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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

#### CLEARINGHOUSE RULE 01-152

AN ORDER to amend SFC 1.03 (2), relating to a rules committee.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

12-17-01 RECEIVED BY LEGISLATIVE COUNCIL.

01-16-02 REPORT SENT TO AGENCY.

RNS:AS:ksm;tlu

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached      YES       NO



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## CLEARINGHOUSE RULE 01-152

### Comments

**[NOTE:** All citations to "Manual" in the comments below are to the **Administrative Rules Procedures Manual**, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

#### **2. Form, Style and Placement in Administrative Code**

In s. SFC 1.03 (2) (a), "comprised" should be replaced with "composed" to reflect the text of the current rule.

STATE OF WISCONSIN  
EXAMINING BOARD OF SOCIAL WORKERS, MARRIAGE  
AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF SOCIAL  
EXAMINING BOARD OF SOCIAL : WORKERS, MARRIAGE AND FAMILY  
WORKERS, MARRIAGE AND FAMILY : THERAPISTS AND PROFESSIONAL  
THERAPISTS AND PROFESSIONAL : COUNSELORS ADOPTING RULES  
COUNSELORS : (CLEARINGHOUSE RULE 01- )

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PROPOSED ORDER

An order of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors to amend SFC 1.03 (2), relating to a rules committee.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 457.03, Wis. Stats.

Statutes interpreted: s. 457.03, Wis. Stats.

In this proposed rule-making order the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors amends the process by which rule changes are proposed, developed and approved by the three sections of the board. Current rules are intended to ensure uniformity across the three sections, but since the expertise for individual rule changes lies with each section, the responsibility for the earlier stages of the rule-making process should lie with each section.

---

TEXT OF RULE

SECTION 1. SFC 1.03 (2) is amended to read:

SFC 1.03 (2) RULES COMMITTEE. (a) *Composition*. The rules committee of the board is comprised of one professional member from each section, and 2 the three public members. ~~The board chair shall appoint the public members from any of the sections of the board.~~

(b) *Authority and responsibility*. Except for final approval under sub. (1), each section shall be responsible for proposing and drafting rules applying to its profession, and for holding public hearings on those rules. The rules committee shall ~~act for the board in rule-making proceedings except for~~ review all rule changes proposed and drafted by the sections prior to final approval ~~under sub. (1)~~ by the board.

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(END OF TEXT OF RULE)

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The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Wis. Stats.

Dated \_\_\_\_\_ Agency \_\_\_\_\_

Chairperson  
Examining Board of Social Workers  
Marriage and Family Therapists  
and Professional Counselors

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Wis. Stats.

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12/13/01

**STATE OF WISCONSIN  
EXAMINING BOARD OF SOCIAL WORKERS, MARRIAGE AND  
FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS**

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**IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF SOCIAL  
EXAMINING BOARD OF SOCIAL : WORKERS, MARRIAGE AND FAMILY  
WORKERS, MARRIAGE AND : THERAPISTS AND PROFESSIONAL  
FAMILY THERAPISTS AND : COUNSELORS ADOPTING RULES  
PROFESSIONAL COUNSELORS : (CLEARINGHOUSE RULE 01-152)**

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TO: Senator Judy Robson, Senate Co-Chairperson  
Joint Committee for the Review of Administrative Rules  
Room 15 South, State Capitol  
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the EXAMINING BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS is submitting in final draft form rules relating to a rules committee.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

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STATE OF WISCONSIN  
EXAMINING BOARD OF SOCIAL WORKERS, MARRIAGE AND  
FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

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IN THE MATTER OF RULE-MAKING :  
PROCEEDINGS BEFORE THE :  
EXAMINING BOARD OF SOCIAL : REPORT TO THE LEGISLATURE  
WORKERS, MARRIAGE AND : ON CLEARINGHOUSE RULE 01-152  
FAMILY THERAPISTS AND : (s. 227.19 (3), Stats.)  
PROFESSIONAL COUNSELORS :

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**I. THE PROPOSED RULE:**

The proposed rule, including the analysis and text, is attached.

**II. REFERENCE TO APPLICABLE FORMS:**

No new or revised forms are required by these rules.

**III. FISCAL ESTIMATES:**

These rules will have no significant impact upon state or local units of government.

**IV. STATEMENT EXPLAINING NEED:**

In this proposed rule-making order the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors amends the process by which rule changes are proposed, developed and approved by the three sections of the board. Current rules are intended to ensure uniformity across the three sections, but since the expertise for individual rule changes lies with each section, the responsibility for the earlier stages of the rule-making process should lie with each section.

**V. NOTICE OF PUBLIC HEARING:**

A public hearing was held on January 17, 2002. There were no appearances at the public hearing nor were any written comments received.

**VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

The recommendation suggested in the Clearinghouse Report was accepted in whole.

**VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:**

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

STATE OF WISCONSIN  
EXAMINING BOARD OF SOCIAL WORKERS, MARRIAGE  
AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
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(END OF TEXT OF RULE)  
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Dated \_\_\_\_\_ Agency \_\_\_\_\_

Chairperson  
Examining Board of Social Workers  
Marriage and Family Therapists  
and Professional Counselors

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6/11/02