



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 16-009

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

2. Form, Style and Placement in Administrative Code

a. In the introductory clause, the following changes should be made: (1) “to amend MPSW 11.04 (intro.) and (2)” should replace “to amend MPSW 10.01 (2), 11.04 (intro) and 11.04 (2)”; (2) the “and” before “to repeal and recreate” should be omitted; and (3) “and to create MPSW 10.01 (2),” should be inserted before “relating to”. [s. 1.02 (1), Manual.]

b. In the plain language analysis, the agency should include an explanation of the changes made by SECTION 12 of the proposed rule. Why is the section relating to approved continuing education programs repealed?

c. In the comparison with rules in adjacent states, the agency should cite to the statutes or rules from which the information for Illinois, Iowa, Michigan, and Minnesota was obtained.

d. In SECTION 1, the treatment clause should read: “MPSW 10.01 (2) is created to read:”.

e. In s. MPSW 11.04 (intro.), “~~under s. 457.12, Stats.,~~” should replace “~~under s. 457.12~~”, and a comma should be inserted after “Stats.” on the third line, to accurately reflect the existing text of the rule. In addition, the text of sub. (1) should be omitted because it is not amended.

f. In s. MPSW 11.04 (2), “; Stats.” should be inserted after “s. 457.12” to accurately reflect the existing text of the rule.

g. In SECTION 11, the treatment clause should read: “MPSW 14.02 is repealed and recreated to read:”.

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

- a. In s. MPSW 11.01 (2) (c), “s. MPSW 14.01 or 14.02” should replace “MPSW 14.01 or 14.02”. [s. 1.07 (2), Manual.]
- b. In s. MPSW 11.01 (2) (d), “pars. (a) to (c)” should replace “par. (a) to (c)”. [s. 1.07 (2), Manual.]
- c. In s. MPSW 11.01 (3) (a) and (b), “s. MPSW 12.02” should replace “MPSW 12.02”. [s. 1.07 (2), Manual.]
- d. In s. MPSW 11.035 (1) (a), “s. 440.05 (6), Stats.” should replace “s. 440.05 (6)”. [s. 1.07 (2), Manual.]
- e. In s. MPSW 11.035 (1) (b) and (c), “s.” should replace “subs.”. [s. 1.07 (2), Manual.]

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

- a. In the comparison with rules in adjacent states, in the Minnesota description, “complete” should replace “compete” in the first sentence.
- b. In the summary of factual data and analytical methodologies, the second sentence appears to be an incomplete sentence.
- c. In s. MPSW 11.01 (2) (d) and (4) (d), it appears that “professional counselor” should be inserted before “section”.
- d. In s. MPSW 11.01 (3) (a), if an applicant engages in 3,000 hours of professional counseling practice, he or she must do so while holding a valid professional counselor training license. However, s. MPSW 11.01 (3) (b), which contains a 1,000-hour practice requirement, does not specify that the applicant must hold a professional counselor training license. Why is the training license requirement absent in s. MPSW 11.01 (3) (b)?
- e. In s. MPSW 11.04 (3) and (4), “The applicant does not” should replace “Does not” to follow the introductory language in s. MPSW 11.04 (intro.).
- f. In s. MPSW 11.04 (3), “revoked” should replace “revoke”.
- g. In SECTION 7, the second instance of s. MPSW 11.04 (4) should be s. MPSW 11.04 (5). In that subsection, “The application has a passing score” should replace “A passing score” to follow the introductory language in s. MPSW 11.04 (intro.).
- h. In s. MPSW 12.01 (2), the contents in pars. (a) and (b) are almost identical to s. MPSW 11.01 (3). Can the remaining contents of s. MPSW 12.01 be placed in s. MPSW 11.01 (3), rather than in a separate section?
- i. In s. MPSW 12.02 (3) (intro.), the comma after “sessions” should be omitted.
- j. In s. MPSW 12.02 (3) (a), “one” should replace “1”. [s. 1.01 (5), Manual.]
- k. In s. MPSW 14.02 (intro.), it appears that “all of” should be inserted before “the following criteria”.

1. In s. MPSW 14.02 (3), “or a doctoral committee, or both” should replace “and/or a doctoral committee”.