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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 2121

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The bill was read for the first time and referred to the Committee on Commerce and Labor

1.1 A bill for an act
1.2 relating to occupations and professions; creating separate boards for barbering
1.3 and cosmetology; imposing penalties; amending Minnesota Statutes 2008,
1.4 sections 154.001; 154.19; 154.51; 214.01, subdivision 3; 214.04, subdivision 3;
1.5 proposing coding for new law in Minnesota Statutes, chapter 155A.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2008, section 154.001, is amended to read:

1.8 **154.001 BOARD OF BARBER ~~AND COSMETOLOGIST~~ EXAMINERS**
1.9 **CREATED; TERMS.**

1.10 Subdivision 1. **Definitions.** (a) For the purposes of this chapter, the following terms
1.11 have the meanings given them.

1.12 (b) "Board" means the Board of Barber Examiners.

1.13 Subd. 2. **Board of Barber Examiners.** (a) A Board of Barber ~~and Cosmetologist~~
1.14 Examiners is established to consist of three barber members, ~~three cosmetologist members,~~
1.15 and one public member, as defined in section 214.02, appointed by the governor.

1.16 (b) The barber members shall be persons who have practiced as registered barbers in
1.17 this state for at least five years immediately prior to their appointment; shall be graduates
1.18 from the 12th grade of a high school or have equivalent education, and shall have
1.19 knowledge of the matters to be taught in registered barber schools, as set forth in section
1.20 154.07. One of the barber members shall be a member of, or recommended by, a union of
1.21 journeymen barbers that has existed at least two years, and one barber member shall be a
1.22 member of, or recommended by, a professional organization of barbers.

1.23 ~~(c) All cosmetologist members must be currently licensed in the field of cosmetology~~
1.24 ~~in Minnesota, have practiced in the licensed occupation for at least five years immediately~~

2.1 ~~prior to their appointment, be graduates from the 12th grade of high school or have~~
 2.2 ~~equivalent education, and have knowledge of sections 154.40 to 154.54 and Minnesota~~
 2.3 ~~Rules, chapters 2642 and 2644. The cosmetologist members shall be members of,~~
 2.4 ~~or recommended by, a professional organization of cosmetologists, manicurists, or~~
 2.5 ~~estheticians.~~

2.6 Subd. 3. Membership terms. ~~(d)~~ (a) Membership terms, compensation of
 2.7 members, removal of members, the filling of membership vacancies, and fiscal year and
 2.8 reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of
 2.9 staff, administrative services and office space; the review and processing of complaints;
 2.10 the setting of board fees; and other provisions relating to board operations shall be as
 2.11 provided in chapter 214.

2.12 ~~(e)~~ (b) Members appointed to fill vacancies caused by death, resignation, or removal
 2.13 shall serve during the unexpired term of their predecessors.

2.14 ~~(f) The barber members of the board shall separately oversee administration,~~
 2.15 ~~enforcement, and regulation of, and adoption of rules under, sections 154.001, 154.002,~~
 2.16 ~~154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26. The cosmetologist~~
 2.17 ~~members of the board shall separately oversee administration, enforcement, and regulation~~
 2.18 ~~of, and adoption of rules under, sections 154.40 to 154.54. Staff hired by the board,~~
 2.19 ~~including inspectors, shall serve both professions.~~

2.20 Sec. 2. Minnesota Statutes 2008, section 154.19, is amended to read:

2.21 **154.19 VIOLATIONS.**

2.22 Each of the following constitutes a misdemeanor:

- 2.23 (1) The violation of any of the provisions of section 154.01;
- 2.24 (2) Permitting any person in one's employ, supervision, or control to practice as a
 2.25 registered barber or registered apprentice unless that person has a certificate of registration
 2.26 as a registered barber or registered apprentice;
- 2.27 (3) Obtaining or attempting to obtain a certificate of registration for money other
 2.28 than the required fee, or any other thing of value, or by fraudulent misrepresentation;
- 2.29 (4) Practicing or attempting to practice by fraudulent misrepresentation;
- 2.30 (5) The willful failure to display a certificate of registration as required by section
 2.31 154.14;
- 2.32 (6) The use of any room or place for barbering which is also used for residential or
 2.33 business purposes, except the sale of hair tonics, lotions, creams, cutlery, toilet articles,
 2.34 cigars, tobacco, candies in original package, and such commodities as are used and sold in
 2.35 barber shops, and except that shoeshining and an agency for the reception and delivery of

