

# Appendix A

LEGISLATIVE REFERENCE BUREAU  
DRAFTING HISTORY RESEARCH APPENDIX

☞ The drafting file for 2017 LRB-2048/P1 (For: Senator Kapenga)  
has been copied/transferred to the drafting file for  
**2017 LRB-2087** (For: Senator Kapenga)



☞ Are These “Companion Bills” ?? ... No

**RESEARCH APPENDIX -**

**PLEASE KEEP WITH THE DRAFTING FILE**

☞ Request Made By: KP

☞ Date: 02/22/2017

2017 DRAFTING REQUEST

Bill

For: Chris Kapenga (608) 266-9174 Drafter: kpaczusk  
 By: Kyle Secondary Drafters:  
 Date: 2/6/2017 May Contact:

Same as LRB:

Submit via email: YES  
 Requester's email: Sen.Kapenga@legis.wisconsin.gov  
 Carbon copy (CC) to: michael.gallagher@legis.wisconsin.gov  
 michael.duchek@legis.wisconsin.gov  
 Konrad.Paczuski@legis.wisconsin.gov

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Pre Topic:

No specific pre topic given

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Topic:

Eliminate cosmetology, barber instructor licenses

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Instructions:

See attached

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Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kpaczusk 2/17/2017	kfollett 2/17/2017			
/P1			rmilford 2/17/2017		

FE Sent For: <END>

**Paczuski, Konrad**

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**From:** Koenen, Kyle  
**Sent:** Monday, February 06, 2017 3:40 PM  
**To:** Paczuski, Konrad <Konrad.Paczuski@legis.wisconsin.gov>  
**Subject:** Cosmetology Drafting Request #3

Konrad,

I am sorry that I am bombarding you with drafting requests, but we want to get a head start on this because we plan on releasing bills within the next week. We have 2 other issues we would like to address, preferably drafted in a separate bill to start. If we get these vetted within the next week, we will likely have them folded into the draft you are currently working on.

1. Eliminate the Cosmetology and Barbering Instructor Licenses – Would we have to clarify that this will be when the licenses are up for renewal in the bill? I would have the same question for the manager license bill we are doing with the Kleefisch office.
2. Allow the practical portion of the cosmetology and barbering exams to be administered by accredited schools determined by rule. We would want to set an effective date clarifying that it would be at the time the next contract for testing is renewed.

Let me know if you have any questions. Thanks!

**Kyle Koenen**

*Chief of Staff*

Office of Senator Chris Kapenga

Office: (608)266-9174

Mobile: (262)939-7093

**WISCONSIN LEGISLATIVE REFERENCE BUREAU**

Information Services 608-266-0341—Legal Services 608-266-3561



Phone call with Sen. Kapenga's office 2/17:

- Don't include the emailed instruction to affect the practical portions of cosmetology and barbering exam administration in this bill.

-KP



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-2048 *re-p1*  
KP... *kgf*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*IN: 2/17/2017*  
*OUT: Today, please*

*Gen*

1 AN ACT ...; **relating to:** eliminating instructor certificates for barbering,  
2 cosmetology, and related professions.

***Analysis by the Legislative Reference Bureau***

This bill eliminates the requirement for cosmetologists, aestheticians, electrologists, manicurists, and barbers to hold a certificate granted by the Department of Safety and Professional Services in order to provide practical instruction in their respective professions. Under current law, cosmetologists, aestheticians, electrologists, and manicurists licensed by the Cosmetology Examining Board must hold an additional certificate as an instructor and meet certain other requirements in order to provide practical instruction in their professions. Current law also requires barbers licensed by DSPPS to hold an additional certificate as an instructor and meet certain other requirements in order to provide practical instruction in barbering.

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

- 3 SECTION 1. 440.03 (13) (b) 5. of the statutes is repealed.
- 4 SECTION 2. 440.03 (13) (b) 14. of the statutes is repealed.
- 5 SECTION 3. 440.03 (13) (b) 19s. of the statutes is repealed.

**SECTION 4**

1           **SECTION 4.** 440.03 (13) (b) 27. of the statutes is repealed.

