



State of Wisconsin


LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 02/15/2008 (Per: CTS)





Appendix A

 The 2007 drafting file for LRB-2588/2

has been copied/added to the drafting file for

2007 LRB-4102

 The attached 2007 draft was incorporated into the new 2007 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as an appendix, to the new 2007 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

 This cover sheet was added to rear of the original 2007 drafting file. The drafting file was then returned, intact, to its folder and filed.

2007 DRAFTING REQUEST

Bill

Received: 04/25/2007

Received By: tkuczens

Wanted: As time permits

Identical to LRB:

For: Regulation and Licensing 266-8608

By/Representing: Larry Martin

This file may be shown to any legislator: NO

Drafter: tkuczens

May Contact:

Addl. Drafters:

Subject: Occupational Reg. - prof lic

Extra Copies: cts

Submit via email: YES

Requester's email: Larry.Martin@drl.state.wi.us

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Supervision of apprentices in barbering or cosmetology

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/1	tkuczens 06/12/2007 tkuczens 11/27/2007	bkraft 06/15/2007 bkraft 11/27/2007	pgreensl 06/15/2007	_____	cduerst 06/15/2007		State
/2			rschlue 11/27/2007	_____	lparisi 11/27/2007		

LRB-2588

11/27/2007 03:58:13 PM

Page 2

FE Sent For:

<END>

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/?							State
/1	tkuczens 06/12/2007	bkraft 06/15/2007	pgreensl 06/15/2007		cduerst 06/15/2007		

FE Sent For:

1/2 bjk 11/27

Handwritten signature and "11/27" date, with "<END>" printed below.

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/?	tkuczens	1 bjk 6/14	6	6			
		1 jld 6/15	9	15			
			ps	ps			

FE Sent For:

<END>

Kuczenski, Tracy

From: Martin, Larry - DRL
Sent: Wednesday, April 25, 2007 10:31 AM
To: Kuczenski, Tracy
Cc: Wellnitz, Tim - DRL; Wichmann, Peggy - DRL
Subject: FW: B/C Leg Request Supervision of Apprentices
Attachments: BC-Leg Request-Supervision of Apprentices.doc; Scan001.PDF

Hi Tracy:

Here is another drafting request from DRL. This time, it is on behalf of our Barber and Cosmetology Board. Please let me know if there is any further information we can provide. Thanks!

Larry

Larry J. Martin
Executive Assistant
Office of the Secretary
Wisconsin Department of Regulation & Licensing
1400 East Washington Avenue
PO Box 8935
Madison, WI 53708-8935
larry.martin@drl.state.wi.us
608-266-8608

From: Wellnitz, Tim - DRL
Sent: Thursday, April 19, 2007 3:20 PM
To: Martin, Larry - DRL
Cc: Wichmann, Peggy - DRL
Subject: B/C Leg Request Supervision of Apprentices

Larry-

Attached is a legislative request from the Barbering and Cosmetology Examining Board. This is a very important change that is meant to correct a change that took place to the rules based on Legislative Council's interpretation of the statute. I have also attached the Clearinghouse report and comments. Legislative Council's interpretation can be found in comment 1b.

Ken Moore of DWD has spoken to the Board and supports this request and stated DWD would support this as well.

Tim

4/25/2007

REQUEST FOR LEGISLATION

To: Larry Martin
DRL Executive Assistant

From: Tim Wellnitz

Date: April 19, 2007

Board requesting draft: Barbering and Cosmetology Examining Board

Date of Board Request: April 2, 2007

Describe the problem to be corrected by the legislation:

When reviewing recent rules (CR 05-118) that were approved by the Barbering and Cosmetology Examining Board, Legislative Council reviewed the proposed rules and determined that apprentices cannot practice barbering or cosmetology "except under the supervision of a licensed manager" as is stated in 454.10(3), Stats. A previous interpretation that existed for years were that the licensed manager could delegate this supervision authority to a practitioner and this was reflected in rules until the changes were made that was requested by Legislative Council.

The Board believes that there needs to be a greater number of available supervisors for apprentices, so that qualified apprentices will not be turned away due to a lack of supervisors.

How should the problem be corrected?

The Board has requested, which is supported by Ken Moore of the DWD apprenticeship program, a statute change which would amend the statute to enable managers to delegate to qualified licensees the ability to supervise apprentices and which allows the Board to draft rules to create other requirements.

Has this proposal been introduced as legislation before? If so, when and under what bill

None.

What is the likely fiscal effect of the proposal?

