARN THEIR LIVING BY DOING JUST MANICURING.

THE OTHER MINUTE CHANGES THAT HOUSE BILL 329 MAKES CHANGE MEANING AND THE INTENT OF THE LAW AS PRESENTLY WRITTEN SO INSIGNIFICANTLY AS TO MAKE ENACTMENT OF THE BILL UNNECESSARY.

I URGE YOUR OPPOSITION TO HOUSE BILL 329!



No.

# Board of Cosmetologists MANICURE SCHOOL LICENSE

THIS IS TO

CERTIFY THAT

ACME MANICURE SCHOOL

1991

is licensed to conduct a Cosmetology School until Dec. 31, . 1991 . . . . unless this license is  
revoked for good and sufficient reason.

*Exhib*  
*H*  
2/11/91 #  
329



37-31-101

PROFESSIONS AND OCCUPATIONS

37-31-325 through 37-31-330 reserved.

37-31-331. Refusal, revocation, or suspension of licenses — grounds — notice and hearing.

37-31-332. Suspension for contracting communicable disease.

37-31-333. Appeal from actions of board.

37-31-334. Penalty — injunction.

## Chapter Cross-References

Electrology, Title 37, ch. 32.

## Part 1 General

**37-31-101. Definitions.** Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Practice and teaching of cosmetology" includes work generally and usually included in the terms "hairdressing", "manicuring", and "beauty culture" and performed in so-called hairdressing and beauty shops, booths, or by itinerant cosmetologists, which work is done for the embellishment, cleanliness, and beautification of the hair, scalp, face, arms, feet, or hands. The practice and teaching of cosmetology shall not be construed to include itinerant cosmetologists who perform their services without compensation for demonstration purposes in any regularly established store or place of business holding a license from the state of Montana as such store or place of business.

(2) "Cosmetological establishment" means premises, building, or part of a building in which is practiced a branch or combination of branches of cosmetology or the occupation of a hairdresser and cosmetician or cosmetologist and which must have a manager-operator in charge.

(3) "Board" means the board of cosmetologists provided for in 2-15-1857.

(4) "Booth" means any part of a cosmetological establishment or manicuring shop that is rented or leased for the performance of cosmetologist services, as specified in 39-51-204(1)(l).

(5) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.

(6) "Manicuring" includes nail care of the hands and feet and the application and maintenance of artificial nails.

(7) "Manicuring shop" means premises, a building, or part of a building in which the art of manicuring is practiced.

**History:** En. Sec. 2, Ch. 104, L. 1929; re-en. Sec. 3228.2, R.C.M. 1935; amd. Sec. 2, Ch. 222, L. 1939; amd. Sec. 2, Ch. 20, L. 1955; amd. Sec. 2, Ch. 244, L. 1961; amd. Sec. 1, Ch. 175, L. 1974; amd. Sec. 64, Ch. 350, L. 1974; R.C.M. 1947, 66-802; amd. Sec. 3, Ch. 274, L. 1981; amd. Sec. 1, Ch. 260, L. 1985; amd. Sec. 1, Ch. 602, L. 1985; amd. Sec. 2, Ch. 88, L. 1989.

### Compiler's Comments

**1989 Amendment:** In first sentence of definition of practice and teaching of cosmetology, after "beauty shops", inserted "booths"; inserted

definition of booth; and made minor changes in form.

### Cross-References

Practice of barbering defined, 37-30-101.

**37-31-102. Exemptions.** Nothing in this chapter prohibits:

(1) service in case of emergency or domestic administration without compensation;

1-29-91

DEAR SIRs,

I AM WRITING ON BEHALF OF  
"CLASSIC DESIGN HAIR STUDIO" IN LEWISTOWN.  
IN REFERENCE TO HOUSE BILL #329:  
WE SINCERELY HOPE THIS BILL IS DEFEATED!

