



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 23-055

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

2. Form, Style and Placement in Administrative Code

a. For clarity and concision, combine SECTIONS 18, 19, 20, and 21 as they are consecutively numbered rule sections affected in their entirety by the same treatment.

b. In SECTION 1, s. SPS 50.100, the comma after “barbers” should be deleted as the comma is no longer needed.

c. In SECTION 1, s. SPS 50.100 (Note), the first cross-reference should be updated to “s. 454.22 (1), Stats.” to be consistent with citation standards in s. 1.15 of the Manual.

d. In SECTION 4, s. SPS 50.212 (intro), the citation should be updated to “s. 454.22 (1), Stats.” to be consistent with citation standards in s. 1.15 of the Manual.

e. In SECTION 4, s. SPS 50.212 (1), the citation should be updated to “s. 454.08 (2) (a) or 454.25 (2), Stats.” to be consistent with citation standards in s. 1.15 of the Manual.

f. In SECTION 5, s. SPS 50.230 (4), the current rule reads “Employ a manager”, so the agency should update the proposed rule text to add and strike “a” before “manager” in the first line. Also, by striking the timing requirement for replacing a manager in this subsection, the subsection appears to direct that a manager must be employed at all times. However, without a replacement timeline for employing a new manager, the mandate to employ a manager at all times appears to conflict with sub. (3), as that provision contemplates owner responsibilities in the absence of a manager. The agency should review the interaction between these two subsections and revise as desired to avoid potential inconsistency.

g. In SECTION 6, s. SPS 50.231 (3), the citation should be updated to “ss. 440.63 (3) (a) 2. and 454.23 (2), Stats.” to be consistent with citation standards in s. 1.15 of the Manual.

3. Conflict With or Duplication of Existing Rules

a. In SECTION 9, proposed s. SPS 50.310 (3) (a) changes the current rule requiring a manager to train and supervise an apprentice during their practical training to allow any licensed

barber or licensed cosmetologist with at least 2,000 hours of professional practice to train and supervise the apprentice. The agency should consider amending s. SPS 50.231 (2) and its note to reflect the proposed change and to ensure uniformity regarding who is responsible to train and supervise apprentices.

b. In SECTION 15, s. SPS 50.400 (3) is amended to remove the continuing education requirement and add review of the digest created under s. 454.267, Stats., for license renewal. In SECTION 16, proposed s. SPS 50.401 removes the continuous education requirement for late renewals but does not require review of the digest for renewal. Should the agency consider requiring certification of review of the digest for late renewal?

c. In SECTION 15, s. SPS 50.400 (3) is amended to remove the continuing education requirement for license renewal, and in SECTION 16, s. SPS 50.401 is amended to remove the continuing education requirement for late license renewals. The agency should consider removing continuing education language from s. SPS 50.410, the subsection related to restating expired licenses which still retains continuing education language. The agency should also consider requiring certification of the review of the digest as is required for typical renewals.

d. In SECTION 23, s. SPS 65.01 is amended to change the name of the certificate from initial certificate to instructor's certificate. In SECTION 24, s. SPS 65.02 is repealed to remove renewal requirements for instructor's certificates. However, s. SPS 65.04 is not aligned with these changes because it contemplates reinstating an expired instructor's certificate. If the certificate can expire, the agency should explain how the certificate can expire and rename the certificate under this section to be consistent with the rest of the chapter. Otherwise, if the certificate cannot expire, should the agency repeal this section?