

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2316/P2dn
MPG:wlj:rs

October 24, 2011

Senator Grothman:

Please review this draft carefully to ensure that it is consistent with your intent. Please note that under this draft a licensed barber or barbering manager may practice barbering or manage a barbering establishment only, but a licensed cosmetologist or cosmetology manager may practice barbering, cosmetology, aesthetics, or manicuring or may manage an establishment at which barbering, cosmetology, aesthetics, manicuring, or electrology is performed.

I have some questions with respect to this draft:

Embedded drafter's notes

Please see the drafter's notes embedded in this draft, which I have carried over from the P1 draft because I still need answers to the questions that appear in those notes.

Nonstatutory transitional provisions

How do you want to handle the transition to the new licensing system for individuals who currently hold a barber or cosmetologist license? Do you want to require that current licensees apply separately for a barber license or a cosmetologist license under the new system? Alternatively, do you want to "grandfather in" current licensees?

If you want to grandfather in current licensees, how do you want to do that? For example, do you want to have all current licensees automatically grandfathered in as barbers or as cosmetologists or both? Or, do you want to provide a mechanism for allowing current licensees to be grandfathered in under the new system based on a particular licensee's actual practice?

The same question applies for:

- Barbering or cosmetology managers under current law.
- Barbering or cosmetology instructors under current law.
- Barbering or cosmetology schools under current law.

Board membership

The membership of the Barbering and Cosmetology Examining Board (board) is established under s. 15.405 (17), stats., and reflects the lumping together of the

practices of barbering and cosmetology under current law. As it stands, the board consists of nine members, four of whom must be “licensed barbers, aestheticians, or cosmetologists.” The board also contains two public members, one member who represents a private school of barbering or cosmetology, one member who represents a public school of barbering or cosmetology, and one licensed electrologist.

Do you want me to address board membership in light of the division of barbering and cosmetology in the draft? For example, do you want to require that the board contain at least one (or more than one) licensed barber and at least one (or more than one) licensed cosmetologist?

Delayed effective date

Finally, do you want to include a delayed effective date to give the board and the Department of Safety and Professional Services, which administers instructor certificates and licenses for barbering or cosmetology schools and specialty schools, time to prepare for the implementation of the new licensing scheme?

Please do not hesitate to contact me if you have any questions about the draft or this drafter’s note.

Thank you.

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