


# Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 783

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 1/25/82
DATE FOR REVIEW 2/3/82
DATE DUE 2/8/82

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

Approved 2-8-82 Disapproved ____ Returned to Agency 2-9-82

Resubmitted ____ Due ____
Approved ____ Disapproved ____ Returned to Agency ____

Date filed w/Secretary of State 2-9-82 Revisor approved 2/1/82 disapproved 1/29/82

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✓ Rule as Adopted

✓ Rule as Proposed see SR

✓ Order Adopting 1.18.82 Date

N/A Notice of Intent to Solicit Outside Opinion

? Order for rulemaking
N/A date of Hearing

? Certificate of Board's Authorizing Resolution } apparently don't exist — but in Resolution adopting, Bd. has ratified action of Exec. Secy.

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
11.19.81 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

N/A Agency's Findings of Fact — no changes to Rules as Proposed

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A 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

no requests rec'd.

ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL - Bremer

# Office Memorandum

TO : TED MARTINEZ
Special Assistant
Attorney General

DATE: JANUARY 20, 1982

FROM : JOHN C. BJORK
Special Assistant
Attorney General

PHONE:

SUBJECT: REVISION OF 4 MCAR § 8.079, A RULE RELATING TO FEES

The Board of Barber Examiners has proposed and adopted a rule amending its fees. The following documents are enclosed for your review pursuant to Minn. Stat. § 15.0412, subd. 4(h) (1980).

1. Rule as adopted
2. Order adopting
3. Certificate of Board's resolution adopting a rule
4. Order and Notice of Intent to amend rules without a hearing
5. Affidavit of mailing
6. Mailing list certificate
7. Rule as proposed
8. Statement of Need and Reasonableness
9. The only written comment that was received
10. Statement of Compliance
~~11. Board minutes indicating that the Executive Secretary was authorized to proceed with rulemaking on this issue.~~

I have also sent a copy of the rule as adopted to the Revisor.

lf
Encs.

RECEIVED
JAN 25 1982
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

# Office Memorandum

TO : ADAM J. MIKROT
Executive Secretary
Bd. of Barber Examiners

DATE: 2/8/82

ATTN: JOHN C. BJORK, Spec. Ass't. Atty. Gen.

FROM : LARRY D. STARNS
Special Assistant
Attorney General

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State Board of Barber Examiners Governing Fees

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

In reviewing this rule, I note that while Minn. Stat. § 214.06, Subd. 1, authorizes rulemaking "with" the approval of the Commissioner of Finance, there is no clear expression of whether or not such approval should precede promulgation of the rule. What is clear, however, is that such approval must be secured before an increased fee can be charged for licensure.

I strongly suggest that the Commissioner's approval of the new license fees authorized in this rule be secured before the rule is published so that the rule cannot be challenged on this ground.

Furthermore, publication of the rule in the State Register prior to obtaining the Commissioner's approval might mislead the public into thinking that the new fee has the force and effect of law when in fact it does not.

Additionally, upon receipt and before transmittal to your agency, it is important that you recheck the rule 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;

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

If you have any questions, please contact me.

LDS:drw
Encs.
cc: Ms. Kathy Burek
Mr. Duane Harves

Department of Commerce

Board of Barber Examiners

Adopted Rule Amending License and Renewal Fees

Rule as Adopted

4 MCAR S 8.079 Fees. The Board of Barber Examiners shall charge the following fees:

| | |
|---|---|
| examination and certificate, registered barber | $ 48 |
| examination and certificate, apprentice | 46 |
| examination, instructor | 150 |
| certificate, instructor | 35 |
| renewal of license, registered barber | 20 |
| renewal of license, apprentice | 18 |
| renewal of license, instructor | 35 |
| student permit | 10 |
| initial shop registration | 50 |
| initial school registration | 1,000 |
| renewal shop registration | 10 |
| renewal school registration | 200 |
| restoration of registered barber license | 25 |
| restoration of apprentice license | 25 |
| restoration of shop registration | 25 |
| change of ownership or location | 10 |
| duplicate license | 5 |

1/29/82

OFFICE OF THE REVISOR OF STATUTES

Certificate of Approval of Adopted Rules

Agency: Department of Commerce, Board of Barber Examiners

Rule Numbers: 4 MCAR S 8.079

Rule Title: Adopted Rule Amending License and Renewal Fees

Type of Rules: Permanent X

Temporary _____

Documents Incorporated by Reference: None

The attached Rules are approved as to form.

