

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1444 Docket No. 05.0009.0126

DATE RECEIVED 1/19/88 ADOPTED W/O HEARING _____

REVIEW DATE 1/28/88 ~~wed~~ thurs EMERGENCY RULE _____

DUE DATE 2/2/88 BC

REVISOR APPROVED _____

APPROVED 1.28.88 mjc REVISOR DISAPPROVED _____

DISAPPROVED ✓ FIELD W/SEC.STATE _____

WITHDRAWN _____ RETURNED TO AGENCY _____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~~

A _____ Board's Authorizing Resolution

✓ Proposed rule

✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule

154.24 Statutory Authority

yes Small Business Statement

_____ Expenditure of public money statement

yes Signature

✓ Statement of Need and Reasonableness

yes Small Business Statement

N/A Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

11-23-87 Date 30/25 days before adoption

A _____ Publication in State Register

12-7-87 Date 30/25 days before adoption

✓ Resolution Adopting 1-6-88

✓ Findings of Fact, Conclusions & Order Adopting

1-6-88 Date (30th day is 1-6-88 signed on 1-12-88)

none Written requests, submissions or comments

✓ Declaration of attorney

Peggy Burk Name of SAAG representing agency

N/A Notice of Submission to Attorney General

N/A Affidavit of Mailing Notice to Attorney General

ATTORNEY GENERAL

January 28, 1988

PEGGY BIRK
Special Assistant
Attorney General

MARTHA J. CASSERLY
Special Assistant
Attorney General

6-6839

In the Matter of the Adopted Rule Relating to
License Transfer and Expansion or Change of Location
of School

The above-referenced rule has been approved as to its legality by the Attorney General on January 28, 1988.

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, submissions 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 establish 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
Duane Harves

Board of Barber Examiners

Adopted Permanent Rules Relating to License Transfer and Expansion or Change of Location of School

Rules as Adopted

2100.5500 LOCATION OF LICENSE, TRANSFER OF LOCATION, OR EXPANSION OF SCHOOL.

Subpart 1. [Unchanged.]

Subp. 2. **Transfer of license, change of location, or expansion of school.** Upon receipt of an application to the board for transfer of a license, change of location of the barber school facility, or expansion of the school, the board shall approve or deny the application in accordance with the standards of Minnesota Statutes, section 154.07, and parts 2100.5100 to 2100.5200. If the board denies the application, it shall notify the applicant of a right to a hearing under Minnesota Statutes, chapter 14.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 28 1988
Joan Anderson Growe
Secretary of State

1:42PM

APPROVED AS TO FORM AND LEGALITY
January 28 1988
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassady
SPECIAL ASSISTANT ATTORNEY GENERAL

CERTIFICATE OF THE

BOARD OF BARBER EXAMINERS

AUTHORIZING RESOLUTION

I, Terrie Marie Mau, 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 of Barber Examiners duly and properly called and held on the 18th day of November, 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 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 transfer of location, change of ownership, or expansion of a barber school 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 18th day of November, 1987.

Terrie M Mau
(Officer of the Board)

Kenneth E. Kirkpatrick
Attest by one other Board member

Board of Barber Examiners

Proposed Permanent Rules Relating to License Transfer and Expansion or Change of Location of School

Rules as Proposed

2100.5500 LOCATION OF LICENSE ~~AND~~, TRANSFER OF LOCATION, OR EXPANSION OF SCHOOL.

Subpart 1. [Unchanged.]

Subp. 2. Transfer of ~~location~~ license, change of location, or expansion of school. ~~The license may, by written application to the board, request a hearing for transfer of a license, change of location of the barber school facility, or expansion of the school.~~ Upon receipt of ~~such~~ an application, to the board ~~shall conduct a public hearing in accordance with Minnesota Statutes, chapter 14, and rules promulgated thereunder. The criteria for determining the application for a transfer, change of location, or expansion shall be the same standards applicable to the issuance of an original license~~ for transfer of a license, change of location of the barber school facility, or expansion of the school, the board shall approve or deny the application in accordance with the standards of Minnesota Statutes, section 154.07, and parts 2100.5100 to 2100.5200. If the board denies the application, it shall notify the applicant of a right to a hearing under Minnesota Statutes, chapter 14.