COSMETOLOGISTS ARE TRAINED TO DO  
MANICURES AS PART OF THEIR EDUCATION.  
IF THIS BILL PASSES THEN WHAT SERVICE  
THAT WE ARE TRAINED FOR, WILL BE TAKEN  
AWAY NEXT?

WE PAY GOOD MONEY FOR EDUCATION  
IN THE BARBER / BEAUTY INDUSTRY. WE  
MUST PASS WRITTEN AND MANUAL EXAMS  
TO PROVE OUR CAPABILITIES. WE FEEL THIS  
IS SUFFICIENT AND HOPE IT STAYS THE WAY  
IT IS.

WE SUPPORT THE DEFEAT OF HOUSE BILL  
#329.

THANK YOU FOR TAKING THE TIME TO HEAR  
US OUT.

SINCERELY,

*Jill H. Scheerer*

JILL H SCHEERER

DBA CLASSIC DESIGN

211 E MAIN #103 70 939

LEWISTOWN, MT 59457

EXHIBIT 6  
DATE 2/11/91  
NO 329 *Exhibit #6*

Amendments to House Bill No. 329  
First Reading Copy

Requested by Representative Dolezal  
For the Committee on Business and Economic Development

Prepared by Paul Verdon  
February 11, 1991

1. Page 1, line 20.

Following: "~~cosmetology~~"

Insert: "unless he is licensed to practice cosmetology"



REF: HB 519

EXHIBIT 7  
DATE 2/11/21  
HB 519

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE

I AM BEV BALL FROM GREAT FALLS AND I AM HERE IN OPPOSITION TO HB 519.

FIRST, THIS BILL IS PURPOSING A FULL TIME, SEPARATE INSTRUCTOR FOR APPROXIMATELY 4 - 9 % OF THE ENROLLMENT. AS THE OWNER OF A REGISTERED SCHOOL OF MANICURING, I HAVE NEVER ENROLLED MORE THAN FIVE (5) STUDENTS IN RELATIONSHIP TO 35 - 45 COSMETOLOGY STUDENTS.

I STAND OPPOSED TO HB 519 FOR THE FOLLOWING REASONS:

- (A) CURRENTLY THE ONLY INSTRUCTORS THAT MAY TEACH MANICURING ARE THOSE HOLDING A COSMETOLOGY INSTRUCTOR'S LICENSE. THERE IS NO CADET TEACHER PROGRAM FOR A MANICURIST INTERESTED IN TEACHING.
- (B) IT ADDRESSES FEW STUDENTS IN RATIO TO COSMETOLOGY STUDENTS
- (C) THIS ISSUE IS CURRENTLY IN LITIGATION AND SHOULD NOT BE RESOLVED BASED ON NEW LEGISLATION.
- (D) THE TERM "TIMELY MANNER" IS VAGUE AND COULD POSSIBLY PROMPT CONTINUOUS HEARINGS AND UN-NECESSARY ADMINISTRATIVE PAPER WORK.

FOR THESE REASONS, I STAND IN OPPOSITION TO HB 519.

THANK YOU

  
BEVERLY BALL

GREAT FALLS

EXHIBIT 8  
DATE 2/11/91  
BY 519

## HOUSE BILL 519

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, MY NAME IS DARLENE BATTAIOLA. I APPEAR HERE TODAY IN OPPOSITION TO HOUSE BILL 519. I AM HERE REPRESENTING THE OVER SIX HUNDRED AND FIFTY MEMBERS OF THE MONTANA STATE COSMETOLOGISTS ASSOCIATION AS ITS LEGISLATURE PROJECT CO-DIRECTOR, A PAST PRESIDENT AND CURRENT EDUCATIONAL COMMITTEE CHAIRMAN.

I AM A SALON OWNER AND A COSMETOLOGY SCHOOL OWNER FROM BUTTE.

