

FEB 28 2009

LCRC  
FORM 2

WISCONSIN LEGISLATIVE COUNCIL STAFF

***RULES CLEARINGHOUSE***

**Ronald Sklansky**  
Director  
(608) 266-1946

**Richard Sweet**  
Assistant Director  
(608) 266-2982



**Laura D. Rose, Interim Director**  
Legislative Council Staff  
(608) 266-1304

One E. Main St., Ste. 401  
P.O. Box 2536  
Madison, WI 53701-2536  
FAX: (608) 266-3830

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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 00-018**

AN ORDER to amend RL 62.11 (1) (L), relating to holding classes outside of the classroom.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

01-25-00 RECEIVED BY LEGISLATIVE COUNCIL.

02-21-00 REPORT SENT TO AGENCY.

RNS:DD;jal;rv

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

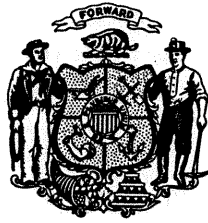
Comment Attached      YES       NO

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 00-018

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### 5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The department's analysis indicates that the rule would allow students to receive classroom credit for visiting an actual establishment. The rule, however, appears to be broader than the analysis indicates. The rule provides three exceptions to the current restriction: (1) structured salon visits; (2) instruction for individual student needs; and (3) instruction for industry trends and electives. The latter two exceptions do not appear to be necessarily confined to instruction at actual establishments. Perhaps clarification is in order.

b. Is it clear in the rule to what "electives" refers?

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : DEPARTMENT OF REGULATION AND  
DEPARTMENT OF REGULATION : LICENSING ADOPTING RULES  
AND LICENSING : (CLEARINGHOUSE RULE 00- )  
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PROPOSED ORDER

An order of the Department of Regulation and Licensing to *amend* RL 62.11 (1) (L), relating to holding classes outside of the classroom.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

Statutes authorizing promulgation: ss. 227.11 (2) and 440.62 (5) (b), Stats.

Statutes interpreted: s. 440.62 (5) (b), Stats.

The Department of Regulation and Licensing proposes to revise its rules to allow students in a barbering and cosmetology practitioner, manicuring, aesthetician or electrologists school program to attend classes outside of their school. Under current rules, classes may only be held at the location of the school identified in its latest application. These proposed rules would allow students to receive classroom credit for visiting an actual establishment.

The department believes it is important for students to receive exposure to the current industry trends and techniques necessary for the protection of the health, safety and welfare of the Wisconsin citizenry.

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TEXT OF RULE

SECTION 1. RL 62.11 (1) (L) is amended to read:

RL 62.11 (1) (L) Holding classes, except for structured salon visits and instruction for individual student needs or industry trends and electives, at any location other than that identified in the school's or specialty school's latest application for licensure.

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(END OF TEXT OF RULE)  
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- 1) structured salon visits
- 2) instruction for individual student needs
- 3) instruction for industry trends and electives

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated \_\_\_\_\_

Agency \_\_\_\_\_

Marlene A. Cummings, Secretary  
Department of Regulation and Licensing

#### FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

#### INITIAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

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1/14/2000

JUN 26 2000

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING

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**IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE**  
**PROCEEDINGS BEFORE THE : DEPARTMENT OF REGULATION**  
**DEPARTMENT OF REGULATION : AND LICENSING ADOPTING RULES**  
**AND LICENSING : (CLEARINGHOUSE RULE 00-018)**

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TO: Senator Judy Robson, Senate Co-Chairperson  
Joint Committee for the Review of Administrative Rules  
Room 15 South, State Capitol  
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the DEPARTMENT OF REGULATION AND LICENSING is submitting in final draft form rules relating to holding classes outside of the classroom.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

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**STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING**

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**IN THE MATTER OF RULE-MAKING : REPORT TO THE LEGISLATURE  
PROCEEDINGS BEFORE THE : ON CLEARINGHOUSE RULE 00-018  
DEPARTMENT OF REGULATION : (s. 227.19 (3), Stats.)  
AND LICENSING :**

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**I. THE PROPOSED RULE:**

The proposed rule, including the analysis and text, is attached.

**II. REFERENCE TO APPLICABLE FORMS:**

No new or revised forms are required by these rules.

**III. FISCAL ESTIMATES:**

These rules will have no significant impact upon state or local units of government.

**IV. STATEMENT EXPLAINING NEED:**

The Department of Regulation and Licensing proposes to revise its rules to allow students in a barbering and cosmetology practitioner, manicuring, aesthetician or electrologists school program to attend classes outside of their school. Under current rules, classes may only be held at the location of the school identified in its latest application. These proposed rules would allow students to receive classroom credit for visiting an actual establishment or for individual student needs or industry trends.

The department believes it is important for students to receive exposure to the current industry trends and techniques necessary for the protection of the health, safety and welfare of the Wisconsin citizenry.

**V. NOTICE OF PUBLIC HEARING:**

A public hearing was held on April 3, 2000. There were no appearances at the public hearing nor were any written comments received.

**VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

The recommendations suggested in the Clearinghouse Report were accepted in whole.

**VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:**

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

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6/26/00



STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : DEPARTMENT OF REGULATION AND  
DEPARTMENT OF REGULATION : LICENSING ADOPTING RULES  
AND LICENSING : (CLEARINGHOUSE RULE 00-018)

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(END OF TEXT OF RULE)

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Dated \_\_\_\_\_

Agency \_\_\_\_\_

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FINAL REGULATORY FLEXIBILITY ANALYSIS

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6/23/2000