

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 564
Committee Substitute Favorable 5/10/89
State Government Senate Committee Substitute Adopted 6/15/89

Short Title: Cosmetology Board Appointees.

(Public)

Sponsors:

Referred to:

March 14, 1989

A BILL TO BE ENTITLED

AN ACT TO ALLOW ONE MEMBER OF THE STATE BOARD OF COSMETIC ART EXAMINERS TO BE A TEACHER OF COSMETIC ART, TO RESTRICT THE PAYMENT OF PER DIEM, AND TO AMEND THE PROVISIONS REGARDING THE ADMINISTRATION OF EXAMINATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 88-13(a) reads as rewritten:

"(a) The State Board of Cosmetic Art Examiners is established to consist of four members appointed by the Governor and two members appointed by the General Assembly on July 1, 1987. Five members shall be experienced, licensed cosmetologists who have practiced all branches of cosmetic art in this State for at least five years immediately preceding appointment to the Board. These Four of these members shall be free of any connection with any cosmetic art school, college, academy, or training school during their service on the Board. Of the four members appointed by the Governor, one shall be a teacher of cosmetic art currently employed as a teacher by a North Carolina public school, community college, or a cosmetic art school, college, academy, or training school and one ~~The other member~~ shall be a person who is not licensed under this Chapter and who shall represent the interest of the public at large."

Sec. 2. G.S. 88-15 reads as rewritten:

"§ 88-15. Compensation and expenses of Board members; inspectors; reports; budget."

1 Each member of the Board of Cosmetic Art Examiners shall receive compensation
2 for his services and expenses as provided in G.S. 93B-5 but shall be limited to payment
3 for services deemed to be official business of the ~~Board~~ Board when such business
4 exceeds three continuous hours per day. Official business of the Board shall include
5 meetings called by the chairman, supervision or administering of examinations, or
6 investigations or inspections made subject to the regulations cited in the following
7 paragraph. No Board member shall be authorized to attend trade shows or to travel out
8 of the State and no per diem or travel expenses shall be paid for such ~~travel unless said~~
9 ~~Board member is an officer of the organization holding such meeting~~ travel.

10 Said Board, with the approval of the Director of the Budget, shall appoint necessary
11 inspectors who shall be experienced in all branches of cosmetic art. The salaries for
12 such inspectors shall be fixed by the State Personnel Department. The inspectors or
13 agents so appointed shall perform such duties as may be prescribed by the Board. Any
14 inspector appointed under authority of this section or any member of the Board shall
15 have the authority at all reasonable hours to examine cosmetic art shops, beauty parlors,
16 hairdressing establishments, cosmetic art schools, colleges, academies or training
17 schools with respect to and in compliance with the provisions of this Chapter. No
18 member of the Board shall exercise this authority on a routine basis but shall do so at
19 the direction of either the Board, the chairman, the executive secretary or the inspector
20 assigned to the territory, such direction to be governed by a complaint or problem
21 registered with the Board of Cosmetic Art office or when an inspector deems it
22 necessary to call in a Board member. Reimbursement for per diem and travel is subject
23 to these provisions. Prior to reimbursement, the requesting Board member must submit
24 a detailed written report to the Board of Cosmetic Art office for the official file. The
25 inspectors and agents appointed under authority of this Chapter shall make such reports
26 to the Board of Cosmetic Art Examiners as said Board may require. The said Board
27 shall, on or before June 1 of each year, submit a budget to the Director of the Budget for
28 the ensuing fiscal year, which shall begin July first of each year. The said budget so
29 submitted shall include all estimated receipts and expenditures for the ensuing fiscal
30 year including the estimated compensation and expenses of Board members. The said
31 budget shall be subject to the approval of the Director of the Budget and no
32 expenditures shall be made unless the same shall have been set up in the budget adopted
33 by the Board of Cosmetic Art Examiners, and approved by the Director of the Budget of
34 the State of North Carolina; that all salaries and expenses in connection with the
35 administration of this Chapter shall be paid upon a warrant drawn on the State
36 Treasurer.