Approved by Revisor

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to License Transfer and Expansion or Change of Location of School

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 EXAMIN

In the Matter of the Proposed Adoption of the Rule of the State Board of Barber Examiners Governing Transfer of License, Change of location or Expansion of Barber Schools.

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 Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Stat. 154.24.

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.

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 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.

The proposed rule will have an impact on small business pursuant to MSA 14.155, subdivision 4 because it affects barber shops and barber schools by making it less burdensome for a barber school to transfer its location, change its ownership or be expanded.

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 at the above address.

Dated 11/23/87

Adam J. Mikrot

Adam J. Mikrot, Executive Secretary
Board of Barber Examiners

BOARD OF BARBER EXAMINERS
STATE OF MINNESOTA

In the Matter of the
Proposed Amendment of
the Rule of the State
Board of Barber Examiners
Governing the Transfer of
a License, Change of Location,
or Expansion of a Barber School.

STATEMENT OF NEED
AND REASONABLENESS

The Board of Barber Examiners proposes to amend Minn. Rules pt. 2100.5500, subpt. 2 (1987) by deleting the requirement of a hearing for the transfer of a license, change of location, or expansion of a barber school. The circumstances regarding the proposed rule relate to two recent applications under the existing rule. In one case, the school applied to change its locations, and in another case the school is contemplating a change of ownership. In both cases, the requirement of a contested case hearing has imposed a burden on the existing schools because of the additional costs and time associated with a contested case hearing. In the Board's opinion, such a hearing regarding a change in the licensing status of an existing school does not serve any significant purpose since the Board is already familiar with the management and operation of those schools. The questions of whether the license of the school should be transferred to another person, the location of the school should be changed, or the school should be expanded can all be addressed through a written application that is reviewed according to the standards of Minn. Stat. § 154.07 (1986) and Minn. Rules pts. 2100.5100 - 2100.5200.

As a result, the proposed rule is both necessary and reasonable. It deletes the requirement of a hearing while requiring that the application be considered pursuant to the standards of Minn. Stat. § 154.07 (1986) and Minn. Rules pts. 2100.5100 - 2100.5200 (1987). In addition, it allows an applicant whose application has been denied to request a contested case hearing.

Pursuant to Minn. Stat. § 14.115, subd. 2 (1986), the Board has considered the impact of the proposed rule on small businesses. The greatest impact will be on barber schools, although the proposed rule may also have an impact on barbershops. The proposed rule will significantly reduce the burden on existing barber schools that desire to change the status of their license. The proposed rule may also have an impact upon neighboring barbershops since there would not be a public hearing at which they could offer their views on the proposed transfer of a license, change of location, or expansion of a barber school pursuant to Minn. Rules pt. 2100.5200, subpt. 2.B. (1987). However, under the proposed rule, the Board still must consider the effect that the proposed action by the existing barber school will have on existing barbershops and barber schools in the community. Thus, the impact upon barbershops should not be very significant.

BOARD OF BARBER EXAMINERS

STATE OF MINNESOTA

In the Matter of the Proposed Amendment of the Rule of the State Board of Barber Examiners Governing the Transfer of a License, Change of Location, or Expansion of a Barber School.

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)

Maureen Tibbetts, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the state Board of Barber Examiners rulemaking mailing list is accurate, complete, and current as of November 23, 1987.

That on the 23rd day of November, 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.

Maureen Tibbetts

MAUREEN TIBBETTS
Secretary for the
Board of Barber Examiners

Subscribed and sworn to before me this 1 day of December, 1987.

