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**TITLE 820 STATE BOARD OF COSMETOLOGY EXAMINERS**

**Administrative Rules Oversight Committee Notice  
60 Day Requirement ([IC 4-22-2-19](#))  
LSA Document #08-606**

August 26, 2008

Honorable R. Michael Young, Chairperson  
Administrative Rules Oversight Committee  
c/o Legislative Services Agency  
200 West Washington Street, Suite 301  
Indianapolis, Indiana 46204-2789  
Attn: Sarah Burkman

Re: LSA 08-606 – Proposed rule regarding fees assessed by the Indiana State Board of Cosmetology Examiners

Dear Senator Young:

On behalf of the Indiana State Board of Cosmetology Examiners, Indiana Professional Licensing Agency, I am submitting this notice to the Administrative Rules Oversight Committee in compliance with [IC 4-22-2-19](#), which requires an agency to begin the rulemaking process not later than sixty (60) days after the effective date of the statute that authorizes the rule.

The Board published its Notice of Intent to Adopt a Rule, LSA Document #05-137, at 28 IR 2999 on July 1, 2005, within sixty (60) days after the effective date of SEA 139 (P.L.194-2005) in compliance with [IC 4-22-2-19](#). The Notice of Public Hearing appeared in the November 1, 2005, edition of the Indiana Register at 29 IR 652 and a public hearing was held on November 28, 2005. Following the public hearing, the Board adopted one section of the proposed rule, [820 IAC 7-1-2](#). This rule was filed with the Secretary of State on February 10, 2006, and was published at 29 IR 2195. The remainder of the rule was not adopted as the Board needed additional time to review the comments submitted by the public and to determine the amount of fees which should be assessed to bring the rules into conformity with the statutory changes in SEA 139 (P.L.194-2005) and [IC 25-1-8-2\(c\)](#), which requires that in no case shall the fees be less than are required to pay all of the costs, both direct and indirect, of the operation of the Board. [IC 25-1-8-2\(b\)](#) provides that fees established by statute shall remain in effect until replaced by a new fee adopted by rule.

A new Notice of Intent, LSA Document #06-151, was published on June 1, 2006, at 29 IR 3045, concerning the same subject matter. The Notice of Public Hearing, DIN: [20060809-IR-820060151PHA](#), was duly published on August 9, 2006, and the public hearing was held on November 20, 2006. Unfortunately, the Board did not receive a response from the Office of Management and Budget (OMB) or the State Budget Agency (SBA) as required by Executive Order 2-89, Financial Management Circulars #2006-1 and #2006-2, [IC 4-22-2-5](#), and [IC 4-22-2-13](#). Because the rule did not receive a response from OMB or SBA, the rule process expired one year after filing the notice of intent.

The State Board of Cosmetology Examiners filed a new Notice of Intent which was published on September 19, 2007, at DIN: [20070919-IR-820070564NIA](#) and which was subsequently withdrawn on July 23, 2007, at DIN: [20080723-IR-820070564WDA](#). The Board then filed a new Notice of Intent which was published on July 30, 2008, at DIN: [20080730-IR-820080606NIA](#) to engage in the rulemaking process again.

Your understanding of these circumstances is greatly appreciated. If you need additional information, please do not hesitate to contact me at 234-1987.

Sincerely,

Tracy Hicks  
Director  
State Board of Cosmetology Examiners

Cc: Frances L. Kelly, Executive Director  
Wade Lowhorn, Deputy Director  
Barbara Marvel McNutt, Chief Counsel

*Posted: 09/03/2008 by Legislative Services Agency*  
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