

ing of any State Central Committee, are advanced proportionately when necessary to conform to the changes in dates made in this section. The Secretary of State shall determine what advancements of such dates or time are necessary and give such notice as he may deem advisable.

**Sec. 15. Nomination fees, when secretary of state to pay to counties.** Payment by the Secretary of State to the various counties of nomination fees of candidates filed in his office shall, for the year 1946, be made on July 1st in the manner otherwise provided by law.

**Sec. 16. Expenses of county auditors.** The County Auditors of the several counties are hereby authorized and empowered to incur such expenses and expend such amounts for clerk hire, postage and other expenses as are necessary to carry out the provisions of this act, the same to be paid from the general revenue funds of the counties.

**Sec. 17. Provisions exclusive.** The provisions of this act shall constitute the exclusive requirements for absentee voting by members of the armed forces.

**Sec. 18. Holding 1948 elections.** Elections to be held in the year 1948 shall be carried on and held in the same manner as though this act had not been passed.

Approved March 29, 1945.

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#### CHAPTER 191—H. F. No. 846

*An act relating to hairdressing and beauty culture; amending Minnesota Statutes 1941, Sections 155.02, 155.06, 155.08, 155.09 as amended by Laws 1943, Chapter 573, Section 1, 155.11 as amended by Laws 1943, Chapter 573, Section 3, 155.18, and 155.20.*

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

Section 1. Minnesota Statutes 1941, Section 155.02, is amended to read as follows:

“155.02. **Definitions.** Subdivision 1. Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of this chapter, shall be given the meanings subjoined to them.

Subd. 2. Any person who engages in the practice, for compensation or other reward, in any one or any combination of the following practices: 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, *hands*, bust, or upper part of the body for the purpose of beautification, shall be defined as and construed to be practicing hairdressing and beauty culture.

Subd. 3. An "operator" is any person who has secured a license to engage in and engages in the practices defined in subdivision 2, as named within this chapter.

Subd. 4. 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. 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 subdivision 2, but does employ one or more manager-operators in the shop or school to manage same or instruct therein.

Subd. 5. 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 herein.

Subd. 6. A "manicurist" is a person who practices beauty culture by treating the hands and the nails only.

Sec. 2. Minnesota Statutes 1941, Section 155.06, is amended to read as follows:

155.06. **Organization of board; rules; records.** *Subdivision 1.* The board shall on the second Tuesday of each year assemble at the state capitol or at such other place as such board has established offices pursuant to the provisions of this chapter and then and there organize by electing from among its members a president, a vice-president, and a secretary-treasurer to serve until their successors are elected and have qualified. The board shall appoint such assistants, inspectors, and clerical help as it may deem necessary to perform the work of the board. The *appointments* shall be made in accordance with the rules and regulations to be adopted by the board

and chosen upon the basis of experience, training, and general qualifications for the work. Necessary expenses incurred in the transaction of the business of the board and the salaries and necessary expenses of assistants, inspectors, and clerical help shall be fixed by the board. The total sum of money to be expended for the *salaries* of the assistants, inspectors, and clerical help and other necessary expenses connected with the work shall not exceed the sum of \$25,000 per annum. The board shall maintain an office for the conduct of its business. The *secretary-treasurer* 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. *The secretary-treasurer of the board shall maintain its office and devote his entire time to the duties thereof and receive an annual salary of \$3,000, payable in semi-monthly installments, and any necessary expenses incurred in the performance of his official duties.*

Subd. 2. The board shall meet for the purpose of examining applicants for license and of examining and granting applications for license at the state capitol *or at such other place as said board has established offices pursuant to the provisions of this chapter* not less than four times each year, these 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. A quorum for the transaction of business of the board shall consist of at least two-thirds of the members of the board. The board shall have power to formulate rules for the proper administration of its business.

Subd. 3. The *secretary-treasurer* shall keep a record of all the board's official proceedings and this record shall be prima facie evidence of all matters therein recorded. The *secretary-treasurer* shall be charged with the supervision of the records of receipts and disbursements of the board. No board member *may* make routine inspections of shops engaging in the practices herein, but such inspections shall be made by employees of the board.

Sec. 3. Minnesota Statutes 1941, Section 155.08, is amended to read as follows:

155.08. **Compensation, expenses of board members; exception.** Each member of the board *except the secretary-treasurer* 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. 4. Minnesota Statutes 1941, Section 155.09, as amended by Laws 1943, Chapter 573, Section 1, is amended to read as follows:

155.09. **Applicants for examination; qualifications; license fees.** *Subdivision 1.* 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 *and has an eighth grade education or its equivalent;*

(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 this approved school, which certificate shall be signed and verified by the individual owner or owners of the approved school, if owned by an individual or partnership, or the proper and lawful officer, if a corporation;

In any case, before an applicant shall be eligible to receive such certificate, the applicant shall have received in accordance with the curriculum established by the board 1,500 hours of instruction in theory and practice in classes actually attended by him, *except for manicuring only, 250 hours of instruction shall be deemed sufficient;* and

(5) Payment of an examination fee of \$5.00; *except that for manicuring only the examination fee shall be \$3.00.*

*Subd. 2.* 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 the board.