APPROVED AS TO LEGALITY
February 8, 1982
WARREN SPANNAUS, ATTORNEY GENERAL
BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

Steven C. Cross
Revisor of Statutes

Name: Paul M. Marinac

Paul M. Marinac

Title: Assistant Revisor

Phone: 296-0948

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB - 9 1982
Joan Anderson Growe
Secretary of State
8:50 AM

RD 1145

Rule as Adopted

4 MCAR S 8.079 Fees. The Board of Barber Examiners shall charge the following fees:

| | Fee |
|---|---|
| examination and certificate, registered barber | $ 48.00 |
| examination and certificate, apprentice | 46.00 |
| examination, instructor | 150.00 |
| certificate, instructor | 35.00 |
| renewal of license, registered barber | ~~$18.00~~ 20 |
| renewal of license, apprentice | ~~$16.00~~ 18 |
| renewal of license, instructor | 35.00 |
| student permit | 10.00 |
| initial shop registration | 50.00 |
| initial school registration | 1,000.00 |
| renewal shop registration | 10.00 |
| renewal school registration | 200.00 |
| restoration of registered barber license | 25.00 |
| restoration of apprentice license | 25.00 |
| restoration of shop registration | 25.00 |
| change of ownership or location | 10 |
| duplicate license | 5 |

AR0143
1/29/82

OFFICE OF THE REVISOR OF STATUTES
Disapproval of Form of Rules

__X__ The form of the attached rules is not approved. The revisor requests the changes described below before the rules will be approved.

Page 1, line 4, delete ~~strike~~ "Fee"

Steven C. Cross
Revisor of Statutes

Name: Paul M. Marinac
Paul M. Marinac

Title: Assistant Revisor

Phone: 296-0948

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_____ The changes requested by the revisor are approved by the agency.

_____ The changes requested by the revisor are not approved by the agency

Agency's Representative

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_____ The attorney general agrees that the changes requested by the revisor are form changes, not substantive changes.

Assistant Attorney General

DEPARTMENT OF COMMERCE

BOARD OF BARBER EXAMINERS

No 1, 2, 5 & 7 not necessary

Proposed Rules Amending License and Renewal Fees

Notice of Intent to Amend Rules Without a Hearing
Request for Public Comment

Notice is hereby given that the Board of Barber Examiners has proposed the following rules amending the fees charged for license; issuance and renewal. These rules are promulgated pursuant to Minn. Stat. §§ 214.06 subd. 1 (1980); 15.0412 subd. 4 (1980) as amended by Laws of 1981, ch. 357 § 25; 16A.128 (1980), as amended by Laws of 1981, ch. 357 § 26. These provisions authorize the Board of Barber Examiners to adopt rules amending its fees without a public hearing when the total fees estimated to be received during the fiscal biennium will not exceed 110 percent of the sum of all direct appropriations, transfers in, and salary supplements for that purpose for the biennium.

No hearing will be held prior to the promulgation of these rules by the Board of Barber Examiners. All interested persons are hereby afforded the opportunity to submit their comments on the proposed rules for 30 days immediately following publication of this material in the State Register by writing to Executive Secretary, Board of Barber Examiners, 500 Metro Square Building, St. Paul,

Minnesota 55101. The proposed rules may be modified if modifications are supported by the data and views submitted. Any written material received shall become part of the record in the final adoption of the proposed rules. Any person who desires to be notified when the proposed rules and record herein are submitted to the Attorney General should so inform the Executive Secretary of the board of Barber Examiners. Publication is hereby ordered.