3.1 laundry, or either, may be conducted in a barber shop without the same being construed
 3.2 as a violation of this section, unless a substantial partition of ceiling height separates the
 3.3 portion used for residential or business purposes, and where a barber shop is situated in a
 3.4 residence, poolroom, confectionery, store, restaurant, garage, clothing store, liquor store,
 3.5 hardware store, or soft drink parlor, there must be an outside entrance leading into the
 3.6 barber shop independent of any entrance leading into such business establishment, except
 3.7 that this provision as to an outside entrance shall not apply to barber shops in operation at
 3.8 the time of the passage of this section and except that a barber shop and beauty parlor may
 3.9 be operated in conjunction, without the same being separated by partition of ceiling height;

3.10 (7) The failure or refusal of any barber or other person in charge of any barber shop,
 3.11 or any person in barber schools or colleges doing barber service work, to use separate
 3.12 and clean towels for each customer or patron, or to discard and launder each towel after
 3.13 once being used;

3.14 (8) The failure or refusal by any barber or other person in charge of any barber shop
 3.15 or barber school or barber college to supply clean hot and cold water in such quantities as
 3.16 may be necessary to conduct such shop, or the barbering service of such school or college,
 3.17 in a sanitary manner, or the failure or refusal of any such person to have water and sewer
 3.18 connections from such shop, or barber school or college, with municipal water and sewer
 3.19 systems where the latter are available for use, or the failure or refusal of any such person
 3.20 to maintain a receptacle for hot water of a capacity of not less than five gallons;

3.21 (9) For the purposes of ~~sections 154.001, 154.002, 154.003, 154.01 to 154.161,~~
 3.22 ~~154.19 to 154.21, and 154.24 to 154.26~~ this section, barbers, students, apprentices, or
 3.23 the proprietor or manager of a barber shop, or barber school or barber college, shall be
 3.24 responsible for all violations of the sanitary provisions of ~~sections 154.001, 154.002,~~
 3.25 ~~154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26~~ this section, and if
 3.26 any barber shop, or barber school or barber college, upon inspection, shall be found to be
 3.27 in an unsanitary condition, the person making such inspection shall immediately issue an
 3.28 order to place the barber shop, or barber school, or barber college, in a sanitary condition,
 3.29 in a manner and within a time satisfactory to the Board of Barber and Cosmetologist
 3.30 Examiners, and for the failure to comply with such order the board shall immediately
 3.31 file a complaint for the arrest of the persons upon whom the order was issued, and any
 3.32 registered barber who shall fail to comply with the rules adopted by the Board of Barber
 3.33 and Cosmetologist Examiners, with the approval of the state commissioner of health, or
 3.34 the violation or commission of any of the offenses described in this section and section
 3.35 ~~154.16~~ 154.161, subdivision 4, paragraph (a), clauses (1), (2), (3), and (4), (5), (6), (7),
 3.36 ~~(8), (9) to (12), and of clauses (1), (2), (3), (4), (5), (6), (7), (8), and (9) of this section;~~

4.1 shall be fined not less than \$10 or imprisoned for ten days and not more than \$100 or
4.2 imprisoned for 90 days.

4.3 Sec. 3. Minnesota Statutes 2008, section 154.51, is amended to read:

4.4 **154.51 ENFORCEMENT.**

4.5 Subdivision 1. **Proceedings.** The provisions of section 154.161 apply to the
4.6 administration of sections 154.40 to 154.54.

4.7 If the board, or a complaint committee if authorized by the board, has a reasonable
4.8 basis for believing that a person has engaged in or is about to engage in a violation of a
4.9 statute, rule, or order that the board has adopted or issued or is empowered to enforce, the
4.10 board or complaint committee may proceed as provided in subdivision 2 or 3. Except as
4.11 otherwise provided in this section, all hearings must be conducted in accordance with the
4.12 Administrative Procedure Act.