2           **SECTION 5.** 440.03 (13) (b) 35. of the statutes is repealed.

3           **SECTION 6.** 440.08 (2) (a) 7. of the statutes is repealed.

4           **SECTION 7.** 440.08 (2) (a) 17. of the statutes is repealed.

5           **SECTION 8.** 440.08 (2) (a) 24g. of the statutes is repealed.

6           **SECTION 9.** 440.08 (2) (a) 32. of the statutes is repealed.

7           **SECTION 10.** 440.08 (2) (a) 43. of the statutes is repealed.

**SECTION 11.** 440.63 (1) (a) of the statutes is renumbered 440.63 (1m) and amended to read:

SECTION 8  
440.63  
1)  
(H) (P)

10           **440.63 (1m)** No person may provide practical instruction in barbering unless  
11           the person holds a current ~~barbering instructor or cosmetology instructor certificate~~  
12           issued barber license granted by the department or cosmetologist license granted by  
13           the cosmetology examining board.

History: 1987 a. 265; 1989 a. 31; 1991 a. 39; 2007 a. 20; 2011 a. 190.

14           **SECTION 12.** 440.63 (1) (am) of the statutes is renumbered 440.63 (2m) and  
15           amended to read:

16           **440.63 (2m)** No person may provide practical instruction in cosmetology unless  
17           the person holds a current ~~cosmetology instructor certificate issued by the~~  
18           department cosmetologist license granted by the cosmetology examining board.

History: 1987 a. 265; 1989 a. 31; 1991 a. 39; 2007 a. 20; 2011 a. 190.

19           **SECTION 13.** 440.63 (1) (b) of the statutes is renumbered 440.63 (3m) and  
20           amended to read:

21           **440.63 (3m)** No person may provide practical instruction in aesthetics unless  
22           the person holds a current ~~aesthetics instructor or cosmetology instructor certificate~~

1 issued by the department aesthetician license or cosmetologist license granted by the  
2 cosmetology examining board.

History: 1987 a. 265; 1989 a. 31; 1991 a. 39; 2007 a. 20; 2011 a. 190.

3 **SECTION 14.** 440.63 (1) (c) of the statutes is renumbered 440.63 (4) and  
4 amended to read:

5 440.63 (4) No person may provide practical instruction in electrology unless the  
6 person holds a current ~~electrology instructor certificate issued by the department~~  
7 electrologist license granted by the cosmetology examining board.

History: 1987 a. 265; 1989 a. 31; 1991 a. 39; 2007 a. 20; 2011 a. 190.

8 **SECTION 15.** 440.63 (1) (d) of the statutes is renumbered 440.63 (5) and  
9 amended to read:

10 440.63 (5) No person may provide practical instruction in manicuring unless  
11 the person holds a current ~~manicuring instructor or cosmetology instructor~~  
12 ~~certificate issued by the department~~ manicurist license or cosmetologist license  
13 granted by the cosmetology examining board.

History: 1987 a. 265; 1989 a. 31; 1991 a. 39; 2007 a. 20; 2011 a. 190.

14 **SECTION 16.** 440.63 (2) of the statutes is repealed.

15 **SECTION 17.** 440.63 (3) of the statutes is repealed.

16 **SECTION 18.** 440.635 of the statutes is amended to read:

17 **440.635 Persons providing practical instruction in specialty schools.**

18 (1) No person may provide practical instruction in a specialty school of aesthetics  
19 unless the person holds a current ~~cosmetology manager~~ cosmetologist license or  
20 aesthetician license issued by the cosmetology examining board ~~or a current~~  
21 ~~cosmetology instructor or aesthetics instructor certificate issued by the department.~~

22 (2) No person may provide practical instruction in a specialty school of  
23 electrology unless the person holds a current electrologist license ~~and a current~~

1 ~~cosmetology manager license issued by the cosmetology examining board or an~~  
2 ~~electrology instructor certificate issued by the department.~~

3 (3) No person may provide practical instruction in a specialty school of  
4 manicuring unless the person holds a current ~~cosmetology manager~~ cosmetologist  
5 license or manicurist license issued by the cosmetology examining board ~~or a current~~  
6 ~~cosmetology instructor or manicuring instructor certificate issued by the~~  
7 ~~department.~~

History: 1987 a. 265; 2011 a. 190.