None



LCRC
FORM 2

WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[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 05-118

AN ORDER to repeal BC 1.01 (1m) and 4.09 (3m); to renumber BC 1.01 (6h), (6r), (11) and (11m); to renumber and amend BC 2.025 (2) (c), 4.08 (intro.), (1), (2), and (3), 6.04 (1) and 8.01; to amend BC 1.01 (3), (3r) and (8), 2.025 (2) (b) and (3), 2.06 (5), 2.07 (1g), 3.01 (7), 3.02 (1) (a) to (c), 3.06 (2), 4.01 (2), 4.02 (1), 4.03 (2), 4.06 (3), 4.07 (intro.) and (2), Figure 5.02, Figure 5.06, Figure 6.03 (1), Figure 6.04 (3), chapter BC 8 (title) and 9.02; and to create BC 1.01 (6s), (7m), (9), (11n), (11r), (11w) and (13t), 2.025 (2) (c) 1. and 2., (2m) and (6), 4.01 (8), 4.08 (1) and (2), 6.04 (1) (b) and 8.01, relating to definitions, microdermabrasion, chemical skin peels, managers, ear piercing, waxing, nail enhancement, licensing requirements, and reinstatement of license.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

12-16-2005 RECEIVED BY LEGISLATIVE COUNCIL.

01-18-2006 REPORT SENT TO AGENCY.

RNS:MO

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 RULES CLEARINGHOUSE

Ronald Skiansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 05-118

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 January 2005.]

1. Statutory Authority

a. Section BC 2.025 (2m) allows licensees to practice microdermabrasion without medical supervision. Under s. 454.02 (1), Stats., licensees may not treat conditions "except as indicated in the definition of barbering or cosmetology...or under the direction of a licensed and practicing physician." Therefore, if microdermabrasion is not under the definition of "barbering and cosmetology," a physician's direction appears to be required.

b. The text added by the rule to s. BC 2.06 (5) and the creation of s. BC 6.04 (1) (b) appear to conflict with s. 454.10 (3), Stats., which prohibit an apprentice from practicing barbering or cosmetology "except under the supervision of a licensed manager."

2. Form, Style and Placement in Administrative Code

a. On page 8, the "Effect on small business" section states that the proposed rules will have no significant economic impact "on a substantial number" of small businesses. However, if the rule will have an effect on any number of small businesses, that should be stated in this section and the phrase "and affecting small business" should be included in the relating clause. [See s. 1.02 (1), Manual.]

b. For the same reason that "that which can be" is deleted in s. BC 1.01 (3), "that which is" should be deleted in s. BC 1.01 (8).

c. In s. BC 1.01 (7m), the second sentence is drafted as a substantive requirement rather than a definition. It is suggested that "and is a physically located within 120 miles of the licensee" be added to the first sentence.

d. In s. BC 2.025 (2m) (g), "all of the following" should be inserted before the colon after "contain." [See 1.03 (8), Manual.]

4. Adequacy of References to Related Statutes, Rules and Forms

On page 1, s. 454.10, Stats., should be added to the "statutes interpreted" section, since that statute is interpreted by the rule change to s. BC 2.06 (5) and the creation of s. BC 6.04 (1) (b).

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

In s. BC 2.025 (2m) (intro.), "A licensee" should replace "Licensees" for consistency with the singular "his or her."



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-25882

TKK.....

RMRUN bjk + jld

in 6/12/07

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA ✓
X-ref ✓

2007 Bill

- 1 AN ACT ...; relating to: supervision of barber or cosmetologist apprentices and
- 2 authorizing the exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, a person may learn barbering or cosmetology through an apprenticeship. No apprentice may practice barbering or cosmetology except under the supervision of a licensed manager. This bill permits the Barbering and Cosmetology Examining Board (board) in the Department of Regulation and Licensing to promulgate rules authorizing a licensed manager to delegate supervisory authority to a licensed barber or cosmetologist who meets qualifications established by the board. *over one or more apprentices*

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 454.10 (3) of the statutes is renumbered 454.10 (3) (a) and amended
- 4 to read:
- 5 ✓454.10 (3) (a) No apprentice may practice barbering or cosmetology except
- 6 under the supervision of a licensed manager or under the supervision of a person to

1 whom supervisory authority has been delegated pursuant to rules ✓
2 promulgated by
3 the examining board under par. (b). ✓

3 (c) ✓ Apprentices shall be trained in all branches of practical work and in all
4 subjects required to be taught in schools of barbering or cosmetology as prescribed
5 by the examining board by rule.

6 History: 1987 a. 265; 1995 a. 27 s. 9130 (4); ✓ 1995 a. 231; 1997 ✓

6 SECTION 2. 454.10 (3) (b) of the statutes is created to read: ✓

7 ✓ 454.10 (3) (b) The examining board may, by rule, ✓
8 authorize a licensed manager
9 to delegate supervisory authority over one or more apprentices ✓
10 to a licensed barber
11 or cosmetologist who satisfies the requirements and qualifications established by the
12 examining board. ✓

✓
(END)

Kuczenski, Tracy

From: Martin, Larry - DRL [Larry.Martin@drl.state.wi.us]
Sent: Thursday, November 15, 2007 10:02 AM
To: Kuczenski, Tracy
Subject: FW: Barber/Cos legislation
Attachments: BAC Stat draft re sup of apprentices.doc

Hey Tracy:

I have attached the Board's response to the comments we received from the LRB on LRB-2588/1. I would greatly appreciate your incorporating these comments into a revised draft. Thanks!