Adam J. Birkett

Notary Public

ADAM J. BIRKETT
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Mar. 28, 1991

NOTICE OF ...RINGS FOR PEGGY SCHMIDT AND JERRY REIN... SENT JULY 10, 1984.

BARBER SCHOOLS

MN School of Barbering - 3615 E Lake St - Mpls 55406
~~Brooks Barber School - 262 University Ave. - St. Paul, Mn. 55103~~
Moler Barber School - 1411 Nicollet Ave. - Mpls., Mn. 55403
~~St. Paul Barber School - 211 W. 7th St. - St. Paul, Mn. 55102~~
MTI Barber School - 1415 Hennepin Ave. So. - Mpls., Mn. 55404
St. Cloud Barber School - Box B - St. Cloud, Mn. 56301
Minneapolis Barber School - 819 Hennepin Ave. - Mpls., Mn. 55403

UNION

Arthur O. Dahl - ~~22 No. 21st St. Ave. West - Duluth, Mn. 55806~~ 4306 OTSEGO Duluth 55804
Leslie M. Langton - ~~320 2nd Ave~~. - Intn. Falls, Mn. 56649 100 W 13th returned
~~Debbie C. Kuechle - 705 25th Ave. North - St. Cloud, Mn. 56301~~
Jerome C. Moore - 1521 4th Ave S.W. - Rochester, Mn. 55901
Francis Farrell - ~~157 Main St. - Winona, Mn. 55987~~ 607 Olmstead, Winona 55987
Robert Bouten - 10609 W. River Road - Mpls., Mn. 55443

AMBBA

Jeffrey G. Roberts - 3378 Bellaire Ave. - White Bear Lake, Mn. 55110
Roger D. Miller - 8522 Polk St. N.E. - Mpls., Mn. 55435
Bernie Koenigs - 100 Blace - Eagle Lake, Mn. 56024
Dick Holtz - ~~205 Oak Grove Place~~ St. Paul, Mn. 55103 - 668 W 7th
Harvey Engelby - 125 Maple St. - Fairmont, Mn. 56031
Robert I. Bergs - 1043 South Madison - Shakopee, Mn. 55379
W.E. Boeder - 5325 Bloomington Ave. - Mpls., Mn. 55417
Karen Abbott - ~~978 Sherren St~~. - Roseville, Mn. 55113 311 Savage Lane St Paul 55117
Pamela J. Roberts - 3378 Bellaire Ave - White Bear Lake, Mn. 55110
Wallace Willette - Wally's Barber Shop - Dassel, Mn. 55325
Kenneth Wendt - ~~111 E. Lincoln~~ - Fergus Falls, Mn. 56537 RT 4 Fergus Falls
Phil Dietz - ~~106 1st St. South~~ - Montgomery, Mn. 56069 208 2nd St Montgomery 56069
Robert Sanders - 921 Victoria - Fairmont, Mn. 56031
Gary Hackbarth - Rt. 5, Box 48-A, - Austin, Mn. 55912
Don Myers - 505 Cook St. - Redwood Falls, Mn. 56283

BOARD MEMBERS

~~Marian McDavid - 3549 Manitoba Mpls 55406~~ Terrie Marr - 7343 Hayes NE Fridley 55432
Henry Sniezek - 128 16th Ave. North - St. Cloud, Mn. 56301
Kenneth Kirkpatrick - ~~5436 Williams~~ - White Bear Lake, Mn. 55110 5307 Pleasant Court West
~~James Grassman - 9 Chickadee Lane - St. Paul, Mn. 55110~~
~~Charlotte Thill - 405 E. Horseshoe Drive - St. Paul, Mn. 55112~~
Lawrence LuBovich - 118 E 31st Hibbing 55746