4.13 Subd. 2. **Legal actions.** (a) When necessary to prevent an imminent violation of a
4.14 statute, rule, or order that the board has adopted or issued or is empowered to enforce, the
4.15 board, or a complaint committee if authorized by the board, may bring an action in the
4.16 name of the state in the District Court of Ramsey County in which jurisdiction is proper to
4.17 enjoin the act or practice and to enforce compliance with the statute, rule, or order. On a
4.18 showing that a person has engaged in or is about to engage in an act or practice that
4.19 constitutes a violation of a statute, rule, or order that the board has adopted or issued
4.20 or is empowered to enforce, the court shall grant a permanent or temporary injunction,
4.21 restraining order, or other appropriate relief.

4.22 (b) For purposes of injunctive relief under this subdivision, irreparable harm exists
4.23 when the board shows that a person has engaged in or is about to engage in an act or
4.24 practice that constitutes violation of a statute, rule, or order that the board has adopted or
4.25 issued or is empowered to enforce.

4.26 (c) Injunctive relief granted under paragraph (a) does not relieve an enjoined person
4.27 from criminal prosecution by a competent authority, or from action by the board under
4.28 subdivision 3, 4, 5, or 6 with respect to the person's license or registration, or application
4.29 for examination, license, registration, or renewal.

4.30 Subd. 3. **Cease and desist orders.** (a) The board, or complaint committee if
4.31 authorized by the board, may issue and have served upon an unlicensed or unregistered
4.32 person, or a holder of a license or registration, an order requiring the person to cease and
4.33 desist from an act or practice that constitutes a violation of a statute, rule, or order that
4.34 the board has adopted or issued or is empowered to enforce. The order must (1) give
4.35 reasonable notice of the rights of the person named in the order to request a hearing,

5.1 and (2) state the reasons for the entry of the order. No order may be issued under this
5.2 subdivision until an investigation of the facts has been conducted under section 214.10.

5.3 (b) Service of the order under this subdivision is effective when the order is
5.4 personally served on the person or counsel of record, or served by certified mail to the
5.5 most recent address provided to the board for the person or counsel of record.

5.6 (c) The board must hold a hearing under this subdivision not later than 30 days after
5.7 the board receives the request for the hearing, unless otherwise agreed between the board,
5.8 or complaint committee if authorized by the board, and the person requesting the hearing.

5.9 (d) Notwithstanding any rule to the contrary, the administrative law judge must issue
5.10 a report within 30 days of the close of the contested case hearing. Within 30 days after
5.11 receiving the report and subsequent exceptions and argument, the board shall issue a
5.12 further order vacating, modifying, or making permanent the cease and desist order. If no
5.13 hearing is requested within 30 days of service of the order, the order becomes final and
5.14 remains in effect until modified or vacated by the board.

5.15 Subd. 4. **Licensing and registration actions.** (a) With respect to a person who is a
5.16 holder of or applicant for a license or registration under this chapter, the board may by
5.17 order deny, refuse to renew, suspend, temporarily suspend, or revoke the application,
5.18 license, or registration, censure or reprimand the person, refuse to permit the person to
5.19 sit for examination, or refuse to release the person's examination grades, if the board
5.20 finds that such an order is in the public interest and that, based on a preponderance of the
5.21 evidence presented, the person has:

5.22 (1) violated a statute, rule, or order that the board has adopted or issued or is
5.23 empowered to enforce;

5.24 (2) engaged in conduct or acts that are fraudulent, deceptive, or dishonest, whether
5.25 or not the conduct or acts relate to the practice of a profession regulated by this chapter, if
5.26 the fraudulent, deceptive, or dishonest conduct or acts reflect adversely on the person's
5.27 ability or fitness to engage in the practice of the profession;

5.28 (3) engaged in conduct or acts that constitute malpractice, are negligent, demonstrate
5.29 incompetence, or are otherwise in violation of the standards in the rules of the board,
5.30 where the conduct or acts relate to the practice of a profession regulated by this chapter;

5.31 (4) employed fraud or deception in obtaining a license, registration, renewal, or
5.32 reinstatement, or in passing all or a portion of the examination;

5.33 (5) had a license, registration, right to examine, or other similar authority revoked in
5.34 another jurisdiction;

5.35 (6) failed to meet any requirement for issuance or renewal of the person's license
5.36 or registration;

