

(iv) In satisfying a share provided by this paragraph, devises to the testator's children who were living when the will was executed abate ratably. In abating the devises of the then-living children, the court shall preserve to the maximum extent possible the character of the testamentary plan adopted by the testator.

(b) Neither paragraph (a), clause (1) or (2), nor paragraph (c), applies if:

(1) it appears from the will that the omission was intentional; or

(2) the testator provided for the omitted after-born or after-adopted child by transfer outside the will and the intent that the transfer be in lieu of a testamentary provision is shown by the testator's statements or is reasonably inferred from the amount of the transfer or other evidence.

(c) If at the time of execution of the will the testator fails to provide in the will for a living child solely because the testator believes the child to be dead, the child receives a share in the estate equal in value to that which the child would have received had the testator died intestate, unless the will devised all or substantially all of the estate to the other parent of the child the testator believes to be dead and the other parent survives the testator and is entitled to take under the will.

(d) If a deceased omitted child would have been entitled to a share under this section if the omitted child had not predeceased the testator and the deceased omitted child leaves issue who survive the testator, the issue who represent the deceased omitted child are entitled to take the deceased omitted child's share.

(e) In satisfying a share provided by paragraph (a), clause (1), or (c), devises made by the will abate under section 524.3-902.

Presented to the governor April 19, 2005

Signed by the governor April 22, 2005, 5:45 a.m.

## CHAPTER 27—H.F.No. 1650

*An act relating to cosmetology; providing for the transfer of regulatory oversight; modifying regulatory provisions; providing conforming changes; amending Minnesota Statutes 2004, sections 154.18; 154.22; 155A.03, subdivision 4a; 155A.04; 155A.045, subdivision 1; 155A.08, subdivision 1; 155A.135; repealing Minnesota Statutes 2004, sections 155A.03, subdivision 13; 155A.06; Minnesota Rules, part 2100.9300, subpart 1.*

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

Section 1. Minnesota Statutes 2004, section 154.18, is amended to read:

154.18 FEES.

(a) The fees collected, as required in this chapter, chapter 214, and the rules of the board, shall be paid in advance by ~~September 1~~ of the year in which they are due to

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the executive secretary of the board. The executive secretary shall deposit the fees in the general fund in the state treasury; to be disbursed by the executive secretary on the order of the chair in payment of expenses lawfully incurred by the board.

(b) The board shall charge the following fees:

- (1) examination and certificate, registered barber, \$65;
- (2) examination and certificate, apprentice, \$60;
- (3) examination, instructor, \$160;
- (4) certificate, instructor, \$45;
- (5) temporary teacher or apprentice permit, \$50;
- (6) renewal of license, registered barber, \$50;
- (7) renewal of license, apprentice, \$45;
- (8) renewal of license, instructor, \$60;
- (9) renewal of temporary teacher permit, \$35;
- (10) student permit, \$25;
- (11) initial shop registration, \$60;
- (12) initial school registration, \$1,010;
- (13) renewal shop registration, \$60;
- (14) renewal school registration, \$260;
- (15) restoration of registered barber license, \$75;
- (16) restoration of apprentice license, \$70;
- (17) restoration of shop registration, \$85;
- (18) change of ownership or location, \$35;
- (19) duplicate license, \$20; and
- (20) home study course, \$75.

Sec. 2. Minnesota Statutes 2004, section 154.22, is amended to read:

**154.22 BOARD OF BARBER AND COSMETOLOGIST EXAMINERS  
CREATED; TERMS.**

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

(b) The barber members shall be persons who have practiced as registered barbers in this state for at least five years immediately prior to their appointment; shall be graduates from the 12th grade of a high school or have equivalent education, and shall have knowledge of the matters to be taught in registered barber schools, as set forth in

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section 154.07. One of the barber members shall be a member of, or recommended by, a union of journeymen barbers that has existed at least two years, and one barber member shall be a member of, or recommended by, a professional organization of barbers.

(c) All cosmetologist members must be currently licensed in the field of cosmetology in the state of Minnesota, have practiced in the licensed occupation for at least five years immediately prior to their appointment, be graduates from the 12th grade of high school or have equivalent education, and have knowledge of sections 155A.01 to 155A.16 and Minnesota Rules, chapters 2642 and 2644. The cosmetologist members shall be members of, or recommended by, a professional organization of cosmetologists, manicurists, or estheticians.

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

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

(f) The barber members of the board shall separately oversee administration, enforcement, and regulation of, and adoption of rules under, sections 154.01 to 154.26. The cosmetologist members of the board shall separately oversee administration, enforcement, and regulation of, and adoption of rules under, sections 155A.01 to 155A.16. Staff hired by the board, including inspectors, shall serve both professions.

Sec. 3. Minnesota Statutes 2004, section 155A.03, subdivision 4a, is amended to read:

Subd. 4a. **LICENSED PRACTICE.** "Licensed practice" means the practice of cosmetology in a licensed salon or the practice of an esthetician in connection with medical care in relation to esthology in a licensed physician's the office of a licensed physician.

