

"5568. **Open season for certain game fish.** — Wall-eyed pike, saugars or sand pike, great northern pike or pickerel, and muskellunge may be taken by angling and thereafter possessed between May 15 and February 15 following, both inclusive. Provided, however, there shall be no authority to change by executive order or order by the commissioner of conservation the closing date above specified.

A person may take not to exceed eight such pike, saugars or sand pike, great northern pike or pickerel, or two such muskellunge in a day, and may have not to exceed 12 such pike, saugars or sand pike or great northern pike or pickerel in his possession at one time. *Provided, however, that the daily and possession limits of such species shall remain at eight per day for pike, saugars or sand pike, great northern pike or pickerel or two muskellunge per day and the possession limit shall remain at 16 pike, saugars or sand pike or 20 great northern pike or pickerel with respect to all fish taken from boundary waters between the state of Minnesota and the possessions of the Dominion of Canada until such time as the Canadian Provinces bordering upon such boundary waters shall have reduced the limits, in which event the director of game and fish may by order prescribe similar limits to apply in Minnesota territorial waters.* Yellow perch may be taken and possessed at any time without limit as to number; provided, that the commissioner of conservation may, whenever he deems it necessary to prevent the undue depletion of perch in any water, fix by regulation a limit of 25 perch per day therein. All such fish taken, regardless of size, may be retained in possession and counted.

Wall-eyed pike, saugars and sand pike, great northern pike or pickerel, and muskellunge, except those taken from waters which may be open for the sale thereof by the *director of game and fish* may not be bought or sold at any time. Great northern pike or pickerel may be taken by spearing through the ice between December 1 and March 1 following, both inclusive and such fish so speared may be possessed during said time."

Approved April 28, 1941.

CHAPTER 490—H. F. No. 923

An act relating to the occupation or practice of hair-dressing and beauty culture, amending Mason's Supplement 1940, Sections 5846-28, 5846-34, 5846-36, and 5846-41; Ma-

son's *Minnesota Statutes of 1927, Sections 5846-29, 5846-30, 5846-31, 5846-33, 5846-35, 5846-39, 5846-42 and 5846-44; and repealing Mason's Minnesota Statutes of 1927, Section 5846-32.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Law amended.**—Mason's Supplement 1940, Section 5846-28, is hereby amended to read as follows:

"5846-28. Definitions—places where taught or practiced.—For the purposes of this act, the following definitions shall be adopted and understood to be included within the meaning of the act.

(a) Any person who engages in *the* practice for compensation or other reward in any one or any combination of the following practices, to-wit: arranging, dressing, curling, waving, cleansing, singeing, bleaching, coloring, or similar work upon the hair of any living person by any means, or hair trimming of women, as a part of women's hairdressing; the use of cosmetic preparations, antiseptics, tonics, lotions, or creams, aided with the hands or mechanical or electrical apparatus, or appliances used in massaging, cleansing, stimulating, manipulating, exercising, beautifying, the scalp, face, neck, arms, bust or upper part of the body for the purposes of beautification, shall be defined as and construed to be practicing hairdressing and beauty culture, provided, however, that no provision of this act shall in any manner be construed to apply to manufacturers of cosmetics, or their representatives or employees.

(b) An operator is any person who has secured a license to engage in and engages in the practices as *defined in subsection (a) hereof* named within this act.

(c) A manager-operator is any person of legal age who owns, operates, conducts or manages a hairdressing and beauty culture shop or school; or who instructs in practical hairdressing and beauty culture work; provided, however, that it shall be lawful for any person to own, operate, conduct or manage a hairdressing and beauty culture shop or school without being licensed as a manager-operator if such person does not instruct in or practice any of the practices as defined in this act but does employ one or more manager-operators in said shop or school to manage same or instruct therein.

(d) Hairdressing and beauty culture shall be practiced only in a room or rooms not used for sleeping or residential purposes, completely partitioned off from living quarters and *shall* be equipped with hot and cold running water and with

sewer connections. Where water and sewer connections are not available, there must be maintained a proper receptacle for hot water of a capacity of not less than five gallons, and such cesspool or other method for the disposal of sewage and waste matter as may be approved by the local health authorities or local municipal ordinances.