8 SECTION 19. 440.64 (3) (b) (intro.) of the statutes is amended to read:

9 440.64 (3) (b) (intro.) Subject to the rules promulgated under s. 440.03 (1), the  
10 department may reprimand a licensee ~~or certified instructor~~ or deny, limit, suspend  
11 or revoke a license ~~or certificate~~ under this subchapter if it finds that the applicant,  
12 or licensee or certified instructor has done any of the following:

History: 1987 a. 265; 2011 a. 190.

13 SECTION 20. 454.06 (4) (b) 2. of the statutes is amended to read:

14 454.06 (4) (b) 2. At least 450 training hours in not less than 11 weeks and not  
15 more than 30 weeks under the supervision of <sup>plain</sup> ~~a cosmetology instructor or aesthetics~~  
16 ~~instructor certified under s. 440.63 (3) (am) or (b)~~ a licensed cosmetologist or  
17 aesthetician or a licensed cosmetology manager, in a licensed establishment that is  
18 also licensed as a specialty school of aesthetics under s. 440.62 (4) (a).

History: 1987 a. 265; 1989 a. 31; 1991 a. 39; 1995 a. 27 s. 9145 (1); 1995 a. 231; 1997 a. 27; 2007 a. 20; 2011 a. 190; 2013 a. 356.

19 SECTION 21. 454.06 (5) (b) 2. of the statutes is amended to read:

20 454.06 (5) (b) 2. At least 450 training hours in not less than 11 weeks and not  
21 more than 30 weeks under the supervision of ~~an electrology instructor certified~~  
22 ~~under s. 440.63 (3) (e), or a licensed electrologist who is also a licensed cosmetology~~



1 manager, in a licensed establishment that is also licensed as a specialty school of  
2 electrology under s. 440.62 (4) (b).

3 **History:** 1987 a. 265; 1989 a. 31; 1991 a. 39; 1995 a. 27 s. 9145 (1); 1995 a. 231; 1997 a. 27; 2007 a. 20; 2011 a. 190; 2013 a. 356.

**SECTION 22.** 454.06 (6) (b) 2. of the statutes is amended to read:

4 454.06 (6) (b) 2. At least 300 training hours of training in not less than 7 weeks  
5 and not more than 20 weeks under the supervision of a <sup>plain</sup> ~~cosmetology instructor or~~  
6 ~~manicuring instructor certified under s. 440.63 (3) (am) or (d)~~ a licensed manicurist  
7 or a licensed cosmetology manager, in a licensed establishment that is also licensed  
8 as a specialty school of manicuring under s. 440.62 (4) (c).

9 **History:** 1987 a. 265; 1989 a. 31; 1991 a. 39; 1995 a. 27 s. 9145 (1); 1995 a. 231; 1997 a. 27; 2007 a. 20; 2011 a. 190; 2013 a. 356.

**SECTION 23.** 454.15 (2) (j) of the statutes is amended to read:

10 454.15 (2) (j) Violated subch. II or subch. VI of ch. 440, or any rule promulgated  
11 under subch. II or subch. VI of ch. 440.

12 **History:** 1987 a. 265; 1991 a. 39; 2011 a. 190.

**SECTION 24.** 454.29 (2) (i) of the statutes is amended to read:

13 454.29 (2) (i) Violated this subchapter or subch. VI of ch. 440, or any rule  
14 promulgated under this subchapter or subch. VI of ch. 440.

15 **History:** 2011 a. 190.

