

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : KRISTA SANDA, Director
Office of Consumer Services
Metro Square Building
ATTENTION: Jackie Taylor
Spec. Asst. Atty. Gen.

DATE: 1/08/82

FROM : TED A. MARTINEZ
Special Assistant
Attorney General

PHONE: 296-0315

SUBJECT: Temporary Rules of the State Office of Consumer Services Governing Cosmetology Schools, Licensing and License Fees

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State to the last page of the rules;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

Department of Commerce

Office of Consumer Services

Adopted Temporary Rules Governing Cosmetology Schools, Licensing and License Fees

Temporary Rules as Adopted

4 MCAR S 10.004 Instructors. [Temporary]

F. There shall be one full-time qualified senior instructor for every 20 students, or fraction thereof, enrolled.

4 MCAR S 10.021 Fee---License. [Temporary]

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

1.-4. [Unchanged.]

5. for an initial operator's license the fee shall be $10, with a renewal fee of $10 per year.

6. for an initial manicurist's license, the fee shall be $10, with a renewal fee of $10 per year.

7. for an initial manager/operator's license, the fee shall be $10, with a renewal fee of $10 per year.

8.-12. [Unchanged.]

13. for failure to renew any of the above individual licenses on or before the expiration date for each license, the penalty shall be $10.

14. for failure to renew a school license on or before the expiration date, the penalty shall be $100.

15. for failure to renew a beauty shop license on or before the expiration date, the penalty shall be $50.

16. for processing requests for verification of hours and Minnesota licensure, the fee shall be $15.

17. for checks returned because of insufficient funds, the penalty shall be $10.

C. Failure to renew an individual license. If a licensee has not renewed an individual license within 90 days after the

expiration date, that person shall be required to retake the state examination (practical and written) before a license will be reissued.

4 MCAR S 10.026 Additional application requirements. [Temporary]

D. Any applicant who requests an interpreter's assistance during the written examination or who applies for a license through reciprocity and whose native language is not English shall appear before the Office of Consumer Services, Cosmetology Unit, prior to the written examination, to demonstrate to the satisfaction of the director that he or she can read and understand English to the extent necessary to follow written directions and to safely use cosmetology products.

E. All applicants shall have completed a tenth grade education or its equivalent.

4 MCAR S 10.028 Reciprocity. [Temporary] An applicant applying for a license through reciprocity shall pay a fee of $15 and comply with the following requirements:

A. The applicant shall provide documentation of current licensure from another state, foreign country, territory, or the District of Columbia, and of having lawfully practiced cosmetology there for a period of at least two years.

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

C. An applicant for a manager-operator's license shall provide documentation of having practiced as a manager-operator for at least two years, one year of which must have been within two years immediately prior to the date of application.

4 MCAR S 10.041 General operation. [Temporary]

H. Manager-operator, operator and manicurist licenses issued for 1981 may, at the discretion of the director, be extended beyond the original expiration date of December 31, 1981. Any

extension shall terminate on or before March 31, 1982, the exact expiration date to be determined by the director, who will notify all affected licensees. Notwithstanding any extension, the 1982 licensing period shall be deemed to have begun on January 1, 1982, and fees shall be collected on that basis. One-third of the current licenses shall be renewed for one year, one-third for two years, and one-third for three years. Assignment of a renewal period shall be made alphabetically. The renewal fee shall be $10 for one year, $20 for two years, and $30 for three years. All licenses issued after January 1, 1982, and all renewal licenses issued after March 31, 1982 shall be for three years at a fee of $30.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
Secretary of State

APPROVED AS TO LEGALITY

Jan. 8 1982

WARREN SPANNAUS, ATTORNEY GENERAL

BY Ted A. Mortenson

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 11 1982
Joan Anderson Growe
Secretary of State
3:20 PM

Our File No. 768

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 1-4-82
DATE FOR REVIEW
DATE DUE 1-11-82

Adopted w/a hearing
Adopted w/o hearing
Temporary rule ✓

Approved 1-8-82 Disapproved Returned to Agency

Resubmitted Due
Approved 1-8-82 Disapproved Returned to Agency

Date filed w/Secretary of State 1-8-82 Revisor approved / disapproved

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✓ Rule as Adopted

✓ Rule as Proposed see SR.