(e) All beauty shops shall be registered with the board by the owners thereof, *before commencing operations* and annually on or before *June 30*, upon blanks provided for such purposes by the board showing the names of the owners and the location of *such* shops, and no such shops shall be permitted to operate without such registration.

(f) Hairdressing and beauty culture shall be taught in a room or rooms not used for sleeping or residential purposes and such rooms must be equipped with sufficient hot and cold running water and with sewer connections to insure sanitation for all students in attendance. Text books and charts and proper equipment necessary to conduct a school efficiently must be maintained by the school.

(g) A school of hairdressing and beauty culture is a place where any person, firm or corporation operates and maintains a class to teach beauty culture as defined under this act.

Sec. 2. Law amended.—Mason's Minnesota Statutes of 1927, Section 5846-29, is hereby amended to read as follows:

"5846-29. State board of hairdressing and beauty culture created.—For the purposes of this act there is hereby created and established a board to be known by the name and style of state board of hairdressing and beauty culture examiners, which shall consist of three members *nor more than two of whom shall reside in cities of the first class, and all of whom shall reside in the state of Minnesota, and shall have an official seal.*"

Sec. 3. Law amended.—Mason's Minnesota Statutes of 1927, Section 5846-30, is hereby amended to read as follows:

"5846-30. Same—appointment—qualifications.—Within 60 days after the passage of this act, the governor shall appoint *the members of the state board of hairdressing and beauty culture examiners*, each of whom shall have had *five* years of experience and practice in this state in the occupation and practices as named within this act; one to serve one year, one to serve two years, and one to serve three years, *or until their successors are duly appointed and qualified, and thereafter the term of each member shall be three years.* The governor

may remove any member of the board with or without cause. The board members shall be citizens of this state and shall not be members of, nor affiliated with any school duly *approved* and teaching the practices as defined herein, while a member of the board, nor shall any two members of said board be graduates of the same school, or system of schools teaching the practices as defined herein. *Each member of the board shall take the oath provided by law for public officers.*"

Sec. 4. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 5846-31, is hereby amended to read as follows:

"5846-31. Same — meetings — officers.—Said board shall within 30 days after being so appointed, and annually on the second Tuesday of each year thereafter, assemble at the capitol building, at St. Paul, Minnesota, and then and there organize by electing a president and vice-president, to serve until their successors are *elected* and qualified. *Said board shall then appoint an executive secretary and such assistants, inspectors and clerical help as it may deem necessary to perform the work of said board. The appointment of said executive secretary shall be made in accordance with the rules and regulations to be adopted by said board and shall be chosen upon the basis of his experience, training and general qualifications for the work. His salary and necessary expenses incurred in the transaction of the business of said board, and the salaries and necessary expenses of assistants, inspectors and clerical help shall be fixed by the board; provided, however, that the total sum of money to be expended for the salary of the said executive secretary, assistants, inspectors and clerical help and other necessary expenses connected with said work shall not exceed the sum of \$15,000 per annum.*

The board shall maintain an office for the conduct of its business, which shall be in charge of the executive secretary.

Said executive secretary and such other persons as are charged with, and actually handle the funds of the board shall provide to the state of Minnesota a corporate surety bond in the amount of \$10,000.

(a) Said board shall meet for the purposes of examining applicants for license and of examining and granting applications for license at the state capitol building in St. Paul *not less than four times of each year, said times to be designated by the board, and at such other meetings during each year, the time and place of which the board shall designate.*

(b) A quorum for the transaction of business of the board shall consist of *at least two-thirds of the members of said board.*

(c) It shall have power to formulate rules *for the proper administration of its business.*

(d) The *secretary* shall keep a record of all the board's official proceedings and said record shall be prima facie evidence of all matters therein recorded. No meeting of the board shall continue for a period of more than *ten* days, without the consent of the state department of administration and finance.