Larry

Larry J. Martin
Executive Assistant
Office of the Secretary
Wisconsin Department of Regulation & Licensing
1400 East Washington Avenue
PO Box 8935
Madison, WI 53708-8935
larry.martin@drl.state.wi.us
608-266-8608

I have attached the Board's response to comments received from the LRB on LRB-2588/1.
Thanks.

REVISED DRAFT PER BOARD'S REQUEST RE APPRENTICESHIP SUPERVISION

The Board asked me to revise the draft from the Legislature because it does not contain the 2,000 hours of experience provision that the Board wants. I added that requirement into the draft below.

SECTION 2 of the Legislative draft would require the Board to write rules to establish the qualifications of a licensee to whom the manager could delegate training and supervisory responsibilities. I left that provision out of my version because it is my understanding that the Board wants the 2,000 hour requirement in the statute. That is the fastest way to get this into law. Are there any other requirements the Board would like to add? Would the Board also like to have authority to write rules specifically on this topic?

REVISED DRAFT

454.10(3)(a) No apprentice may practice barbering or cosmetology except under the supervision of a licensed manager or of a licensed practitioner who is designated by the manager. The manager may only designate supervision to a practitioner who has at least 2,000 hours of post-licensure experience.

(b) Apprentices shall be trained in all branches of practical work and in all subjects required to be taught in schools of barbering or cosmetology as prescribed by the examining board by rule.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-25880
TKK:bjk&jld:pg
stays
RMNR
→insert

in 11/27/07

2007 BILL

SA ✓

regen. cat.

1 AN ACT to renumber and amend 454.10 (3); and to create 454.10 (3) (b) of the
2 statutes; relating to: supervision of barber or cosmetologist apprentices

~~authorizing the exercise of rule-making authority~~

has completed at least
2,000 hours of practice as
a licensed barber or
cosmetologist

Analysis by the Legislative Reference Bureau

Under current law, a person may learn barbering or cosmetology through an apprenticeship. No apprentice may practice barbering or cosmetology except under the supervision of a licensed manager. This bill permits ~~the Barbering and Cosmetology Examining Board (Board)~~ in the Department of Regulation and Licensing to promulgate rules authorizing a licensed manager to delegate supervisory authority over ~~one or more apprentices~~ to a licensed barber or cosmetologist who ~~meets qualifications established by the board~~.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

an apprentice

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 SECTION 1. 454.10 (3) of the statutes is renumbered 454.10 (3) (a) and amended

5 to read:

BILL

1 454.10 (3) (a) No apprentice may practice barbering or cosmetology except

2 under the supervision of a licensed manager or under the supervision of a ~~licensed~~

3 ~~whom supervisory authority has been delegated pursuant to rules promulgated by~~

4 ~~the examining board under par. (b)~~ Insert 2-2

5 (b) (c) Apprentices shall be trained in all branches of practical work and in all

6 subjects required to be taught in schools of barbering or cosmetology as prescribed

7 by the examining board by rule.

8 **SECTION 2.** 454.10 (3) (b) of the statutes is created to read:

9 454.10 (3) (b) The examining board may, by rule, authorize a licensed manager

10 to delegate supervisory authority over one or more apprentices to a licensed barber

11 or cosmetologist who satisfies the requirements and qualifications established by the

12 examining board.

13

(END)

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2588/2ins
TKK:bjk&jld:pg

1 **INSERT 2-2**
2 licensed barber or cosmetologist to whom supervisory authority has been delegated
3 by a licensed manager. A licensed manager may only delegate supervisory authority
4 to a licensed barber or cosmetologist who has completed at least 2,000 hours of
5 practice as a licensed barber or cosmetologist



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LEGISLATIVE REFERENCE BUREAU

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State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2588/2
TKK:bjk&jld:rs

2007 BILL

1 **AN ACT to renumber and amend 454.10 (3) of the statutes; relating to:**
2 supervision of barber or cosmetologist apprentices.

Analysis by the Legislative Reference Bureau

Under current law, a person may learn barbering or cosmetology through an apprenticeship. No apprentice may practice barbering or cosmetology except under the supervision of a licensed manager. This bill permits a licensed manager to delegate supervisory authority over an apprentice to a licensed barber or cosmetologist who has completed at least 2,000 hours of practice as a licensed barber or cosmetologist.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 454.10 (3) of the statutes is renumbered 454.10 (3) (a) and amended
4 to read:
5 454.10 (3) (a) No apprentice may practice barbering or cosmetology except
6 under the supervision of a licensed manager or under the supervision of a licensed

BILL

SECTION 1

1 barber or cosmetologist to whom supervisory authority has been delegated by a
2 licensed manager. A licensed manager may only delegate supervisory authority to
3 a licensed barber or cosmetologist who has completed at least 2,000 hours of practice
4 as a licensed barber or cosmetologist.

5 (b) Apprentices shall be trained in all branches of practical work and in all
6 subjects required to be taught in schools of barbering or cosmetology as prescribed
7 by the examining board by rule.

8 (END)