

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 507**

4 (By Senators Snyder and Plymale)

5 _____
6 [Originating in the Committee on the Judiciary;

7 reported February 18, 2014.]
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11 A BILL to amend and reenact §30-27-4 and §30-27-6 of the Code of
12 West Virginia, 1931, as amended, all relating to the Board of
13 Barbers and Cosmetologists; changing board membership;
14 requiring the board to offer examinations in other languages
15 if available and upon request; and removing outdated language.

16 *Be it enacted by the Legislature of West Virginia:*

17 That §30-27-4 and §30-27-6 of the Code of West Virginia, 1931,
18 as amended, be amended and reenacted, all to read as follows:

19 **ARTICLE 27. BOARD OF BARBERS AND COSMETOLOGISTS.**

20 **§30-27-4. Board of Barbers and Cosmetologists.**

21 (a) The West Virginia Board of Barbers and Cosmetologists is
22 continued. The members of the board in office on July 1, ~~2009,~~
23 2014, shall, unless sooner removed, continue to serve until their
24 respective terms expire and until their successors have been

1 appointed and qualified.

2 ~~(b) To be effective on July 1, 2009, the Governor shall~~
3 ~~appoint, by and with the advice and consent of the Senate:~~

4 ~~(1) One person who is a licensed cosmetologist for a term of~~
5 ~~five years;~~

6 ~~(2) One person who is a licensed barber for a term of five~~
7 ~~years;~~

8 ~~(3) One person who is a licensed barber crossover or a~~
9 ~~licensed barber permanent waviest for a term of four years;~~

10 ~~(4) One person who is a licensed aesthetician for a term of~~
11 ~~four years;~~

12 ~~(5) One person who is a licensed nail technician for a term of~~
13 ~~four years;~~

14 ~~(6) One person who is a licensed cosmetologist for a term of~~
15 ~~three years; and~~

16 ~~(7) One citizen member, who is not licensed under the~~
17 ~~provisions of this article and who does not perform any services~~
18 ~~related to the practice of the professions regulated under the~~
19 ~~provisions of this article, for a term of three years.~~

20 (b) The Governor, by and with the advice and consent of the
21 Senate, shall appoint:

22 (1) One licensed cosmetologist;

23 (2) One licensed barber;

24 (3) One licensed barber crossover or licensed barber permanent

1 wavist;

2 (4) One licensed aesthetician;

3 (5) One licensed nail technician;

4 (6) One representative from a privately owned beauty school

5 licensed by the West Virginia Council for Community and Technical

6 College Education; and

7 (7) One citizen member.

8 (c) After the initial appointment term, the term shall be for
9 five years. All appointments to the board shall be made by the
10 Governor by and with the advice and consent of the Senate.

11 ~~(d) Commencing July 1, 2009, the board shall consist of the~~
12 ~~following seven members:~~

13 ~~(1) Two licensed cosmetologists;~~

14 ~~(2) One licensed barber;~~

15 ~~(3) One licensed barber crossover or licensed barber permanent~~

16 ~~wavist;~~

17 ~~(4) One licensed aesthetician;~~

18 ~~(5) One licensed nail technician; and~~

19 ~~(6) One citizen member.~~

20 ~~(e)~~ (d) Each licensed member of the board, at the time of his
21 or her appointment, must have held a professional license in this
22 state for a period of not less than three years immediately
23 preceding the appointment.

24 ~~(f)~~ (e) Each member of the board must be a resident of this

1 state during the appointment term.

2 ~~(g)~~ (f) A member may not serve more than two consecutive full
3 terms. A member may continue to serve until a successor has been
4 appointed and has qualified. A member serving on the board on June
5 30, ~~2009~~ 2014, may be reappointed in accordance with the provisions
6 of this section.

7 ~~(h)~~ (g) A vacancy on the board shall be filled by appointment
8 by the Governor for the unexpired term of the member whose office
9 is vacant and the appointment shall be made within sixty days of
10 the vacancy.

11 ~~(i)~~ (h) The Governor may remove any member from the board for
12 neglect of duty, incompetency or official misconduct.

13 ~~(j)~~ (i) A member of the board immediately and automatically
14 forfeits membership to the board if his or her license to practice
15 is suspended or revoked, is convicted of a felony under the laws of
16 any jurisdiction or becomes a nonresident of this state.

17 ~~(k)~~ (j) The board shall elect annually one of its members as
18 chairperson who serves at the will of the board.

19 ~~(l)~~ (k) Each member of the board is entitled to compensation
20 and expense reimbursement in accordance with article one of this
21 chapter.

22 ~~(m)~~ (l) A majority of the members of the board constitutes a
23 quorum.

24 ~~(n)~~ (m) The board shall hold at least two annual meetings.

1 Other meetings may be held at the call of the chairperson or upon
2 the written request of two members, at the time and place as
3 designated in the call or request.

4 ~~(o)~~ (n) Prior to commencing his or her duties as a member of
5 the board, each member shall take and subscribe to the oath
6 required by section five, article four of the Constitution of this
7 state.

8 **§30-27-6. Rulemaking.**

9 ~~(a)~~ The board shall propose rules for legislative approval, in
10 accordance with ~~the provisions of~~ article three, chapter
11 twenty-nine-a of this code, to implement the provisions of this
12 article, including:

13 (1) Standards and requirements for licenses, permits,
14 certificates and registrations;

15 (2) Procedures for examinations and reexaminations: Provided,
16 That the board shall offer examinations in all languages other than
17 English if available to the board and requested by the applicant;

18 (3) Requirements for third parties to prepare and/or
19 administer examinations and reexaminations;

20 (4) Educational and experience requirements;

21 (5) The passing grade on the examinations;

22 (6) Standards for approval of courses and curriculum;

23 (7) Procedures for the issuance and renewal of licenses,
24 permits, certificates and registrations;

- 1 (8) A fee schedule;
- 2 (9) Continuing education requirements for professional
3 licensees and certificate holders;
- 4 (10) The procedures for denying, suspending, revoking,
5 reinstating or limiting the practice of licensees, permittees,
6 certificate holders and registrants;
- 7 (11) Designating the regions for investigators/inspectors;
- 8 (12) Criteria for the training of investigators/inspectors;
- 9 (13) Requirements for investigations and inspections;
- 10 (14) Requirements for inactive or revoked licenses, permits,
11 certificates and registrations;
- 12 (15) Establishing the training program and requirements for
13 instructors for schools licensed under this article;
- 14 (16) Establishing operating procedures for salons; and
- 15 (17) Any other rules necessary to effectuate the provisions of
16 this article.

17 ~~(b) All of the board's rules in effect on July 1, 2009, shall~~
18 ~~remain in effect until they are amended or repealed, and references~~
19 ~~to provisions of former enactments of this article are interpreted~~
20 ~~to mean provisions of this article.~~

21 ~~(c) The board is authorized to file an emergency rule for the~~
22 ~~implementation of its fee schedule in 2009.~~

(NOTE: The purpose of this bill is to change the membership of the Board of Barbers and Cosmetologists. The bill requires the board to offer examinations in other languages if available and upon request. The bill also removes outdated language.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)