

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. ~~05.000~~ 1369

Docket No. 05.0009.0135

DATE RECEIVED 5/19/87
REVIEW DATE 5/28
DUE DATE 6/2

APPROVED 6.2.87 mjc
DISAPPROVED
WITHDRAWN

ADOPTED W/O HEARING X
EMERGENCY RULE

REVISOR APPROVED X
REVISOR DISAPPROVED
FILED W/SEC. STATE
RETURNED TO AGENCY

✓ Rule as adopted (4 copies)

___ Notice to Solicit Outside Information/Opinion
___ Date published in State Register
___ Comments

___ Petition for Adoption of a Rule

✓ Board's Authorizing Resolution

✓ Proposed rule
yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule
154.24 + 214.06 Statutory Authority
NO Small business statement
NO Expenditure of public money statement
yes Signature

✓ Statement of Need and Reasonableness

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
3/18/87 Date 30/25 days before adoption

✓ Publication in State Register
3/23/87 Date 30/25 days before adoption

✓ Resolution Adopting

✓ Findings of Fact, Conclusions & Order Adopting
5/4/87 Date

✓ Written requests, submissions or comments

✓ Declaration of attorney
John B. Jork Name of SAAG representing agency

✓ Notice of Submission to Attorney General

___ Affidavit of Mailing Notice to Attorney General

Deliver to Secty of State 6/2 2m

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : June 2, 1987

TO : ADAM J. MIKROT
Executive Secretary

FROM : MARTHA CASSERLY
Special Assistant
Attorney General

PHONE : 6-6204

SUBJECT : In the Matter of the Adopted Rule Relating to
Board of Barber Examiners - Fees

The above-referenced rule has been approved as to its legality by the Attorney General on June 2, 1987.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

MJC:nah

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Adminsitrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

AG Copy

Board of Barber Examiners

Adopted Permanent Rules Relating to Fees

Rules as Adopted

2100.9300 FEES.

The Board of Barber Examiners shall charge the following fees:

A. examination and certificate, registered barber, $55;

B. examination and certificate, apprentice, $50;

C. examination, instructor, $150;

D. certificate, instructor, $35;

E. renewal of license, registered barber, $25;

F. renewal of license, apprentice, $20;

G. renewal of license, instructor, $35;

H. student permit, $10;

I. initial shop registration, $50;

J. initial school registration, $1,000;

K. renewal shop registration, $35;

L. renewal school registration, $200;

M. restoration of registered barber license, $50;

N. restoration of apprentice license, $45;

O. restoration of shop registration, $60;

P. change of ownership or location, $25; and

Q. duplicate license, $10.

Problem? see my notes

EFFECTIVE DATE. Part 2100.9300, items K and O are effective June 30, 1987. The remainder of this part is effective December 31, 1987.

11:22 AM

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 2 1987
Joan Anderson Growe
Secretary of State

APPROVED AS TO FORM AND LEGALITY
June 2 19 87
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

CERTIFICATE OF THE

BOARD OF BARBER EXAMINERS

RESOLUTION ADOPTING THE RULE

I, KENNETH E. KIRKPATRICK, do hereby certify that I am a member and the Secretary 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 29th day of April, 1987, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "RESOLVED, that the rule relating to fees is approved and adopted, pursuant to authority vsted in the Board of Barber Examiners by Minn. Stat. §§ 154.24 and 214.06 (1986). Henry J. Sniezek, the chairman of the Board of Barber Examiners, is authorized to sign the findings of fact, conclusions, and order adopting the rule and further is authorized to modify the rule if necessary to obtain the approval of the rule by the attorney general and to perform the necessary acts to provide that the rule shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 29 day of April, 1987.