(END)



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-2048/P1  
KP:kjf

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT to repeal** 440.03 (13) (b) 5., 440.03 (13) (b) 14., 440.03 (13) (b) 19s., 440.03  
2           (13) (b) 27., 440.03 (13) (b) 35., 440.08 (2) (a) 7., 440.08 (2) (a) 17., 440.08 (2) (a)  
3           24g., 440.08 (2) (a) 32., 440.08 (2) (a) 43., 440.63 (1) (title), 440.63 (2) and 440.63  
4           (3); **to renumber and amend** 440.63 (1) (a), 440.63 (1) (am), 440.63 (1) (b),  
5           440.63 (1) (c) and 440.63 (1) (d); and **to amend** 440.635, 440.64 (3) (b) (intro.),  
6           454.06 (4) (b) 2., 454.06 (5) (b) 2., 454.06 (6) (b) 2., 454.15 (2) (j) and 454.29 (2)  
7           (i) of the statutes; **relating to:** eliminating instructor certificates for barbering,  
8           cosmetology, and related professions.

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***Analysis by the Legislative Reference Bureau***

This bill eliminates the requirement for cosmetologists, aestheticians, electrologists, manicurists, and barbers to hold a certificate granted by the Department of Safety and Professional Services in order to provide practical instruction in their respective professions. Under current law, cosmetologists, aestheticians, electrologists, and manicurists licensed by the Cosmetology Examining Board must hold an additional certificate as an instructor and meet certain other requirements in order to provide practical instruction in their professions. Current law also requires barbers licensed by DSPS to hold an

additional certificate as an instructor and meet certain other requirements in order to provide practical instruction in barbering.

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

1           **SECTION 1.** 440.03 (13) (b) 5. of the statutes is repealed.

2           **SECTION 2.** 440.03 (13) (b) 14. of the statutes is repealed.

3           **SECTION 3.** 440.03 (13) (b) 19s. of the statutes is repealed.

4           **SECTION 4.** 440.03 (13) (b) 27. of the statutes is repealed.

5           **SECTION 5.** 440.03 (13) (b) 35. of the statutes is repealed.

6           **SECTION 6.** 440.08 (2) (a) 7. of the statutes is repealed.

7           **SECTION 7.** 440.08 (2) (a) 17. of the statutes is repealed.

8           **SECTION 8.** 440.08 (2) (a) 24g. of the statutes is repealed.

9           **SECTION 9.** 440.08 (2) (a) 32. of the statutes is repealed.

10          **SECTION 10.** 440.08 (2) (a) 43. of the statutes is repealed.

11          **SECTION 11.** 440.63 (1) (title) of the statutes is repealed.

12          **SECTION 12.** 440.63 (1) (a) of the statutes is renumbered 440.63 (1m) and  
13 amended to read:

14           440.63 (1m) No person may provide practical instruction in barbering unless  
15 the person holds a current ~~barbering instructor or cosmetology instructor certificate~~  
16 issued ~~barber license granted~~ by the department or ~~cosmetologist license granted by~~  
17 the cosmetology examining board.

18          **SECTION 13.** 440.63 (1) (am) of the statutes is renumbered 440.63 (2m) and  
19 amended to read:

1           440.63 **(2m)** No person may provide practical instruction in cosmetology unless  
2           the person holds a current ~~cosmetology instructor certificate issued by the~~  
3           ~~department~~ cosmetologist license granted by the cosmetology examining board.

4           **SECTION 14.** 440.63 (1) (b) of the statutes is renumbered 440.63 (3m) and  
5           amended to read:

6           440.63 **(3m)** No person may provide practical instruction in aesthetics unless  
7           the person holds a current ~~aesthetics instructor or cosmetology instructor certificate~~  
8           ~~issued by the department~~ aesthetician license or cosmetologist license granted by the  
9           cosmetology examining board.

10          **SECTION 15.** 440.63 (1) (c) of the statutes is renumbered 440.63 (4) and  
11          amended to read:

12          440.63 **(4)** No person may provide practical instruction in electrology unless the  
13          person holds a current ~~electrology instructor certificate issued by the department~~  
14          electrologist license granted by the cosmetology examining board.