- 6.1 (7) practiced in a profession regulated by this chapter while having an infectious or
6.2 contagious disease;
- 6.3 (8) advertised by means of false or deceptive statements;
- 6.4 (9) demonstrated intoxication or indulgence in the use of drugs, including but not
6.5 limited to narcotics as defined in section 152.01 or in United States Code, title 26, section
6.6 4731, barbiturates, amphetamines, Benzedrine, Dexedrine, or other sedatives, depressants,
6.7 stimulants, or tranquilizers;
- 6.8 (10) demonstrated unprofessional conduct or practice;
- 6.9 (11) permitted an employee or other person under the person's supervision or control
6.10 to practice as a licensee, registrant, or instructor of a profession regulated by this chapter
6.11 unless that person has (i) a current license or registration issued by the board, (ii) a
6.12 temporary apprentice permit, or (iii) a temporary permit as an instructor of a profession
6.13 regulated by the board;
- 6.14 (12) practices, offered to practice, or attempted to practice by misrepresentation;
- 6.15 (13) failed to display a license or registration as required by rules adopted by the
6.16 board;
- 6.17 (14) used any room or place of practice of a profession regulated by the board that
6.18 is also used for any other purpose, or used any room or place of practice of a profession
6.19 regulated by the board that violates the board's rules governing sanitation;
- 6.20 (15) failed to use separate and clean towels for each customer or patron, or to discard
6.21 and launder each towel after being used once;
- 6.22 (16) in the case of a licensee, registrant, or other person in charge of any school or
6.23 place of practice of a profession regulated by the board, (i) failed to supply in a sanitary
6.24 manner clean hot and cold water in quantities necessary to conduct the service or practice
6.25 of the profession regulated by the board, (ii) failed to have water and sewer connections
6.26 from the place of practice or school with municipal water and sewer systems where they
6.27 are available for use, or (iii) failed or refused to maintain a receptacle for hot water of a
6.28 capacity of at least five gallons;
- 6.29 (17) refused to permit the board to make an inspection permitted or required by this
6.30 chapter, or failed to provide the board or the attorney general on behalf of the board
6.31 with any documents or records they request;
- 6.32 (18) failed promptly to renew a license or registration when remaining in practice,
6.33 pay the required fee, or issue a worthless check;
- 6.34 (19) failed to supervise an apprentice, or permitted the practice of a profession
6.35 regulated by the board by a person not registered or licensed with the board or not holding
6.36 a temporary permit;

7.1 (20) refused to serve a customer because of race, color, creed, religion, disability,
7.2 national origin, or sex;

7.3 (21) failed to comply with a provision of chapter 141 or a provision of another
7.4 chapter that relates to schools; or

7.5 (22) with respect to temporary suspension orders, has committed an act, engaged
7.6 in conduct, or committed practices that the board, or complaint committee if authorized
7.7 by the board, has determined may result or may have resulted in an immediate threat
7.8 to the public.

7.9 (b) In lieu of or in addition to any remedy under paragraph (a), the board may, as a
7.10 condition of continued licensure or registration, termination of suspension, reinstatement
7.11 of licensure or registration, examination, or release of examination results, require that
7.12 the person:

7.13 (1) submit to a quality review of the person's ability, skills, or quality of work,
7.14 conducted in a manner and by a person or entity that the board determines; or

7.15 (2) complete to the board's satisfaction continuing education as the board requires.

7.16 (c) Service of an order under this subdivision is effective if the order is served in
7.17 person, or is served by certified mail to the most recent address provided to the board by
7.18 the licensee, registrant, applicant, or counsel of record. The order must state the reason
7.19 for the entry of the order.

7.20 (d) Except as provided in subdivision 5, paragraph (c), all hearings under this
7.21 subdivision must be conducted in accordance with the Administrative Procedure Act.

7.22 Subd. 5. **Temporary suspension.** (a) When the board, or complaint committee if
7.23 authorized by the board, issues a temporary suspension order, the suspension provided for
7.24 in the order is effective on service of a written copy of the order on the licensee, registrant,
7.25 or counsel of record. The order must specify the statute, rule, or order violated by the
7.26 licensee or registrant. The order remains in effect until the board issues a final order in the
7.27 matter after a hearing, or on agreement between the board and the licensee or registrant.