*Subd. 3.* Such examination shall include both practical demonstrations and written or oral tests, *which shall include business management,* 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 chapter. If a student shall fail to pass such examination, 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.

Subd. 4. A manager-operator may be licensed as such under this chapter upon the payment of a fee of \$5.00, provided that 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 chapter.

Subd. 5. Renewal license fees shall be as follows:

For operator.....	\$1.00
For manager-operator.....	\$1.50
For manicurist.....	\$1.00

Sec. 5. Minnesota Statutes 1941, Section 155.11, as amended by Laws 1943, Chapter 573, Section 3, is amended to read as follows:

155.11. **School; approval; instruction.** *Subdivision 1.* Any person, firm, or corporation desiring to establish a hair-dressing 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 the 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 indi-

vidual or partnership, a complete financial statement showing all assets and liabilities of the individual or of the individual partners; and

(4) A complete plan of operation setting forth such information relating thereto as the board in its application form may lawfully require. Upon receipt of such application; the board shall, within 45 days set the application for public hearing.

*Subd. 2.* At the time set for hearing of the application, the applicant shall show by competent evidence its qualifications. After the duly held hearing and upon proper showing at the hearing of qualifications of the applicant, the board may then issue a certificate of approval to the school.

*Subd. 3.* 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 the 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 the school and assure the graduation of students who are registered with and have paid their tuition to the school.

*Subd. 4.* 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, the applicant shall be disqualified and no certificate of approval shall be granted to it by the board.

*Subd. 5.* 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 the certificate of approval.

*Subd. 6.* The 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.

*Subd. 7.* An approved school shall maintain upon its staff one *full time* 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 1,500 hours of classroom work, divided into classified hours conforming with the curriculum issued by the board, these hours not to exceed eight hours per day, to include both practical instruction and study and recitation in sanitation, sterilization, and the use

of antiseptic consistent with the practical and theoretical requirements as applicable to and as provided in this chapter, and shall comply with all rules and regulations relating to schools as in this chapter contained. Where the registrant in a school is enrolled for the entire beauty course, then the requirements set forth by this chapter relating to the hours of study in manicuring may be modified at the discretion of the board.

*Subd. 8.* 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 the professional department shall have separate entrances thereto. The foregoing provision as to 1,500 hours shall not apply to students having duly enrolled in schools prior to the passage of this chapter.

*Subd. 9.* No school, duly approved under this chapter, shall refuse to teach any student, otherwise qualified, on account of race, creed, or color.

*Subd. 10.* All schools shall be inspected by the board at least once a year.

Sec. 6. Minnesota Statutes 1941, Section 155.18, is amended to read as follows:

155.18. **Disposal of fees.** *Subdivision 1.* All fees, as provided in this chapter, shall be paid in advance to the board and deposited in the state treasury and credited to the board. These funds shall be disbursed by the board only on the order of the president of the board and in payment of expenses lawfully incurred and approved by the board and with the approval of the department of administration 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 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.

*Subd. 2.* All money available to the board shall be subject to Laws 1939, Chapter 431, Article II, Section 20.

Sec. 7. Minnesota Statutes 1941, Section 155.20, is amended to read as follows:

"155.20. **Requisites for practice outside of place of business.** *Subdivision 1.* Nothing contained in this chapter, not-

withstanding any provision contained in section 155.03, shall be construed to prohibit a licensed operator under the provisions of this chapter, who has had experience and practice for a period of one year or more, from engaging in and practices defined in section 155.02 in the homes of customers or patrons, under such sanitary and health rules and regulations as may be prescribed and set down by the state board of health and the board provided for in this chapter.

*Subd. 2. Any person practicing hairdressing and beauty culture outside of or away from a place of business shall carry with him a certificate of identification which must be shown to a person upon whom hairdressing and beauty culture work is being performed. Said certificate of identification shall contain the signature of the operator, his postoffice address, the number and date of his license, and place of business where such operator regularly is employed. The board shall issue such certificate over the signature of the secretary of said board upon demand by any person entitled thereto.*

**Sec. 8. Application.** No provisions of Minnesota Statutes 1941, Chapter 155, apply to manufacturers of cosmetics, or to their representatives or employees, unless they engage in this state in the practice of hairdressing and beauty culture, as the same is defined in Minnesota Statutes 1941, Section 155.02, Subdivision 2.

**Sec. 9. Practicing manicurists, duties.** All manicurists who have been engaged in practice as such in this state for a period of not less than six months prior to the passage of this Act, who desire to continue in such practice, shall, within six months after the passage of this Act, make written application to the board, upon a form prepared and supplied by it, for a license as a manicurist, as provided in this Act. All such applicants must prove that they are of good moral character, are free from any contagious or infectious disease, and have practiced as manicurists for a period of not less than six months prior to the passage of this Act. The proof of practice and good moral character shall be made by affidavits from at least two reputable citizens residing in the community in which the applicant practices or has practiced. The application and affidavits shall be filed with the board within such six months and the board shall issue to such applicant a license, without examination, upon the payment of a fee of \$2.00."

Approved March 29, 1945.