RULE AS PROPOSED

4 MCAR § 8.079 Fees.

| | | Fee |
|---|---|---|
| Examination and Certificate-Registered Barber | | $ 48.00 |
| Examination and Certificate-Apprentice | | 46.00 |
| Examination-Instructor | | 150.00 |
| Certificate-Instructor | | 35.00 |
| Renewal of License-Registered Barber | ~~$10.00~~ | 20.00 |
| Renewal of License-Apprentice | ~~16.00~~ | 18.00 |
| Renewal of License-Instructor | | 35.00 |
| Student Permit | | 10.00 |
| Initial Shop Registration | | 50.00 |
| Initial School Registration | | 1,000.00 |
| Renewal Shop Registration | | 10.00 |
| Renewal School Registration | | 200.00 |
| Restoration of Registered Barber License | | 25.00 |
| Restoration of Apprentice License | | 25.00 |

| | |
|---|---|
| Restoration of Shop Registration | 25.00 |
| Change of Ownership/Location | 10.00 |
| Duplicate License | 5.00 |

Date 2 November 1981

Executive Secretary Adam J. Smith

STATE OF MINNESOTA

DEPARTMENT OF COMMERCE
BOARD OF BARBER EXAMINERS

In the Matter of the Proposed Adoption
of Rules of the State Board of Barber Examiners
Governing Fees

ORDER ADOPTING
RULES

Notice of the Board of Barber Examiners intent to adopt the above-entitled rules without a public hearing was published in the State Register on November 30, 1981 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 15.0412, subdivision 4 on November 19, 1981. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as 4 MCAR § 8.079 are adopted this 18th day of January, 1982 pursuant to authority vested in me [the Board] by Minnesota Statutes section 154.

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE
BOARD OF BARBER EXAMINERS

Executive Secretary

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY )

AFFIDAVIT OF SERVICE
BY MAIL

Re: In re Proposed Rules Amending License and Renewal Fees

ADAM J. MIKROT, being first duly sworn deposes and says that on November 19, 1981, he served NOTICE OF INTENT TO AMEND RULES WITHOUT A HEARING REQUEST FOR PUBLIC COMMENT upon the below listed, by placing a true and correct copy thereof in an envelope addressed to the following:

(1) to all the following persons by interoffice mail: Cosmetology Board, Susan P. Robertson, Minnesota Board of Nursing, Jean Dawson, Post Board, George T. Falzone, Annette Levine and Peggy Schmidt;

(2) to all persons on attached list except the above,

and depositing the same, with postage prepaid, in the United States first-class mailing in the Commerce Department Mail Room in the City of Saint Paul, Minnesota.

Adam J. Mikrot

Subscribed and Sworn to before me
this 19th day of November, 1981.

Joan M. Schaeppi

JOAN M. SCHAEPPI
NOTARY PUBLIC—MINNESOTA
WASHINGTON COUNTY

RECEIVED
NOV 20 1981
Attorney General's Office
Bremer Towers Office

BARBER SCHOOLS

Brooks Barber School, 262 University, St. Paul, MN 55103
Moler Barber School, 1411 Nicollet Ave., Minneapolis, MN 55403
St. Paul Barber School, 211 W. 7th St., St. Paul, MN 55102
MTI Barber School, 1415 Hennepin S., Minneapolis, MN 55404
St. Cloud Barber School, Box B, St. Cloud, MN 56301
Minneapolis Barber School, 819 Hennepin Ave., Minneapolis, MN 55403

UNION

Arthur O. Dahl, 22 N. 21st St., Ave. W., Duluth, MN 55806
Leslie M. Langton, 320 2nd Ave., International Falls, MN 56649
Debbie C. Kuechle, 705 25th Ave. N., St. Cloud, MN 56301
Jerome C. Moore, 1521 4th Ave. S. W., Rochester, MN 55901
Francis Farrell, 157 Main St., Winona, MN 55987
Bob Bouten, 10609 W. River Rd., Minneapolis, MN 55443