7.28 (b) An order under this subdivision may (1) prohibit the licensee or registrant from
7.29 engaging in the practice of a profession regulated by the board in whole or in part, as the
7.30 facts require, and (2) condition the termination of the suspension on compliance with a
7.31 statute, rule, or order that the board has adopted or issued or is empowered to enforce.
7.32 The order must state the reasons for entering the order and must set forth the right to
7.33 a hearing as provided in this subdivision.

7.34 (c) Within ten days after service of an order under this subdivision, the licensee or
7.35 registrant may request a hearing in writing. The board must hold a hearing before its own
7.36 members within five working days of the request for a hearing. The sole issue at the

8.1 hearing must be whether there is a reasonable basis to continue, modify, or terminate the
8.2 temporary suspension. The hearing is not subject to the Administrative Procedure Act.
8.3 Evidence presented to the board or the licensee or registrant may be in affidavit form only.
8.4 The licensee, registrant, or counsel of record may appear for oral argument.

8.5 (d) Within five working days after the hearing, the board shall issue its order and, if
8.6 the order continues the suspension, shall schedule a contested case hearing within 30 days
8.7 of the issuance of the order. Notwithstanding any rule to the contrary, the administrative
8.8 law judge shall issue a report within 30 days after the closing of the contested case hearing
8.9 record. The board shall issue a final order within 30 days of receiving the report.

8.10 Subd. 6. **Violations; penalties; costs.** (a) The board may impose a civil penalty of
8.11 up to \$2,000 per violation on a person who violates a statute, rule, or order that the board
8.12 has adopted or issued or is empowered to enforce.

8.13 (b) In addition to any penalty under paragraph (a), the board may impose a fee
8.14 to reimburse the board for all or part of the cost of (1) the proceedings resulting in
8.15 disciplinary action authorized under this section, (2) the imposition of a civil penalty under
8.16 paragraph (a), or (3) the issuance of a cease and desist order. The board may impose a
8.17 fee under this paragraph when the board shows that the position of the person who has
8.18 violated a statute, rule, or order that the board has adopted or issued or is empowered to
8.19 enforce is not substantially justified unless special circumstances make such a fee unjust,
8.20 notwithstanding any rule to the contrary. Costs under this paragraph include, but are not
8.21 limited to, the amount paid by the board for services from the Office of Administrative
8.22 Hearings, attorney fees, court reporter costs, witness costs, reproduction of records, board
8.23 members' compensation, board staff time, and expenses incurred by board members and
8.24 staff.

8.25 (c) All hearings under this subdivision must be conducted in accordance with the
8.26 Administrative Procedure Act.

8.27 Subd. 7. **Reinstatement.** Upon petition of the former or suspended licensee or
8.28 registrant, the board may reinstate a suspended, revoked, or surrendered license or
8.29 registration. The board may in its sole discretion place any conditions on reinstatement of
8.30 a suspended, revoked, or surrendered license or registration that it finds appropriate and
8.31 necessary to ensure that the purposes of this chapter are met. No license or registration
8.32 may be reinstated until the former licensee or registrant has completed at least one-half
8.33 of the suspension period.

8.34 Sec. 4. **[155A.20] BOARD OF COSMETOLOGIST EXAMINERS CREATED;**
8.35 **TERMS.**

9.1 (a) A Board of Cosmetologist Examiners is established to consist of three
9.2 cosmetologist members and one public member, as defined in section 214.02, appointed
9.3 by the governor.

9.4 (b) All cosmetologist members must be currently licensed in the field of cosmetology
9.5 in Minnesota, have practiced in the licensed occupation for at least five years immediately
9.6 prior to their appointment, be graduates from the 12th grade of high school or have
9.7 equivalent education, and have knowledge of sections 154.40 to 154.54 and Minnesota
9.8 Rules, chapters 2105 and 2110. The cosmetologist members shall be members of,
9.9 or recommended by, a professional organization of cosmetologists, manicurists, or
9.10 estheticians.

9.11 (c) Membership terms, compensation of members, removal of members, the filling
9.12 of membership vacancies, and fiscal year and reporting requirements shall be as provided
9.13 in sections 214.07 to 214.09. The provision of staff, administrative services, and office
9.14 space; the review and processing of complaints; the setting of board fees; and other
9.15 provisions relating to board operations shall be as provided in chapter 214.

