

Minnesota Attorney General: Administrative Rules Proceedings

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Rules As Adopted

Addition to Rules As Proposed

[[Deletions to Rules As Proposed]]

RULES AND REGULATIONS OF

THE MINNESOTA STATE BOARD

OF COSMETOLOGY

RECEIVED
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EXAMINERS

CHAPTER ONE MSBC 1-19: APPROVED BEAUTY CULTURE

MSBC 1 Remains unchanged.

MSBC 2 Sanitation. In the conduct and operation of a hairdressing and beauty culture school the following rules shall be complied with:

[(a)] (A.) All premises and contents thereof shall be maintained in a clean and sanitary condition.

[(b)] (B.) Hair brushes, combs and any and all instruments used must be cleaned and sterilized after using on each person, (and kept in a sterilized closed container.)

[(c)] (C.) At least six combs and [three] (six) brushes are required for each student in attendance.

[(d)] (D.) Each school must have at least one covered wet sterilizer of a size to completely immerse objects being sterilized; and at least one dry sterilizer to store sterilized equipment until used.

[(e)] (E.) Any recognized germicide may be used in a wet sterilizer such germicide to be used according to the manufacturer's directions. Germicide fumigant or an ultra violet ray germicidal tube must be used in the dry sterilizer.

[(f)] (F.) A freshly laundered towel, or a paper neck strip, shall be placed around the neck of the person to prevent the protective covering from touching the skin.

[(g)] (G.) All receptacles containing solutions, creams, powder, (brushes, combs,) or other supplies used in a school, shall be capped or covered when not in use.

[(h)] (H.) Wave set, or waving lotion, must be dispensed from shakers, or other closed necked bottles.

[(i)] (I.) Creams and semi-solid substances must be removed from their containers with a sterile spatula. Powder must be dispensed from a shaker and applied with sterile cotton. [All lotions must be applied with sterile cotton.]

[(j)] (J.) Each student must wash his hands with soap and hot water before rendering any service. Fingernails mu[illegible]be kept clean and short as pr[illegible]icable.

[(k)] (K.) (All) [male and female] students must wear clean washable uniforms. (All students shall comply with a uniform dress code adopted by the school. Each school shall adopt a uniform dress code.)

[(l)] (L.) Freshly laundered linen must be used for each person rendered service.

[(m)] (M.) Covered containers must be provided for soiled linen. All soiled linen must be placed in container after use.

[(n)] (N.) All clean linen must be stored in a clean closed cabinet.

[(o)] (O.) Adequate toilet facilities shall be provided and kept in a clean sanitary manner. When both sexes are enrolled in a school, separate toilet facilities shall be provided for both men and women.

[(p)] (P.) No student will be permitted to attend school or work on a customer while afflicted with any contagious or infectious disease.

[(q)] (Q.) All cotton and hair nets to be used in a school shall be kept in separate covered containers. Cotton to be used only once and then discarded.

[(r)] (R.) Waste materials shall be kept in suitable receptacles; obsolete and unnecessary articles of equipment shall not be permitted to accumulate on the school premises.

(Adopted December 20, 1951)

[(s)] (S.) [Rollers The using of wire mesh rollers with bristle and brush type inserts used in dressing and styling of the hair is prohibited in beauty schools and beauty salon services in the State of Minnesota.] (All rollers shall be kept in containers in a clean and sanitary manner.)

[Justification. It is very difficult to keep them in a sanitary condition. Unless you keep them in a sanitary condition, the accumulation of hair, dandruff, lint, dust, and dirt will lead to the spreading of germs, disease, lice, etc. It has been our experience that the schools and salons will not do the necessary work to keep them in a sanitary condition.]

(Adopted July 2, 1965)

MSBC 3 Plan of Operation.

[(a)] (A.) Listed below are th[illegible]oints which are to be covered [illegible] a plan of operation:

(1) Floor plan.

(2) Complete statement of facilities and accommodations.

(3) Maximum student enrollment.

(4) Daily and weekly class schedule.

(5) Daily and weekly [class] business hours of school.

bf (6) [Number of hours] A minimum of 240 hours of preclinic training prior to

bf practical work on floor.

(7) Price list of charges to be made to the public for all student work.

(8) Student school rules.

(9) Class divisions schedule accordingly.

(10) How students records are kept (procedure).

(11) Students recruiting plan.

(12) Other details of operation not included in above.

(Adopted May 13, 1958

[(b)] (B.) No plan of operation of a beauty culture school shall be changed without first notifying the State Board in writing of such contemplated change. The use of any plan or operation unsatisfactory to the State Board for any substantial reason shall be grounds for revocation or suspension of the school's Certificate of Approval.

(Adopted July 24, 1957)

MSBC 4 Instructors.

[(a)] (A.) Persons who desire to instruct in approved schools of beauty culture will be registered only after their competency and qualifications have been determined by the State Board.

(Adopted June 3, 1957)

[(b)] (B.) The teaching schedule for all instructors in beauty schools must be filed with the State Board. Every instructor shall devote the entire time for which he is scheduled to teaching and shallnot practice beauty culture for compensation during these hours. Any practice by an instructor with the public shall be during hours not

scheduled in school and must be done in a registered beauty salon separate from the beauty school.

C. An attendance report for each instructor of each school of cosmetology must be received by the department no later than the tenth working day after the end of each month the school is open for instruction. The instructor attendance report, which shall be signed by the instructor and the owner of the school of cosmetology or his designated representative, shall be submitted to the department on forms furnished by the department.

D. Senior instructors shall comply with a uniform dress code.

Justification. This will set an example of professionalism for the students.

E. When a change is made in the staff of instructors, written notice must be sent to the Board office within five days.

F. Senior instructors shall be required to attend continuing professional education courses as directed by the Board. The Board shall set requirements for renewal of licenses designed to promote the continuing professional competence of licensees. These requirements of the continuing professional education or training shall be designed solely to improve professional skills and shall not exceed fifteen hours per year. All requirements promulgated by the Board shall be effective commencing January 1, 1978 or at a later date as the Board shall determine.

Justification. This will enable the instructor to devote his full time to teaching cosmetology.

MSBC 5 Enrollment.

(a) A. Barbers cannot enroll in a beauty school for a short course. They must enroll for a full beauty course. If the schools take in barbers for short courses the State Board will be compelled to prefer charges against the school for operating contrary to the curriculum as laid down by the Board.

(Adopted May 9, 1939)

[(b)] (B.) Student registration cards should be mailed to the State Board office on or before the receipt of their first month's record sheet. Student hours will not be recognized until such time as the registration card is received in the State Board office.

(Adopted November 21, 1961)

[(c)] (C.) Students changing from one school to another. Before registering, a student who has had part training in another school, said student must bring a sworn affidavit as to the hours spent in training in a former school, giving the name of the school and location of same, one copy of affidavit to be immediately sent to the Secretary-Treasurer of the State Board and one copy to be put on file at the school, before said school is permitted to enroll the student.

(Adopted August 21, 1928)

MSBC 6 Records

[(a)] (A.) All schools are to keep their record of student hours in the manner prescribed by the State Board.

(Adopted August 18, 1949)

[(b)] (B.) The schools will be held fully responsible for the completeness, accuracy, and mailing or delivery to the State Board of each month's student daily record sheets. Such record sheets shall be in the State Board office not later than the 10th day of the succeeding month.

[(c)] (C.) All schools shall maintain complete, accurate, and detailed records of all financial transactions showing the amount and source of all income and a record of all disbursements. Such records shall be available for inspection by the State Board during the business hours of the school.

[(d)] (D.) Any school maintaining a professional shop shall be required to make available all school and shop records for inspection by the State Board.

(Adopted July 24, 1957)

[(a)] (A.) Students should be given sufficient supplies so that they may properly do their work on patrons.

[(b)] (B.) School equipment should be modern and in good condition and of sufficient quantity so as to meet the needs of students. All equipment should be kept clean.

(Adopted May 9, 1939)

[(c)] (C.) Students are not to take their kit of tools home to use to practice hairdressing outside of school.

(Adopted December 13,1961)

[(d)] (D.) A business telephone, if installed in a professional department of a beauty school must be a separate telephone and not merely an extension of a telephone of the school.

(Adopted May 11, 1949)

[(e)] (E.) Any individual, firm or corporation who has been issued a Certificate of Approval to operate a beauty culture school shall open and commence the operation of such school within three months from the date of such Certificate of Approval, and failure to so comply shall revoke and cancel such Certificate of Approval.

[(f)] (F.) No schools shall engage in false or misleading advertising.

(Adopted July 24, 1957)

[(g)] (G.) Schools: A school of cosmetology shall not operate a clinic until the school has been licensed and operating for at least ninety days.

[Justification. This permits enough time for the student to be properly trained in services of cosmetology before working in the school clinic on the public.]

[(h)] (H.) All approved schools of cosmetology must provide a minimum of approximately 25 sq. feet of work area for each student in attendance. This footage shall not include restroom facilities, storage area or office space.

[Justification. This would provide adequate space for each student to perform the services required during their training. (This is based on actual shop operations)]

[(i)] (I.) Each approved school is required to be identified as either a school of cosmetology, beauty school, beauty academy, beauty training center, or any designation whereby the public may be able to distinguish it from a beauty salon. Each approved school is required to have a sign posted in a conspicuous place in the reception area and/or clinic areas which reads as follows: "Beauty School --- All work performed by student." Such sign shall be in bold face lettering with the lettering not less than 2½" in height.

Justification. This is to distinguish between Beauty Schools and Beauty Salons for the public's information. The sign "Beauty School --- All worked performed by student" is so the public will know they are not receiving professional work.

[(j)] (J.) Schools of cosmetology are prohibited from making false or deceptive promises to students as an inducement to enrollment.

[[Justification. To prevent fraud in inducing students to enroll in beauty schools.]]

of (K. The Board shall be given six weeks written notice of any change of location.)

(Adopted July 2, 1965)

MSBC 8 Violations.

Violation of any rules or regulations of the State Board shall constitute cause for revocation or suspension of the school's Certificate of Approval.

(Adopted July 24, 1957)

MSBC 9-19 Reserved for future expansion.

CHAPTER TWO MSBC 20-39 EXAMINATIONS AND LICENSES

MSBC 20

[(a)] (A.) Place. Examination to be given in the office of the State Board.

(Adopted December 6, 1960)

of [(b)] (B.) Fee. (The examination fee for operators, manicurists and senior instructors

of (shall cover the cost of the examination.)

MSBC 21 Fee --- License. [The examination fee for operators and manicurists covers the cost of licenses for the year in which the examination is given and fee paid.]

[(Adopted January 4, 1946)]

of (A. Applications for Examination)

1. Application fees for examination to qualify as an operator, manicurist and senior instructor, shall cover the cost of the examination and are required each time the applicant requests to be scheduled for examination, unless in the opinion of the Board, failure to appear is due to circumstances which justify relief from such requirement; provided, however, that an application which is still pending six months after the date of its receipt by the Board shall be void.

2. The fee for examination to qualify as an operator or a manicurist shall be twenty-one ($21) dollars. The fee for examination to qualify as a senior instructor shall be twenty-five ($25) dollars.

3. The fee for retaking all of the above examinations shall be the same as the initial fee. The fee for retaking the written portion of the operator or the manicurist examination shall be seven and 50/100 ($7.50) dollars, for the written portion of the senior instructor examination the fee shall be ten ($10) dollars. The fee for retaking the practical portion of the above examinations shall be seventeen and 50/100 ($17.50) dollars.

[(b)] B. Licenses.

In addition to all other fees for examination as provided in these Rules, the following schedule of fees shall be applicable:

1. for the initial application to establish a hair dressing and beauty culture school, or an application for change of ownership, the fee shall be two hundred fifty ($250) dollars;

2. for the annual licensing of a school in hair dressing and beauty culture, the fee shall be two hundred fifty ($250) dollars;

3. for the initial application to operate a beauty shop, the fee shall be twenty-five ($25) dollars.

4. for the annual licensing of the beauty shop, the fee shall be fifteen ($15) dollars.

5. for the initial license and each annual renewal of an operator's license the fee shall be [[nine ($9) dollars.]] ten ($10) dollars.

6. for the initial license and each annual renewal of a manicurist's license, the fee shall be [nine ($9) dollars.] ten ($10) dollars.

7. for the initial license and each annual renewal of a Manager/Operator's license, the fee shall be [nine ($9) dollars.] ten ($10) dollars.

8. for the initial license and each annual renewal of a Junior Instructor's license, the fee shall be [nine ($9) dollars.] ten ($10) dollars.

9. for the initial license and each annual renewal of a Senior Instructor's license, the fee shall be [nine ($9) dollars.] ten ($10) dollars.

10. for the issuance of a duplicate copy of any of the above licenses, the fee shall be five ($5) dollars.

11. for the issuance of a Certificate of Identification, the fee shall be [nine ($9) dollars.] ten ($10) dollars.

[12. as an assessment for the payment of expenses relating to the code, the fee shall be one ($1) dollar.]

13. for the issuance of licenses by comity under the provisions of Minn. Statutes Section 155.14, the fee shall be fifteen ($15) dollars.

14. as a penalty for failure to renew any of the above licenses on or before the deadline date for each license, the penalty shall be two ($2) dollars.

[(c) C. In the event that an applicant fails to comply with the requirements for licensing as a senior instructor, the applicant shall be allowed to apply for a manager/operator's license in the same manner as if he held a current manager/operator's license. In such case, however, the applicant who applies for a manager/operator's license in such manner shall be required to apply for said license within 30 days immediately following the failure to comply with the requirements to renew a senior instructor's license.]

MSBC 22 Completion Time.

[(a)] (A.) In the conduct of a written examination a definite time will be set in which the examination is to be written.

[(b)] B. Each applicant [shall] will complete [her] the examination in one day.

(Adopted December 6, 1960)

MSBC 23 Application Date. The cut off date to accept [to] applicants shall be the [Friday] Wednesday before the examination starts.

(Adopted September 26, 1961)

MSBC 24 Models. Every student taking The State Board examination will bring their own model, who shall be at least sixteen (16) years of age to ensure that the models used will not inhibit an accurate or fair examination of the applicant's abilities.

Justification. This will insure that models used will not inhibit an accurate or fair examination of the applicant's abilities.