(e) *The executive secretary of the board shall be charged with the supervision of the records of receipts and disbursements of the board.*

(f) *No board member shall make routine inspections of shops engaging in the practices herein, but such inspections shall be made by employees of the board."*

Sec. 5. Law repealed.—Mason's Minnesota Statutes of 1927, Section 5846-32, is hereby repealed.

Sec. 6. Law amended.—Mason's Minnesota Statutes of 1927, Section 5846-33, is hereby amended to read as follows:

"5846-33. Same—compensation and expenses of members.—Each member of the board shall receive the sum of \$10.00 for each day employed in the actual discharge of his official duties, and any necessary expenses incurred incidental thereto. Compensation and expenses of and for the board shall be paid out of the funds of the board deposited in the state treasury and not otherwise."

Sec. 7. Law amended.—Mason's Supplement 1940, Section 5846-34, is hereby amended to read as follows:

"5846-34. Qualification of applicants for examination and licenses—license fees.—(a) *The board shall determine the qualifications of each applicant for examination on the following basis:*

(1) *Such proof as the board by rule may require of good moral character.*

(2) *Such proof as the board, by rule, may require that the applicant is free from contagious or infectious disease.*

(3) *That the applicant is at least 16 years of age.*

(4) *That the applicant shall provide the board with a certificate from a school of beauty culture, approved by the board, as herein referred to and described showing that the applicant has satisfactorily completed all the courses of instruction provided by said approved school which said cer-*

tificate shall be signed and verified by the individual owner or owners of said approved school if owned by an individual or partnership, or the proper and lawful officer if a corporation.

Provided further that in any case, that before such applicant shall be eligible to receive such certificate, such applicant shall have received in accordance with the curriculum established by the said board no less than 1250 hours of instruction in theory and practice in classes actually attended by him.

(5) *Payment of an examination fee of \$5.00.*

(b) *Upon the determination by the board of the sufficiency of the qualifications of the applicants for examination as an operator, the board shall conduct theoretical examinations and practical examinations in accordance with rules promulgated and prescribed by said board.*

Such examination shall include both practical demonstrations and written or oral tests, and shall not be confined to any specific system or method of hairdressing and beauty culture, and such examination shall be consistent with the practical and theoretical requirements as provided by this act. If a student shall fail to pass such examination, he or she shall be required to take further training before being admitted to another examination, such further training time shall be specified by the board but shall not exceed 200 hours, upon compliance with all provisions herein contained referring to schools together with compliance with the rules and regulations lawfully prescribed hereunder.

(c) A manager-operator may be licensed as such under this act upon the payment of a fee of \$10.00 provided that he or she has practiced as an operator under the supervision of a manager-operator in this state for at least one year, and upon complying with all other requirements applicable to a manager-operator as provided for in this act.

(d) Renewal license fees shall be as follows:

For operator.....\$2.00
For manager-operator.....\$3.00"

Sec. 8. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 5846-35, is hereby amended to read as follows:

"5846-35. Temporary licenses to operators.—The board, through its *secretary*, shall grant to graduates of approved schools, upon the payment of \$1.00 as a fee, temporary licenses authorizing such graduates to practice as an operator, under

the supervision of a licensed manager-operator, in the practice of hairdressing and beauty culture for a period of not to exceed 90 days, or until the next examination for license is held by the board. No such temporary license shall be issued except upon the presentation by the applicant of a certificate of graduation from a duly approved school under the provisions of this act."

Sec. 9. Law amended.—Mason's Supplement 1940, Section 5846-36, is hereby amended to read as follows:

"5846-36. Schools—approval by board—instruction and course of instruction.—*Any person, firm or corporation, desiring to establish a hairdressing and beauty culture school shall apply to the board for a certificate of approval for such school, and to have such school rated by the board as an approved school in hairdressing and beauty culture and placed upon its list of such approved schools, upon complying with the following provisions: each applicant, whether individual, firm or corporation, shall prior to the opening of such school, present to such board a verified application containing the following information:*

(1) Full name of individual, firm or corporation; including all the members, owners, partners and directors of such firm or corporation, *and if the corporation is a foreign corporation, or if the individual persons or partners applying for such certificate of approval are not residents of the state of Minnesota, then said application shall designate a resident agent for service.*