Kenneth E. Kirkpatrick

Attest by one other Board member

Board of Barber Examiners

Proposed Permanent Rules Relating to Fees

Rules as Proposed

2100.9300 FEES.

The Board of Barber Examiners shall charge the following fees:

A. examination and certificate, registered barber ~~$50~~, $55;

B. examination and certificate, apprentice ~~40~~, $50;

C. examination, instructor, $150;

D. certificate, instructor, $35;

E. renewal of license, registered barber ~~20~~, $25;

F. renewal of license, apprentice ~~10~~, $20;

G. renewal of license, instructor, $35;

H. student permit, $10;

I. initial shop registration, $50;

J. initial school registration, $1,000;

K. renewal shop registration ~~25~~, $35;

L. renewal school registration, $200;

M. restoration of registered barber license ~~45~~, $50;

N. restoration of apprentice license ~~43~~, $45;

O. restoration of shop registration ~~50~~, $60;

P. change of ownership or location, $25; and

Q. duplicate license, $10.

EFFECTIVE DATE. Part 2100.9300, items K and O are effective June 30, 1987. The remainder of this part is effective December 31, 1987.

Approved by Revisor

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Fees

AGENCY: Board of Barber Examiners

MINNESOTA RULES: Chapter 2100

The attached rules are approved for publication
in the State Register

Paul M. Marinac
Assistant Deputy Revisor

STATE OF MINNESOTA
BOARD OF BARBER EXAMINERS

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

NOTICE OF INTENT TO ADOPT A
RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Board of Barber Examiners intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minn. Stat. §§ 14.22 to 14.28 (1986). The statutory authority to adopt the rule is Minn. Stat. §§ 154.24 and 214.06 (1986).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. No public hearing need be held unless 20 percent of the persons who will be required to pay the fees submit to the agency during the 30-day period allowed for comment a written request for a public hearing on the proposed rule. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minn. Stat. §§ 14.131 to 14.30 (1986).

Comments or written requests for a public hearing must be submitted to:

Adam J. Mikrot, Executive Secretary
Board of Barber Examiners
5th Floor Metro Square Building
Seventh and Robert Streets
St. Paul, Minnesota 55101
612-296-2364

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is on the reverse side of this sheet.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Adam J. Mikrot, Executive Secretary, Board of Barber Examiners, at the above address and telephone number, upon request.

If no hearing is required upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Adam J. Mikrot, Executive Secretary, Board of Barber Examiners, at the above address.

Dated: 9 March 1987

Adam J. Mikrot
Executive Secretary
Board of Barber Examiners

Board of Barber Examiners

Proposed Permanent Rules Relating to Fees

Rules as Proposed

2100.9300 FEES.

The Board of Barber Examiners shall charge the following fees:

A. examination and certificate, registered barber ~~$50~~, $55;

B. examination and certificate, apprentice ~~$48~~, $50;

C. examination, instructor, $150;

D. certificate, instructor, $35;

E. renewal of license, registered barber ~~$20~~, $25;

F. renewal of license, apprentice ~~$18~~, $20;

G. renewal of license, instructor, $35;

H. student permit, $10;

I. initial shop registration, $50;

J. initial school registration, $1,000;

K. renewal shop registration ~~$25~~, $35;

L. renewal school registration, $200;

M. restoration of registered barber license ~~$45~~, $50;

N. restoration of apprentice license ~~$43~~, $45;

O. restoration of shop registration ~~$50~~, $60;

P. change of ownership or location, $25;

Q. duplicate license, $10.

EFFECTIVE DATE. Part 2100.9300, items K and O are effective June 30, 1987. The remainder of this part is effective December 31, 1987.

STATE OF MINNESOTA
BOARD OF BARBER EXAMINERS

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

STATEMENT OF NEED AND REASONABLENESS

The proposed rule in this matter is an amendment to Minn. Rules pt. 2100.9300 (1985), which is the rule governing fees for the Board of Barber Examiners (hereinafter "Board"). The proposed rule increases certain fees charged by the Board.