(Adopted December 23, 1949)

MSBC 25 Grading.

[(a)] A. The passing grade for the practical examination will be 75% of the perfect score.

[(b)] B. The following are alphabetical grades for the numerical percentage grouping:

A----------	100-95
B----------	95-90
C----------	90-80
D----------	80-75
F----------	74.9

(Adopted August 12, 1959)

[(c)] C. Theory marking changes from curve to percentage. (75%)

(Adopted December 6, 1960)

MSBC 26 Out of State Students.

[(a)] A. Out of state students making application for the examination, shall meet the same requirements as Minnesota applicants [and shall be eligible for temporary license.]

[(b)] B. All applications for examination from transferred students whether in or out of state, will not be accepted unless accompanied by the affidavit of schools for transferred hours form.

(Adopted June 3, 1957)

[(c)] (C.) All foreign students, regardless of credentials, must be examined.

(Adopted December [redacted] 1962)

[(d)] (D.) An applicant who cannot read or write the English language sufficiently to write the written examination (may) be exempt from the written examination and in its place be subjected to an oral one. Before such a person is admitted to such an examination, the applicant must appear before the State Board for questioning to verify to the satisfaction of the State Board that said applicant has received in the country from which he comes (a) [an eighth] (tenth) grade school education or equivalent thereof, as required under our law and that he cannot read or write the English language.

(Adopted June 11, 1957)

MSBC 27 Failing exam.

[(a)] (A.) Any applicant failing to pass the State Board examination may review the same with any member of the State Board. No such examination will be reviewed with anyone but the applicant.

(Adopted June 24, 1957)

[(b)] (B.) No repeater examinations to be held. Applicants who fail are to take the next monthly examination.

(Adopted December 6, 1960)

[(c)] (C.) Delinquent operators (or out of state applicants) who [failed] (fail) the State Board examination for (an) operator's license [will] (may) [not] be required to attend a beauty culture school for further training before taking another examination.

(Adopted August 25, 1949)

MSBC 28 Reciprocity. In addition to the requirement of M.S. 155.14 an applicant, applying for a license through reciprocity must also comply with the following requirements:

[(a)] (A.) Current license from another state or country.

[(b)] (B.) If the state, territory, or foreign country does not issue a license, (the) (applicant must show) documentary evidence and proof of having practiced for a period of two years, (one year of which must be within the two years immediately prior to date) of such application.

(Adopted June 24, 1957)

A delinquent manager-operator, after being reinstated may secure a manager-operator license by filing a request for it, signed before a Notary Public and paying the regular fee. They need not secure the signatures of their manager-operators as their records are on file in the State Board office.

(Adopted November 9, 1945)

MSBC 30 Photostat Licenses. All photostatic copies of licenses desired by persons wishing to use the same in place of their original Minnesota license, must have a self photo and the Minnesota State Board of Hairdressing and Beauty Culture Examiners seal attached to the copy before it will be considered valid by this Board.

(Adopted February 14, 1957)

Duplicates for lost or destroyed licenses shall be processed in the same manner as the original license for the prescribed fee.

MSBC 31-39 (Reserved for future use)

CHAPTER THREE MSBC 40-59 Beauty Shops

MSBC 40

(a) A. Before opening a new beauty shop, notice must be sent to the State Board office.

(Adopted February 1, 1963)

(b) B. All beauty shops must be inspected before registration is granted.

(Adopted January 10, 1961)

(c) C. No shop is permitted to operate without proper registration.

(d) D. Application for shop registration (form furnished by the State Board) must be filled in by the shop owner/owners, all signatures notarized, and returned to the State Board office with the $15.00 prescribed fee.

(e) E. In the event of the transfer of a shop from one owner to another the new owner shall apply for registration in the same manner as if no registration of such shop had existed.

(f) F. A change of ownership or location requires new registration.

(g) G. New shops or change of location of a shop must submit a floor plan or shop layout with the application one month or six weeks prior to the opening date so the shop can be inspected and approved before the shop registration is issued.

returned to the State Board office when a change has occurred.

(Adopted February 1, 1963)

(i) I. Rented boothspaces in a beauty shop. Persons who rent this space as a booth in a beauty shop, must register same in their own name, pay the fee of $15.00 prescribed fee and be responsible for the booth and hold a manager-operator license.

(Adopted March 20, 1963)

(j) J. Shop registration must be renewed annually on or before June 30th of each year.

(Adopted February 1, 1963)

(k) Wigs: A wig studio must be licensed as a beauty shop. The dressing of wigs is the practice of hairdressing, therefore, a person must be a licensed cosmetologist to dress and arrange wigs in a licensed registered salon.

Justification. We are of the opinion that in order to properly fit, measure for, and style wigs, direct contact with the individual is involved. It necessitates combing, brushing, and arranging the person's hair to get the proper measurement and fitting. This can only be done by a licensed person in a properly registered salon. We feel this part of a beauty service and our law, Section 155.08, Hairdressing and Beauty Culture defines this.

(Adopted July 2, 1965)

K. A beauty shop and a barber shop may be operated in the same physical area if they are physically separated, the beauty shop area must be properly identified by a prominently displayed sign stating "beauty shop" with letters at least two inches high and the beauty shop area must have a minimum of 120 square feet of area.

MSBC 41 General Operation

(a) A. Every shop must have a manager-operator in charge at all times.

(b) B. It is the responsibility of the manager-operator in charge to see that the State Board rules are complied with.

(c) C. Shop owner or manager-operator in charge are responsible for the following:

(1) All employees licenses to be posted in area in which the operator works.

(2) All employees have their picture attached to their current license.

(3) Hold all employees responsible for their own sanitation and sterilization.

(Adopted February 1, 1963)

[(d)] (D.) Upon written request to the State Board a shop will be given permission to operate without a manager-operator in charge for a period of twelve days. If an extension is needed it may be granted at the discretion of the State Board.

(Adopted June 24, 1957)

[(e)] (E.) Licenses of manager-operators or operators may be revoked or suspended for permitting an unlicensed person to work in the shop.

[(f)] (F.) A picture of each operator must be attached to the license and posted in the individual's work area for proper identification.

(Adopted February 1, 1963)

[(g)] (G.) Certification of Identification cards shall be in the possession of the shop owner or manager at all times except when the work is actually being done outside of the shop. When operator is no longer employed in the shop the owner or manager-operator must return the card to the State Board office. The prescribed fee must be paid before a Certificate of Identification card can be issued.

[(h)] (H.) Manager-Operator, operator and manicurists licenses expire on December 31st of each year. [Notice will be sent to renew, except to manicurists.]

[(i)] (I.) A beauty shop shall not be used for residential purposes.

[(j)] (J.) Additional requirements for a beauty shop in the home:

(1) Shop must have a private entrance.

(2) Shop must have a complete and permanent partition between shop and residential section of house.

(3) The shop is not to be used as a place of residence at any time.

(4) Doors leading from the shop into the living quarters must be kept closed and cannot be left open for heating and ventilation purposes.

(5) The shop to be set up in a room no smaller than 10' x 12' for one operator.

(6) Laundry tubs are not to be used in place of a conventional shampoo bowl.

[(k)] (K.) Opening a beauty shop. The location of such hairdressing and beauty culture operation shall comply with local zoning ordinances.

(Adopted February 1, 1963)

[(a)] (A.) All operators will be held responsible for the sanitary condition of their work area.

[(b)] (B.) All operators must present a professional appearance at all times. [Female operators shall wear clean washable uniforms. Male operators shall wear clean washable coat or washable shirt.] (All operators shall wear clean washable wearing apparel which shall satisfy reasonable standards concerning sanitation.)

[(c)] (C.) Each beauty shop must include in its equipment a method of sterilization to completely sterilize all combs, brushes, rollers, tools and equipment used in the beauty shop and keep them in a dry sterilizer to insure sterilization.

[(d)] (D.) There must be sufficient clean linen on hand at all times, kept clean and free from dust in a closed cabinet.

[(e)] (E.) Linen shall not be used more than once before laundering.

[(f)] (F.) Soiled linen must be put in a covered container.

[(g)] (G.) There must be at least [six] (twelve) combs and (twelve) brushes per operator.

[(h)] (H.) Hair brushes and combs must be cleaned and sterilized after each using.

[(i)] (I.) Wave set lotion must be dispensed from a suitable container [that will not admit a comb.]

[(j)] (J.) Powder must be dispensed from a shaker.

[(k)] (K.) Creams and other semi-solid substances must be kept in closed containers and removed for use with a clean spatula that does not come in contact with the skin of the patron.

[(l)] (L.) All cotton to be used in a shop shall be kept in a covered container, or in its original package.

[(m)] (M.) Basins, bowls and shampoo boards must be thoroughly cleaned immediately after each service.

[(n)] (N.) No article of any description shall be stored under shampoo bowls, so as to impair the sanitary conditions of the shop.

[(o)] (O.) Unwashable furniture must be covered with clean, washable slip covers.

[(p)] (P.) All furniture and equipment in a shop must be washable. Where the furniture is not washable then washable slip covers must be provided for the furniture.

[(q)] (Q.) A shop must have good ventilation. Where no windows are available for ventilation there must be mechanical means for proper ventilation.

(Adopted February 1, 1963)

[(r)] (R.) [A wool rug may be used in a beauty shop provided a strip of linoleum, ample in length and width, is used under desserette, chair, and completely covers space in which operator works.] (Floor surfaces shall be maintained in a sanitary manner at all times.)

CHAPTER FOUR MSBC 60-79 CODE OF FAIR TRADE FOR THE HAIRDRESSING AND BEAUTY CULTURE TRADE OF MINNESOTA

MSBC 60 Declaration of Policy. To effectuate the purposes and policy of the laws of 1937, Chapter 235, the following provisions are established as a Code of Fair Competition for the hairdressing and beauty culture trade for the four Trade areas of the State of Minnesota, which said provisions shall be the standards of fair competition and trade practices throughout said trade areas.

MSBC 61 Trade Areas. Shall include all areas previously and presently established in the State of Minnesota and which geographically comprise all cities and villages within the Constitutional limits of the State.

MSBC 62 Minimum Rate of Pay.

[(a)] (A.) The provisions of the appropriate minimum wage orders of the Department of Labor and Industry of the State of Minnesota shall govern the wages and hours worked in the hairdressing and beauty culture trade for the trade areas above described. Employees shall in no case be paid at a rate less than that prescribed in the appropriate minimum wage orders lawfully promulgated by the Department of Labor and Industry of the State of Minnesota and which applies during all times such employees are required to be on call upon the premises of the employer.

[(b)] (B.) Any hairdresser not employed by the week, and not paid the weekly rate, who is called for part-time employment shall be guaranteed at least three hours employment at not less than the minimum rate of pay.

MSBC 63 Definition of Terms

[(a)] (A.) The term "Hairdressing and Beauty Culture Trade" as referred to in this code shall include any person or persons engaged in the practices for compensation or reward of any kind in arranging, dressing, curling, waving, cleansing, singeing, bleaching, coloring, or trimming as part of hairdressing or similar work upon the hair of any living person by any means, as well as the use of cosmetic preparations, antiseptics, lotions, tonics or creams aided with the hands or by mechanical or electrical apparatus or appliances used in massaging, cleansing, stimulating, manipulating, exercising or beautifying the scalp, face, arms, bust or upper part of the human body for the purposes of beautification, and the terms of this code shall affect persons owning and operating shops engaged in any or all of the practices above described.

[(b)] (B.) The term "Member of the Trade" shall mean and include any individual, partnership, association, corporation or any form of enterprise engaged in the trade or practice above referred to, either as employer, employee, owner or anyone authorized to act by any of these.

[(c)] (C.) The term "Employer" shall mean and include any person or firm employing or compensating any other person as a hairdresser or beauty culturist as above defined.

[(d)] (D.) The term "Employee" shall mean and include any person employed to do the work of such hairdresser or beauty culturist as above defined, however compensated.

[(e)] (E.) The term "Permanent Wave" shall mean a service which shall include a shampoo, the spacing, wrapping, processing of the hair, the giving of the fingerwave, the drying of the hair and the combing out thereof.

[(f)] (F.) The term "Beauty Shop" shall mean any room or building in which hairdressing and Beauty Culture Trade is carried on and which is licensed by the Minnesota State Board of Cosmetology.

[(g)] (G.) The term hair trimming or shaping of [women's] hair shall be a service separate and apart from other services, and charged for accordingly.

(Adopted July 31, 1967)

MSBC 64 Minimum Prices. All code violations must be reported to the Board.

Haircut	2.00
Neck Clip	.50
Manicure	1.50
Shampoo and Finger Wave	2.00
Shampoo	1.00
Finger Wave	1.00
Permanent Wave	6.50 + Haircut
Bleach Virgin	8.50 + Set
Bleach Retouch	6.50 + Set
Color Virgin	5.50 + Set
Color Retouch	5.00 + Set
Extra Toner	5.00
Thirty Day Rinses	2.00 + Shampoo and Set
Temporary Rinses	.50
Facial	3.50
Cleanup facial and Makeup	2.00
Lash and Brow Tint	2.50
Eyebrow Arch	1.00
Scalp Treatment	2.00 + Shampoo and Set
Instant Conditioner	1.00

(Adopted July 31, 1967)

MSBC 65 Unfair Trade Practices. The following acts or practices by members of the trade shall constitute unfair trade practices and are deemed unfair methods of competition, and persons engaging therein shall be in violation of the code.

(a) Unfair trade practices: To pay or give away anything of value except as provided by law, exclusive of advertising tokens of no greater value than 50 cents.

(b) To sell or offer to sell any of the services enumerated below the prices established by this code.

[(c) To give any combination of services as above enumerated at a price below or less than the sum total of such individual services as established by this code.]

[(d) To give rebates, refunds, commissions, or discounts to patrons in the form of money or otherwise, or to use partial payment of credit systems to enable patrons to obtain services at prices less than the minimum here prescribed; however, this provision shall not be construed to prohibit the legitimate extension of credit to patrons.]

[(e)] (A.) To substitute or misrepresent materials used in hairdressing or beauty culture.