AMBBA

Jeffrey G. Roberts, 3378 Bellaire Ave., White Bear, MN 55110
Roger D. Miller, 8522 Polk St. N. E., Minneapolis, MN 55435
Bernie Koenigs, 100 Blace, Eagle Lake, MN 56024
Dick Holtz, 205 Oak Grove Pl., St. Paul, MN 55105
Harvey Engelby, 125 Maple St., Fairmont, MN 56031
Robert I. Bergs, 1043 S. Madison, Shakopee, MN 55379
W. E. Boeder, 5325 Bloomington Ave., Minneapolis, MN 55417
Karen Abbott, 978 Sherren St., Roseville, MN 55113
Pamela J. Roberts, 11 E. Kellogg, St. Paul, MN 55101
Wallace Willette, Wally's Barber Shop, Dassel, MN 55325
Kenneth Wendt, 111 E. Lincoln, Fergus Falls, MN 56537
Phil Dietz, 106 1st St. S., Montgomery, MN 56069
Robert Sanders, 921 Victoria, Fairmont, MN 56031
Gary Hackbarth, R. 5, Box 48A, Austin, MN 55912
Don Myers, 505 Cook St., Redwood Falls, MN 56283

BOARD MEMBERS (INTEROFFICE)

Henry J. Sniezek, 128 16th Ave. N., St. Cloud, MN 56301
George T. Falzone, 1982 Warbler Ln., St. Paul, MN 55119
Annette Levine, 1640 Hillcrest, St. Paul, MN 55116
Peggy Schmidt, 201 S. Fairview, St. Paul, MN 55105

SECRETARY OF STATE LIST

W. E. Pierce, 202 Labor Temple, Duluth, MN
William L. Proulx, 4886 N. 126th St., White Bear Lake, MN 55110

OTHERS

Joe Francis, 730 Carla Ln., St. Paul, MN 55109
Peter S. Popovich, Law Office, Profess. Assoc., 314 Minn. Bldg., St. Paul, MN 55101
Bob Franklin, City Ediotr, Mpls Tribune, 425 Portland Ave., Minneapolis, MN 55488
Phillips Legislative Service, Inc., 459 Rice St., St. Paul, MN 55103
Conrad M. Fredin, Attorney At Law, 811 First National Bank Bldg., Duluth, MN 55802
Bonnie Bannano, Room 300, 1745 University Ave., St. Paul, MN 55104

OTHERS (INTEROFFICE)

Cosmetology Board, 500 Metro Sq. Bldg., St. Paul, MN 55101
Susan P. Robertson, Exec. Director, Room 430, State Office Bldg., St. Paul, MN 55155
Minnesota Board of Nursing, 717 Delaware St. S. E., Minneapolis, MN 55414
Jean Dawson, Editor, The Minnesota Government Report, B-12, Press Room, State Capital, St. Paul, MN
Post Board, 500 Metro Sq. Bldg., St. Paul, MN 55101

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption
of Rules of the State Board of Barber Examiners
Governing Fees

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I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 15.0412, subd. 4, that their names be placed on file with and maintained by the State Board of Barber Examiners for the purpose of receiving notice of the proposed adoption of rules by this Board is accurate and complete as of 9:00 A.M., this 19th day of November, 19 81.

Adam J. Dirks
Executive Secretary

# PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holdin public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

# Department of Commerce
# Board of Barber Examiners

## Proposed Rules Amending License and Renewal Fees

### Notice of Intent to Amend Rules without a Hearing

Notice is hereby given that the Board of Barber Examiners has proposed the following rules amending the fees charged for license; issuance and renewal. These rules are promulgated pursuant to Minn. Stat. §§ 214.06 subd. 1 (1980); 15.0412 subd. 4 (1980) as amended by Laws of 1981, ch. 357 § 25; 16A.128 (1980), as amended by Laws of 1981, ch. 357 § 26. These provisions authorize the Board of Barber Examiners to adopt rules amending its fees without a public hearing when the total fees estimated to be received during the fiscal biennium will not exceed 110 percent of the sum of all direct appropriations, transfers in, and salary supplements for that purpose for the biennium.

