



**SUBSTANCE ABUSE COUNSELOR CERTIFICATION
REVIEW COMMITTEE**

Room 121A, 1400 E. Washington Avenue, Madison

Contact: Jeff Grothman (608) 266-2112

September 30, 2014

The following agenda describes the issues that the Committee plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the recommendations of the Committee.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Approval of Agenda**
- B. Welcome and Introductions**
- C. APPEARANCES – Secretary Dave Ross and Assistant Deputy Secretary Tom Engels – Department Updates**
- D. Open Meetings Discussion**
- E. Discuss Role of Council - State Statute 440.88 (3) (c)**
- F. Discussion of Changes to SPS 160 and 166 relating to substance abuse counselor comprehensive program approval (2-4)**
- G. Next Steps**

ADJOURNMENT

SPS 160.01 Authority

Chapters SPS 160 to 168 are adopted pursuant to s. 227.11 (2), Stats., and subch. ~~VH VIII~~ of ch. 440, Stats., ~~as created by 2005 Wisconsin Act 25, s. 337am, and amended by 2005 Wisconsin Act 407.~~

SPS 166.03 Substance abuse counselor education requirements.

(1) The following content areas and related hours are required as ~~a portion of~~ the educational requirements in s. SPS 161.04:

Content Area	Hours
Assessment Training	60
Counseling	60
Case Management	60
Education	60
Professional Responsibility	60
Electives within the performance domains listed above	60
Total	360

(2) The training shall be in a comprehensive program approved by the department under ~~s. SPS 166.09 s.~~ SPS 166.07.

(3) All of the content areas shall be infused with information and application to practice that is responsive to the characteristics of individual, group, family, and couple clients and significant others seeking substance use disorder treatment, including, but not limited to, age, gender, ability, disability, developmental level, sexual orientation, health status, ethnicity, culture, and social issues.

~~(4) No more than 180 of the 360 hours and no more than 30 of the 60 hours for any content area, may be completed through internet based coursework.~~

SPS 166.07 Approval of pre-certification education programs for substance abuse counselors.

(1) A provider of education programs shall submit an application for approval of a ~~360 hour~~ comprehensive program equivalent to 360 hours that meets the requirements of s. SPS 166.03 on a form provided by the department. The application shall include all of the following:

(a) A detailed outline of each course ~~and one of the following: with specific allocations of classroom hours on each required topic, an explanation of the integrated and identified program outcomes and how the program outcomes will be measured and an explanation of how the comprehensive program meets all of the required content in s. SPS 166.03.~~

1. Specific allocations of classroom hours toward each content area for each course.

2. For comprehensive programs based on core competencies, a detailed outline of each core competency, how each core competency will be measured, and classroom hour equivalencies toward each content area for each competency.

(b) Method of instruction used, such as classroom or distance education.

(c) Instructor qualifications.

(d) An explanation of the integrated and identified program outcomes, and how the program outcomes will be measured.

(e) An explanation of how the program meets all of the required content in s. SPS 166.03.

(2) Providers of internet-based education shall insure instructor availability to students at reasonable times by reasonable means, reasonable oversight of student identity and reasonable opportunity for student self evaluation of mastery.

(3) Instructors shall be knowledgeable in the subject and shall meet one of the following:

(a) Be an instructor of substance use disorder related courses in an accredited institution.

(b) Be a current certificate holder as a substance abuse counselor, clinical substance abuse counselor, clinical supervisor-in-training, intermediate clinical supervisor or independent clinical supervisor.

(c) Be a credential holder in a related field such as a physician, social worker, marriage and family therapist, professional counselor or psychologist, with knowledge and experience related to substance use disorder counseling.

(d) Be a person who in the judgment of the department is qualified by experience or education or both to supervise a course of study.

(4) An instructor whose credential has been limited, suspended or revoked may not instruct in approved programs while the disciplinary action is in effect.

(5) The department shall approve education programs that meet the requirements of s. SPS 166.03 that are not part of a degree in an accredited institution for a period of 2 years. The education provider shall resubmit the program for approval every 2 years.

(6) The department shall approve education programs that meet the requirements of s. SPS 166.03 that are part of a degree in an accredited institution for a period of 5 years. The education provider shall resubmit the program for approval every 5 years.

(7) Education providers shall have an effective method of tracking student attendance and of assessing mastery of content.