[(f)] (B.) [To sell or offer for sale any service or product under representation that such service or product is being so sold or offered for sale at a reduced price, if the price at which it is so sold or offered for same is not in fact less in the amount stated, than the price regularly charged by the person for the service or product for sale.] To represent that any product or service is for sale at a reduced price unless the represented price is actually less than the regular price.

[(g)] (C.) To make untrue, deceptive, or false statements or representations through advertising of any kind or through any media.

[(h)] (D.) To evade the provisions of appropriate minimum wage orders by the subterfuge of:

(1) a commission arrangement,

(2) renting or leasing equipment or space to one or more employees,

(3) formation of a fictitious partnership with one or more employees.

[MSBC 66 Assessments for Expenses. All members of trade shall be subject to an assessment of $1.00 on January 1st of every year. Any organization employing such member of the trade shall be responsible for collection of such assessment and shall be authorized to withold same from the wage or salary of such member of the trade. Failure of such member of the trade to pay such assessment shall automatically incur suspension of his right to engage in the trade or practice and render him subject to all of the penalties imposed for violation of the code.

(Adopted November 28, 1958)]

MSBC 67-79 (Reserved for future use)

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 17 1977
Joan Anderson Growe
Secretary of State
3:25 PM

APPROVED AS TO FORM AND LEGALITY
NOV 18 1977
_____ 19____
WARREN SPANNAUS, ATTORNEY GENERAL
BY /s/ Michael B. Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

351

Robert C. Carlson
Special Assistant
Attorney General

November 30, 1977

- Board of Cosmetology - MSBC 1-19 Approved Beauty Culture MSBC 20-39 Examinations and Licenses MSBC 40-59 Beauty Shops MSBC 60-79 Code of Fair Trade for the Hairdressing and Beauty

352

Douglas E. Klint
Attorney for the Minnesota
Abstracters' Board of Examiners

November 30, 1977

- Board of Abstractors governing Meetings, Employing Licensed Abstracters; Temporary Licenses; License Requirements; Disclosures; Fraudelent, Deceptive, or Dishonest Practices; and Standards of Conduct

STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL
ST. PAUL 55155

WARREN SPANNAUS
ATTORNEY GENERAL

TELEPHONE
(612) 296-6196

October 21, 1977

Michael D. Miller
Special Assistant
Attorney General
Room G-19K
Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

RE: In the Matter of the proposed adoption of rules of the Minnesota State Board of Cosmetology

Dear Mr. Miller:

Attached for your review are all relevant documents in the above-entitled matter.

Yours very truly,

Robert C. Carlson

ROBERT C. CARLSON
Special Assistant
Attorney General
500 Metro Square Building
St. Paul, Minnesota 55101
Telephone: (612) 296-9412

RCC:sl

Enc.

STATE OF MINNESOTA

BOARD OF COSMETOLOGY

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE STATE BOARD OF COSMETOLOGY	))	CERTIFICATE OF BOARD'S AUTHORIZING RESOLUTION

I, do hereby certify that I am secretary of the State Board of Cosmetology, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Cosmetology duly and properly called and held on the 20th day of June 1977; that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that Rilla Wright, Executive Secretary, of the State Board of Cosmetology, be and she hereby is granted the authority and directed to call a hearing for the purpose of amending the Board's existing rules as signing an order for hearing and notice of hearing."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 22nd day of June 1977.

Rilla Wright

Rilla Wright, Executive Secretary
State Board of Cosmetology

ATTESTED:

John W. Showalter

John W. Showalter
Chairman
State Board of Cosmetology

STATE OF MINNESOTA
BOARD OF COSMETOLOGY

IN THE MATTER OF THE PROPOSED
ADOPTION OF RULES OF THE
MINNESOTA STATE BOARD OF
COSMETOLOGY

ORDER FOR HEARING

IT IS HEREBY ORDERED that a public hearing on the above-captioned rules be held in the Hearing Room of the Minnesota Department of Commerce, at 500 Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota 55101 on August 16, 1977 commencing at 9:30 a.m. and continuing until all persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose.

IT IS FURTHER ORDERED that the Notice of Hearing be published in the State Register.

Rilla Wright

RILLA WRIGHT
Executive Secretary

Date: June 22, 1977

RECEIVED
JUN 24 1977
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA
BOARD OF COSMETOLOGY

IN THE MATTER OF THE PROPOSED
ADOPTION OF RULES OF THE
MINNESOTA STATE BOARD OF
COSMETOLOGY

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held in the Hearing Room at 500 Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota 55101 on August 16, 1977 commencing at 9:30 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Hearing Examiner, Peter Erickson, either before the hearing or within five days after the close of the hearing, or for a longer period not to exceed 20 days if ordered by the hearing examiner.

The proposed rules, if adopted, would amend the rules of the Minnesota State Board of Cosmetology as follows: (1) make numerous changes in the titling of rules; (2) make changes in the requirements for beauty culture schools; (3) adopt a schedule of fees for all licenses; (4) make changes in the requirements for examinations and licenses; (5) make changes in the sanitation requirements for licensees; (6) delete MSBC 64 relating to minimum prices; (7) make changes in the unfair trade practices rule. Copies of the proposed rules are now available and one free copy may be obtained by writing to the State Board of Cosmetology, 5th Floor, Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing. The agency's authority to promulgate the proposed rules is contained in Minn. Stat. 155.06 Subd. 2 (1976). A "statement of need" explaining why the Board feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that Minnesota Statutes, Chapter 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying.

Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

Rilla Wright

RILLA WRIGHT
Executive Secretary
State Board of Cosmetology

Date: June 22, 1977

STATE OF MINNESOTA

BOARD OF COSMETOLOGY

IN THE MATTER OF THE PROPOSED AMENDMENT OF RULES OF THE STATE BOARD OF COSMETOLOGY)	AFFIDAVIT OF RECEIPT OF THE SECRETARY OF STATE'S LIST

Ailie Norlin , being duly sworn on oath deposes and says:

1) That she is an employee of the Board of Cosmetology of the State of Minnesota.

2) That on the 8th day of July 1977, she went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to M.S. 15.0412.

3) That on the 8th day of July, 1977, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Ailie Norlin

Subscribed and sworn to before me
this 8th day of July, 1977.
Notary Public,
Hennepin County, Minnesota
My commission expires 4/13/83

Sally A. Specken

SALLY A. SPECKEN
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Commission Expires Apr. 13, 1983

STATE OF MINNESOTA

BOARD OF COSMETOLOGY

IN THE MATTER OF THE PROPOSED ADOPTION)
OF RULES OF THE STATE BOARD OF COSMETOLOGY)

CERTIFICATE OF DELIVERY
SECRETARY
OF STATE LIST

I hereby certify that the attached computer print out and one (1) additional sheets constitute the complete list of persons, associations, and other interested groups who as of 8:30 o'clock A M., this 8th day of July , 1977, have requested pursuant to M.S. 1976, 15.0412 , that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

SECRETARY OF STATE

Joan Anderson Growe

By Randall W. Sowers

RECEIVED
JUL 21 1977
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA

BOARD OF COSMETOLOGY

IN THE MATTER OF THE PROPOSED ADOPTION)
OF RULES OF THE STATE BOARD OF COSMETOLOGY)

AFFIDAVIT OF
MAILING

Rilla Wright, Executive Secretary, being first duly sworn, deposes and says:

That on the 12th day of July, 1977, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mail, or in the case of State employees, in the inter office mail, at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to persons and associations at the addresses listed on the attached Certificate of the Secretary of State as well as to the Secretary of the Senate, the Chief Clerk of the House of Representatives and ten copies to the Legislative Reference Library.

Rilla Wright
Executive Secretary

Subscribed and sworn to before me this

12 day of July, 1977.

Notary Public Sally A. Specken

SALLY A. SPECKEN
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Commission Expires Apr. 13, 1983

INTEROFFICE MAILINGS — SEPARATE FROM GENERAL LABELS

Andrew, Mark State Senate 235 State Capitol

Anti-Trust Div. Attorney General 160 State Office Bldg.

Brubacher, Richard Comm Adm 208 Adm. Bldg.

Christiansen, Fredrik Rm 505 Capitol Square Bldg.

Coleman, Nicholas 208 State Capitol

Consumer Services Dept. Comm 5th Floor Metro Square Bldg.

Develop Disabilities Programs State Plan 101 Capitol Square Bldg.

Dispatch Pioneer Press Press Rm State Capitol

Ethics Comm Rm 410 State Office Bldg.

Giel, David Rm B-28 State Capitol

House Appropriations Comm Rm 109 State Capitol

Human Rights 200 Capitol Square Bldg.

Human Services 414 Lafayette Rd 5th Floor

[redacted]

Knapp, J A Rm 3 Capitol

Leg. Ref. Lib-Z. Dewitt Rm 111 State Capitol

Levey, Jess Met State Univ. Metro Square Bldg. Rm 121

Met. Waste Control Comm 350 Metro Square Bldg.

Metropolitan Council Library 300 Metro Square

Minn Comm for Handicapped Metro Square

Mpls Star Press Room State Capitol

Office of the Governor 130 State Capitol

Schmidt, H W Teachers Retirement 302 Capitol Square Bldg.

Schutz, Linda Rm 328 Capitol Bldg.

Senate Coun. Office Rm 24 State Capitol

Senate Finance Comm. 113 State Capitol

Senate Gov. Op. Comm. Rm 303 State Capitol

Vandervoort, T J Met. Waste 350 Metro Square Bldg.

Whitlock, Marshall Rm 3 Capitol Bldg.

PLEASE NOTE:

If you intend to supplement this list with other lists when mailing a hearing notice, please compare lists and eliminate duplicate notices.

Thank you.

ALSO

NOTIFY ALL INTERESTED STATE DEPARTMENTS, BOARDS AND COMMISSIONS

AND

PLEASE SORT OUT INTEROFFICE MAIL FROM LABELS

INTEROFFICE MAILINGS — SEPARATE FROM GENERAL LABELS

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Brubacher, Richard Comm Adm 208 Adm. Bldg.

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Senate Finance Comm. 113 State Capitol

Senate Gov. Op. Comm. Rm 303 State Capitol

Vandervoort, T J Met. Waste 350 Metro Square Bldg.

Whitlock, Marshall Rm 3 Capitol Bldg.