SECRETARY OF STATE LIST

William L. Proulx - 4886 No. 126th St. - White Bear Lake, Mn. 55110

OTHERS

Judy Hoersten - 5051 France Ave. So. - Mpls. 55410
Joseph Francis - 730 Carla Lane - St. Paul, Mn. 55109 ~~345 Cedar Suite 800~~
Peter S. Popovich - ~~Law Office - Professional Assoc. - 314 Minnesota Bldg. - St. Paul 55101~~
Robert Franklin, City Ediotr - Mpls Star & Tribune - 425 Portland Ave. - Mpls., Mn 55488
Phillips Legislative Service, Inc. - 459 Rice St. - St. Paul, Mn. 55103
~~Conrad M. Fredin - Attorney at Law - 811 First Natl. Bank Bldg. - Duluth 55802~~
Samuel Ruhle - Office of Admin. Hearings - ~~400 Summit Bank Bldg~~. - 310 So. 4th Ave. Mpls. 55415
Randy Olchiefse - 6520 E. River Road - Fridley 55432 500 Flour Exc Bldg

OTHERS (INTEROFFICE)

Cosmetology Unit - 500 Metro Square Bldg. - St. Paul, Mn. 55101
~~Susan P. Robertson - Executive Director - Room 430 State Office Bldg. St. Paul 55155~~
Minnesota Board of Nursing - 717 Delaware St. S.E. - Mpls., Mn. 55414
Ms. Jean Dawson, Editor - The Minn. Govn't. Report B-12 Press Room State Capitol St. Paul 55155
Post Board - Suite 495 Nalpak Bldg. - 333 Sibley - St. Paul, Mn. 55101
Ms. Mary Stanton - Staff Associate/Finance - State University System - 407 Capitol Square Bldg. - 550 Cedar St. - St. Paul, 55101

Joseph Samargia, Commissioner - Dept. of Jobs & Training - 390 No. Robert - St. Paul 55101

Becky Powers - 10560 Sumter Lane - Blmg 55438

I

- Mpls -

Downtown

- 416 Hennepin Av. Suzy Koth
- 508 - 1st Av. N. Kueffner
- 600 - 1st Av. N. Art Langsev
- 40 S. 7th St. (Barbers?)
- 90 S. 9th St. Leo Davis
- 59 S. 9th St. Appearances
- 39 S. 9th St. Capello
- Med. Arts Bldg 825 Nicollet - Dennis Hauber
- 1030 Nicollet Mall #206 Giovannis
- 1117 Marquette - b Sharp
- Foshay Tower - Tom Brandt
- 222 - S. 9th St. Barbers
- Northstar center - Cargill - 7th St. S.
- Dain Tower Suite 210 - Marquette Av (or 2nd Av)
- 811 LaSalle Court (Barbers)
- 804 LaSalle Av. Avante
- 200 Roanoke Bldg - Shear Trends
- 100 S. 5th St. - (LS Madison for Hair
- Athletic Club - 6xx - 2nd Av. S
- 284 Pillsbury Center
- 322 S. 4th St.
- 625 - 4th Av. S. (Lutheran Brotherhood)
- 530 - 2nd Av. S. (Galaxy Skyway)
- 250 - 2nd Av. S. (The Crossings)
- Grain Exchange Bldg (4th Av. S.)

II — Mpls

2532 Nicollet Av. (John Pietro)
407 E. Lake St. Dean C
715 E. Lake St. (Bill Able)
1530 E. Lake St. Headquarters
2941 Bloomington (Kevin Pearson)
~~[illegible] (Chuck [illegible])~~
~~[illegible] (Bob [illegible]) [illegible]~~
2921-26th Av. S. } lost cutters same owner
2210-E. Lake }
3004½-27th Av. S.
1626 E. Lake St.
1316 E. 24th St. (Alen Knudtson)
1828 E. 35th St. (Scandia)
~~[illegible]~~ (Kings Cove-Lutzens)
~~[illegible] (Rev [illegible])~~
~~[illegible] St.~~
~~[illegible] Cedar Av. S.~~
~~[illegible] Cedar Av. S.~~
~~[illegible] Bloomington Av. S.~~
3740 Cedar Av.
3600-15th Av. S. (Belair)
~~[illegible]~~
~~[illegible] (Nancy Johnson)~~
~~[illegible] Av.~~
3019½ Lyndale Av. S.
719 W. Lake St.
346 E. Franklin
713 W. Franklin **Disc.**
1003 W. Franklin