(8) Education providers shall provide certificates of completion to students and retain a student's records for 7 years after a student has completed the program.

(9) Once the department approves a program, the provider is required to inform the department in advance of any major changes in courses or instructor qualifications and receive re-approval.

WISCONSIN LEGISLATOR BRIEFING BOOK 2013-14

CHAPTER 5 – ADMINISTRATIVE RULEMAKING

The Legislature has conferred on state agencies the authority for promulgation of administrative rules, while retaining oversight of the rulemaking process. Standing committees in each house of the Legislature and the Joint Committee for Review of Administrative Rules, as well as the Legislative Council's Administrative Rules Clearinghouse, play a significant role in the review of proposed administrative rules. In addition to the longstanding requirements for legislative review of rules, the Governor now has broad authority to review and approve or disapprove proposed rules, as a result of statutory changes enacted in the 2011-12 Legislative Session.

Pam Shannon, Senior Staff Attorney
Wisconsin Legislative Council

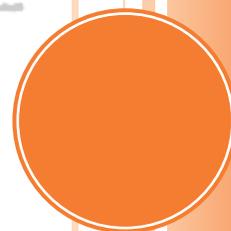


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ADMINISTRATIVE RULEMAKING

Major changes to the administrative rulemaking process were enacted in 2011 Wisconsin Act 21 (Act 21), which took effect on June 8, 2011. Notable changes in Act 21 include new limitations on agency rulemaking authority and a requirement for written approval by

Administrative rules are promulgated by state agencies to implement or interpret statutes enforced or administered by the agency.

the Governor of agency scope statements and final draft rules, for both proposed permanent rules and emergency rules. This chapter describes agency rulemaking authority and the rule promulgation and review process, as modified by Act 21.

Background

State agencies promulgate administrative rules pursuant to rulemaking authority conferred by the Legislature. The Legislature retains oversight of the rulemaking process through the review of proposed rules by the Legislative Council's Administrative Rules Clearinghouse, legislative standing committees in each house, and the Joint Committee for Review of Administrative Rules (JCRAR).

Statutes governing the rulemaking process are contained in subch. II of ch. 227, Stats. The statutes define an administrative rule as a regulation, standard, policy statement, or order of general application promulgated by a state agency:

- To make specific, implement, or interpret provisions of statutes that are enforced or administered by the agency; or
- To establish procedures for the agency to follow in administering its programs.

An agency undertakes rulemaking when it seeks to create new rules or to amend or repeal existing rules. Administrative rules have the force and effect of law.

For questions about the rulemaking process or specific Clearinghouse Rules, contact the Legislative Council Rules Clearinghouse staff:

Pam Shannon, Director (266-2680)

Scott Grosz, Assistant Director (266-1307)

Jessica Karls-Ruplinger, Assistant Director (266-2230)

Administrative rules are published in the 18-volume Wisconsin Administrative Code. The Legislative Reference Bureau (LRB) publishes and edits the Code, as well as the Wisconsin Administrative Register. The Register is published twice each month: mid-month and at the end of the month. All final administrative

rules are initially published in the Register and are then compiled, maintained, and updated in the Administrative Code. Each issue of the Register contains a section with

For questions about the Administrative Code and Register, and rule promulgation and publication, contact: Bruce Hoesly, Senior Revising Attorney and Code Editor, LRB (266-7590).

notices and other items that are required to be published during the rulemaking process. The Administrative Code and Administrative Register are online at:

<http://www.wisconsin.gov/rsb/code/htm>.

Each legislative office is entitled to one free set of Administrative Code volumes upon written request to the Department of Administration

(DOA) at: DOA Document Sales and Distribution, 4622 University Avenue, Madison, WI 53705, or by e-mail to: doadocumentsalesinformation@wisconsin.gov.

Agency Rulemaking Authority

All authority for administrative rulemaking is conferred by statute. An agency may promulgate rules interpreting the provisions of a statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if it exceeds the bounds of correct interpretation. No agency may promulgate a rule that conflicts with state law. As modified by Act 21, Wisconsin law now specifies that all of the following apply to an agency's promulgation of a rule that interprets the provisions of a statute enforced or administered by the agency:

- An agency may not impose any standard, requirement, or threshold, in a rule or as a license condition, unless the standard, requirement, or threshold is explicitly required or explicitly permitted by statute or by another properly promulgated rule.
- An agency may not find rulemaking authority in a legislative statement of intent, purpose, findings, or policy, or in a statutory provision describing the agency's *general* powers or duties. The agency is limited to rulemaking authority that is explicitly conferred by the Legislature.
- With respect to a specific standard, requirement, or threshold, an agency may not promulgate a rule that is more restrictive than a statute.