37 The provisions of the Executive Budget Act and the Personnel Act shall fully apply
38 to the administration of this Chapter.

39 The State Board shall report annually to the Governor a full statement of receipts
40 and disbursements and also a full statement of its work during the year."

41 Sec. 3. G.S. 88-17 reads as rewritten:

42 "**§ 88-17. Regular and special meetings of Board; examinations.**

43 The Board of Cosmetic Art Examiners shall meet four times a year in the months of
44 January, April, July and October on the first Tuesday in each of said months, for the

1 purpose of transacting all business of the Board of Cosmetic Art Examiners and to
2 conduct examinations of applicants for certificates of registration to practice as
3 registered cosmetologists, and of applicants for certificates of registration to practice as
4 registered apprentices, meetings to be held at such places as the Board may determine to
5 be most convenient for such examinations; provided, however, that examinations are
6 conducted at no less than three locations other than Raleigh, scattered geographically
7 throughout the State of North ~~Carolina, Carolina, and the~~ The locations for examinations
8 conducted outside of Raleigh shall be in publicly supported two-year post-secondary
9 educational institutions with appropriate facilities. The Board shall, if requested by an
10 institution, reimburse the institution for the use of its facilities in administering
11 examinations. The examinations conducted for applicants for certificates of registration
12 as registered cosmetologists and registered apprentices shall be open to all applicants,
13 ~~and shall include such practical demonstration and oral and written tests as the said~~
14 ~~Board may determine—determine,~~ and the examinations conducted for applicants for
15 ~~certificates of registration as registered cosmetologists and registered apprentices shall be~~
16 ~~administered by teachers or instructors—instructors, other than Board members, qualified~~
17 ~~and approved by the Board of Cosmetic Art Examiners.—Board.~~ The Board shall, upon
18 request, reimburse a teacher or instructor who administers an examination. ~~Examinations~~
19 ~~held in post-secondary educational institutions shall be supervised by not more than one~~
20 ~~member of the Board of Cosmetic Art and shall be administered by teachers or instructors,~~
21 ~~other than Board members, who are qualified and approved by the Board.~~ ~~Examinations held in~~
22 ~~Raleigh shall be administered by the minimum number of Board members required to conduct~~
23 ~~such examinations and the chairman of the Board is authorized and empowered to make the~~
24 ~~decision, based on the number of applicants scheduled for examination, and to appoint such~~
25 ~~Board members to conduct the scheduled examinations.—~~ The chairman of the Board is
26 hereby authorized and empowered to call a meeting of said Board whenever necessary,
27 said meetings to be in addition to the quarterly meetings hereinbefore provided for. No
28 payment for per diem or travel expenses shall be authorized or paid for Board meetings
29 other than those called by the chairman of the Board. No payment for expenses
30 incurred in the administration of examinations of applicants for certificates of
31 registration as registered cosmetologists or registered apprentices at post-secondary
32 educational institutions shall be authorized other than the cost of examination materials,
33 rental of the examination facility, grading of the examination, and reimbursement of
34 teachers or instructors who administer the examinations."

35 Sec. 4. The Board of Cosmetic Art Examiners shall report to the General
36 Assembly no later than November 1, 1990, on the Board's per diem and travel expenses
37 for the period July 1, 1989, to October 1, 1990. The report shall include information on
38 the number and location of examinations, the number of applicants scheduled and
39 actually examined at each examination, the travel and per diem paid to each Board
40 member together with a description of the official business conducted for each day of
41 per diem claimed or paid and the results of the Board's efforts to comply with
42 Recommendation Three in the April 1989 Special Review of the North Carolina State
43 Board of Cosmetic Art by the Office of the State Auditor. A copy of the report shall be
44 submitted to the Director of the Fiscal Research Division of the General Assembly.

1 Sec. 5. This act is effective upon ratification and shall apply to the first
2 appointment made by the Governor other than appointment of the public member
3 following the date of ratification and to examinations, Board business, and Board
4 meetings conducted on or after the date of ratification.