Pursuant to Minn. Stat. §§ 16A.128 and 214.06 (1986), the Board must set its fees in order to collect an amount that is as equal as possible to its anticipated costs during the fiscal biennium. The Board's present fee structure does not recover its costs. Therefore, the Board has determined that it is necessary to adjust its fee schedule by increasing certain fees charged by the Board. As discussed below, the fee increases in each case are reasonable because the fee increases are only modest increases. At the same time, the fees are increased a sufficient amount to meet the Board's total anticipated costs.

Item A increases the fee for the examination and initial certificate of registration for a registered barber from $50.00 to $55.00. This proposed fee will generate increased revenues of approximately $525.00 for both fiscal years 1988 and 1989.

Item B increases the fee for the examination and initial certificate of registration for an apprentice from $48.00 to $50.00. This proposed fee will generate increased revenues of approximately $210.00 for both fiscal years 1988 and 1989.

Item E increases the fee for renewing a registered barber license from $20.00 to $25.00. This proposed fee will generate increased revenues of approximately $14,375.00 for both fiscal years 1988 and 1989.

Item F increases the fee for renewing the apprentice license from $18.00 to $20.00. This proposed fee will generate increased revenues of $600.00 for both fiscal years 1988 and 1989.

Item K increases the fee for renewing the shop registration of a barber shop from $25.00 to $35.00. This proposed fee will generate increased revenues of approximately $12,500.00 for fiscal year 1987, $12,750.00 for fiscal year 1988, and $13,000.00 for fiscal year 1989.

Item M increases the fee for restoring a delinquent registered barber license from $45.00 to $50.00. This proposed fee will generate a decrease of revenues of approximately $1,375.00 for fiscal year 1988 and a decrease of $2,375.00 for fiscal year 1989.

Item N increases the fee for restoring a delinquent apprentice license from $43.00 to $45.00. This proposed fee will generate increased revenues of approximately $790.00 for both fiscal years 1988 and 1989.

Item O increases the fee for restoring a delinquent shop registration for a barber shop from $50.00 to $60.00. This proposed fee will generate increased revenues of approximately $1,500.00 for fiscal year 1987, $750.00 for fiscal year 1988, and $600.00 for fiscal year 1989.

Since the shop registration for barber shops must be renewed July 1 of each year, the increased fees for barber shops, Items K and O, will be effective June 30, 1987. The remainder of the fees will not be effective until December 31, 1987, since the other licenses are renewable at the beginning of each calendar year.

The Department of Finance has reviewed these proposed fee increases and has approved them. A copy of that approval is attached hereto.

Pursuant to Minn. Stat. § 14.115 (1986), the Board determined that the proposed rule has an impact on small business, since many barbers and barber shops are small businesses. However, the fee increases are relatively modest, and the Board concluded that there is no feasible way to reduce the impact on small businesses and still increase the fees a sufficient amount to raise revenues for the Board in order to cover its expenses. Notice of these fee increases has been sent to all licensed barbers, which includes those who are managing a barber shop owned by someone who is not a barber.

Yours

SF-00006-04

DEPARTMENT : BOARD OF BARBER EXAMINERS

STATE OF MINNESOTA

Office Memorandum

PHONE : 296-2364

DATE : March 11, 1987

TO : Josie Ashton, Agency Controller
Department of Finance
Room 309 Administration Bldg.

FROM : Adam J. Mikrot
Executive Secretary

SUBJECT : REVISED proposed fee increase

As per our telephone conversation on 3/9/87, enclosed is a corrected fee review and a breakdown sheet.

The additional estimated revenue due to a fee increase should be FY 87 $14,000; FY 88 $28,625 and FY 89 $27,725.

Proposed fees were approved by Finance on 2/23/87. Proposed fees will remain the same as approved, however the detail supporting the fee change has been corrected as we discussed.

The proposed fee increase has been sent to the State Register for publication, should there be any problem, please call me immediately.