Sent this List - notice of hearing
1977

ADDITIONAL NAMES FOR MAILING LIST

Whitlock, Marshall Rm 3, State Capitol Bldg., St. Paul, 55155

ALBERT, AA CALDER CORP
366 JACKSON ST
ST PAUL MN
55101

ALLENDORF MARSHALL
220 GRAIN EX 400 S 4TH
MPLS MN
55415

ALLERS JOHN
1501 W 80TH ST SUITE210
BLOOMINGTON MN
55431

AMER CAMPING ASSN
3639-21/2 ST N.E.
MPLS MN
55418

AM INST PROF GEOLOGISTS
2201 PRINCETON AVE
ST PAUL MN
55105

ANCHOR BLOCK COMPANY
PO BOX 3360
ST PAUL MN
55165

ANDERSON HERBERT
418 8TH ST. SO.
VIRGINIA MN
55792

ANDERSON HAROLD
BOX 3047
MANKATO MN
56001

ANDERSON JAMES
7703 NORMANDALE RD
MPLS MN
55435

ANDERSON MARY
4425 RUTLEDGE AVE
EDINA MN
55436

ANDERSON STANFORD P
14600 MINNETONKA BLVD
MINNETONKA MN
55343

ANDREW MARK STATE SENATE
235 STATE CAPITOL
ST PAUL MN
55155

ANTHONY DICK WDSM RADIO
230 E SUPR ST
DULUTH MN
55102

ANTI-TRUST DIV. ATTY GEN.
160 STATE OFF BLDG
ST PAUL MN
55155

ARNOLD ROBERT MESPA
41 SHERBURNE
ST PAUL MN
55103

ARROWHEAD ECONOMIC OP AGENCY
CO S BRISTON BOX 1066
VIRGINIA MN
55792

ARROWHEAD REG. DEV COMM.
211 W 2ND ST
DULUTH MN
55802

ARROWHEAD REGIONAL DEV CO
200 ARROWHEAD PLACE
DULUTH MN
55802

ARVER JOHN A
2467 COHANCY
ST PAUL MN
55113

ASMUSSEN, DENNIS, MPIRG
3036 UNIV AVE SE
MPLS MN
55414

ASSOCIATED GEN CONTROF MN
48 E 8TH STREET
ST PAUL MN
55101

ASSN OF MINN COUNTIES
55 SHERBURNE AVE #203
ST PAUL MN
55103

ASSN RESIDENCES FOR RETARDED
459 RICE SUITE 301
ST PAUL MN
55103

BABCOCK LOCHER NELSON ET AL
118 E MAIN ST
ANOKA MN
55303

BADALICH JOHN P
2025 THOMPSON AVE
SO ST PAUL MN
55075

BARRETT FRED
ST LOUIS CO COURT HOUSE
DULUTH MN

BARTHOLOW HAROLD E FIRE OFF
2600 109 AVE N W
COON RAPIDS MN
55433

BEECHER EVERETT
10 10 1ST ST SO
HOPKINS MN

BECK PAT
953 HYACINTH AVE
ST PAUL MN
55106

BEGALKA C REV
212 N ELK ST
BELLE PLAINE MN
56011

BERGSETH THOMAS
1011 NICOLLET MALL
MPLS MN
55403

BLACIN PAPER CO W J LICKE
115 1ST ST SW
GRAND RAPIDS MN
55744

BOLTON MALCOLM
422 ALDRICH AVE NO
MPLS MN
55405

BRIGGS & MORGAN - B F FRIEL
2200 W 1ST NATL BK BLDG
ST PAUL MN
55101

BROWN D M GOODRIDGE PUB SCH
IND DIST #561
GOODRIDGE MN
56725

BRUNING C.R.DEPT.CLINIC.EXP.
BURTON HALL
MPLS. MN
55455

BUR.ENGR.IND.DIV. MR.KIBIGER
219 N. 2ND ST.
MPLS. MN

CAIN RUTH
[illegible] E 38TH ST

BEMIDJI STATE COLLEGE
PLACEMENT BUR.J.C.BRADY
BEMIDJI MN
56601

BERGLSON & LOFGREN
MN GAS 700 LINDEN W
MPLS MN
55403

BLOMQUIST BARRY L

NORTH BRANCH MN
55056

BOWMAN & BRUNS ATTN P MASON
1616 PIONEER BLDG
ST PAUL MN
55101

BRIGHAM E M III
PO BOX 237
RED WING MN
55066

BROWN H D
4961 KINGSBERRY LANE
MINNETONKA MN
55343

BUSCH NOEL
SUITE 705 510 MARQUETTE
MPLS MN
55402

BUR NATL AFFAIRS INC
1231 25TH ST NW
WASHINGTON DC
20037

CAIRNS JOHN A
[illegible] 7TH FLR ICS CENTER

BENSON PETER USW OF AM.
609 PROVIDENCE BLDG.
DULUTH MN

BEST FLANAGAN ET AL
4040 ICS CENTER
MPLS MN
55402

BLOOMINGTON CITY CLERK
2215 W OLD SHAKOPEE RD
BLOOMINGTON MN
55431

BREHL JAMES W
332 HAMM BLDG
ST PAUL MN
55102

BROEKER JOHN
2850METRO DR. SUITE 504
BLOOMINGTON MN
55420

BRUBACHER RICHARD COMM ADM
208 ADM BLDG
ST PAUL MN
55101

BUCHHOLTZ CHARLES
5044 BRENT AVE E
INV GRV HTS MN
55075

CARLSON CARL L

BERGERUD ALF
300 RCANCKE BLDG
MPLS MN
55402

BEUTEL ROBERT
2200 SILVER LAKE RD
NEW BRIGHTON MN
55112

BOHRER DONALD
5880 BACON AVE
INVER GROVE H TS
55075

BRICK PHILIP D
607 SELWOOD BLDG
DULUTH MN
55802

BROOKS WILLIAM F JR
854 MIDLAND BK BLDG
MPLS MN
55401

BRUCE DOUGLAS
314 CLIFTON AVE
MPLS MN
55403

BURGER ALBERT
600 DEGREE OF HONOR BLD
ST PAUL MN
55101

CABLE COMM SYST-H SARRAZI
BOX 777
HECTOR MN
55342

CARLSON VERNE E

MPLS MN
55403

MPLS MN
55403

MPLS MN
55402

NEW BRIGHTON MN
55112

BLACIN PAPER CO W J LICKE
115 1ST ST SW
GRAND RAPIDS MN
55744

BLOMQUIST BARRY L

NORTH BRANCH MN
55056

BLOOMINGTON CITY CLERK
2215 W CLD SHAKOPEE RD
BLOOMINGTON MN
55431

BOHRER DONALD
5880 BACON AVE
INVER GROVE H TS
55075

BOLTON MALCOLM
422 ALDRICH AVE NO
MPLS MN
55405

BOWMAN & BRUNS ATTN P MASON
1616 PIONEER BLDG
ST PAUL MN
55101

BREHL JAMES W
332 HAMM BLDG
ST PAUL MN
55102

BRICK PHILIP D
807 SELWOOD BLDG
DULUTH MN
55802

BRIGGS & MORGAN - B F FRIEL
2200 W 1ST NATL BK BLDG
ST PAUL MN
55101

BRIGHAM E M III
PO BOX 237
RED WING MN
55066

BROEKER JOHN
2850METRO DR. SUITE 504
BLOOMINGTON MN
55420

BROOKS WILLIAM F JR
854 MIDLAND BK BLDG
MPLS MN
55401

BROWN D M GOODRIDGE PUB SCH
IND DIST #561
GOODRIDGE MN
56725

BROWN H C
4961 KINGSBERRY LANE
MINNETONKA MN
55343

BRUBACHER RICHARD COMM ADM
208 ADM BLDG
ST PAUL MN
55101

BRUCE DOUGLAS
314 CLIFTON AVE
MPLS MN
55403

BRUNING C.R.DEPT.CLINIC.EXP.
BURTON HALL
MPLS. MN
55455

BUSCH NOEL
SUITE 705 510 MARQUETTE
MPLS MN
55402

BUCHHOLTZ CHARLES
5044 BRENT AVE E
INV GRV HTS MN
55075

BURGER ALBERT
600 DEGREE OF HONOR BLD
ST PAUL MN
55101

BUR.ENGR.IND.DIV. MR.KIBIGER
219 N. 2ND ST.
MPLS. MN

BLR NATL AFFAIRS INC
1231 25TH ST NW
WASHINGTON DC
20037

CABLE COMM SYST-H SARRAZI
BOX 777
HECTOR MN
55342

CAIN RUTH
730 E 38TH ST
MPLS MN
55407

CAIRNS JOHN A
47TH FLR IDS CENTER
MPLS MN
55402

CARLSON CARL L
7516 80TH ST S
COTTAGE GROVE MN
55016

CARLSON VERNE E
BOX 755 CITY HALL
WILLMAR MN
56201

CARRISON CALE K
MANKATO STATE COLLEGE
MANKATO MN
56001

CARTER LOCEY & ASSOC
2353 N RICE ST
ST PAUL MN
55113

CHAVARRIA ADAM
1325 W 251/2 ST APT 206
MPLS MN
55405

CHERCHES CHRIS CITY MGR
5005 MTKA BLVD
ST LOUIS PARK MN
55416

CHRISTIANSEN FREDRIK
RM 505 CAPITOL SQ BLDG
ST PAUL MN
55155

CHRYSALIS CENTER FOR WOMEN
2104 STEVENS AVE S
MPLS MN
55404

CITY OF ROBBINSDALE
C LARSON 4221 LAKE RD
ROBBINSDALE MN
55422

CLARKSON J.B.
2350 I.D.S. CENTER
MINNEAPOLIS MN
55402

COLEMAN NICHOLAS
208 STATE CAPITOL
ST PAUL MN
55155

COLLIN LAURENCE
RT 2
ISANTI MN
55040

CONSUMER SERVICES DEPT COMM
5TH FLR METRO SQ BLDG
ST PAUL MN
55101

COUNTY ATTYS COUNCIL
95 SHERBURNE AVE S203
ST PAUL MN
55103

CUSHMAN J S DAYTON HUDSON
700 NICOLLET MALL
MPLS MN
55402

DANKERS, KENNETH
1200 WEST FOURTH STREET
RED WING MN
55066

DANIELSON RODNEY L
418 AUDITORIUM
ST PAUL MN
55102

DICKINSON MRS JOANNE
BOX 1065
MARSHALL MN
56258

DIEHL JOHN
26 KENWOOD PKWY
ST PAUL MN
55105

DOUGLAS BELL ET AL
2212 AM.NATL BK BLDG
ST PAUL MN
55102

DOW CHEMICAL
47 BLDG
MIDLAND MI
48640

DUPONT MIKE
5720 EXCELSIOR BLVD
MPLS MN
55416

DZUGAN KEN ST PAUL PLANNING
421 WABASHA ST
ST PAUL MN
55102

EBELING EDWARD F.
161 W. MAIN
PERHAM MN
56573

EICHTEN DANIEL
3754 HAZEL
WHITE BEAR LK MN
55110

CENTRAL MN REG DEV COMM
1139 FRANKLIN AVE
SAUK RAPIDS MN
56379

CHAMBER OF COMMERCE
30 SO 1ST AVE EAST
ELY MN
55731

CHILDS J L
4012 LYNN AVE S
MPLS MN
55416

CHRISTIAN SCI COMM ON PUB
1821 UNIV AVE SUITE 271
ST PAUL MN
55104

CITY CLERK
386 CITY HALL
ST PAUL MN
55102

CITIZENS LEAGUE
530 SYNDICATE BLDG
MPLS MN
55402

CLAUSEN PHILLIP
2307 STANDISH ST
ST PAUL MN
55108

CLARSON CONNIE
HELP CT 317-17TH AV SE
MPLS MN

COMMUNITY DESIGN CENTER
118 E 26TH ST
MPLS MN
55404

CONCORDIA COLLEGE
DEAN
MOORHEAD MN
56560

CRAVEN NORMAN
10637 THOMAS AVE S
BLOOMINGTON MN
55431

CROW WING CO PLANNING & A
COURT HOUSE
BRAINERD MN
56401

DAHLKE LOIS M
118 S EAGLE ST
BELLE PLAINE MN
56011

DAILEY THOMAS ECONOMICS L
370 WABASHA ST
ST PAUL MN
55102

DAYTON CHAS SIERRA CLUB
800 MIDLAND BANK BLDG
MPLS MN
55401

DEVELOP DISABILITIES PROG
STATE PLAN 101 CAP SQ
ST PAUL MN
55155

DISPATCH PIONEER PRESS
PRESS RM STATE CAPITOL
ST PAUL MN
55101

DORSEY MARQUART
2400 1ST NATL BANK BLDG
MPLS MN
55402

DUDLEY E H
RT 7 BOX 122
EXCELSIOR MN
55331

DUNN OLIVER PLUMBERS LOC
708 SO 10TH ST
MPLS MN
55404

E CENTRAL REG. DEV. COMM
COURTHOUSE 18 N VINE ST
MORA MN
55051

ELDER DR JAMES B
11140 WASHBURN AVE SO
BLOOMINGTON MN
55431

ELDRED R W ARMOUR & CO
UNION STOCK YARDS
SO ST PAUL MN
55075

ELMER EDWIN W
2901 PLEASANT AVE
MPLS MN
55408

ENV SERV-GEN RESOURCE CORP
6340 INDUSTRIAL DR
HOPKINS MN
55343

ETHICS COMM
RM 410 STATE OFF BLDG
ST PAUL MN
55155

EMERICK RICHARD A
1908 IDS CENTER
MPLS MN
55402

ERDMAN ROGER TENNANT CO
701 N LILAC DR
MPLS MN
55441

EVANS CHAS.L. PRENTICE-HALL
ENGELWOOD CLIFFS
NEW JERSEY

FAEGRE & BENSON ATTN LIER
1300 NW BANK BLDG
MPLS MN
55402

FELHABER R S
W 1ST NATL BANK BLDG
ST PAUL MN
55101

FILTER LOREN
BOX 36
BRITT MN
55701

FITZGERALD DR BOB
3007 LYNDALE AVE SO
MPLS MN
55408

FITZPATRICK LEO
8138 HENSLOWE AVE S
COTTAGE GROVE MN
55016

FORBES GORDON MINN RRS ASSN
203 HANOVER 480 CEDAR
ST PAUL MN
55101

FORSBERG AGR SERV
518 SUMMIT AVE
NEW ULM MN
56073

FREDIN CONRAD M
811 FIRST NATL BK BLDG
DULUTH MN
55802

FREDLUND MRS PHYLLIS
RR 4 BOX 37
CANBY MN
56220

FRISON FRANK NECA
RM 305 200 SO ROBERT
ST PAUL MN
55107

GEBERT K L
220 GRAIN EXCH
MPLS MN
55415

GEO A HORMEL & CO LAW DEPT
PO BOX 800
AUSTIN MN
55912

GLEN. HILLS HOSP.R.VAN HAUER
3901 GOLDEN VALLEY RD.
MPLS. MN
55422

GODIN RALPH J
3824 47TH AVE SO
MPLS MN
55406

GRANATH MARVIN -HONEYWELL
2701 4TH AVE SO
MPLS MN
55408

GREATER MET AREA HOSPITALITY
5152 CEDAR AVE S
MPLS MN
55417

ENNIS A F ECISE CASCADE
PO BOX 713
INTL FALLS MN
56649

ERNEST K LEHMANN & ASSOC.
1409 WILLOW ST.
MPLS MN
55403

ESSE KENNETH
4801 W 50TH ST
EDINA MN
55424

EWALD DOUGLAS MINN HOSP ASSN
2333 UNIV AVE SE
MPLS MN
55414

EWING MRS WM
42 ASTAR RD
BABBITT MN
55706

FARMERS ELEVATOR ASSN
852 GRAIN EXCH BLDG
MPLS MN
55415

FARRELL FRANK BUR MGR
RM 1180 176 E 5TH ST
ST PAUL MN
55101

FINLEY JAMES F
920 MINN BLDG
ST PAUL MN
55101

FINNEGAN J.R.
55 E. 4TH
ST.PAUL MN
55101

FLEMING FREDERICK A
1860 HIGHLAND PARKWAY
ST PAUL MN
55116

FLADLAND CLINT MN L&P BUR
795 RAYMOND AVE
ST PAUL MN
55114

FOX W.E. LINDQUIST & VENNUM
4200 IDSCTR 80 S.8TH ST
MINNEAPOLIS MN
55402

FRANKLIN ROBERT B MPLS TR
426 PORTLAND
MPLS MN
55415

FREDRIKSON BYRON ET AL
47TH FLR IDS CENTER M
PLS MN
55402

FRIESEN MILLER A
RAHR BD 624 13TH ST S
VIRIGINIA MN
55792

GALVIN M J JR
W2162 1ST NATL BK BLDG
ST PAUL MN
55101

GARDNER HDW - R A JOHNSON
515 WASHINGTON AVE N
MPLS MN
55401

GIEL DAVID
RM B-28 STATE CAPITOL
ST PAUL MN
55155

GLEESON MICHAEL
909 SOO SC BLDG U OF M
MPLS MN
55455

GOODMAN DF TEL CABLE TV
302 E SUPERIOR
DULUTH MN
55802

GRAHAM THOS H
854 MIDLAND BK BLDG
MPLS MN
55401

GREEN DEL CITY MGR
BLOOMINGTON CITY HALL
BLOOMINGTON MN
55431

GREEN GARY J
41 SHERBURNE AVE
ST PAUL MN
55102

GREEN JANET
9773 N SHORE DR
DULUTH MN
55804

GRUMMERT REV DONALD
1435 ADAMS ST
MPLS MN
55413

H B FULLER CO
2400 KASOTA AVE
ST PAUL MN
55108

HANSON ETHEL
2813 85TH AVE N
MPLS MN
55444

HAROLD J WESTIN CONSTRUCTORS
45 E 8TH ST
ST PAUL MN
55101

HAYES, THOMAS W
700 SELLWOOD BLD
DULUTH MN
55812

HEALTH MANPOWER C LARSON
717 DELAWARE ST SE
MPLS MN
55440

HAVEN ROET TWIN TN TREATMENT
1706 UNIV AVE
ST PAUL MN
55104

HEAD & TRUHN
1007 SOO LINE BLDG
MPLS MN
55402

HEARING EX.OFF. M GREENBERG
1745 UNIV AVE
ST PAUL MN
55104

HEIM PAUL M
3944 IDS CENTER 80 S 8
MPLS MN
55402

HELTZER JAMES DAYTON HUDSON
777 NICOLLET MALL
MPLS MN
55402

HENDRICKSON A W
100 FREEMAN DRIVE
ST PETER MN
56082

HOLEY GEO AERONAUTICS
DOWNTOWN AIRPORT
ST PAUL MN
55107

HORNER WALDORF - KAZIUKEWICZ
PO BOX 3260
ST PAUL MN
55165

HOLT JOHN
517 4TH ST NW
FARIBAULT MN
55021

HULSTRAND ANDERSON & LARSON
PO BOX 130
WILLMAR MN
56201

HUMAN RIGHTS
200 CAPITOL SQ BLDG
ST PAUL MN
55101

HUTCHISON R.M. ANOKA CO.COMP
COURT HOUSE
ANOKA MN
55303

HYDROLOGIST
CHIPPEWA NATL FOREST
CASS LAKE MN
56633

INGEBRIGTSEN DR K F
23 SE 4TH ST
MPLS MN
55414

GUSTAFSON CAN-LABOR TEMPLE
312 CENTRAL
MPLS MN
55414

GUSTAFSON WALLACE
BOX 567
WILLMAR MN
56201

HAFNER DR A J
BOX393 MAYO U OF M
MPLS MN
55455

HANFT PHILIP M
1200 ALWORTH BLDG
DULUTH MN
55802

HALLBERG LEE & MCCABE
4927 34TH AVE S
MPLS MN
55417

HALN DR J W GEN MILLS
PO BOX 1113
MPLS MN
55440

HART PATRICK V
112 E LIBERTY BOX 3271
MANKATO MN
56001

HARTFELDT WILL
434 HAMM BLDG
ST PAUL MN
55102

HEADWATERS REG DEV. COMM
BOX 584 MENTAL HEALTH
BEMIDJI MN
56601

HEANEY BILL
30 W SUPERIOR ST
DULUTH MN
55802

HEINTZ MARY ELLEN
PO BOX 599
CINCINNATI OH
45201

HEISENFELT WM
BOX 516
BEMIDJI MN
56601

HENDRICKSON MRS VIRGINIA
3324 COUNTRY WOOD DR
BURNSVILLE MN
55337

HINRICHSEN PATRICK
MANKATO FREE PRESS
MANKATO MN
56001

HOLMES ELSTIS ET AL
4610 IDS CENTER
MPLS MN
55402

HOPKINS WM.B. DIR.MISCCA
3915 GOLDEN VALLEY ROAD
GOLDEN VALLEY MN
55422

HOULE MELVIN
881 W HWY 96
SHOREVIEW MN
55112

HOUSE APPROPRIATIONS COMM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HUMAN SERVICES
414 LAFFAYETTE RD 5THFL
ST PAUL MN
55101