THE RESTRICTIONS, LIMITATIONS AND REQUIREMENTS THAT HOUSE BILL 519 MAY PLACE UPON THE COSMETOLOGY AND MANICURING PROFESSIONS COULD HAVE FAR REACHING EFFECTS.

HOUSE BILL 519 ALLOWS FOR DISCIPLINARY ACTION IN THE FORM OF REFUSAL, REVOCATION OR SUSPENSION OF LICENSE FOR (1) FAILURE TO COMPLY WITH RULES AND REGULATIONS ADOPTED BY THE BOARD AND (2) FAILURE TO SUBMIT TIMELY REPORTS TO THE BOARD OFFICE. THE DISCIPLINARY ACTION WOULD HARDLY SEEM COMMENSURATE WITH THE VIOLATIONS.

A GREAT DEAL OF PAPERWORK IS SHUFFLED BACK AND FORTH BETWEEN SCHOOLS AND THE BOARD OFFICE. THE MOUNTAIN OF PAPERWORK, DOCUMENTATION REPORTS, THAT IS REQUIRED OF SCHOOLS IS EVER GROWING, BESIDES WHAT IS REQUIRED BY OUR BOARD. THERE ARE DEPARTMENT OF EDUCATION REPORTS, ACCREDITATION PAPERWORK AND VARIOUS STATE AND FEDERAL OFFICES THAT REQUIRE A VARIETY OF REPORTS AND COMMUNICATION. SOMETIMES, BY THE TIME ALL THE PAPERWORK IS FINISHED, WE LOSE SIGHT OF OUR PRIMARY GOAL, WHICH IS EDUCATION. SUSPENSION OR REVOCATION OF A LICENSE FOR NOT FILING A REPORT IN A TIMELY MANNER SEEMS AWFULLY HARSH, AND

BESIDES, HOW ARE WE TO DEFINE TIMELY?

REVOCATION OR SUSPENSION OF A LICENSE FOR NON-COMPLIANCE WITH A BOARD RULE WOULD SEEM JUST AS EXCESSIVE. RULES ARE CONSISTENTLY BEING INTERPRETED DIFFERENTLY BY THE BOARD AND THEIR LEGAL COUNSEL AND YEARLY ADDITIONS, DELETIONS AND CHANGES ARE FORMALLY MADE WITHOUT NOTIFYING THE PROFESSION AS A WHOLE. AS SUCH, WE COULD BE IN VIOLATION OF THE RULES AND BE UNAWARE OF IT.

THIS BILL ALSO REQUIRES THAT A SEPARATE LICENSED TEACHER SUPERVISE MANICURING STUDENTS AND COSMETOLOGY STUDENTS. A COSMETOLOGY INSTRUCTOR IS THE ONLY TYPE WE HAVE. TO TEACH MANICURING STUDENTS, YOU MUST BE A LICENSED INSTRUCTOR OF COSMETOLOGY.

THE RULES AND REGULATIONS AND NOW WITH THIS BILL--LAWS MAKE IT SO RESTRICTIVE TO ADMINISTER A MANICURING SCHOOL THAT IT IS BECOMING ECONOMICALLY UNFEASIBLE TO DO SO, THUS LIMITING THE AVAILABILITY OF MANICURING EDUCATION TO INTERESTED INDIVIDUALS AND LIMITING THEIR ENTRY INTO THE WORK FORCE.

PLEASE CONSIDER HOUSE BILL 519 VERY CAREFULLY AS TO ITS REPERCUSSIONS AND EFFECTS. I URGE YOUR OPPOSITION!

EXHIBIT 9  
DATE 2/11/91  
HB 519

STATE OF MONTANA       )  
                              : ss  
County of Yellowstone)

ALDEN PEDERSEN, being duly sworn deposes and says, that he is an attorney licensed to practice law in the State of Montana, and a partner in the law firm of Pedersen & Conrad of Billings, Montana.

1. That on or about July 6, 1990, I was asked to represent Acme Beauty College because it had received notice from the Board of Cosmetologists of the Department of Commerce of the State of Montana, that the Board intended to revoke its license.