Executive Order #50

Act 21 authorized the Governor to prescribe, by executive order, guidelines to ensure that rules are promulgated in compliance with the requirements of the Act. On November 2, 2011, Governor Walker issued Executive Order #50, which sets forth requirements for agency rulemaking in addition to those specified in

Executive Order #50 contains rulemaking requirements in addition to those specified in Act 21.

Act 21, as well as detailed rule promulgation instructions to agencies. The order also establishes an Office of Regulatory Compliance in the Governor’s office as the point of contact for administrative rulemaking. The Office of Regulatory Compliance in the Governor’s office may be contacted at 267-3672 or at: administrativerules@wisconsin.gov.

Rule Promulgation Process

Agencies typically promulgate **permanent** rules, which are subject to the rule promulgation and legislative review procedures discussed throughout this chapter. On occasion, however, preservation of the public peace, health, safety, or welfare necessitates placing a rule into effect prior to the time it could take effect as a permanent rule, in which case the agency may initially adopt the rule as an **emergency** rule. Some of the rule promulgation steps discussed in this section pertain only to proposed permanent rules, while others, where indicated, also apply to emergency rules.

2011 Wisconsin Act 21 gave the Governor specific authority to approve or disapprove agency scope statements and final draft rules.

Preparation and Approval of Scope Statement

The first step in the rule promulgation process is preparation of a scope statement that sets forth information about the agency’s intended rulemaking, including the objective of the proposed rule, the statutory authority for the rule, and a description of all entities that may be affected by the rule. Scope statements must be prepared for both proposed permanent rules and emergency rules.

Before work may commence on actual rule drafting, the agency must submit the scope statement to the Governor for approval in writing, as well as to the agency head or body with policy-making powers for the agency. If the scope statement is approved by both the agency and the Governor, it is then submitted to the LRB for publication in the Wisconsin Administrative Register. Executive Order #50 provides that an agency must submit an approved scope statement to the LRB for publication within 30 days of the Governor’s approval, or else the scope statement will be considered to have been withdrawn.

Rule Drafting

Once the scope statement is approved, agency staff may then begin drafting the rule. Agencies are directed, to the extent possible, to adhere to the format and drafting style of bills prepared for the Legislature and to draft rules in concise, simple sentences, using plain language that can be easily understood.

The *Rules Manual* is available online at:
<http://www.legis.wisconsin.gov/lc>

The Legislative Council staff and the LRB jointly publish an *Administrative Rules Procedures Manual* to provide agencies with information on drafting, promulgation, and legislative review of

rules. The *Manual* sets forth detailed instructions regarding the format and style to be used by agencies in drafting rules. The *Manual* was updated in November 2011 to reflect recent statutory changes to the rulemaking process.

Preparation of Economic Impact Analysis

An agency must prepare an economic impact analysis (EIA) for every rule before the rule is submitted to the Legislative Council staff for review. This requirement does **not** apply to emergency rules. The EIA must include information on the economic effect of the proposed rule on specific businesses, business sectors, public utility ratepayers, local governmental units, and the state's economy as a whole. It must also explain: the policy problem the rule is intended to address; the approach to the problem the rule takes; a comparison to approaches taken by the federal government and by Iowa, Minnesota, Illinois, and Michigan; and any reasons for the agency choosing a different approach.

If an EIA indicates that a total of \$20 million or more in implementation and compliance costs are reasonably expected to be incurred or passed along to businesses, local governmental units, and individuals as a result of the proposed rule, DOA must review the rule and issue a report. The agency may not submit the rule to the Legislature for review until the agency receives a copy of DOA's report and the approval of the DOA secretary.

Executive Order #50 requires that, in preparing the EIA, agencies must accept public comments for a specified time period based on the degree of economic impact the rule is likely to have

locally or statewide. The comment period is 14 days for a rule with no or minimal economic impact, 30 days for a rule with moderate economic impact, and 60 days for a rule with significant economic impact.