HUSEBYE, CRAIG J.
5036 FRANCE S.
EDINA MN
55410

HYLAND DEAN
1501 W 50TH ST
MPLS MN
55419

INGVALSON VERN MN.FARM BUR.
3110 WOODDALE DR PO 337
OST PAUL MN
55165

INS FED OF MINN
902 SOO LINE BLDG
MPLS MN
55402

IVERSON DR JOS DEPT ED
ST OLAF COLLEGE
NORTHFIELD MN
55057

IZAAK WALTON MN DIV
111 E FRANKLIN RM-210
MPLS MN
55404

JENOS INC
525 LAKE AVE SO
DULUTH MN
55801

JENSEN ARTHUR,CITY CLK
2215 W OLD SHAKOPEE RD
BLOOMINGTON MN
55431

JOHANSEN BUS SERV INC
19 DAYTON RD
CHAMPLIN MN
55316

JOHNSON & SANDERSON
ST MARYS HOSPITAL
ROCHESTER MN
55901

JOHNSON LEROY
9939 BLUEBIRD ST NW
COON RAPIDS MN
55433

JOHNSON M.D. FRONDT & FRO

BLUE EARTH MN
56013

KABLE RICHARD W

BETHEL MN
55006

KAVANEY RICHARD
1220 NORTHERN FED BLDG
ST PAUL MN
55102

KEILY DANILE
3549 V2 PLEASANT AVE
MPLS MN
55408

KJERVIK DIANE
4302 POWEL HALL U OF M
MPLS MN

KNAPP J A
RM 3 CAPITOL
ST PAUL MN
55155

KNOPP TIMOTHY
COLLEGE FORESTRY U OF M
ST PAUL MN
55108

KOLLER MR & MRS ERWIN A
1568 DULUTH ST
ST PAUL MN
55108

KOPP MRS VERNON
2050 65TH ST E
INVER GR HGHT MN
55075

KRONLOKKEN J E
10048 NORD RD
BLOOMINGTON MN
55437

KROON F CLIFTON
210 E WALNUT
MANKATO MN
56001

LABELLE JUANITA MRS
5816 AQUILA AVE NO
NEW HOPE MN
55428

LANGVIN DAVID
7500 80TH ST S
COTTAGE GROVE MN
55016

LANSING & OAKES
400 SIBLEY ST
ST PAUL MN
55101

LARSON HANS P DIV HOSP SERV
717 DELAWARE ST SE
MPLS MN
55440

LEAGUE MN MUNIC
300 HANOVER 480 CEDAR
ST PAUL MN
55101

INTERSTATE POWER RW STEELE
1000 MAIN ST
DUBUQUE IA
52001

IUCE LCC 49 CHAS SWENSCN
25EJ UNIV AVE
ST PAUL MN
55101

JAIN NIRMAL ENIV PROCESS
1220 GLENWCOD AVE
MPLS MN
55405

JENSEN CARL A
127 E MAIN ST
SLEEPY EYE MN
56085

JENSEN MRS GAYNOLD
111 WEST 107TH ST
MPLS MN
55420

JOHNSON CLARENCE IBEW LL 292
3615 37TH AVE S
MPLS MN
55406

JCHNSCN G RCBERT
4344 IDS CENTER
MPLS MN
55402

JOHNSON LANCE J
265 S LAFAYETTE RD
ST PAUL MN
55107

KEABLE MIKE
909 6TH AVE N
ST CLOUD MN
56301

KEENAN RICHARD J
4444 IDS BLDG
MPLS MN
55402

KLOSTER MARION PEAVEY CO
730 2ND AVE S
MPLS MN
55402

KLUZ STEVEN J
1910 1ST NATL BK BLDG
MPLS MN
55402

KNUTSON DR KEITH,BIOLOGY DPT
ST CLOUD STATE
ST CLOUD MN
56301

KNUTSCN R N GRANNIS ETAL
F J SCHULT BLDG
ST ST PAUL MN
55075

KRAMER ERNEST W
717 DELAWARE ST SE
MPLS MN
55440

KRCEGER CHARLES
122 NW 7TH STREET
FARIBAULT MN
55021

KUHL CARL
4421 4TH ST NE
COL HEIGHTS MN
55421

KVB ENGINEERING INC
600 S CO RD 18
MPLS MN
55426

LAKE SUPERIOR INDUSTRIAL BUR
828 FIRST AM. BK. BLDG.
DULUTH MN
55802

LANAHAN E F - SIBLEY CO
184 E 6TH ST
ST PAUL MN
55101

LAPP LAZAR LAURIE ET AL
1200 BUILDERS EXCHANGE
MINNEAPOLIS MN
55402

LARSCN C L
3800 MINNEHAHA AVE SC
MPLS MN
55406

LEAGUE WOMEN VOTERS OF MINN
555 WABASHA
ST PAUL MN
55102

LEG.REF.LIB-Z. DEWITT
RM 111 STATE CAPITOL
ST PAUL MN
55155

LEWIS DR.G.M JR.
ABBOTT 110 E 18TH ST
MPLS MN
55403

LIBBEY LEONARD
BOX 17011 NOKOMIS STA
MPLS MN
55417

LOOS CALVIN J
6809 LYNDALE AVE SO
MPLS MN
55423

LOVE DOUG
2701 N LEXINGTON AVE
ROSEVILLE MN
55113

MALECKI JAMES
1 SO STATE ST
NEW ULM MN
56073

MALONE E I COMM LABOR & INDU
444 LAFAYETTE RD 5TH FL
ST PAUL MN
55101

MANSFIELD LARRY FCARC
1800 CHICAGO AVE S
MPLS MN
55404

MANTHEY T J PICKANDS MATHER
1100 SUPERIOR AVE
CLEVELAND OH
44114

MAUL WARREN E
320 S 4TH ST
MPLS MN
55415

MAYO FOUNDATION G CROWELL
200 FIRST AVE NW
ROCHESTER MN
55901

MCFADDEN G H DISPATCH-PRESS
55 E 4TH ST
ST PAUL MN
55101

MCKIBBON MRS SHIRLEY
11 EVERGREEN LN
BABBITT MN
55706

MEIEROTTO, JOAN
1794 SO LEXINGTON
ST PAUL MN
55118

MET IFR MEN ASSN A ROSENTHAL
1821 UNIV AVE
ST PAUL MN
55104

MEYERLE KATHLEEN
1528 GRAND AVE APT 4
ST PAUL MN
55105

MIDLAND GLASS-HC SPURLING
PO BOX 69
SHAKOPEE MN
55379

MILLER TOM
2311 PILLSBURY AVE S
MPLS MN
55404

MINN APT ASSN
GRIGGS-MIDWAY BLDG
ST PAUL MN
55104

MINN ASSN ELEC COOPERATIVES
4901 W 77TH ST
MPLS MN
55435

MINN. ASSN. PET RETAILERS
1115 2ND AVE. SO.
MINNEAPOLIS MN
55403

LEVEY JESS MET STATE UNIV
METRO SQ RM 121
ST PAUL MN
55101

LEAVEY THOS
829 22ND AVE SE
MPLS MN
55414

LINDALL & JONATHAN DEVELOP.
VILLAGE ONE CENTER
CHASKA MN
55318

LOCKNER GARY
R R 1 BOX 23
BAUDETTE MN
56623

LUTH SOC SERVICE OF MN
2414 PARK AVE
MPLS MN
55404

LYNCH DONALD SIBLEY CC
184 E 6TH ST
ST PAUL MN
55102

MADSON HUGH
AETNA 212 S 6TH ST
MPLS MN
55402

MAHOF RICK CARTER
2850 METRO DR SUITE 431
BLOOMINGTON MN
55420

MANKATO STAT STUDENT SENATE
CENTENNIAL STUDENT UN
MANKATO MN
56001

MANKATO STATE STUDENT AS
BOX 58 MANKATO COLLEGE
MANKATO MN
56001

MARRINAN MARGARET M
1117 COMMERCE BLDG
ST PAUL MN
55101

MASTOR & MATTSON LTD
315 PEAVEY BLDG
MPLS MN
55402

MCCLURG EUNICE
1061 109TH AVE NE
BLAINE MN
55434

MCDONALD PHILIP M
2077 SELBY AVE
ST PAUL MN
55104

MCLELLAN LARKIN
215 ADM BLDG ST CAPITOL
ST PAUL MN
55101

MET. WASTE CONTOL COMM.
350 METRO SQ BLG
ST PAUL MN
55101

METROPOLITAN COUNCIL LIBRARY
300 METRO SQUARE
ST PAUL MN
55155

MEYER HERBERT
10824 ZENITH AVE S
BLOOMINGTON MN
55431

MILLER PAUL J PHARMACY SERV
ST MARYS HOSP
ROCHESTER MN
55901

MILLER RICHARD A
1020 PLYMOUTH BLDG
MPLS MN
55402

MINN ASPHALT PAVEMENT ASSN
555 WABASHA RM 209
ST PAUL MN
55102

MINN ASSN COOPERATIVES
55 SHERBURNE AVE
ST PAUL MN
55103

MINN ASSN VOL SOC SERVICE
1821 UNIV SUITE 389
ST PAUL MN
55114

MINN ASSN WATERSHED DIST
ADA MN
56510

MINN CHAP ASSOC BLDRS-CONTRS
7204 W 27TH ST
MPLS MN
55426

MINN COMM FOR HANDICAPPED
METRO SQ 492 7TH & ROBT
ST PAUL MN
55101

MINN DEPT HEALTH J C MCKASY
717 DELAWARE S E
MPLS MN
55440

MINN FARMERS UNION PRES OFF
1275 UNIV AVE
ST PAUL MN
55104

MINN HEREFORD-LJ SCHAFER

BUFFALO LAKE MN
55314

MINN. HOTEL & MTR. ASSN
2001 UNIVERSITY AVE
ST PAUL MN

MINN LAND USE COMMITTEE
4344 IDS CENTER
MPLS MN
55402

MINN LP GAS ASSN
7515 WAYZATA BLVD 106
MPLS MN
55426

MINN PETROLEUM COUNCIL
1020 NORTHERN FED BLDG
ST PAUL MN
55102

MINN POLLUTION CONTROL AGCY
1935 W CO RD B2
ROSEVILLE MN
55113

MINN RESTAURANT ASSN
2001 UNIVERSITY AVE.
ST PAUL MN
55104

MINN RETAIL FED INS
131 METRO SP
ST PAUL MN
55101

MINN SOC CERTIFIED PUB ACCTS
1102 WESLEY TEMPLE BLDG
MPLS MN
55403

MINN STATE BAR ASSN
100 MINN FED BLDG
MPLS MN
55402

MINN STATE RETIREMENT SYSTEM
529 JACKSON ST
ST PAUL MN
55101

MINN TEAMSTERS CREDIT UNION
2021 HENN AVE E
MPLS MN
55413

MINN VETERANS MED ASSN
2175 W HWY 36
ROSEVILLE MN
55113

MINN WATER RESOURCES BD
RM 206 555 WABASHA ST
ST PAUL MN
55102

MN. ASN.C&INC F.C.PETERSON
480 CEDAR ST.
ST.PAUL MN
55101

MN AFL-CIO L.C. LASHOMB
175 ALBERA
ST PAUL MN
55103

MN PUB INT RESEARCH GROUP
3036 UNIV AVE SE
MPLS MN
55414

MN SOC SERV ASS J FOOD
614 PORTLAND
ST PAUL MN
55102

MOOD R BLOOMINGTON HLTH DEPT
10200 PENN SQ
BLOOMINGTON MN
55431

MORTON BUILDINGS INC
R #1
FOLEY MN
56329

MPLS CITY ATTORNEY
325M CITY HALL
MPLS MN
55415

MPLS STAR PRESS ROOM
STATE CAPITOL
ST PAUL MN
55101

MURPHY DIANA E
4200 IDS-LINDQUIST VENN
MPLS MN
55402

NATL COUNCIL JEWISH WOMEN
4330 CEDAR LK RD
MPLS MN
55416

NATL FAMILY INS CO
2147 UNIV AVE
ST PAUL MN
55114

NEDELL FARCLO - MEINEKE
6300 W LOOP S SUITE 200
BELLAIRE TX
77401

NELSON JOHN
4809 180TH ST N
HUGO MN
55038

NIELSEN STOCK & BLACKBURN
415 730 BLDG
MPLS MN

NO SUB MONTESSORI-S SCOOL
2487 HELEN COURT
NO ST PAUL MN
55109

NW COUNTRY ELEVATOR ASSN
802 GRAIN EXCH BLDG
MPLS MN
55415

NURSING HOME ADMRS BD EXA
RM 340 717 DELAWARE SE
MPLS MN
55414

NW BELL TEL CO LEGAL DEPT
224 S 5TH ST RM 2000
MPLS MN
55402

NW REG. DEV. COMM
425 WOODLAND AVE
CROOKSTON MN
56716

O'BRIEN J.DENNIS
1100 1ST NATL.BANK BLDG
MINNEAPOLIS MN
55402

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
ST PAUL MN
55101

OSTRUM DONALD E
PO BOX 33163
COON RAPIDS MN
55433

OTTER TAIL POWER CO.
215 S. CASCADE ST.
FERGUS FALLS MN
56537

PAYNE DOUGLAS ALVIN

DEGRAFF MN
56233

PAYNE W B
2400 FIRST NATL BK BLDG
MPLS MN
55402

PHAR MFGRS ASSN WM C PATTON
1155 15TH ST NW
WASHINGTON DC DC
20005

PHILLIPS LEGISLATIVE SERV
459 RICE ST
ST PAUL MN
55103

PORTER DAVID
3002 27 AVE S
MPLS MN
55406

PORTER LYLE C

TRACY MN
56175

MPIRG
BOX 45 ST MARYS COLLEGE
WINONA MN
55987

MPLS TRIBUNE CITY DESK