9.16 (d) Members appointed to fill vacancies caused by death, resignation, or removal
9.17 shall serve during the unexpired term of their predecessors.

9.18 Sec. 5. Minnesota Statutes 2008, section 214.01, subdivision 3, is amended to read:

9.19 Subd. 3. **Non-health-related licensing board.** "Non-health-related licensing
9.20 board" means the Board of Teaching established pursuant to section 122A.07, the Board
9.21 of Barber Examiners established pursuant to section 154.001, the Board of Cosmetologist
9.22 Examiners established pursuant to section 155A.20, the Board of Assessors established
9.23 pursuant to section 270.41, the Board of Architecture, Engineering, Land Surveying,
9.24 Landscape Architecture, Geoscience, and Interior Design established pursuant to section
9.25 326.04, the Private Detective and Protective Agent Licensing Board established pursuant
9.26 to section 326.33, the Board of Accountancy established pursuant to section 326A.02, and
9.27 the Peace Officer Standards and Training Board established pursuant to section 626.841.

9.28 Sec. 6. Minnesota Statutes 2008, section 214.04, subdivision 3, is amended to read:

9.29 Subd. 3. **Officers; staff.** The executive director of each health-related board and
9.30 the executive secretary of each non-health-related board shall be the chief administrative
9.31 officer for the board but shall not be a member of the board. The executive director or
9.32 executive secretary shall maintain the records of the board, account for all fees received
9.33 by it, supervise and direct employees servicing the board, and perform other services as
9.34 directed by the board. The executive directors, executive secretaries, and other employees

10.1 of the following boards shall be hired by the board, and the executive directors or executive
10.2 secretaries shall be in the unclassified civil service, except as provided in this subdivision:

- 10.3 (1) Dentistry;
- 10.4 (2) Medical Practice;
- 10.5 (3) Nursing;
- 10.6 (4) Pharmacy;
- 10.7 (5) Accountancy;
- 10.8 (6) Architecture, Engineering, Land Surveying, Landscape Architecture,
10.9 Geoscience, and Interior Design;
- 10.10 (7) Barber Examiners;
- 10.11 (8) Cosmetology;
- 10.12 (9) Teaching;
- 10.13 (10) Peace Officer Standards and Training;
- 10.14 (11) Social Work;
- 10.15 (12) Marriage and Family Therapy;
- 10.16 (13) Dietetics and Nutrition Practice;
- 10.17 (14) Licensed Professional Counseling; ~~and~~
- 10.18 (15) ~~Combative Sports Commission;~~ and
- 10.19 (16) Cosmetologist Examiners.

10.20 The executive directors or executive secretaries serving the boards are hired by those
10.21 boards and are in the unclassified civil service, except for part-time executive directors
10.22 or executive secretaries, who are not required to be in the unclassified service. Boards
10.23 not requiring full-time executive directors or executive secretaries may employ them on
10.24 a part-time basis. To the extent practicable, the sharing of part-time executive directors
10.25 or executive secretaries by boards being serviced by the same department is encouraged.
10.26 Persons providing services to those boards not listed in this subdivision, except executive
10.27 directors or executive secretaries of the boards and employees of the attorney general, are
10.28 classified civil service employees of the department servicing the board. To the extent
10.29 practicable, the commissioner shall ensure that staff services are shared by the boards
10.30 being serviced by the department. If necessary, a board may hire part-time, temporary
10.31 employees to administer and grade examinations.

10.32 **Sec. 7. TRANSFER OF DUTIES.**

10.33 (a) Effective July 1, 2009, the responsibilities of the Board of Barber and
10.34 Cosmetologist Examiners covered in Minnesota Statutes, sections 154.001 to 154.26, are
10.35 transferred under Minnesota Statutes, section 15.039, to the Board of Barber Examiners.

11.1 (b) Effective July 1, 2009, the responsibilities of the Board of Barber and
11.2 Cosmetologist Examiners covered in Minnesota Statutes, sections 154.40 to 154.54, are
11.3 transferred under Minnesota Statutes, section 15.039, to the Board of Cosmetologist
11.4 Examiners.