II -M pls

2453 Hennepin Av.
3-15th St.
825-Summit (Mary Leslie)
3001 Hennepin (Barbers)
3001 Hennepin (Tom Schmidt)
1615 W. Lake (cost cutters)
3338 Hennepin Av. (Deja Vu)
348 E. 38th St (crown)
414 E. 35th St. (John Webb)
814 W. 36th St.
313 W. 38th St.
2611½ E. Franklin
1427 S. Washington
429-19th Av. S
Coffman Union U of M. Golden Razor
604 Washington Av. S.E. (Harvard)
308 Oak St. S.E.
1508 Como Av. S.E.
1323-4th St. S.E.
1501 University Av. S.E.
414-14th Av. S.E.
404-14th Av. S.E.
321-14th Av. S.E.
312-Central Av. S.E.
319 Central Av. S.E.
1822 Central Av. N.E.
334-22nd Av. N.E.
1308-2nd St. N.E.
1306-4th St. N.E.

~~III~~

IV

Mpls.

1918 Plymouth av N.
1245 Penn Av. N.
1201-12 th av. N.
614 W. Broadway
~~821~~ 821 W. Broadway
1910 Emerson N.
2054 W. Broadway

Subp. 5. **Application of tolerance.** The contents of individual containers, other than bulk conveyances, in the lot are subject to the following limitations provided that the averages for the entire lot are within the tolerances specified for the grade. An individual container in any lot may contain not more than double the tolerance specified except for sprouts and except that at least one defective specimen, other than bacterial ring rot or powdery scab, and one offsize specimen may be permitted in any container.

Subp. 6. [Unchanged.]

Subp. 7. **Definitions.** For the purpose of part 1555.6950, the following terms have the meanings given them unless the context clearly indicates otherwise:

A. to H. [Unchanged.]

I. "Damage" means any defect or combination of defects which materially affects the appearance of the individual potato or which cannot be removed without a loss of more than five percent of the total weight of the potato including the peel covering the defective area. Any one of the following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(1) to (6) [Unchanged.]

(7) ~~dirt~~ soil if the individual potato has more than 50 percent of its surface affected by lightly caked ~~dirt~~ soil which is scattered, or more than 15 percent of its surface badly caked with ~~dirt~~ soil.

J. [Unchanged.]

Board of Barber Examiners

Proposed Permanent Rules Relating to License Transfer and Expansion or Change of Location of School

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 *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes* 154.24.

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.

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 attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule

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.

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.

The proposed rule will have an impact on small business pursuant to MSA 14.155, subdivision 4 because it affects barber shops and barber schools by making it less burdensome for a barber school to transfer its location, change its ownership or be expanded.

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 at the above address.

Dated: 23 November 1987

Adam J. Mikrot, Executive Secretary
Board of Barber Examiners

Rules as Proposed

2100.5500 LOCATION OF LICENSE ~~AND~~, TRANSFER OF LOCATION, OR EXPANSION OF SCHOOL.

Subpart 1. [Unchanged.]

Subp. 2. **Transfer of ~~location~~ license, change of location, or expansion of school.** ~~The license may, by written application to the board, request a hearing for transfer of a license, change of location of the barber school facility, or expansion of the school.~~ Upon receipt of ~~such~~ an application~~,~~ to the board ~~shall conduct a public hearing in accordance with Minnesota Statutes, chapter 14, and rules promulgated thereunder. The criteria for determining the application for a transfer, change of location, or expansion shall be the same standards applicable to the issuance of an original license~~ for transfer of a license, change of location of the barber school facility, or expansion of the school, the board shall approve or deny the application in accordance with the standards of Minnesota Statutes, section 154.07, and parts 2100.5100 to 2100.5200. If the board denies the application, it shall notify the applicant of a right to a hearing under Minnesota Statutes, chapter 14.