AJM:mt

Approved 3-11-87
B.J. Reddemann, Director
Budget Operations & Support

Attachment 4-02

Department of Finance

FY 87 Proposed Fees

Fee Review

Department/Agency:
NON HEALTH BOARDS - BOARD OF BARBER EXAMINERS

Fee Name:
LICENSING AND EXAMINATION

Legal Citation:
MSA 154 214.06 Chapter 2100

Fee Set By: [XX] Law [XX] Agency

Purpose of Fee:
To examine and license apprentices, registered barbers, shops and to enforce the provisions of Minnesota Statutes 154, 214.06 and Chapter 2100.

[ ] Dedicated [XX] Non Dedicated

Revenue Code:

APID: 21502:00-10

Accumulated thru 84: 99.8

Dollars in Thousands (137,522 = 137.5)

Fiscal Year	Actual F.Y. 85	Actual F.Y. 86	Estimated F.Y. 87	Requested F.Y. 88	Requested F.Y. 89
Actual/Anticipated Receipts	127.4	137.4	138.5	157.7	156.7
Less Actual/ Anticipated Costs	133.0	144.2	150.4	157.5	155.7
Current Difference	(5.6)	(6.8)	(11.9)	.2	1.0
Accumulated Difference*	(5.6)	(12.4)	(24.3)	(24.1)	(23.1)
Number Paying Fee	5,072	4,894	4,923	4,923	4,923
Present Fee	SEE ATTACHED				
Date Fee Last Changed	1983				

Remarks:

	FY 85	FY 86	FY 87	FY 88	FY 89
Actual/Estimated Expenditures	121.6	119.9	130.4	133.6	133.5
Attorney General	0	3.9	4.0	4.0	4.1
Commerce Indirect	9.3	9.8	11.1	11.3	11.3
Statewide Indirect	2.1	10.6	4.9	5.2	5.4
TOTAL	133.0	144.2	150.4	154.1	154.3
CHANGE REQUEST				3.4	1.4
				157.5	155.7

Finance Department Recommendation:

The present fee structure does not recover indirect costs, and were it not for the prior year carryover, costs would not have been recovered in the current biennium. The Board has indicated that it intends to increase shop registration fees effective June 30, 1987 and barber license fees effective 12/31/87 to fully recover costs for the FY 1988 and 1989 biennium. Concur with Board's intent to increase fees.

Approved By [illegible] 3-11-87

[illegible], Director
Budget Operations & Support

Department Authorized Signature: Adam J. Thiboutot 3/11/87

Agency Controller Signature: Josie Ashton 3/11/87

REVISED REVENUE ESTIMATES FY 87-89
BARBE

TITLE OF FEES	REVENUE SOURCE	FEE	FY 85 ACTUAL	FY 86 ACTUAL	FY 87 ESTIMATED	FY 88 ESTIMATED	FY 89 ESTIMATED	STATUTORY REFERENCES
Apprentice Exams	300	48	7,440	6,144	4,320	5,040	5,040	Rule
	Proposed	50				5,250	5,250	Rule
Barber Exams	300	50	4,300	5,000	5,250	5,250	5,250	Rule
	Proposed	55				5,775	5,775	Rule
Instructor Exam	300	150	450	150	150	150	150	Rule
Duplicate License-Barbers	300	10	30	20	20	20	20	Rule
Duplicate License-Apprentice	300	10	0	0	0	0	0	Rule
Duplicate License-Shops	300	10	0	0	0	0	0	Rule
Student Permit	310	10	1,590	1,570	1,300	1,300	1,300	Rule
Apprentice Renewals	310	18	5,436	5,958	4,950	5,400	5,400	Rule
	Proposed	20				6,000	6,000	Rule
Barber Renewals	310	20	57,140	60,955	55,400	57,500	57,500	Rule
	Proposed	25				71,875	71,875	Rule
Initial Shop Registration	310	50	2,800	3,750	1,000	1,000	1,000	Rule
Shop Renewals	310	25	31,400	32,650	31,250	31,875	32,500	Rule
	Proposed	35			43,750	44,625	45,500	Rule
School Renewals	310	200	1,000	1,000	800	800	800	Rule
Instructors License	310	35	630	595	630	630	630	Rule
Change of Location	310	25	650	800	775	775	775	Rule
Change of Ownership	310	25	825	675	625	625	625	Rule
Initial School Registration	310	1,000	0	1,000	0	0	0	Rule
Miscellaneous	360		390	70	35	35	35	Rule
Apprentice Restoration	800	25	1,150	1,500	2,580	2,585	2,585	Rule
	Proposed	45				3,375	3,375	Rule
Barber Restoration	800	25	11,170	14,000	12,375	12,375	12,375	Rule
	Proposed	50				11,000	10,000	Rule
Shop Restoration	800	25	950	1,500	3,000	3,750	3,000	Rule
	Proposed	60			4,500	4,500	3,600	Rule
TOTALS			127,351	137,400	124,460	129,110	128,985	
PROPOSED (estimated effective 3/30/87)					138,460	157,735	156,710	
Fee Increase					14,000	28,625	27,725	