All agencies must now prepare an economic impact analysis for every proposed permanent rule.

The EIA and a fiscal estimate must be submitted to the Legislative Council Rules Clearinghouse at the same time a rule is submitted to the Clearinghouse for review. The DOA has developed a template for agency use that combines the EIA and fiscal estimate in a single form.

Review by Legislative Council Rules Clearinghouse

When the agency has completed its work on an initial draft rule, the rule is submitted to the Legislative Council staff for review. This requirement does **not** apply to emergency rules. By statute, the Legislative Council staff functions as the Administrative Rules Clearinghouse. Upon receipt of a proposed administrative rule, the Clearinghouse staff assigns the rule a Clearinghouse Rule number, records the date of submission of the rule in the Bulletin of Proceedings of the Wisconsin Legislature, and prepares two numbered rule jackets (similar to bill jackets), one for the Assembly and one for the Senate.

The rule is assigned to a Legislative Council attorney or analyst for review and preparation of a Clearinghouse Report containing comments about the rule. The rule is then given a

secondary review by the Clearinghouse director or an assistant director. The Legislative Council staff reviews the rule for form, style, and technical adequacy. Of particular importance to the legislative branch, the staff also specifically:

- Reviews the rule to determine whether there is statutory authority for the agency to adopt the rule.
- Reviews the text of the rule for clarity and use of plain language.

The Legislative Council staff review may reveal whether an agency is attempting to regulate matters beyond its legal authority or whether a lack of clarity and precision in the rule language could inappropriately affect persons regulated by the rule.

The Legislative Council Rules Clearinghouse reviews all proposed permanent rules and prepares a Clearinghouse Report containing comments about the rule.

The period for Legislative Council review is 20 working days following receipt of the proposed rule. With the consent of the Director of the Legislative Council, the review period may be extended for an additional 20 working days (extensions are very rarely necessary). A Clearinghouse Report containing the staff comments is sent to the agency.

Agency Public Hearing

Generally, following Clearinghouse review, an agency must provide notice and hold a public hearing on a proposed rule. Notice of the hearing may be posted before the agency receives the Clearinghouse Report, but the hearing cannot take place until the agency has the Clearinghouse Report in hand or until the end of the initial 20-working day Clearinghouse review period. There are some exceptions to the hearing requirement. For example, a public hearing is not required prior to promulgation of an emergency rule or if the rulemaking is undertaken to bring an existing rule into conformity with a statute or judicial decision. The agency's notice of public hearing must include, among other things, the text of the proposed rule, a plain language analysis of the rule, and the EIA and fiscal estimate.

Initial Regulatory Flexibility Analysis

For rulemaking purposes, “small business” is defined as a business entity that is independently owned and operated, that is not dominant in its field, and that employs 25 or fewer full-time employees or which has gross annual sales of less than \$5 million.

If a proposed rule will have **any effect** on small business, the agency must prepare an initial regulatory flexibility analysis describing the types of small businesses that will be affected by the rule, the proposed reporting, bookkeeping, and other procedures required for compliance with the rule, and a description of the types of professional skills necessary for compliance with the rule. The agency's initial regulatory

flexibility analysis must be included in the notice of public hearing. Pursuant to 2011 Wisconsin Act 46, which took effect on November 16, 2011, if the rule **may have an economic impact** on small business, the agency must submit the rule to the Small Business Regulatory Review Board (SBRRB) on the same day the rule is submitted to the Legislative Council staff for Clearinghouse review.

The SBRRB will determine whether the rule will have a significant economic impact on a substantial number of small businesses. The agency also must prepare a final regulatory flexibility analysis for submission to the Legislature with the rule, unless the SBRRB determines that the rule will **not** have a significant impact on a substantial number of small businesses.

Submission of Final Draft Rule to Governor

Following the public hearing on a proposed rule, the agency prepares a final draft rule. The agency must submit the final draft rule to the Governor for written approval before the rule may be submitted to the Legislature. This approval requirement also applies to emergency rules.

The Governor must approve all final draft permanent rules before their submission to the Legislature for committee review, as well as final draft emergency rules.