✓ Order Adopting 1.4.82 Date

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

Notice of rulemaking
Sufficiency

Affidavit of Mailing Notice or rulemaking
At least 30 days prior to hearing/adoption

✓ Mailing list Certificate

✓ Publication in State Register
11.30.81 At least ~~30~~/20 days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
Approving H.E.'s Report
Approving agency action

Agency's Findings of Fact

LCRAR Report or agency Affidavit

Certificate of Board's Resolution Adopting Rules

Order Approving Incorporation by Reference

Statement of Need and Reasonableness

Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

SF-00006-01

STATE OF MINNESOTA

DEPARTMENT Office of Consumer Services

Office Memorandum

TO : Rule Review Division
Office of Attorney General
G-25 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

DATE: 12-29-81

FROM : Paula Stenlund
Cosmetology Unit

PHONE: 296-4518

SUBJECT: Proposed Temporary Rules

We are submitting the attached Proposed Temporary Rules of the State Office of Consumer Services Governing Cosmetology, Licensing and License Fees, and supporting documents, for your review. The proposed rules were published in the State Register on November 30. 1981. No comment was received.

Thank you.

JAN 4 1982

To: Ted Mathiez
Date: 1/5/82
Re: Consumer Services — Cosmetology Schools, Licencing and Licence Fees.

Rules as Adopted

p. 2. line 34 .041 H.

The section contains a discretionary "may" but the period of time for exercise of discretion is a mere 3 months and appears to allow for time to implement a new staggered system of licensure. It appears, therefore, to be needed & reasonable.

In the Matter of the Proposed Adoption of Temporary Rules of the State Office of Consumer Services Governing Cosmetology Schools, Licensing and License Fees

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Jackie Taylor, Special Assistant Attorney General, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Jacquelyn P. Taylor

Jackie Taylor
Special Assistant
Attorney General

Dated: 1/4/82

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE
OFFICE OF CONSUMER SERVICES

In the Matter of the Proposed Adoption of Temporary Rules of The State Office of Consumer Services Governing Cosmetology Schools, Licensing and License Fees

ORDER FOR PUBLICATION OF TEMPORARY RULES

IT IS ORDERED THIS 20th day of November, 1981 that the proposed temporary rules in the above-entitled matter be published in the State Register.

STATE OF MINNESOTA

Krista Sanda

KRISTA SANDA, DIRECTOR
OFFICE OF CONSUMER SERVICES

restoration of shop registration	~~25.00~~
change of ownership or location	10
duplicate license	5

Department of Commerce
Office of Consumer Services

Proposed Temporary Rules Governing Cosmetology Schools, Licensing and License Fees

Request for Public Comment

Notice is hereby given that the Office of Consumer Services is proposing to adopt temporary rules to govern cosmetology schools, licensing and license fees as authorized by Laws of 1981, ch. 357, § 35 and to temporarily amend 4 MCAR §§ 10.004, 10.021, 10.026, 10.028 and 10.041. The temporary rules as proposed appear following this notice. For 20 days following the date of publication any person may submit data and views on the agency's proposed action by writing to the Office of Consumer Services, Attention: Ms. Paula Stenlund, 128 Metro Square Building, Seventh and Robert Streets, Saint Paul, Minnesota 55101. The proposed temporary rules may be modified if the modifications are supported by the data and views submitted to the agency. After the 20 day comment period the proposed temporary rules, with any modifications, will be sent to the Office of the Attorney General for review. If approved by the Attorney General the adopted temporary rules will remain in effect for 180 days or until permanent rules are adopted, whichever comes first. In accordance with Laws of 1981, ch. 357, § 35, if permanent rules are not adopted at the end of 180 days, the temporary rules may be reissued until December 31, 1982 or until permanent rules are adopted.

November 16, 1981.

Kris Sanda, Director
Office of Consumer Services

Temporary Rules as Proposed

4 MCAR § 10.004 Instructors. [Temporary]

F. There shall be one full-time qualified senior instructor for every 20 students, or fraction thereof, enrolled.

4 MCAR § 10.021 Fee—License. [Temporary]

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

1.-4. [Unchanged.]

5. for ~~the initial license and each annual renewal of~~ an initial operator's license the fee shall be ~~ten (S10) dollars~~, with a renewal fee of $10 per year.

6. for ~~the initial license and each annual renewal of a~~ an initial manicurist's license, the fee shall be ~~ten (S10) dollars~~, with a renewal fee of $10 per year.

7. for ~~the initial license and each annual renewal of a~~ an initial manager/operator's license, the fee shall be ~~ten (S10) dollars~~, with a renewal fee of $10 per year.