No hearing will be held prior to the promulgation of these rules by the Board of Barber Examiners. All interested persons are hereby afforded the opportunity to submit their comments on the proposed rules for 30 days immediately following publication of this material in the *State Register* by writing to Executive Secretary, Board of Barber Examiners, 500 Metro Square Building, St. Paul, Minnesota 55101. The proposed rules may be modified if modifications are supported by the data and views submitted. Any written material received shall become part of the record in the final adoption of the proposed rules. Any person who desires to be notified when the proposed rules and record herein are submitted to the Attorney General should so inform the Executive Secretary of the Board of Barber Examiners. Publication is hereby ordered.

### Rule as Proposed

**4 MCAR § 8.079 Fees.** The Board of Barber Examiners shall charge the following fees:

| | Fee | |
|---|---|---|
| examination and certificate, registered barber | $ ~~48.00~~ | |
| examination and certificate, apprentice | ~~46.00~~ | |
| examination, instructor | ~~150.00~~ | |
| certificate, instructor | ~~35.00~~ | |
| renewal of license, registered barber | ~~$18.00~~ | 20 |
| renewal of license, apprentice | ~~$16.00~~ | 18 |
| renewal of license, instructor | ~~35.00~~ | |
| student permit | ~~10.00~~ | |
| initial shop registration | ~~50.00~~ | |
| initial school registration | ~~1,000.00~~ | |
| renewal shop registration | ~~10.00~~ | |
| renewal school registration | ~~200.00~~ | |
| restoration of registered barber license | ~~25.00~~ | |
| restoration of apprentice license | ~~25.00~~ | |

| | |
|---|---|
| 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 actions 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 ($10) 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 ($10) 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 ($10) 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 ($2) 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.

CERTIFICATE OF BOARD'S

RESOLUTION ADOPTING RULES

I, PEGGY SCHMIDT do hereby certify that I am a member and the Chairperson of the Board of Barber Examiners, 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 Barber Examiners, duly and properly called and held on the 18th day of January, 19 82, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that Adam J. Mikrot, the Executive Secretary for the Board of Barber Examiners, was granted the authority to proceed with any and all steps necessary to amend Chapter Seven 4 MCAR §§ 8.079, the rule relating to fees; IT IS FURTHER RESOLVED, that the rules relating to fees be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes §§ 214.06, subd. 1 (1980); 15.0412, subd. 4; and 16A.128 (1980 and 1981), and that Adam J. Mikrot, the Executive Secretary of the Board of Barber Examiners, be and hereby is authorized to sign an order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 18th day of January, 19 82.

(Officer of the Board)

Annette K. Levine

Kenneth E. Kirkpatrick

Attest by one other Board member

CERTIFICATE OF BOARD'S

RESOLUTION ADOPTING RULES

I, PEGGY SCHMIDT do hereby certify that I am a member and the Chairperson of the Board of Barber Examiners, 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 Barber Examiners, duly and properly called and held on the 18th day of January, 19 82, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that Adam J. Mikrot, the Executive Secretary for the Board of Barber Examiners, was granted the authority to proceed with any and all steps necessary to amend Chapter Seven 4 MCAR §§ 8.079, the rule relating to fees; IT IS FURTHER RESOLVED, that the rules relating to fees be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes §§ 214.06, subd. 1 (1980); 15.0412, subd. 4; and 16A.128 (1980 and 1981), and that Adam J. Mikrot, the Executive Secretary of the Board of Barber Examiners, be and hereby is authorized to sign an order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 18th day of January, 19 82.