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

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Adam J. Mikrot, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 or 14.30 (1986), that their names be placed on the state board of barber examiners rulemaking list is accurate, complete, and current as of this 18th day of March, 1987.

That on the 18th day of March, 1987, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt A Rule Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States Mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list, and to all licensed barbers.

Adam J. Mikrot
ADAM J. MIKROT
Executive Secretary

Subscribed and sworn to before me this 20th day of March, 1987.

Helen M. Boyer
Notary Public

HELEN M. BOYER
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES JULY 31, 1990

PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a 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 25 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 the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 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 §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Board of Barber Examiners

Proposed Permanent Rules Relating to Fees

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the State Board of Barber Examiners intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minn. Stat. §§ 14.22 to 14.28 (1986). The statutory authority to adopt the rule is Minn. Stat. §§ 154.24 and 214.06 (1986).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. No public hearing need be held unless 20 percent of the persons who will be required to pay the fees submit to the agency during the 30-day period allowed for comment a written request for a public hearing on the proposed rule. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minn. Stat. §§ 14.131 to 14.30 (1986).

Comments or written requests for a public hearing must be submitted to:

Adam J. Mikrot, Executive Secretary
Board of Barber Examiners
5th Floor Metro Square Building
Seventh and Robert Streets
St. Paul, Minnesota 55101

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Adam J. Mikrot, Executive Secretary, Board of Barber Examiners, at the above address and telephone number, upon request.

If no hearing is required upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Adam J. Mikrot, Executive Secretary, Board of Barber Examiners, at the above address.

Dated: 9 March 1987

Adam J.Mikrot, Executive Secretary
Board of Barber Examiners

Rules as Proposed

2100.9300 FEES.

The Board of Barber Examiners shall charge the following fees:

A. examination and certificate, registered barber ~~$50~~, $55;

B. examination and certificate, apprentice ~~48~~, $50;

C. examination, instructor, $150;

D. certificate, instructor, $35;

E. renewal of license, registered barber ~~20~~, $25;

F. renewal of license, apprentice ~~18~~, $20;

G. renewal of license, instructor, $35;

H. student permit, $10;

I. initial shop registration, $50;

J. initial school registration, $1,000;

K. renewal shop registration ~~25~~, $35;

L. renewal school registration, $200;

M. restoration of registered barber license ~~45~~, $50;

N. restoration of apprentice license ~~43~~, $45;

O. restoration of shop registration ~~50~~, $60;

P. change of ownership or location, $25; and

Q. duplicate license, $10.

EFFECTIVE DATE. Part 2100.9300, items K and O are effective June 30, 1987. The remainder of this part is effective December 31, 1987.

Public Utilities Commission

Proposed Permanent Rules Relating to Rate Adjustments Due to Tax Reform Act of 1986

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the Minnesota Public Utilities Commission intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, sections 216B.08, 237.02, 237.06, 216B.03, and 237.10.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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.