8.-12. [Unchanged.]

13. ~~as a penalty~~ for failure to renew any of the above individual licenses on or before the ~~deadline~~ expiration date for each license, the penalty shall be ~~two (S2) dollars~~ $10.

14. for failure to renew a school license on or before the expiration date, the penalty shall be $100.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

15. for failure to renew a beauty shop license on or before the expiration date, the penalty shall be $50.

16. for processing requests for verification of hours and Minnesota licensure, the fee shall be $15.

17. for checks returned because of insufficient funds, the penalty shall be $10.

C. Failure to renew an individual license. If a licensee has not renewed an individual license within 90 days after the expiration date, that person shall be required to retake the state examination (practical and written) before a license will be reissued.

4 MCAR § 10.026 ~~Out of state students~~ Additional application requirements. [Temporary]

D. ~~An~~ Any 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~~ requests an interpreter's assistance during the written examination or who applies for a license through reciprocity and whose native language is not English ~~must~~ shall appear before the ~~State Board for questioning~~ Office of Consumer Services, Cosmetology Unit, prior to the written examination, to ~~verify~~ demonstrate to the satisfaction of the ~~State Board that said applicant has received in the country from which he comes a tenth grade school education or equivalent thereof, as required under our law and~~ director that he or she ~~cannot~~ can read ~~or write the English language~~ and understand English to the extent necessary to follow written directions and to safely use cosmetology products.

E. All applicants shall have completed a tenth grade education or its equivalent.

4 MCAR § 10.028 Reciprocity. [Temporary] ~~In addition to the requirement of Minn. Stat. § 155.14~~ An applicant~~,~~ applying for a license through reciprocity ~~must also~~ shall pay a fee of $15 and comply with the following requirements:

A. The applicant shall provide documentation of current ~~license~~ licensure from another state ~~or~~, foreign country, territory, or the District of Columbia, and of having lawfully practiced cosmetology there for a period of at least two years.

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

C. An applicant for a manager-operator's license shall provide documentation of having practiced as a manager-operator for at least two years, one year of which must have been within two years immediately prior to the date of application.

4 MCAR § 10.041 General operation. [Temporary]

H. Manager-operator, operator and ~~manicurists~~ manicurist licenses ~~expire on December 31st of each year~~ issued for 1981 may, at the discretion of the director, be extended beyond the original expiration date of December 31, 1981. Any extension shall terminate on or before March 31, 1982, the exact expiration date to be determined by the director, who will notify all affected licensees. Notwithstanding any extension, the 1982 licensing period shall be deemed to have begun on January 1, 1982, and fees shall be collected on that basis. One-third of the current licenses shall be renewed for one year, one-third for two years, and one-third for three years. Assignment of a renewal period shall be made alphabetically. The renewal fee shall be $10 for one year, $20 for two years, and $30 for three years. All licenses issued after January 1, 1982, and all renewal licenses issued after March 31, 1982 shall be for three years at a fee of $30.

State Board of Education
Department of Education
Special Services Division

Proposed Amendments to the Rule Governing the Licensure of Counselors in Middle Schools (5 MCAR § 1.0531)

Notice of Intent to Adopt Rule without a Public Hearing

Notice is hereby given that the State Board of Education proposes to adopt the above-entitled rule without a public hearing. The board has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h (1980).

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE
OFFICE OF CONSUMER SERVICES

In the Matter of the Proposed Adoption of Temporary Rules of the State Office of Consumer Services Governing Cosmetology Schools, licensing and License Fees

ORDER ADOPTING TEMPORARY RULES

The above-entitled matter was published in the State Register on November 30, 1981, as a proposed temporary rule pursuant to Minnesota Statutes section 15.0412, subdivision 5. After affording interested and affected persons an opportunity to submit written data and views within 20 days of the publication date, reviewing and considering the data and views, and determining that the above-captioned rules are needed and reasonable,

NOW, THEREFORE, IT IS ORDERED that these rules identified as Temporary Rules of the State Office of Consumer Services Governing Cosmetology Schools, Licensing and License Fees are adopted this 4th day of January, 1982, pursuant to authority vested in me (Director, Office of Consumer Services) by Minnesota Statutes section 155A.05.

STATE OF MINNESOTA

Krista Sanda

KRISTA SANDA, DIRECTOR
OFFICE OF CONSUMER SERVICES