Secretary George T. Fabyan
(Officer of the Board)

Kenneth E Kirkpatrick Jr Member
Annette K. Levine (Public Member)
Attest by one other Board member

STATEMENT OF NEED AND REASONABLENESS
FOR PROPOSED RULE AMENDING 4 MCAR § 8.079

The Board of Barber Examiners has proposed certain amendments to 4 MCAR § 8.079, which sets the fees charged by the Board. The proposed rule increases the fees for a registered barber license and an apprentice license by $2.00 each. The proposed rule also charges a $10.00 fee for change of ownership or location and a $5.00 fee for a duplicate license. Other changes in the proposed rule are merely for form or grammar.

Each of the increases in fees is necessary because of the increased costs for issuing those licenses. The costs for printing the renewal licenses for barbers and apprentices has increased. The increased demand for duplicate licenses and the increased frequency of change of ownership or location justified those new fees.

The authority for this proposed rule amending the fees charged by the Board of Barber Examiners is found at Minn. Stat. §§ 214.06, subd. 1 (1980); 15.0412, subd. 4 (1980) and Supp.(1981); 16A.128 (1980) and Supp. (1981).

Rule as Proposed

4 MCAR S 8.079 Fees. The Board of Barber Examiners shall charge the following fees:

| | Fee |
|---|---|
| examination and certificate, registered barber | $ ~~48.00~~ |
| examination and certificate, apprentice | ~~46.00~~ |
| examination, instructor | ~~150.00~~ |
| certificate, instructor | ~~35.00~~ |
| renewal of license, registered barber | ~~$18.00~~ 20 |
| renewal of license, apprentice | ~~$16.00~~ 18 |
| renewal of license, instructor | ~~35.00~~ |
| student permit | ~~10.00~~ |
| initial shop registration | ~~50.00~~ |
| initial school registration | ~~1,000.00~~ |
| renewal shop registration | ~~10.00~~ |
| renewal school registration | ~~200.00~~ |
| restoration of registered barber license | ~~25.00~~ |
| restoration of apprentice license | ~~25.00~~ |
| restoration of shop registration | ~~25.00~~ |
| change of ownership or location | 10 |
| duplicate license | 5 |

We feel that the fee should be $100.00 for a 15-chair school and $200.00 for a 30-chair school; or $200.00/15-chair school, $400.00/30-chair school.

Linda A Rents

RECEIVED
DEC 10 1981
BOARD OF BARBER EXAMINERS

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

DEPARTMENT OF COMMERCE

BOARD OF BARBER EXAMINERS

**Proposed Rules Amending License and Renewal Fees**

**Notice of Intent to Amend Rules Without a Hearing**
**Request for Public Comment**

Notice is hereby given that the Board of Barber Examiners has proposed the following rules amending the fees charged for license; issuance and renewal. These rules are promulgated pursuant to Minn. Stat. §§ 214.06 subd. 1 (1980); 15.0412 subd. 4 (1980) as amended by Laws of 1981, ch. 357 § 25; 16A.128 (1980), as amended by Laws of 1981, ch. 357 § 26. These provisions authorize the Board of Barber Examiners to adopt rules amending its fees without a public hearing when the total fees estimated to be received during the fiscal biennium will not exceed 110 percent of the sum of all direct appropriations, transfers in, and salary supplements for that purpose for the biennium.

No hearing will be held prior to the promulgation of these rules by the Board of Barber Examiners. All interested persons are hereby afforded the opportunity to submit their comments on the proposed rules for 30 days immediately following publication of this material in the State Register by writing to Executive Secretary, Board of Barber Examiners, 500 Metro Square Building, St. Paul, Minnesota 55101. The proposed rules may be modified if modifications are supported by the data and views submitted. Any written material received shall become part of the record in the final adoption of the proposed rules. Any person who desires to be notified when the proposed rules and record herein are submitted to the Attorney General should so inform the Executive Secretary of the board of Barber Examiners. Publication is hereby ordered.

In the Matter of the Proposed Adoption of Rules of the State Board of Barber Examiners Governing Fees.

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I Special Assistant Attorney General John C. Bjork, 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.

John C. Bjork

JOHN C. BJORK

Dated: January 20, 1982