Committee Review Process

Submittal of Rule to Legislature

Once the Governor has approved a final draft rule, the agency may submit the rule, accompanied by a report, to the Chief Clerk of each house of the Legislature for referral by the presiding officer to a standing committee in each house. The report must contain a number of items including:

- A plain language analysis of the rule.
- An explanation of the basis and purpose of the proposed rule, including how it advances relevant statutory goals or purposes.
- The fiscal estimate, the EIA, and any DOA report regarding the EIA.
- Any recommendations or other material submitted to the agency by the SBRRB and the agency's response.
- A copy of the Clearinghouse Report and a response to the Clearinghouse recommendations, including the specific reasons for rejecting any recommendation.
- A summary of public comments on the rule, the agency's response to those comments, and an explanation of modifications made to the rule as a result of public comments or testimony.

- A list of persons who appeared or registered for or against the rule at any public hearing held by the agency.
- A final regulatory flexibility analysis, unless the SBRRB determines that the rule will **not** have a significant economic impact on a substantial number of small businesses.

Standing Committee Review

When a rule is referred to a standing committee, the committee chair notifies the committee members of the referral and the date on which the committee's jurisdiction ends. Generally, the standing committee review period extends for 30 days after referral of a proposed rule by the presiding officer. However, a committee review period may be extended for an additional 30 days if the committee chair, within the initial 30-day period, takes either of the following actions:

- Requests in writing that the agency meet with the committee to review the proposed rule.
- Publishes or posts a notice that the committee will hold a meeting or hearing to review the proposed rule and immediately sends a copy of the notice to the agency.

A standing committee may let its jurisdiction expire without taking any action or may waive its jurisdiction over the rule during the 30-day review period. The committee may request modifications to the rule or may, for specified reasons, object to the rule.

If a committee, by majority vote of a quorum of the committee, requests modifications to a proposed rule and the agency, in writing, agrees to **consider** making modifications, the review period is extended for both standing committees for 10 days from the time the modifications are received from the agency. An agency may also submit germane modifications on its own. Modifications are accepted under passive review.

If a committee objects to all or part of a rule, it may do so **only** for one or more of the following reasons:

- Absence of statutory authority.
- Emergency relating to public health, safety, or welfare.
- Failure to comply with legislative intent.
- Conflict with state law.
- Change in circumstances since enactment of the earliest law on which the proposed rule is based.
- Arbitrariness or capriciousness, or imposition of an undue hardship.

- For a proposed rule of the Department of Safety and Professional Services establishing standards for dwelling construction, that the rule would increase the cost of constructing or remodeling a dwelling by more than \$1,000.

JCRAR Review

When a committee's jurisdiction over a proposed rule ends, the rule is referred to JCRAR. This is a change from prior law, which required referral of a rule to JCRAR only if the rule received a standing committee objection.

As with the initial reviewing committee, the review period for JCRAR is 30 days, but may be extended for an additional 30 days. If a proposed rule received an objection in a standing committee, JCRAR is required to meet and take executive action and may either nonconcur in the objection, object to the proposed rule, or seek modifications to the rule in the same manner as the initial reviewing committee. JCRAR may, but is not required to, take executive action with respect to any proposed rule that did not receive a standing committee objection. JCRAR may request modifications to a rule and may object to a proposed rule for the same reasons for which the initial reviewing committee may object.

If JCRAR objects to a rule or part of a rule, it must meet and take executive action within 30 days regarding introduction in each house of a bill to support the objection. If either bill becomes law, the agency may not promulgate the rule, or part of the rule, that was objected to, unless a later law specifically authorizes promulgation of the rule.

All proposed permanent rules are referred by JCRAR, not just those receiving a standing committee objection. JCRAR is not required to take any action unless a rule received a standing committee objection.

Late Submission of Rules to Legislature

If the Legislature receives a proposed rule for committee review after the last day of the Legislature's final general business floorperiod in the biennial session, the rule will be considered received on the first day of the next regular session of the Legislature. However, the presiding officers of both houses may direct referral of the rule before that day. In 2012, the last day of the final general business floorperiod was March 15. Under prior law, the deadline for submission was fixed at September 1 of the second year of the biennium.

Rules submitted to the Legislature after the last day of the final general business floorperiod in a biennium generally will not be considered until the next legislative session.