Department of Human Services

Proposed Permanent Rules Relating to Medical Assistance Reimbursement for Training and Habilitation Services

Notice of Intent to Adopt a Rule Without a Public Hearing and Notice of Intent to Adopt a Rule With a Public Hearing if Twenty-Five or More Persons Request a Hearing

Notice is hereby given that the State Department of Human Services proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in *Minnesota Statutes*, section 14.22 to 14.28. The specific statutory authority to adopt the rule is *Minnesota Statutes*, section 256B.501. This notice is also required by the *Code of Federal Regulations*, title 42, section 447.205.

Persons interested in this rule shall have 30 days in which to submit comments in support of or in opposition to the proposed rule or any part or subpart of the rule and 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*, section 14.131 to 14.20. PLEASE NOTE THAT IF TWENTY-FIVE OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD ON JANUARY 19, 1988, UNLESS A SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF HUMAN SERVICES. To verify whether a hearing will be held, please call the Department of Human Services between Thursday, January 7 and Monday, January 18, 1988 at (612) 297-3829.

CERTIFICATE OF THE

BOARD OF BARBER EXAMINERS

RESOLUTION ADOPTING THE RULE

I, TERRI MAU, 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 6th day of January, 1988, 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 transfer of a license, change of location, or expansion of a barber school is approved and adopted, pursuant to authority vested 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 6th day of January, 1988.

Terri M Mau

Terri Mau

Kenneth E Kirkpatrick

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 Transfer of a License, Change of Location, or Expansion of a Barber School.

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 December 9, 1987 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on November 23, 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 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. No requests for a public hearing on the rule were received by the agency.

No submissions or comments on the rule were received by the agency. No requests for notice of submission to the attorney general were received by the agency.

Based on the 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. 2100.5500, subpt. 2 (1987) as modified is adopted this 6th day of January, 1988, pursuant to authority vested in the Board by Minn. Stat. §§ 154.24 and 214.06 (1986).

HENRY J. SMIEZEK, Chairman
Board of Barber Examiners

STATE OF MINNESOTA

BOARD OF BARBER EXAMINERS

In the Matter of the Adoption of the Rule of the State Board of Barber Examiners Governing Transfer of a License Change of Location, or Expansion of a Barber School.

DECLARATION OF COUNSEL

I, Peggy J. Birk, 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 Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0126.

Peggy J. Birk

PEGGY J. BIRK
Special Assistant
Attorney General

Dated: 1/17/88

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL - Bremer Tower

STATE OF MINNESOTA

Office Memorandum

DATE : January 15, 1988

TO : RITA DESMOND
Administration and Finance Division

FROM : PEGGY BIRK
Special Assistant
Attorney General

PHONE :

SUBJECT : RULE REVIEW

RECEIVED

JAN 19 1988

ATTORNEY GENERAL'S OFFICE
515 TRANSPORTATION BLDG.
ST. PAUL, MN 55155

Please find the documents necessary for review of a rule adopted without a public hearing by the State Board of Barber Examiners. The documents include the following:

1. Certificate of Authorizing Resolution;

2. Copy of proposed rule approved by the Revisor;

3. Notice of Intent to Adopt a Rule without Public Hearing;

4. Statement of Need and Reasonableness;

5. Affidavit of Mailing the Notice of Intent to Adopt a Rule without a Public Hearing;

6. Copy of the Notice which appeared in the State Register;

7. Four copies of the rule as adopted;

8. All written requests, submissions, or comments regarding the proposed rule; and

9. The declaration by me regarding compliance with the rulemaking procedures.

My client has requested that the review process by the Attorney General be expedited if at all possible. Erica Jacobson suggested that I contact you to see if this is possible. Please call me at your earliest convenience. Thank you for your assistance in this matter.

PG:js

Enclosures

cc: Adam Mikrot
Executive Secretary