

FORTY-SIXTH LEGISLATURE
FIRST SESSION, 2003

HB 480/a

March 14, 2003

Madam President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred
HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS 480 & 615, as amended

has had it under consideration and reports same with recommendation
that it DO PASS, amended as follows:

1. On page 1, line 15, strike "This" and insert in lieu thereof
"Sections 1 through 17 of this".

2. On page 5, line 18, after the period strike the remainder of
the line, strike lines 19 and 20 in their entirety and insert in
lieu thereof "The board shall charge a fee not to exceed one hundred
fifty dollars (\$150) for the application or renewal of a license".

3. On page 5, line 23, after "establishments" insert "or
employees".

4. On page 6, line 7, after the subsection designation "E. "
strike the remainder of the line.

5. On page 6, line 8, strike "the" and insert in lieu thereof
"The".

6. On page 6, line 9, after "program" insert "or other training
program required and".

7. On page 6, line 10, after "board" insert "before a license
is issued".

8. On page 7, line 7, strike Subparagraph (b) in its entirety.

9. Reletter the succeeding subparagraphs accordingly.

10. On page 8, line 25, strike "after the investigation is
complete" and insert in lieu thereof "within three business days".

FORTY-SIXTH LEGISLATURE
FIRST SESSION, 2003

SPAC/ HB 480

Page 2

11. On page 12, line 3, strike the comma and insert in lieu thereof "or".
12. On page 12, line 4, strike "paper cups or plastic caps" and insert in lieu thereof "containers".
13. On page 14, line 5, strike "and consent".
14. On page 14, line 14, strike "BODY ART SAFE PRACTICES" and insert in lieu thereof "USE OF BARBERS AND COSMETOLOGISTS".
15. On page 14, line 14, after ".--" strike the remainder of the line and strike line 15 through the period.
16. On page 14, line 16, after "board" insert "pursuant to the Body Art Safe Practices Act".
17. On page 14, line 17, after the first instance of "the" insert "barbers and cosmetologists".
18. On page 14, line 24, after "older" insert "or emancipated minors".
19. On page 15, lines 1 and 2, strike "a notarized informed consent form from and".
20. On page 15, line 4, after "shall" strike the remainder of the line.
21. On page 15, strike lines 6 and 7 in their entirety and on line 8, strike "art.".
22. On page 15, line 16, insert the following two new sections:

"Section 18. Section 61-17A-6 NMSA 1978 (being Laws 1993, Chapter 171, Section 6, as amended) is amended to read:

FORTY-SIXTH LEGISLATURE
FIRST SESSION, 2003

SPAC/ HB 480

Page 3

"61-17A-6. BOARD CREATED-- MEMBERSHIP. --

A. The "board of barbers and cosmetologists" is created. The board shall be administratively attached to the regulation and licensing department. The board shall consist of nine members appointed by the governor. Members shall serve three-year terms; provided that at the time of initial appointment, the governor shall appoint members to abbreviated terms to allow staggering of subsequent appointments. Vacancies shall be filled in the manner of the original appointment.

B. Of the nine members of the board, five shall be licensed pursuant to the Barbers and Cosmetologists Act and shall have at least five years' practical experience in their respective occupations. Of those five, two members shall be licensed barbers, two members shall be licensed cosmetologists and one member shall represent school owners. One member shall be licensed pursuant to the Body Art Safe Practices Act. The remaining [~~four~~] three members shall be public members. Neither the public members nor their spouses shall have ever been licensed pursuant to the provisions of the Barbers and Cosmetologists Act or similar prior legislation or have a financial interest in a school or establishment.

C. Members of the board shall be reimbursed pursuant to the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance.

D. The board shall elect from among its members a chairman and such other officers as it deems necessary. The board shall meet at the call of the chairman, not less than four times each year. A majority of members currently serving shall constitute a quorum for the conduct of business.

E. No board member shall serve more than two full consecutive terms, and any member who fails to attend, after proper notice, three meetings shall automatically be recommended for removal unless excused for reasons set forth by board regulation. "

FORTY-SIXTH LEGISLATURE
FIRST SESSION, 2003

SPAC/ HB 480

Page 4

Section 19. Section 61-17A-7 NMSA 1978 (being Laws 1993, Chapter 171, Section 7, as amended) is amended to read:

"61-17A-7. BOARD POWERS AND DUTIES. --

A. The board shall:

(1) adopt and file, in accordance with the State Rules Act, rules [~~and regulations~~] necessary to carry out the provisions of the Barbers and Cosmetologists Act;

(2) establish fees;

(3) provide for the examination, licensure and license renewal of applicants for licensure;

(4) establish standards for and provide for the examination, licensure and license renewal of manicurists-pedicurists, estheticians and electrologists;

(5) adopt a seal;

(6) furnish copies of rules [~~and regulations~~] and sanitary requirements adopted by the board to each owner or manager of an establishment, enterprise or school;

(7) keep a record of its proceedings and a register of applicants for licensure;

(8) provide for the licensure of barbers, cosmetologists, manicurist-pedicurists, estheticians, electrologists, instructors, schools, enterprises and establishments;

(9) establish administrative penalties and fines;

(10) create and establish standards and fees for special licenses;

FORTY-SIXTH LEGISLATURE
FIRST SESSION, 2003

SPAC/ HB 480

Page 5

(11) hire an executive director and such other staff as is necessary to carry out the provisions of the Barbers and Cosmetologists Act; and

(12) establish guidelines for schools to calculate tuition refunds for withdrawing students.

B. The board may establish continuing education requirements as requirements for licensure.

C. Any member of the board, its employees or agents may enter and inspect any school, enterprise or establishment at any time during regular business hours for the purpose of determining compliance with the Barbers and Cosmetologists Act.

D. The board shall adopt and file, in accordance with the State Rules Act, rules necessary to carry out the provisions of the Body Art Safe Practices Act. " " . ,

and thence referred to the FINANCE COMMITTEE.

FORTY-SIXTH LEGISLATURE
FIRST SESSION, 2003

SPAC/ HB 480

Page 6

Respectfully submitted,

Dede Feldman, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Boitano, Papen, Sanchez, M

Absent: None

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