EXHIBIT C-2

CERTIFICATE OF THE
BOARD OF BARBER EXAMINERS
AUTHORIZING RESOLUTION

I, Kenneth E. Kirkpatrick, do hereby certify that I am a member and the Secretary (office) 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 duly and properly called and held on the 17th day of December, 1986, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

"RESOLVED, that Adam J. Mikrot, the Executive Secretary of the Board of Barber Examiners, is hereby granted the authority and directed to sign and to give the Notice of the Board's Intent to Adopt a rule without a public hearing governing fees to all persons who have registered their names with the Board for that purpose and publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 17th day of December, 1986.

Kenneth E. Kirkpatrick
Name and Title - Secretary

Attest by one other Board member

STATE OF MINNESOTA

BOARD OF BARBER EXAMINERS

In the Matter of the Proposed Adoption of the Rule of the State Board of Barber Examiners Governing Fees	FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

Notice of the Board's intent to adopt the above-entitled rule was published in the State Register on March 23, 1987, and was sent by United States mail to all licensed barbers and to all persons on the list maintained by the agency pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 on March 18, 1987. The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all licensed barbers and to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. The Board received 5 requests for a public hearing. Therefore, the Board did not receive request for a public hearing from 20 percent of the persons who will be required to pay the fee.

No requests for notice of submission to the attorney general were received by the Board.

Based on the comments and evidence in the record before the agency, the Board finds that the above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Minn. Rules pt. 2100.9300 (1985), as modified, is adopted this 4th day of May, 1987, pursuant to the authority vested in the Board by Minn. Stat. §§ 154.24 and 214.06 (1986).

HENRY J. SNIEZEK, Chairman
Board of Barber Examiners

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

DECLARATION OF COUNSEL

I, John C. Bjork, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minn. Rules ch. 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is .0135.

Dated: May 5, 1987

JOHN C. BJORK
Special Assistant
Attorney General

Rule - Adopted
p1 Lin 28-29

This might be a problem, however, they will be ~~pu~~ sent to publisher on 6/2/86 (they already have a spot reserved). I think the "effective date" could actually be earlier, & therefore don't think it is a problem in this case. - I agree - date is in future

Comments

Request Hearing
~~IIII~~ - OK

Notice of Intent

statement "No public hearing need be held unless 20% of the persons ...." instead of "25 or more persons ..." *correct - - 16A.128

No comment - *Small business statement - complied w/ 14.115 by sending to all persons
- Expenditure of Pub. Money - N/A

Authority

154.24 ✓ need approval of St. Com. of Health. Board's interp. is that this only applies to sanitary requirements
~~fo~~ / 214.06 ✓ " " " Com. of Commerce OK

Office of the Revisor of Statutes
Administrative Rules

Paul M. Marinac
Assistant Deputy Revisor
296-0948

700 State Office Building
435 Park Street
St. Paul, MN 55155-1297

March 23, 1987

Adam J. Mikrot
Board of Barber Examiners
5XX Metro Square
Saint Paul, Minnesota 55101

RE: AR1081 Fees

Dear Mr. Mikrot:

Enclosed is a stripped copy of your proposed rules as published in the State Register. The copy shows the text of the rules as you proposed them with the stricken text deleted and the underscoring removed.

If your proposed emergency rules or proposed rules adopted without public hearing are adopted without modification, please submit the required number of copies of this document to the Attorney General for final approval. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will then input the changes, approve the document as to form, and provide you with copies to submit to the Attorney General.

If your proposed rules are adopted after public hearing without modification, please submit one copy of this document to our office for final approval as to form. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will input the changes, approve the document as to form, and provide you with copies.

Very truly yours,

Paul M. Marinac
mk

Paul M. Marinac

PMM/jc
Encl.

RECEIVED
MAR 25 1987
BOARD OF BARBER EXAMINERS