

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

2010 JUN 18 PM 3: 26

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: Board of Barbers and Cosmetologists TITLE NUMBER: 3CSR6

CITE AUTHORITY: 30-27-5

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 6

TITLE OF RULE BEING AMENDED: Schedule of Fees

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


Authorized Signature



Joe Manchin III
Governor

Adam L. Higginbotham
Director

State of West Virginia
Board of Barbers and Cosmetologists

1201 Dunbar Ave.
Dunbar, WV 25064
Telephone: 304-558-2924
Fax: 304-558-3450
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Board Members

Michael Belcher
Justina Gabbert
Sarah Hamrick
Paula Kurczak
Susan Poveromo
Jim Ryan
Rick Stache

TO: SECRETARY OF STATE NATALIE TENNANT
FROM: ADAM L. HIGGINBOTHAM, DIRECTOR, BOARD OF BARBERS AND COSMETOLOGISTS
SUBJECT: COMMENT PERIOD
DATE: 6/16/2010

The Board of Barbers and Cosmetologists has maintained public access to the proposed change in the fee schedule with the increase of the examination fee from \$75 to \$99. As of the date of this memorandum, the Board has not received a comment over the increase of the fee or the payment being submitted to the third party examiner sponsored by the NIC.

The comment period began on May 10th, 2010 and concluded on June 11th, 2010.

Sincerely,

Adam L. Higginbotham

Director

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Schedule of Fees

Type of Rule: Legislative Interpretive Procedural

Agency: Board of Barbers and Cosmetologists

Address: 1201 Dunbar Avenue
Dunbar, WV 25064

Phone Number: 304-558-2924 Email: adam.l.higginbotham@wv.gov

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

This will reduce the revenue generated by the board by \$15,000 annually. However, this will cut the board expenses by nearly \$21,600 annually. This will allow a certified and trained third-party examiner to charge and obtain examination fee as standard for other West Virginia Licensing Boards. This action will save more than \$5,000 a year. The board can save \$12,600 in board per diems for conducting examinations, and around \$9,000.00 for purchasing examination booklets.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "--")	Next Increase/Decrease (use "--")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	-12,600.00	-12,600.00	-12,600.00
Current Expenses	-9,000.00	-9,000.00	-9,000.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	-21,600.00	-21,600.00	-21,600.00

Rule Title: Schedule of Fees

Rule Title: Schedule of Fees

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

By using a third-party examiner, the board will cut expenses through the board per diems of \$150.00 per day for 12 days of examinations for 7 board members, which totals \$12,600.00. Additionally, since the third-party examiner will incur the cost of the exam booklets, the Board will reduce expenses of \$15.00 per booklet for 600 annual examinees which totals around \$9,000.00. This will reduce expenses around \$21,600.00.

The cost for the exam, as provided by a NIC sponsor, will be received by the third-party examiner. The NIC sponsor, or National Interstate Council for State Licensing Board of Cosmetology. The estimated cost is around \$99.00 per examinee.

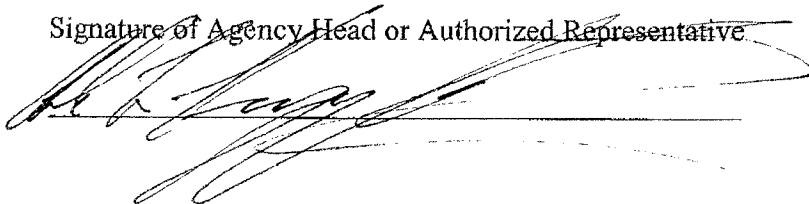
MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

NA

Date: 5/6/10

Signature of Agency Head or Authorized Representative



QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: 6/16/2010

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) Board of Barbers and Cosmetologists

1201 Dunbar Avenue

Dunbar, WV 25064

LEGISLATIVE RULE TITLE: Schedule of Fees

1. Authorizing statute(s) citation 30-27-5

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
5/6/2010

b. What other notice, including advertising, did you give of the hearing?
Posted on website. Discussed at February and May Board Meetings.

c. Date of Public Hearing(s) or Public Comment Period ended:
6/11/2010

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received X

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

NA

f. Name, title, address and **phone/fax/e-mail numbers** of agency person(s) to receive all written correspondence regarding this rule: (Please type)

Adam L. Higginbotham, Director

1201 Dunbar Avenue

Dunbar, WV 25064

304-558-2924 - 558-3450 / wvbbc@wv.gov - agency general email

g. **IF DIFFERENT FROM ITEM 'f'**, please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

NA

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

NA

b. Date of hearing or comment period:

NA

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

NA

d. Attach findings and determinations and reasons:

Attached NA

**TITLE 3
LEGISLATIVE RULES
BOARD OF BARBERS AND COSMETOLOGISTS**

FILED

2010 JUN 18 PM 3:26

SERIES 6

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SCHEDULE OF FEES

§ 3-6-1. General

- 1.1. **Scope** - This legislative rule establishes the various fees that are to be submitted to the Board of Barbers and Cosmetologists by students, instructors and owners and operators of schools of barbering and/or beauty culture and owners of barber, beauty, manicure and aesthetic shops.
- 1.2. **Authority** - W. Va. Code § 30-27-6
- 1.3. **Filing Date** - April 13, 2010
- 1.4. **Effective Date** - July 1, 2010

§ 3-6-2. Schedule of Fees

2.1	Examination and re-examination fee (to be paid to the National Interstate Council [NIC] sponsored third-party examiner)	\$75.00-\$99.00
2.2	Issuance or License fee	\$35.00
2.3	Reciprocity, application without exam fee	\$100.00
2.4	Annual license renewal fee	\$35.00
2.5	Late renewal fee: <i>Plus a \$10.00 late fee for each 30 days late not to exceed \$205.00</i>	\$35.00
2.6	Student permit	\$25.00
2.7	Initial license fee for a school of Barbering or school of Beauty Culture	\$1,000.00
2.8	Annual renewal fee for a school	\$250.00
2.9	Initial licensed instructor fee	\$50.00
2.10	Annual renewal of licensed instructor fee	\$50.00
2.11	Registration fee for booth or chair rental	\$15.00
2.12	Annual renewal for booth or chair rental	\$15.00
2.13	Late renewal for booth or chair rental: <i>Plus \$10.00 late fee for each 30 days late not to exceed \$100.00</i>	\$15.00
2.14	Shop or school opening inspection fee	\$50.00
2.15	Duplicate license fee	\$10.00
2.16	Initial license fee for beauty , barber, manicure, and aesthetician shop	\$40.00
2.17	Annual renewal fee for beauty, barber, manicure, and aesthetician shop	\$40.00
2.18	Fee for certification of licensure	\$35.00
2.19	Continuing Education Provide Annual Certificate <i>This is intended for approved providers of continuing education.</i>	\$100.00
2.20	Online Sanitation and Law Continuing Education <i>This is for individual licensees that take the Board's online continuing education classes for sanitation and law.</i>	\$25.00
2.21	Place individual license on inactive status	\$10.00
2.22	Permit fee	\$15.00