2. The reason given for revocation were two. One assertion was that there were problems existing with the physical plant which were shown by an inspection on June 12, 1990. A prior inspection some months earlier had not shown these problems, and it is my understanding that they were relatively minor, and have now been taken care or are in the process of being taken care of.

3. The second assertion was there was only one instructor present and that there were both students of cosmetology and student of manicuring present.

4. The rules and regulations of the Board provide that one instructor may instruct 20 manicuring students at one time, and one instructor may instruct 25 cosmetology students at one time.

5. Pursuant to MCA 37-31-302, and MCA 37-31-305(1) manicuring students must be taught by licensed cosmetology instructors. Furthermore, only Montana licensed cosmetology instructors can instruct cosmetology students.

6. Each cosmetology student is required to take 200 hours of manicuring, and the student after he or she passes the Board of Cosmetology test is authorized to practice manicuring within the State of Montana.

7. At the time of inspection of Acme Beauty College on June 12, 1990, Acme had 12 students, two of whom were taking manicuring and 10 of whom were taking cosmetology. There was one

licensed cosmetology instructor upon the premises; a second was on his way, but not there at the time the inspection had started.

8. Even though there were only 10 students present; even though the one instructor present was qualified to teach both cosmetology and manicuring students; even though cosmetology students must take manicuring; even though the maximum students which can be taught by one instructor is 25 cosmetology students or 20 manicuring students; and even though the total of the students present did not come close to the maximum permitted, the Board held Acme was in violation because there were not two instructors present, one for cosmetology and one for manicuring.

9. Farrell Griffin, the President of Acme, has had a running dispute with Ann McKenzie, Executive Secretary of the Board of Cosmetologists, stemming from 1986. At that time the Legislature passed a bill permitting separate licensing of manicuring. Shortly after the effective date, Acme Beauty College commenced advertising for and training manicuring students. There was a complaint filed before the Board for opening a manicuring school before it was licensed. Upon my advice to save legal costs, Acme Beauty College did apply for a separate manicuring school license, even though, in my opinion, it was not required. The license cost was a small fraction of prospective legal charges. When Acme complained to the Board about the costs of a bond for each school, it was told that only one bond would be required.

10. In Interrogatories to the Board, the undersigned asked if anyone had brought to the attention of the Board or the Executor/Director of the Board, MCA 37-31-304(3)(a), which provides that to be eligible to practice manicuring a person must have completed a course of study prescribed by the Board in a registered School of Cosmetology, or a registered School of Manicuring. The interrogatory emphasized the word "or". The Board's response was that this section did not allow a registered School of Cosmetology to teach only manicuring.

In my opinion, the Legislative intent is clear. It is ludicrous to believe that this section can be interpreted any

EXHIBIT 9  
DATE 2/11/91  
HB 519

other way than to permit a School of Cosmetology to teach manicuring in addition to cosmetology.

I believe that the Board is asking for the proposed changes in the law because present legal proceedings are proving it incorrect in its interpretation of Montana Law. If the Legislature wants to have cosmetology schools teach manicuring, no change is needed.

FURTHERMORE, your affiant sayeth not.

DATED this 7<sup>th</sup> day of February, 1991.

  
ALDEN PEDERSEN

VERIFICATION

ALDEN PEDERSEN, being first duly sworn, deposes and says:

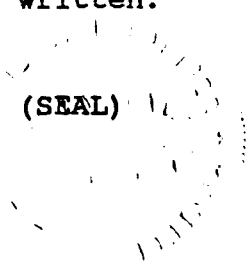

That he has read the foregoing and the facts and matters stated therein are true, accurate and correct.