(2) The past occupation of such individual or individuals, firm or corporation, *and complete information concerning the occupations of the directors in the case of a corporation.*

(3) A complete financial statement showing *all the assets and liabilities of the applicant, and if the applicant is an individual or partnership a complete financial statement showing all assets and liabilities of the individual or of the individual partners.*

(4) A complete plan of operation setting forth such information relating thereto as the board in its application form may lawfully require. Upon such receipt of such application, the board shall, within 45 days set said application for public hearing. At the time set for hearing of said application, the applicant shall show by competent evidence its qualifications. After the duly held hearing and upon proper showing at said hearing of qualifications of the applicant, the board may then issue a certificate of approval to said school.

The board shall take into consideration the financial qualifications of the applicant and in no case shall the board grant a certificate of approval to any applicant if said applicant fails to show sufficient financial worth and responsibility to properly conduct a school and fails to assure the board that the applicant's financial resources will be ample to maintain and operate said school and assure the graduation of students who are registered with and have paid their tuition to said school.

If the applicant, prior to the issuance to it of a certificate of approval, makes any false or fraudulent statements or in any way misrepresents or makes false statements in its application, said applicant shall be disqualified and no certificate of approval shall be granted to it by the board.

Should any applicant after receiving a certificate of approval from the board be found guilty of committing fraud, the board shall have the authority to revoke and cancel said certificate of approval.

Said certificate of approval shall be transferable only to such persons, individuals or corporations who shall make a showing to the board of financial responsibility, in the same manner as required of an original applicant.

An approved school shall maintain upon its staff one competent and qualified instructor for each 30 students or fraction thereof, and such school shall give and require a course of training and instruction of not less than 1250 hours of classroom work, divided into classified hours conforming with the curriculum issued by the board, said hours not to exceed eight hours per day, to include both practical instruction and study and recitation in sanitation, sterilization, and the use of anti-septic consistent with the practical and theoretical requirements as applicable to and as provided in this act; and shall comply with all rules and regulations relating to schools as in this act contained. Where the registrant in a school is enrolled for the entire beauty course, then the requirements set forth by this act relating to the hours of study in manicuring may be modified at the discretion of the board.

(b) Any approved school shall display in the entrance reception room of its student section, a sign indicating that all work therein is done exclusively by students. Professional departments of any beauty school shall be run as an entirely separate and distinct business and apart from the school and said professional department shall have separate entrances thereto. The foregoing provision as to 1250 hours shall not

apply to students having duly enrolled in schools prior to the passage of this act.

(c) No school, duly approved under this act, shall refuse to teach any student, otherwise qualified, on account of race, creed or color.

(d) *All such schools shall be inspected by the board at least once each year."*

Sec. 10. Law amended.—Mason's Minnesota Statutes of 1927, Section 5846-39, is hereby amended to read as follows:

"5846-39. Practitioners from other states.—(a) The board may dispense with and waive the examination for license upon the application of any person who is able to furnish *sufficient* documentary evidence and proof of having *lawfully* practiced in another state, *which other state extends the same privileges to persons of this state*, for a period of at least *two years* prior to the time of such application for license *in Minnesota*, and where the requirements both moral and educational, if such applicant is licensed in such other state, are substantially equal to the provisions of this act, upon the payment of the fee for license as provided herein.

Sec. 11. Law amended.—Mason's Supplement 1940, Section 5846-41, is hereby amended to read as follows:

"5846-41. Display of license — renewal license.—Every holder of a license granted by the said board, as provided in this act, shall display it in a conspicuous place in his place of business. All licenses shall expire December 31 of the year in which issued, unless renewed as herein provided. The holder of a license issued by the said board shall annually, on or before December 31, renew his license and pay the renewal fee. If such license is not renewed on or before December 31, of the year in which it is issued, *but renewed within six months from the date of expiration thereof*, such licensee shall pay a penalty of \$5.00, in addition to the renewal fee of an operator's license and \$10.00, in addition to the renewal fee of a manager-operator's license. *In the event that such renewal shall be applied for more than six months subsequent to the expiration date of the last license, then such applicant shall be required to take an examination in the same manner as if no license had ever been issued."*

