

**OPINION
60-220**

June 17, 1960 (OPINION)

OCCUPATIONS AND PROFESSIONS

RE: Hairdressers and Cosmetologists - Powers of Board -
Temporary Permits

Your letter of May 25, 1960, pertaining to the above indicated matter has been received.

The question at hand is whether or not it is within the power of the State Board of Hairdressers and Cosmetologists to issue temporary permits entitling beauty school graduates to practice their occupation between the time of their graduation and the next examination for registration.

It is axiomatic that the board exercises purely statutory powers and that it must find in the statutes its warrant for the exercise of any power it claims. In short, the board has no powers or duties other than those delineated by statute.

As the power to issue temporary licenses is not expressly granted the board by any of the statutory provisions pertaining to hairdressers and cosmetologists, said power does not exist unless it can be inferred from, or is implied by, the board's power to license. We are of the opinion that such is not the case; that is to say, the power to issue temporary licenses is not an implied power of the board.

We are led to the conclusion that the power to issue temporary licenses is not an implied power of the board in that the Legislature has expressly granted to certain boards the power to issue temporary licenses. For example, the State Board of Pharmacy and the State Board of Medical Examiners are expressly empowered to issue temporary licenses, see sections 43-1523 of the North Dakota Revised Code of 1943 and 43-1721 of the 1957 Supplement to the N.D.R.C. of 1943. The fact that the Legislature has in several instances expressly granted said power indicates that that power does not exist in the absence of statutory authorization.

In summary, it is the opinion of this office that the State Board of Hairdressers and Cosmetologists is without the power or the authority necessary for the issuance of temporary permits.

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