425 PORTLAND AVE
MPLS MN
55415

MASS GEO V HENN CO GEN HOSP
5TH AND PORTLAND AVE
MPLS MN
55415

NAT'L SOLID WASTES-R. GRASSO
1730 RHODE ISLAND AV.NW
WASHINGTON DC
20036

NEREN MACONNA
376 NEAL AVE S
AFTON MN
55001

NORTH CENTRAL ELEC ASSN
PO BOX 202
BATTLE LAKE MN
56515

NURSING HOME RES ADV CO.
111 E FRANKLIN S210
MPLS MN
55404

NYQUIST DEAN A
3707 53RD PL N
BROOKLYN CTR MN
55429

OLOFSON ARTHUR MBD & MAINC
927 SOO LINE BLDG
MPLS MN
55402

PETERSON GARY
854 MIDLAND BK BLDG
MPLS MN
55401

PINNETTI NICK M HALEY & ASS.
40 CENTRAL PARK S
NEW YORK NY
10019

MPLS ASSN RETARDED CITIZENS
3100 W LAKE ST
MPLS MN
55416

MT OLIVET ROLLING ACRES
R 1 BOX 576
EXCELSIOR MN
55331

NATL CAR RENTAL ATT D MITZEL
5501 GREEN VALLEY DR
MPLS MN
55437

NCEC INC C/O DR DAHLBERG
CONCORDIA COLLEGE
MOORHEAD MN
56560

NELMAN RALPH W
RT 2 BOX 125
EMBARRASS MN
55732

NUGENT, CYNTHIA L.
3581 CASSE ST #209
ST PAUL MN
55112

NUTTER JULIA
743 W MONTANA
ST PAUL MN
55117

OLSON KATHLEEN
192 SEYMOUR AVE SE
MPLS MN
55414

PATTISON ORVIS
BOX 645
WILLMAR MN
56201

PFEIFER AND SHULTZ, INC
1433 UTICA AVE S
MPLS MN
55416

POPOVICH PETER S
314 MINN BLDG
ST PAUL MN
55101

PORT AUTH CITY OF ST PAUL
330 MINNESOTA BLDG
ST PAUL MN
55101

POSS DONALD G
6301 SHINGLE CREEK PKWY
BROOKLYN CTR MN
55430

PROCTOR&GAMBLE L THECHARCUS
IVORYDALE TECH CENTER
CINCINNATI OH
45217

PULSCHER ROT SPRINGSTED INC
813 OSBORN BLDG
ST PAUL MN
55102

RADMAN RICHARD-LABOR TEMPLE
418 AUDITORIUM
ST PAUL MN
55102

RALPH BURKE ASSOCIATES
7710 COMPUTER #S101
MPLS MN
55435

REAGAN MICHAEL
% MINN LEARNING CTR
BRAINERD MN
56401

REARDON MRS HELEN
1125 S E 6TH ST
WILLMAR MN
56201

REGION FIVE REG. DEV. COMM.
102 6TH ST N
STAPLES MN
56479

REGION NINE DEV. COMM.
709 N FRONT ST
MANKATO MN
56001

RENQUIST ARTHUR NSP CO
414 NICOLLET MALL
MPLS MN
55401

RICHARDSON THOS
7851 METRO PKWY S 103
MPLS MN
55420

ROE DAVID
175 AURORA
ST PAUL MN
55103

ROBBIE JOSEPH
SC4 CARGILL BLDG NC CTR
MPLS MN
55402

ROSS ALFRED
6356 WARE RD
LINO LAKES MN
55014

ROSS ROY J
CLK TREAS
LITCHFIELD MN
55355

SAN SIMEON DEVELOP CORP
OLD 1ST STATE BK BLDG
PAYNESVILLE MN

SE MN REG DEV COMM
301 MARQ BK BLDG
ROCHESTER MN
55901

ST PAUL ECR HLTH CR P CCX
555 CEDAR ST
ST PAUL MN
55101

SCARBOROUGH WILLIAM
DIV.ED. U.M.
MORRIS MN
56267

SCHAEN ETHEL
1745 UNIVERSITY AVE
ST PAUL MN
55104

SCHMIDT H W TCHRS RETIREMENT
302 CAPITOL SQ BLDG
ST PAUL MN
55101

SCHMIDT LARRY WCCO-TV NEWS
50 S 9TH ST
MPLS MN
55402

PLYZER ROBT
BOX 675
FERGUS FALLS MN
56357

PRAISE JOS.C.
2220 105TH AVE.N.W.
COON RAPIDS MN
55433

RAMSEY CO MEDICAL SOC
908 AM NATL BK BLDG
ST PAUL MN
55101

RAUENHORST CORP-C ANDERSO
7900 XERXES S. S-2200
MPLS MN
55431

REID DAVID F
6469 N GRAHAM RD
INDIANAPOLIS IN
46220

RED OWL STORES INC
215 E EXCELSIOR AVE
HOPKINS MN
55343

REINO C LAINE 3M COMPANY
3M CENTER
ST PAUL MN
55101

RENNER R.H. ST PAUL AREA
300 OSBORN BLDG.
ST PAUL MN
55102

RICHARDS MONTGOMERY ET AL
1430 RAND TOWER
MPLS MN
55402

RIEKE DAVID
PO BOX 9311
MPLS MN
55440

ROBERTS DR ALAN
BOX 297 MAYO U OF M
MPLS MN
55455

ROBERTS DAVID E
1260 NW NATL BK BLDG
ST PAUL MN
55101

ROWLEY STEPHEN
4305 15TH AVE S
MPLS MN
55407

RUDY FLOYD
118 AVE C
CLOQUET MN
55720

SANFORD S M
7000 PORTLAND AVE
RICHFIELD MN
55423

SAX DOVE & STENSON
310 ENDICOTT BLDG
ST PAUL MN
55101

ST PAUL FOOD RETAILERS ASSN
1220 ARCADE
ST PAUL MN
55106

SW REGIONAL DEV COMM
2811 BDWY
SLAYTON MN
56172

SCHLICHT REV ROBT
611 W MAIN ST
BELLE PLAINE MN
56011

SCHMIDT D R MN ASSN REALT
6101 WAYZATA BLVD
MPLS MN
55416

SCHMIDT WARREN WELLCOME MHS
GARDEN CITY
MN
56034

SCHNEIDER MAHLON
GREEN GIANT
LESUEUR MN
56058

SCHUTZ LINDA
RM 328 CAPITOL BLDG
ST PAUL MN
55155

SCHNEIDER & NEESER
706 1ST ST SO PO BX 876
WILLMAR MN
56201

SENATE COUN OFF ROOM 24
STATE CAPITOL
ST PAUL MN
55101

SHARP BOB
4125 HIGHWOOD RD
ST LOUIS PK MN
55416

SITE ENGINEER INC
12 OLD DEERFIELD RD
WELCH MN
55089

SMITH MICHAEL
318 HARVARD ST SE
MPLS MN
55414

SODERMAN ANTHONY
1414 FOSHAY TOWER
MPLS MN
55402

STATE REGISTER
95 SHERBURNE, RM 208
ST PAUL MN
55103

STUPKA & MOREM
MIDTOWN BLDG
AUSTIN MN
55912

SUSSEL CO.ATTN:TED SCHWENKER
1850 COMO AVE.
ST PAUL MN
55108

SWANSON MORTIMER C
5824 FRANCE AVE S
EDINA MN
55410

THOMPSON HESSIAN ET AL
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

SCHWARTAU NEAL METH HOSP
201 W CENTER ST
ROCHESTER MN
55901

SCHROEDER ALFRED F
2172 CARROLL AVE
ST PAUL MN
55104

SENATE FINANCE COMMITTEE
113 STATE CAPITOL
ST PAUL MN
55101

SHAW ROBERT M
616 MOBIL OIL BLDG
MPLS MN
55402

SIX EAST REG. DEV. COMM.
311 W 6TH ST
WILLMAR MN
56201

SNELL LYN
BOX 314
EDEN VALLEY MN
55329

STANSFIELD ARLENE LAND CLKS
PO BOX 116
MPLS MN
55440

STD AM LIFE & ANNUITY CO
3801 W 50TH ST
MPLS MN
55410

SULLIVAN J KIRK
PO BOX 200
BOISE ID
83701

SWANSON BURT E
W-2162 1ST NATL BK BLDG
ST PAUL MN
55101

TIMESAVERS INC ATT R S VOLD
5270 HANSON COURT
MPLS MN
55422

SCHWERMAN EARL JR
1535 8TH AVE SE
ROCHESTER MN
55901

SCHWINN ROBT.P
1400 SCO LINE BLDG.
MPLS. MN
55402

SELECTVISION INC FR VALENTIN
1 DAG HAMMARSKJOLD PL
NEW YORK NY
10017

SEMHSA R C MELIN
1903 S BDWY
ROCHESTER MN
55901

SENATE GOV OP COMM
RM 303 STATE CAPITOL
ST PAUL MN
55155

SHABATURA EUGENE H
2833 LAKE AVE SC
DULUTH MN
55811

SILVERMAN JUDITH
8545 W 28TH ST
ST LOUIS PARK MN
55426

SIX W REG. DEV. COMM
128 W SCRENSCN
APPLETON MN
56208

SMERIKA WM.
BOISE CASCADE PAPERS
INTL FALLS MN
56649

SNYDER, R.W. U OF M
RM 248C CLASS OFF BLDG.
ST PAUL MN
55108

SODERBERG HAROLD J
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

STATE BD VETERINARY EXAMINER
C/C DR A C SPANNAUS DVM
WACONIA MN

STEELWORKERS CREDIT UNION
BOX 250
BABBITT MN
55706

STOLPESTAD BROWN & SMITH
1550 NW BK BLDG
ST PAUL MN
55101

SULLIVAN JEANETTE
CDIC SW STATE UNIV
MARSHALL MN
56258

SUMMIT NATL BANK C L MORR
205 AURORA AVE
ST PAUL MN
55103

SWANSON DALE
P C BOX 339
FOREST LAKE MN
55025

SWANSON GERALD H
212 CITY HALL
ROCHESTER MN
55901

TATE VERN 3M CO
3M CENTER 220/6W
ST PAUL MN
55101

THOMPSON CONRAD
1107 23RD ST NW
ROCHESTER MN
55901

TOUCHE ROSS & CO K H STOCKE
780 NORTHSTAR CNTR
MPLS MN
55402

TWIN CITIES PIPING INDUS
2829 UNIV SE SUITE 304
MPLS MN
55414

TWIN CITY RETAIL DRUGGIST AS
2388 UNIV AVE
ST PAUL MN
55104

VANDERVCORT T J MET WASTE
350 METRC SQUARE BLDG
ST PAUL MN
55101

VERRILL JOHN E
DEPT SECONDARY ED UOF M
DULUTH MN
55812

VIITALA, W.C. HONEYWELL
HONEYWELL PLAZA
MPLS MN
55408

VOS LEROY
2137 BURNS AVE
ST PAUL MN
55119

WANQUIST ALLEN
RM 252 FEDERAL BLDG
ST PAUL MN
55101

WATERS, DONNA M.
11C536 WINDMILL COURT
CHASKA MN
55318

WEST CENTRAL REG. DEV.
ADM BLDG, COMMUNITY COLL
FERGUS FALLS MN
56537

WESTIN CHAS W
220 MEDICAL ARTS BLDG
DULUTH MN
55802

WILCOX J PATRICK
1220 NORTHERN FED BLDG
ST PAUL MN
55102

WM.MITCHEL COLLEGE LAW LIB.
2100 SUMMIT AVE.
ST.PAUL MN
55105

WILSON R GARY PPG INDUSTR
1 GATEWAY CENTER
PITTSBURGH PA
15222

WIS FEEDER PIG MARKET CO-OP

FRANCIS CREEK WI

WYANT CLINTON W ATTY

ATKIN MN
56431

ZIMMERMAN & OFFERMAN
CAMBRIDGE STATE HOSP
CAMBRIDGE MN
55008

UNION STOCK YARDS
ATTN PRES
SO ST PAUL MN
55075

VAN DRAKE STEPHEN R
BOX 353
PELICAN RAPID MN
56572

VILLAGE OF WOODBURY
2100 RADIO DRIVE
WOODBURY MN
55042

WALD JEAN
5746 SANDER DR
MPLS MN
55417

WELK G V NORTHERN STATES
414 NICOLLET MALL
MPLS MN
55401

WHITING RALPH
555 WABASHA SUITE 204
ST PAUL MN
55102

WILEY ENTERPRISES
101 5TH AVE SE
OSSEO MN
55369

WOLKERSTORTER THEODORE
676 17TH AVE NW
NEW BRIGHTON MN
55112

UTLEY JOHN
4610 IDS CENTER
MPLS MN
55402

VAN EVERA MONDT ET AL
700 TORREY BLDG
DULUTH MN
55802

VOSS REV GORDON O
11120 NE 7TH ST
BLAINE MN
55434

WALTERS THOS H
4510 W 77TH ST STE 235
MPLS MN
55435

WELLINGTON R R SKELLY OIL
PO BOX 1650
TULSA OK
75102

WHITLOCK A G
ECON LAB OSBORN BLDG
ST PAUL MN
55102

WILLIAMS THOMAS
7505 W HWY 7
ST LOUIS PK MN
55426

WOZNIAK D D
401 FIRST FED BLDG
ST PAUL MN
55101

STATE OF MINNESOTA
BOARD OF COSMETOLOGY

IN THE MATTER OF THE PROPOSED)
AMENDMENT OF RULES OF THE STATE) STATEMENT OF EVIDENCE
BOARD OF COSMETOLOGY)