Sec. 12. Law amended.—Mason's Minnesota Statutes of 1927, Section 5846-42, is hereby amended to read as follows:

"5846-42. Refusal of licenses — renewal of licenses — reissue.—The board shall have the following additional powers:

(a) It may refuse to grant or renew a license to a person guilty of fraud in passing examination, or at any time found guilty of a felony, immorality, or grossly unprofessional or dishonest conduct, or to a person *found by the board after a public hearing as herein provided for to have engaged in* advertising by means of false or deceptive statements, or for the failure to display his license in a conspicuous place in his place of business.

(b) It may revoke or suspend licenses, upon proof of violation of the rules and regulations herein set forth, for practicing while having any contagious or infectious disease, or for gross incompetency; or it may revoke or suspend the license of any manager-operator or operator who permits an unlicensed operator to work upon a customer or patron in any shop or shops.

(c) Provided, however, that before any license shall be revoked, suspended *or refused*, the holder thereof shall have notice in writing of the charge or charges made and filed against him, and shall at a day specified in the said notice, at least 20 days after the service of said notice, be given a public hearing and full opportunity to produce testimony and evidence in his behalf and to confront the witnesses against him. Said board shall have authority to administer oaths and take testimony. Any person whose license has been so revoked, suspended *or refused* may on written application to the said board, have the same reissued to him or the suspension lifted upon satisfactory showing that the disqualification has ceased."

Sec. 13. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 5846-44, is hereby amended to read as follows:

"5846-44. **Fees—disposition of.**—All fees as provided in this act, shall be paid in advance to the *executive* secretary of the board and shall be by him deposited in the state treasury and credited to the board. Said funds shall be disbursed by the board only on the order of the president of said board and in payment of expenses lawfully incurred and approved by the board, and with the approval of the State Board of Administration and Finance in these cases set forth heretofore where such approval is required. On the failure to pass an examination for license the fee paid shall not be returned to the applicant, but at any time within one year after such failure such applicant may present himself and take a second examination without the payment of any additional license fee."

Sec. 14. **Shall file names with board.**—*Any person, firm, partnership or corporation, not a resident of Minnesota, who engages in the practices hereinbefore set forth in Minnesota,*

shall file with the board the name and address of a duly authorized agent for service of legal process, which said agent for service shall be a resident of the state of Minnesota.

Sec. 15. **Available money.**—All money available to the board shall be subject to Laws 1939, Chapter 431, Article II, Section 20.

Approved April 28, 1941.

CHAPTER 491—H. F. No. 942

An act relating to the use of certain excise taxes collected on gasoline bought and used for aeronautical and aviation purposes and amending Mason's Supplement 1940, Section 2720-79.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Law amended.**—Mason's Supplement 1940, Section 2720-79 is hereby amended to read as follows:

"2720-79. Reimbursement in certain cases—penalties for false statements.—Any person who shall buy and use gasoline for any purpose other than use in motor vehicles or for use in machinery operated for the purpose of constructing, reconstructing or maintaining the public highways of this state, and who shall have paid any excise tax required by this act to be paid directly or indirectly through the amount of such tax being included in the price of such gasoline or otherwise, shall be reimbursed and repaid the amount of such tax paid by him upon presenting to the inspector a verified claim in such form and containing such information as the inspector shall require and accompanied by the original invoice thereof, which claim shall set forth the total amount of such gasoline so purchased and used by him other than in motor vehicles, or for use in machinery operated for the purpose of constructing, reconstructing or maintaining the public highways of this state, and shall state when and for what purpose the same was used. If the inspector be satisfied that the claimant is entitled to payment, he shall approve the claim. Upon the approval of any such claim the inspector shall draw his check on the gas tax account payable to the person entitled thereto. No such repayment shall be made unless the claim and invoice shall be presented to the inspector within four months from the date of such purchase.