  
ALDEN PEDERSEN

STATE OF MONTANA        )  
                                  : ss  
County of Yellowstone )

On this 7<sup>th</sup> day of February, 1991, before me, the undersigned, a Notary Public for the State of Montana, personally appeared ALDEN PEDERSEN, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)    
Notary Public for the State of Montana  
Residing at Billings, Montana  
My Commission Expires: 12-28-92

## HOUSE OF REPRESENTATIVES

1 of 4

## VISITOR'S REGISTER

Business & Econ. Dev.

COMMITTEE

BILL NO. 329/519  
688DATE 2/11/91

SPONSOR(S) \_\_\_\_\_

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Mendell Peterson 8363 Ardland RE Mesa MT 59027	Madison State Municipal League Assoc	329	✓	
" "	" "	519	✓	
" "	" "	688		✓
Fahm F. GLIFFIN 145 AVE Billings MT 59101	Acton Beauty College	329	✓	
" "	" "	519	✓	
" "	" "	688		✓
2227 42nd Rex Allen Paris Mesa	Board of Crime	488	✓	✗
1805 S. W. Ave Richard Danielson Mesa	Mr. Richard B. + Y College	329	✓	
1805 South Ave W. Mrs. J.	" "	519	✓	
Don Henderson	GT Falls	519 329 688	✓ ✓ ✓	✓
Dick Simpkins	GT Falls HD #39	519 329	✓ ✓	
Rock Tucker	MT. St. Cos. Assoc. Helen	329 519 688	✓ ✓ ✓	✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS  
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

## HOUSE OF REPRESENTATIVES

2064

## VISITOR'S REGISTER

Business & Econ Dev.

COMMITTEE

BILL NO.

HB 329

HB 519

HB 688

DATE Feb 11, 1991 SPONSOR(S) \_\_\_\_\_

PLEASE PRINT

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PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Paul Battalio 129 Oak Ln. Batte	MSCA Batte Academy / Beauty	329	✓	
11	11	519	✓	
11	11	688		✓
VINCENT MADDIO MADDIO'S Cosmetics	MADDIO'S Cosmetics	688		✓
11	11		✓	
11	11		✓	
Scott Stekly 1500 9th Ave So GF	Board of Cosmo	519 <del>329</del>		✓
Rose Ellen Paris 2222 42nd.	Board of Cosmo	519 <del>329</del>		✓
Mary Brown 117 Helene Ave.	Board of Cosmo.	519 <del>329</del>		✓
11	11	688	✓	
Scott Stekly	Board of Cosmo	688	✓	
Madene Sarum	Board of Cosmo	329 519		✓
Madene Sarum	Board of Cosmo	688	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS  
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.



## HOUSE OF REPRESENTATIVES

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## VISITOR'S REGISTER

HB 329

HB 519

BILL NO. HB 688

Business & Econ Dev.

COMMITTEE

DATE 2/11/91

SPONSOR(S) \_\_\_\_\_

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Dorothy Turner 1248 - 7th Ave N.W. Mt. Falls	MSCA Montana State Cosmetologists Assn	329	✓	
"	"	519	✓	
"	"	688		✓
Donna Knott 1416 7th Ave N.E. Billings	MT State Cosmetologists	329	✓	
"	"	519	✓	
"	"	688		✓
Lee Eades, 322 Broadview Billings	Montana State Cosmetologist Assn. & Licensed Cosmetologist	329	✓	
"	"	519	✓	
"	"	688		✓
Shannon Rolfsmeter 4010 Hanging Tree Rd. Billings	MT State Cosmetologist Assn	329	✓	
		519	✓	
		688		✓

**PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.**

## HOUSE OF REPRESENTATIVES

## VISITOR'S REGISTER

4 of 4

Business & Econ Dev COMMITTEEBILL NO. HB 519  
HB 329  
HB 688DATE Feb. 11, 1991 SPONSOR(S) \_\_\_\_\_

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
BEV BALL	DAHL'S College of Beauty	HB 519	✓	
/	/	HB 329	✓	
		HB 688		✓
STEVE MELODY	COMM	688		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.