In addition to the Statement of Need which is available for inspection or purchase at the State Office of Hearing Examiners, the State Board of Cosmetology will introduce the following evidence at the hearing in this matter:

I. TESTIMONY

A. Members of the State Board of Cosmetology will testify as to the following facts:

1. That the proposed renumbering of the Board's rules is reasonable and necessary to bring the format of the rules into compliance with rules adopted by the Office of the State Register.

2. That the proposed amendments to certain of the Board's rules are necessary to eliminate obsolete language.

3. That the proposed amendments to certain of the Board's rules are necessary for reasons of health and sanitation.

4. That the proposed amendments to certain of the Board's rules are necessary for effective instruction of students and to provide adequate supervision over the instruction given.

5. That the proposed amendments to certain of the Board's rules are necessary to allow effective administration of the Board's licensing process.

6. That the proposed amendments to certain of the Board's rules are necessary to ensure that consumers are informed of the license status of practitioners.

7. That the proposed deletion of certain of the Board's rules will bring the rules into conformity with anti-trust laws and will promote price competition.

B. Frank Singer will testify with respect to the following facts:

1. That amendment of the Board's rules to provide for increases in the amount of various fees payable to the Board is reasonable and necessary in light of the Board's present and anticipated costs of licensing and inspection.

2. That the fee increases proposed by the Board have been approved by the Commissioner of Finance.

II. DOCUMENTARY EVIDENCE

The Board intends to introduce a memorandum documenting approval of the Commissioner of Finance of the Board's fee increases.

III. STATUTES AND RULES

The Board will be citing the following statutes and laws at the hearing in this matter:

A. Statutes

Minn. Stat. §§155.01-155.21; 214.001-214.12 (1976)

B. Rules

Minn. Reg. HE 101-109

Dated: 7-20-77

Rilla Wright

RILLA WRIGHT
Executive Secretary
State Board of Cosmetology

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE STATE BOARD OF COSMETOLOGY

In the Matter of the Proposed)
Adoption of Rules of the)
Minnesota State Board of) REPORT OF HEARING EXAMINER
Cosmetology.)

The above-entitled matter came on for hearing before Hearing Examiner Peter C. Erickson of the State Office of Hearing Examiners at 9:30 a.m. on Tuesday, August 16, 1977, in the Metro Square Building, Saint Paul, Minnesota.

Robert Carlson, Special Assistant Attorney General, appeared as counsel on behalf of the Board of Cosmetology. Marylou Sinnen, Secretary-Treasurer of the Board, and Frank Singer, Administrative Management Director for the Department of Commerce, testified in support of the proposed rules on behalf of the Board. The hearing continued until all interested groups or persons had an opportunity to be heard concerning the adoption of the proposed rules.

Pursuant to Minn. Stat. § 15.0412, subd. 4, this Report shall be available for review to all affected individuals upon request for at least five days.

The Board of Cosmetology shall, if it proposes to adopt the rules as originally proposed or amended, submit the complete hearing record, including its Findings and Order, to the Chief Hearing Examiner no earlier than five days subsequent to the receipt of this Report. This submission shall also clearly indicate any changes made to the rules as originally proposed, preferably in the format that will be submitted to the State Register for publication. The Chief Hearing Examiner shall complete his review and submit his report to the Board on the issues of substantial changes in the rule and compliance with Minn. Stat. § 15.0412 within ten calendar days. Thereafter, the Board shall be responsible for filing the rules with the Attorney General.

Based upon all the records and proceedings herein, the Examiner makes the following:

FINDINGS OF FACT

1. On June 24, 1977, the Board of Cosmetology filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rules;
(b) A proposed Order for Hearing;
(c) A proposed Notice of Hearing; and
(d) A Statement of the estimated length and number of people attending the hearing.

2. On July 11, 1977, a Notice of Hearing and a copy of the proposed rules were published at 2 State Register 35.

3. On July 12, 1977, the Board mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

4. On July 21, 1977, the Board filed the following documents:

(a) The Order for Hearing;
(b) The Notice of Hearing as mailed;
(c) The Affidavit of Receipt of the Secretary of State's list;
(d) The Affidavit of Mailing;
(e) The Secretary of State's Certificate and list;
(f) The Statement of Need; and
(g) The Statement of Evidence, including the names of witnesses to be called;
(h) The names of agency personnel who will represent the agency; and
(i) A Department of Finance Approval.

The documents were available for inspection at the Office of Hearing Examiners from the date of filing to the date of the hearing.

5. The record remained open through August 26, 1977 for the receipt of written comments and statements.

6. Statutory authority to promulgate the proposed rules is contained in Minn. Stat. §§ 155.06, subd. 2 and 214.06 (1976).

7. The general format of the rules, numbering, lettering, etc., has been changed to conform to the requirements of the Minnesota State Register and the Minnesota Code of Agency Rules.

8. The proposed amendments to MSBC 2 B, C, G, I and K further clarify the sanitation requirements mandated by Minn. Stat. § 155.13.

9. The proposed amendment to MSBC 2 S. deletes a pro-

hibition against the using of wire mesh rollers and brush type inserts and proposes to add a sentence to simply require that all rollers are to be kept in containers in a clean and sanitary manner. The Board feels that rather than regulating a particular kind of roller, it is best to simply require that all rollers be kept in a clean and sanitary manner.

a. Mr. Dan Jeans testified that because it is not feasible to sterilize wire mesh rollers with brush type inserts after every use, the prohibition should be retained in the rule.

b. The Board testified that they did not feel they had statutory authority to prohibit the use of a particular type of roller.

c. Mr. Thomas Triplett, Senate Counsel, commented that the "Justification" section of MSBC 2 S. should be deleted as it is inappropriate language to be included in a rule which has the force and effect of law.

10. The proposed amendment to MSBC 3 A.(5) deletes the word "class" to clarify the intent of the rule.

11. The proposed amendment to MSBC 3 A.(6) requires that a student have 240 hours of pre-clinic training before the student is allowed to do any work on customers on the floor of a beauty school. This requirement has been an informal one prior to this time, and the Board wishes to incorporate it into the rules. The rationale is that students must have certain minimum skills which are acquired through instruction and working on mannequins before they are actually allowed to go on to the floor and work on customers. This will insure that students have certain minimum skills before they are able to work on customers of the school. The Board's practical experience is that 240 hours or six weeks of this training is what is necessary to ensure the minimum skills necessary before a student may safely work on a customer.

a. Mr. Jerry Carlson proposed to amend MSBC 3 A.(6) by making the pre-clinic training requirement 200 hours rather than 240. He stated that the Cosmetology Accrediting Commission

(a national accrediting body) only requires 200 hours and that 25 of the 30 private schools in Minnesota are currently accredited.

12. The proposed addition of MSBC 4 C. will require attendance reports to the Board from beauty schools as to instructors. The purpose of this is to insure that the schools are providing adequate instruction to the students, through the monitoring of the number of instructors at the school at all times. The proposed amendment to MSBC 4 D. requires that senior instructors shall comply with the uniform dress code. This will require that instructors set an example of professionalism, as well as providing a means to distinguish students from instructors. MSBC 4 E., as proposed, again allows the Board to monitor the actual number of instructors working at a school and to ensure that adequate instruction takes place.

a. Proposed MSBC 4 D. includes a "Justification" section which is of questionable value. (see Finding No. 9. c.)

13. At hearing, the Board proposed to delete new MSBC 4 F. because no specific standards are set out in the rule.

14. The proposed amendment to MSBC 7 H. will insure that there is adequate room for instruction in all schools of cosmetology. The rule as amended clarifies the definition of what square footage is required and how that square footage is to be calculated. It is the Board's experience that 25 square feet of work area is the minimum necessary to insure adequate instruction.

MSBC 7 K., as proposed, will allow the Board adequate time to inspect and see if new facilities are adequate before they are licensed. The Board has had a problem in the past with schools changing location and operating in a new inadequate location before the Board has had an opportunity to inspect.

15. The proposed amendment to MSBC 22 B. clarifies the meaning of the rule and is not a substantive change.

16. The proposed amendment to MSBC 23 will give the Board more time to schedule the taking of examinations. There is currently not enough time from the Friday cutoff to the time the

tests are given on Monday to schedule examiners and persons who are to take the test.

17. The proposed amendment to MSBC 24 is intended so that the model will not have an impact on the examination of the applicant's abilities. There has been a problem in the past with individuals bringing students under sixteen, and often time these individuals are so small that a fair test cannot be given to the applicant.

a. At hearing, the Board proposed to amend MSBC 24 to clarify the intent and eliminate the "Justification" section as follows:

> Every student...bring their own live model, who shall be at least sixteen (16) years of age to insure that models used will not inhibit an accurate or fair examination of the applicant's abilities.

18. The proposed amendment to MSBC 26 A. deletes obsolete language.

19. The proposed amendment to MSBC 26 D. changes the educational requirement for individuals unable to read or write English to a tenth grade education from an eighth grade education. The Board's experience has been that individuals with only an eighth grade eduction are unable to take an oral exam in a satisfactory manner. A substantial portion of individuals with only a eighth and ninth grade education fail. The Board therefore feels that tenth grade education, or equivalent thereof, would be more appropriate.

a. Objections were raised at hearing to increasing the education requirement from an eighth grade level to a tenth grade level. The Examiner would point out that Minn. Stat. § 155.09, subd. 3, mandates that all applicants for examination have a tenth grade education or its equivalent.

20. The amendment to MSBC 27 C. will include out-of-state applicants among those required to attend beauty culture schools for taking another examination after they have failed the examination. The rule is also changed to give the Board discretion as to whether these persons should be required to take additional

training before taking another examination. The Board feels that some individuals who may have failed the test may be able to successfully retake the test without additional training. However, some individuals may fail for reasons which show that additional training is needed, and the Board feels that discretion in this area would be advisable.

a. The Board suggested that proposed MSBC 27 C. be amended to clarify the intent of the rule as follows:

> Any applicant who fails the examination for an operator's license may, at the discretion of the Board, be required to attend a beauty culture school for further training before a re-examination will be allowed.

21. The proposed amendment to MSBC 28 B. is needed to insure that at least one year of the applicant's experience must be within a fairly recent period. The Board has experience situations where an individual has practices for two years in the past. Techniques change over a period of time, and in these situations, the Board has felt that the applicant's experience was inadequate; however, under the current rule, the Board had no choice but to issue a license. The amendment to this rule will insure that these situations do not occur.

22. Current Rule MSBC 30 is proposed to be deleted. The requirement of photostatic copies allows an individual to have several copies of a license, display the copies in separate beauty institutions, and therefore, evade the requirements of law that each shop have a manager-operator in attendance. The proposed MSBC 30 insures that individuals will have to apply for a duplicate license from the Board, and therefore, ensures that the Board will be able to monitor the issuance of duplicate licenses.

23. The proposed amendments to MSBC 40 D. and I. are required by Minn. Stat. § 214.12. The deletion of the "one month" language in 40 G. is necessary to give the Board enough time to inspect before a new shop is opened. Current 40 K. is proposed to be deleted because the Board does not feel that it has authority to regulate wig studios.

24. Proposed new 40 K. requires that if a beauty shop and a barber shop are operated together in one location, there must be a sign which informs consumers which portion of the shop is the beauty shop so that they are able to make an intelligent decision as to the qualifications of the persons providing the services they desire. The beauty shop area must also have a minimum of 120 square feet of area to insure that operators have adequate space to provide the services desired by the consumer.

a. Mr. Triplett commented on 40 K. as follows:

> This proposed new rule deals with a very sensitive and controversial area. Arguments over whether to permit cosmetologists to practice in barber shops, and vice versa, have been going on for some time and have as yet been unresolved by the legislature. I am not aware of any statutory provisions dealing with the subject covered by this proposed new rule. However, both the barber and the cosmetology laws contain provisions prohibiting a barber from practicing barbering in a beauty shop (section 155.19) and prohibiting cosmetologists from practicing cosmetology in a barber shop (section 154.04). Legislation was proposed in the 1977 session dealing with this matter, but was not passed. I therefore question the ability of the board to establish its authority for, the reasonableness of, and the necessity for this particular rule, especially given the legislature's inability to resolve this issue and the direct effect of a rule such as this on another licensing board (the barber board).