15          **SECTION 16.** 440.63 (1) (d) of the statutes is renumbered 440.63 (5) and  
16          amended to read:

17          440.63 **(5)** No person may provide practical instruction in manicuring unless  
18          the person holds a current ~~manicuring instructor or cosmetology instructor~~  
19          ~~certificate issued by the department~~ manicurist license or cosmetologist license  
20          granted by the cosmetology examining board.

21          **SECTION 17.** 440.63 (2) of the statutes is repealed.

22          **SECTION 18.** 440.63 (3) of the statutes is repealed.

23          **SECTION 19.** 440.635 of the statutes is amended to read:

24          **440.635 Persons providing practical instruction in specialty schools.**

25          **(1)** No person may provide practical instruction in a specialty school of aesthetics

**SECTION 19**

1 unless the person holds a current ~~cosmetology manager~~ cosmetologist license or  
2 aesthetician license issued by the cosmetology examining board ~~or a current~~  
3 ~~cosmetology instructor or aesthetics instructor certificate~~ issued by the department.

4 (2) No person may provide practical instruction in a specialty school of  
5 electrology unless the person holds a current electrologist license ~~and a current~~  
6 ~~cosmetology manager~~ license issued by the cosmetology examining board ~~or an~~  
7 ~~electrology instructor certificate~~ issued by the department.

8 (3) No person may provide practical instruction in a specialty school of  
9 manicuring unless the person holds a current ~~cosmetology manager~~ cosmetologist  
10 license or manicurist license issued by the cosmetology examining board ~~or a current~~  
11 ~~cosmetology instructor or manicuring instructor certificate~~ issued by the  
12 department.

13 **SECTION 20.** 440.64 (3) (b) (intro.) of the statutes is amended to read:

14 440.64 (3) (b) (intro.) Subject to the rules promulgated under s. 440.03 (1), the  
15 department may reprimand a licensee ~~or certified instructor~~ or deny, limit, suspend  
16 or revoke a license ~~or certificate~~ under this subchapter if it finds that the applicant,  
17 ~~or licensee or certified instructor~~ has done any of the following:

18 **SECTION 21.** 454.06 (4) (b) 2. of the statutes is amended to read:

19 454.06 (4) (b) 2. At least 450 training hours in not less than 11 weeks and not  
20 more than 30 weeks under the supervision of a ~~cosmetology instructor or aesthetics~~  
21 ~~instructor certified under s. 440.63 (3) (am) or (b)~~ licensed cosmetologist or  
22 aesthetician or a licensed cosmetology manager, in a licensed establishment that is  
23 also licensed as a specialty school of aesthetics under s. 440.62 (4) (a).

24 **SECTION 22.** 454.06 (5) (b) 2. of the statutes is amended to read:

1 454.06 (5) (b) 2. At least 450 training hours in not less than 11 weeks and not  
2 more than 30 weeks under the supervision of ~~an electrology instructor certified~~  
3 ~~under s. 440.63 (3) (e)~~, or a licensed electrologist who is also a licensed cosmetology  
4 manager, in a licensed establishment that is also licensed as a specialty school of  
5 electrology under s. 440.62 (4) (b).

6 **SECTION 23.** 454.06 (6) (b) 2. of the statutes is amended to read:

7 454.06 (6) (b) 2. At least 300 training hours of training in not less than 7 weeks  
8 and not more than 20 weeks under the supervision of a ~~cosmetology instructor or~~  
9 ~~manicuring instructor certified under s. 440.63 (3) (am) or (d)~~ licensed manicurist or  
10 a licensed cosmetology manager, in a licensed establishment that is also licensed as  
11 a specialty school of manicuring under s. 440.62 (4) (c).

12 **SECTION 24.** 454.15 (2) (j) of the statutes is amended to read:

13 454.15 (2) (j) Violated subch. II ~~or subch. VI of ch. 440~~, or any rule promulgated  
14 under subch. II ~~or subch. VI of ch. 440~~.

15 **SECTION 25.** 454.29 (2) (i) of the statutes is amended to read:

16 454.29 (2) (i) Violated this subchapter ~~or subch. VI of ch. 440~~, or any rule  
17 promulgated under this subchapter ~~or subch. VI of ch. 440~~.

18 (END)