11.5 (c) Rulemaking authority pursuant to Minnesota Statutes, sections 154.001 to
11.6 154.26, of the Board of Barber and Cosmetologist Examiners is transferred to the Board of
11.7 Barber Examiners. Rulemaking authority pursuant to Minnesota Statutes, sections 154.40
11.8 to 154.54, of the Board of Barber and Cosmetologist Examiners is transferred to the Board
11.9 of Cosmetologist Examiners. All rules adopted by the Board of Barber and Cosmetologist
11.10 Examiners in Minnesota Rules, chapter 2100, remain in effect and shall be enforced until
11.11 amended or repealed in accordance with law by the Board of Barber Examiners. All
11.12 rules adopted by the Board of Barber and Cosmetologist Examiners in Minnesota Rules,
11.13 chapters 2105 and 2110, remain in effect and shall be enforced until amended or repealed
11.14 in accordance with law by the Board of Cosmetologist Examiners.

11.15 (d) The board members serving in unexpired terms appointed to the Board of
11.16 Barber and Cosmetologist Examiners pursuant to Minnesota Statutes, section 154.001,
11.17 subdivision 2, paragraph (b), before the time of the transfer of responsibilities mandated
11.18 by this section shall be appointed to serve the remainder of their terms as members of the
11.19 Board of Barber Examiners, notwithstanding the requirements of Minnesota Statutes,
11.20 section 154.001, subdivision 1, as amended by this act. The board members serving in
11.21 unexpired terms appointed to the Board of Barber and Cosmetologist Examiners pursuant
11.22 to Minnesota Statutes, section 154.001, subdivision 2, paragraph (c), before the time
11.23 of the transfer of responsibilities mandated by this section shall be appointed to serve
11.24 the remainder of their terms as members of the Board of Cosmetologist Examiners,
11.25 notwithstanding the requirements of Minnesota Statutes, section 155A.20.

11.26 **Sec. 8. COMMISSIONER OF FINANCE TO ALLOCATE FUNDS.**

11.27 The commissioner of finance shall allocate the 2010 and 2011 appropriations to the
11.28 Board of Barber and Cosmetologist Examiners between the Board of Barber Examiners
11.29 and the Board of Cosmetologist Examiners in a ratio that each organization received
11.30 when it was separate.

11.31 **Sec. 9. REVISOR'S INSTRUCTION.**

11.32 (a) The revisor of statutes shall delete "Board of Barber and Cosmetologist
11.33 Examiners" and substitute "board" or "Board of Barber Examiners," as appropriate,

12.1 wherever it appears in Minnesota Statutes, sections 154.001 to 154.26, and Minnesota
 12.2 Rules, chapter 2100.

12.3 (b) The revisor of statutes shall delete "Board of Barber and Cosmetologist
 12.4 Examiners" and substitute "board" or "Board of Cosmetologist Examiners," as appropriate,
 12.5 wherever it appears in Minnesota Statutes, sections 154.40 to 154.54, and Minnesota
 12.6 Rules, chapters 2105 and 2110.

12.7 (c) The revisor of statutes shall renumber each section of Minnesota Statutes listed
 12.8 in column A with the number listed in column B. The revisor shall also make necessary
 12.9 cross-reference changes in Minnesota Statutes and Minnesota Rules consistent with the
 12.10 renumbering.

12.11	<u>Column A</u>	<u>Column B</u>
12.12	<u>154.40</u>	<u>155A.21</u>
12.13	<u>154.41</u>	<u>155A.22</u>
12.14	<u>154.42</u>	<u>155A.23</u>
12.15	<u>154.43</u>	<u>155A.24</u>
12.16	<u>154.44</u>	<u>155A.25</u>
12.17	<u>154.45</u>	<u>155A.26</u>
12.18	<u>154.46</u>	<u>155A.27</u>
12.19	<u>154.465</u>	<u>155A.28</u>
12.20	<u>154.47</u>	<u>155A.29</u>
12.21	<u>154.48</u>	<u>155A.30</u>
12.22	<u>154.49</u>	<u>155A.31</u>
12.23	<u>154.50</u>	<u>155A.32</u>
12.24	<u>154.51</u>	<u>155A.33</u>
12.25	<u>154.52</u>	<u>155A.34</u>
12.26	<u>154.53</u>	<u>155A.35</u>
12.27	<u>154.54</u>	<u>155A.36</u>