25. The proposed amendment to MSCB 41 G. is required by Minn. Stat. § 214.12 (1976). The Board incurs expenses when a different identification card is issued and under the legislation cited a fee must be charged. MSBC 41 H. is being amended by deleting the exception for renewal notices to be sent to manicurists.

26. The proposed amendment to MSBC 42 B. is to delete the distinction between female and male operators. The rule will then state that all operators shall wear clean, washable wearing apparel which will satisfy a reasonable standard concerning sanitation.

a. Mr. Jerry Carlson proposed to amend 42 B. by inserting the word uniform between "washable" and "wearing". He stated that wearing uniforms would accent cosmetologists'

professionalism and insure that sanitary wearing apparel was in fact being worn.

b. Robert Carlson stated that the amendment to require uniforms would constitute a substantial change in the rules as proposed.

27. The proposed amendments to MSBC 42 G., I. and R. are minor changes dealing with beauty shop sanitary requirements. MSBC 63 G. has been changed by deleting the word "women's" to make the rule apply to both sexes. MSBC 65 f. has been amended to clarify the meaning of the rule.

28. The proposed deletion of MSBC 64 and 65 (a), (b), (c) and (d) is necessary because recent United States Supreme Court decisions have held that similar minimum pricing mechanisms are in violation of the Sherman Antitrust Act. Also, the present rules are contrary to the economic policy of the State of Minnesota as expressed in the Antitrust Law of 1971, Minn. Stat. §§ 325.8011, et seq. (1976). Case law has held that similar pricing regulations do not constitute a minimum wage law, but are actually an illegal price-fixing arrangement.

29. Proposed MSBC 20 and 21 establish a fee schedule as required by Minn. Stat. Chapter 214. Minn. Stat. § 214.06 (1976), requires that the Board may by rule adjust any fee which the Board is empowered to assess so that the total fees as closely as possible equal anticipated expenditures; that examination fees shall be set by rule to approximately meet the anticipated cost of administering the examinations; and that the Board may set renewal fees under the same standards. A proposed fee schedule was submitted to the Department of Finance and final approval received on August 24, 1977.

a. At hearing, the Board proposed to amend MSBC 21 by deleting section B. 12, the $1.00 surcharge, and increasing the fee of all the $9.00 licenses to $10.00. MSBC 66, which speaks of the surcharge, is also proposed to be deleted. These amendments are intended to simplify the fee schedule and payments.

b. Mr. Jeans suggested that the fee schedule be changed by providing for a dual, senior instructor-manager operator

license, with a $20.00 fee. This amendment would eliminate the issuance of two separate licenses to the same person by the Board.

c. The Board also proposed to delete MSBC 21 C. for lack of evidentiary justification.

d. Mr. Jeans contended that the costs incurred for an initial school application, school license renewal and a change of ownership are disproportionate to the $250 fee proposed for each. The Board commented as follows:

> The Board feels that it would be appropriate to retain the fees listed in MSBC 21 (B)(1) and (2) at $250. The justification for this is as follows. For an initial application or an application for change of ownership, the Board expends substantial amounts of time in inspecting and ensuring that the facility meets standards of health. Two inspectors are involved and the combination of their salaries, travel expenses and administrative paperwork total a substantial percentage of the $250 proposed fee.
>
> For the renewal, the Board notes that each school is inspected twice per year. Two inspectors are used and they are able to inspect approximately two schools per day. The Board members expend substantial time administering the problems of students in the schools and it is appropriate to charge these costs to the schools. Further, each month the Board mails to each school a substantial packet of materials, including time sheets, various forms for students, exams and reports. The postage charges alone are $24 per school per month or close to $300 per year per school. Many of these forms are used by students but since the Board does not collect fees from students, it is appropriate to collect the fees from the schools and have them pass the charges on to the students if they wish. The Board concludes that the $250 annual fee for schools is wholly justified by the facts.

Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

CONCLUSIONS

1. Due, timely and adequate legal notice of the hearing was properly served and filed by the Board of Cosmetology. All other substantive and procedural requirements of statute or rule have been complied with.

2. Pursuant to Minn. Stat. § 15.052, subd. 3, it is the duty of the Hearing Examiner to: "...(4) make a report on each

proposed agency action...taking notice of the degree to which the agency has (i) documented its statutory authority to take the proposed action, (ii) fulfilled all relevant, substantive and procedural requirements of law or rule, and (iii) demonstrated the need for and reasonableness of its proposed action with an affirmative presentation of facts."

3. The Examiner concludes that the proposed rules be amended as set out in Findings 13, 17a., 20a., and 29a., and c. for the reasons stated therein.

4. Because the use of wire rollers and brush inserts is a matter of sanitation, the Board can regulate the use of those instruments. The Examiner concludes that proposed MSBC 2 S. has been shown to be reasonable; however, retention of the prohibition would also be appropriate.

5. The Examiner concludes that the embodiment of "Justification" provisions in rules is not necessary and all such sections should be deleted. Justification for a rule should be spelled out in the record of the hearing on the rule and not set out in rule form.

6. The Examiner concludes that the Board has demonstrated the reasonableness of the 240 pre-clinic hour requirement as set out in MSBC 3 A.(6). The fact that the Cosmetology Accrediting Commission only requires 200 hours does not in any way conflict with the exercise of the Minnesota Board's discretion.

7. Both Minn. Stat. §§ 155.19 and 154.03 prohibit barbers and cosmetologists from practicing in the same shop. The statutory language is clear. Proposed MSBC 40 K. is so unclear and indefinite that it could be interpreted as sanctioning a violation of the law. The legislature did not give specific statutory authority to the Board of Cosmetology to determine what form of joint practice is allowable. The Examiner concludes that MSBC 40 K. should be deleted.

8. The Examiner concludes that the insertion of the word uniform in MSBC 42 B. would not constitute a substantial change in the rule. All persons were put on notice that the subject of

"wearing apparel" would be discussed at hearing. Wearing uniforms is not a novel idea for the cosmetology profession. Proposed MSBC 42 B. was shown to be reasonable as written, however.

9. The Examiner concludes that Mr. Jeans' proposal for a dual license (see Finding No. 29 b.) has merit and should be examined by the Board for possible incorporation into MSBC 21.

10. The Examiner concludes that the fee schedule was shown to be reasonable.

11. The Examiner concludes that the Board has documented its statutory authority to promulgate the proposed rules with the exception of proposed MSBC 40 K.

12. The Examiner concludes that the amendments he is suggesting to the rules make the rules more reasonable, and that none of these amendments constitute a substantial change.

Based upon the foregoing Conclusions, the Examiner makes the following:

RECOMMENDATION

That the Board of Cosmetology adopt the proposed rules as recommended to be amended in this Report.

Dated: September 14, 1977.

Peter C. Erickson

PETER C. ERICKSON
Hearing Examiner

STATE OF MINNESOTA
BOARD OF COSMETOLOGY

IN THE MATTER OF THE PROPOSED)
AMENDMENT OF RULES OF THE STATE) STATEMENT OF NEED
BOARD OF COSMETOLOGY)

The above-captioned rules are amendments to existing rules of the State Board of Cosmetology. The last time the above-captioned rules were amended was July 31, 1967. The need to adopt these rules arises as follows:

I. AMENDMENT TO INCREASE THE AMOUNT OF CERTAIN FEES PAYABLE TO THE BOARD

The Board proposes to amend MSBC 21 by establishing the amount of certain fees to be paid to the Board. The need to adopt a fee schedule is required by legislative mandate. Minn. Stat. §214.06 (1976) requires that the Board may by rule adjust any fee which the Board is empowered to assess so that the total fees as closely as possible equal anticipated expenditures; that examination fees shall be set by rule to approximately meet the anticipated cost of administering the examinations; and that the Board may set renewal fees under the same standards. The proposed fees are necessary to implement Section 214.06.

II. AMENDMENTS TO RENUMBER VARIOUS RULES

The Board proposes to amend its existing rules by renumbering them to conform to the rules of the Minnesota State Register.

III. AMENDMENTS TO VARIOUS RULES

The Board also proposes to amend various other rules: (1) In order to eliminate obsolete language and practices; (2) To improve health and sanitation conditions for consumers; (3) To improve the instruction of students in beauty schools and the Board's

ability to monitor and evaluate instructors and beauty schools; (4) To improve the administrative effectiveness of the Board's licensing process; (5) To inform consumers of the license status of practitioners; (6) To bring the Board's rules into conformity with anti-trust laws; and (7) To lower the cost of beauty services to be provided the public.

Dated: 7-20-77

Rilla Wright

RILLA WRIGHT
Executive Secretary
State Board of Cosmetology

STATE OF MINNESOTA

BOARD OF COSMETOLOGY

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA STATE BOARD OF COSMETOLOGY

FINDINGS OF FACT AND CONCLUSIONS

The above-entitled matter came on for hearing before Hearing Examiner Peter C. Erickson of the State Office of Hearing Examiners at 9:30 a.m. on Tuesday, August 16, 1977, in the Department of Commerce Hearing Room, 500 Metro Square Building, St. Paul, Minnesota.

Robert C. Carlson, Special Assistant Attorney General, appeared as counsel on behalf of the Board of Cosmetology. Mary Lou Sinnen, Secretary-Treasurer of the Board, and Frank Singer, Administrative Management Director for the Department of Commerce, testified in support of the proposed rules on behalf of the Board. The hearing continued until all interested groups of persons had an opportunity to be heard concerning the adoption of the proposed rules.

Hearing Examiner Peter C. Erickson prepared his Report of Hearing Examiner dated September 14, 1977, stating his Findings of Fact, Conclusions and Recommendations in accordance with Minn. Stat. §15.052 subd. 3 (1976) and Minn. Reg. HE 106.

Having afforded interested persons an opportunity to present written and oral data, statements and arguments, and having considered all testimony and other evidence, based upon all the records, files, transcripts, exhibits and proceedings in this matter, the Board of Cosmetology adopts as its Findings of Fact the Findings of Fact propounded by the Hearing Examiner in his

Report of September 14, 1977. The Board of Cosmetology further adopts as its own Conclusions, the Conclusions of the Hearing Examiner in his Report of September 14, 1977 with the exception of Conclusions 7 and 11, for which the Board substitutes the following Conclusions.

7. Minn. Stat. §155.19 (1976) prohibits a barber from practicing barbering in a beauty shop and Minn. Stat. §154.04 (1976) prohibits persons practicing beauty culture from practicing in a barber shop. Under the provisions of Minn. Stat. §154.19(6) (1976) the barber board and the cosmetology board each issue licenses to persons who wish to operate a barber and beauty shop which are physically located together. Proposed MSBC 40K is intended only to identify which portion of the shop is to be used as a beauty shop and to set minimum size standards for the beauty shop; the proposed rule does not determine what form if joint practice is allowable.

11. The Board concludes that it has documented its statutory authority to promulgate the proposed rules.

Dated this 4
day of October, 1977.

BOARD OF COSMETOLOGY

Cynthia Allen

CYNTHIA ALLEN
Chairperson

SBC-77-007

STATE OF MINNESOTA

BOARD OF COSMETOLOGY

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA STATE BOARD OF COSMETOLOGY

CERTIFICATE OF BOARD'S RESOLUTION ADOPTING RULES

I, Rilla Wright, do hereby certify that I am secretary of the State Board of Cosmetology, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at the meeting of the State Board of Cosmetology duly and properly called and held on the 4th day of October, 1977; that a quorum was present at the meeting; that a majority of those present voted for the resolution; that the resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that the rules relating to the Minnesota State Board of Cosmetology be and they are hereby approved and adopted, pursuant to the authority vested in the State Board of Cosmetology by Minn. Stat. §§15.0412, 155.06, 155.09 and 214.06 (1976), and that Cynthia Allen, Chairperson of the State Board of Cosmetology, be and hereby is authorized to sign an order adopting those rules."

IN WITNESS WHEREOF, I have hereunto subscribed by name this 4th day of October 4, 1977.

Rilla Wright

RILLA WRIGHT, Secretary
State Board of Cosmetology

ATTESTED:

Cynthia Allen

CNYTHIA ALLEN, Chairperson
State Board of Cosmetology

SBC-77-007

STATE OF MINNESOTA

BOARD OF COSMETOLOGY

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA STATE BOARD OF COSMETOLOGY

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the State Board of Cosmetology of the State of Minnesota on the 16th day of August, 1977, at 500 Metro Square Building, St. Paul, Minnesota 55101, after proper notice required by Minn. Stat. §15.0412 (1976) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose and after proper publication of such notice in the State Register.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced, and having confirmed the need for the above-captioned rules and the reasonableness thereof,

NOW, THEREFORE, IT IS ORDERED that these rules, MSBC are adopted this 4th day of October, 1977, pursuant to the authority vested in the Board of Cosmetology by Minn. Stat. §15.0412, 155.06, 155.09 and 274.06 (1976).

Dated:

STATE OF MINNESOTA
BOARD OF COSMETOLOGY

Cynthia Allen

CYNTHIA ALLEN, Chairperson

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE STATE BOARD OF COSMETOLOGY

IN THE MATTER OF THE PROPOSED)
ADOPTION OF RULES OF THE)
MINNESOTA STATE BOARD OF)
COSMETOLOGY.)

REPORT OF THE
CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on August 16, 1977, before Peter C. Erickson, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. § 15.052, Subd. 3, was issued to the State Board of Cosmetology on September 14, 1977; and

WHEREAS, the State Board of Cosmetology has now determined to adopt rules pursuant to Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the State Board of Cosmetology has submitted said rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, Subd. 4, and Rule HE 107; and

WHEREAS, the Chief Hearing Examiner finds that the final proposed rules are not substantially different from those proposed at the public hearing and that the State Board of Cosmetology has met all requirements of Minn. Stat. § 15.0412, Subd. 4.

NOW, THEREFORE, upon receipt of this Report, the State Board of Cosmetology has the responsibility of submitting the complete record and the rules as adopted by the Board to the Attorney General and to publish in the State Register, all pursuant to Minn. Stat. § 15.0412, Subd. 4.

Dated this 12th day
of October, 1977.

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

STATEMENT OF COMPLIANCE WITH
MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Robert C. Carlson, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familarity with the applicable procedures, the mannual of rule making procedures has been followed.

Robert C. Carlson

ROBERT C. CARLSON
Special Assistant
Attorney General

Dated this 21st day of October, 1977.