Sec. 4. Minnesota Statutes 2004, section 155A.04, is amended to read:

#### 155A.04 ADMINISTRATION.

Subdivision 1. **COMMISSIONER'S BOARD'S POWERS AND DUTIES; GENERALLY.** ~~The commissioner of commerce shall have board~~ has the power and duties necessary for the administration of the provisions of this chapter.

Subd. 2. **HIRING AND ASSIGNMENT OF EMPLOYEES.** ~~The commissioner shall have board~~ has the authority to hire in the classified service, or to assign to employees of the Department of Commerce, qualified personnel in the classified service to assist in administering the law, including those for the testing and licensing of applicants and the continuing inspections required.

Sec. 5. Minnesota Statutes 2004, section 155A.045, subdivision 1, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. **SCHEDULE.** The fee schedule for licensees is as follows:

(a) Three-year license fees:

(1) cosmetologist, manicurist, esthetician, \$90 for each initial license, and \$60 for each renewal;

(2) instructor, manager, \$120 for each initial license, and \$90 for each renewal;

(3) licensed physician's office, \$130 for each initial license, and \$100 for each renewal;

(4) salon, \$130 for each initial license, and \$100 for each renewal; and

(5) (4) school, \$1,500.

(b) Penalties:

(1) reinspection fee, variable; and

(2) manager with lapsed practitioner, \$25.

(c) Administrative fees:

(1) certificate of identification, \$20; and

(2) school original application, \$150.

(d) All fees established in this subdivision must be paid to the executive secretary of the board on or before September 1 of the year in which they become due. The executive secretary of the board shall deposit the fees in the general fund in the state treasury; to be disbursed by the executive secretary on the order of the chair in payment of expenses lawfully incurred by the board.

Sec. 6. Minnesota Statutes 2004, section 155A.08, subdivision 1, is amended to read:

Subdivision 1. **LICENSING.** Any person who offers cosmetology services for compensation in this state shall be licensed as a salon if not employed by another licensed salon or as an esthetician in connection with medical care in relation to esthology in a licensed physician's area the office of a licensed physician.

Sec. 7. Minnesota Statutes 2004, section 155A.135, is amended to read:

155A.135 **ENFORCEMENT.**

The provisions of section ~~45.027~~ 154.161 apply to the administration of sections 155A.01 to 155A.16.

Sec. 8. **TRANSFER OF POWERS.**

All powers, duties, and obligations of the commissioner of commerce in Minnesota Statutes, chapter 155A, are transferred to the Board of Barber and Cosmetologist Examiners under Minnesota Statutes, section 15.039, except as otherwise prescribed in this act.

New language is indicated by underline, deletions by ~~strikeout~~.

**Sec. 9. REVISOR INSTRUCTION.**

The revisor shall: (1) renumber Minnesota Statutes, sections 154.18, 154.22, and 154.23, as Minnesota Statutes, sections 154.003, 154.001, and 154.002, respectively; (2) renumber Minnesota Statutes, chapter 155A, in Minnesota Statutes, chapter 154, following Minnesota Statutes, section 154.26; and (3) correct references to these sections in Minnesota Statutes and Minnesota Rules. The revisor shall delete "Board of Barber Examiners" and substitute "Board of Barber and Cosmetologist Examiners" in Minnesota Rules and shall delete "commissioner of commerce", "commissioner," and "department" where it means the commissioner or Department of Commerce, and substitute "board" or "Board of Barber and Cosmetologist Examiners," as appropriate, in Minnesota Rules, chapters 2642 and 2644. The revisor shall renumber Minnesota Rules, chapters 2642 and 2644, as chapters 2105 and 2110, respectively, and shall correct references to the renumbered parts and chapters.

**Sec. 10. REPEALER.**

(a) Minnesota Statutes 2004, sections 155A.03, subdivision 13; and 155A.06, are repealed.

(b) Minnesota Rules, part 2100.9300, subpart 1, is repealed.

Presented to the governor April 19, 2005

Signed by the governor April 22, 2005, 5:50 a.m.

**CHAPTER 28—S.F.No. 451**

*An act relating to Anoka County; proposing coding of certain laws relating to Anoka County; repealing Laws 1959, chapters 199, as amended, 325; Laws 1961, chapters 366, 627; Laws 1963, chapters 37, 78, 161, section 3; Laws 1965, chapter 462; Laws 1967, chapters 237, 344; Laws 1971, chapter 4.*

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

**Section 1. INSTRUCTION TO REVISOR.**

Except as provided in section 3, the revisor of statutes shall codify the special laws relating to Anoka County, including those listed below:

- (1) Laws 1963, chapter 9;
- (2) Laws 1963, chapter 161, sections 1 and 2, as amended by Laws 1967, chapter 560;
- (3) Laws 1963, chapter 263;
- (4) Laws 1969, chapter 392;
- (5) Laws 1974, chapter 20;
- (6) Laws 1977, chapter 198;

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