Emergency Rules

As noted previously, certain requirements that apply to permanent rules also apply to emergency rules, including the requirement for gubernatorial approval of the scope

statement and of the final draft rule. Once the Governor has approved a final draft emergency rule in writing, the agency may publish the rule in the official state newspaper, at which time the rule takes effect, unless the rule specifies another effective date. The agency must also file a certified copy of the rule with the LRB in order for the rule to be valid. On the day an agency files an

The Governor must approve final draft emergency rules before they may be published and filed with the LRB.

emergency rule with LRB that may have an economic impact on small business, the agency must also submit the rule to the SBRRB. Just as for proposed permanent rules, the SBRRB must determine whether the emergency rule will have a significant economic impact on a substantial number of small businesses. If it determines that the rule will have such an impact, the board may submit suggested changes to the agency to minimize the economic impact of the rule.

An agency must hold a public hearing on an emergency rule within 45 days after the adoption of the rule. An emergency rule remains in effect only for 150 days, unless JCRAR grants an extension for up to an additional 60 days. The total period for all extensions granted may not exceed 120 days.

Judicial Review of Validity of Rule

The exclusive means of judicial review of the validity of a rule is an action for declaratory judgment brought in the circuit court for the county where the party asserting the invalidity of the rule resides or has its principal place of business. If that party is a nonresident or does not have its principal place of business in Wisconsin, venue is in the circuit court in the county in which the dispute arose. Under prior law, venue was generally in Dane County.

Challenges of the validity of a rule are now brought in the county where the challenging party lives or has a place of business.

When a circuit court enters a final order in a declaratory judgment action on the validity of a rule, the court must notify the LRB of the court's determination as to the validity or invalidity of the rule. The LRB must publish a notice of that determination in the Administrative Register and insert an annotation of that determination in the Administrative Code.

Treatment of Rules in Effect

Suspension of Existing Rules

JCRAR may, by a majority vote of a quorum of the committee, suspend a permanent rule or emergency rule that has been promulgated

JCRAR may suspend an existing rule for specified reasons.

and is in effect if:

- JCRAR has first received testimony about the rule at a public hearing.
- The suspension is based on one or more of the reasons a committee may cite when objecting to a proposed rule.

If JCRAR suspends a rule, it must, within 30 days, introduce a bill in each house to repeal the suspended rule. If both bills are defeated or fail to be enacted in any other manner, the rule remains in effect and JCRAR may not suspend it again. If either bill is enacted, the rule is repealed and may not be promulgated again by the agency unless a subsequent law specifically authorizes such action.

Requirement to Promulgate Policy as a Rule

If JCRAR determines that an agency's statement of policy or an interpretation of a statute meets the definition of a rule, it may direct the agency to promulgate the statement or interpretation as an emergency rule within 30 days of JCRAR's action. Further, by a majority vote of a quorum of the committee, JCRAR may require any agency issuing rules to hold a public hearing with respect to general recommendations of JCRAR and to report its actions to JCRAR within a specified time.

JCRAR may require agencies to promulgate their policies or statutory interpretations as emergency rules.

Action on Current Rules and Guidelines

The SBRRB is authorized to review any **current** agency rule or guideline to determine whether it places an unnecessary burden on small businesses. If the board so determines, it must submit a report and recommendations regarding the rule or guideline to JCRAR. JCRAR may refer the report to the presiding officer of each house of the Legislature for referral to a committee, or JCRAR may itself undertake a review of the rule or guideline.

If JCRAR reviews the report, it must consider all of the following:

- The continued need for the rule or guideline.
- The nature of the complaints and comments received from the public regarding the rule or guideline.
- The complexity of the rule or guideline.
- The extent to which the rule or guideline overlaps, duplicates, or conflicts with federal regulations, other state rules, or local ordinances.

The SBRRB may review all current rules and guidelines for an unnecessary burden on small business.

- The length of time since the rule or guideline has been evaluated.
- The degree to which technology, economic conditions, or other factors have changed in the subject area affected by the rule or guideline since it was promulgated.

ADDITIONAL REFERENCES

1. Information Memorandum 11-15, *Changes to Laws Relating to Administrative Rules*, at: <http://www.legis.wisconsin.gov/lc>. The Memo provides a detailed description of Act 21 and other legislation making changes to the rulemaking process.
2. State administrative rules website: <https://health.wisconsin.gov/admrules/public/Home>. This DOA site allows for searching for rules, viewing the status of current rulemaking, viewing documents associated with rulemaking, submitting and reviewing comments on rules, and subscribing to receive notification of rulemaking.
3. LRB administrative rules website: <http://legis.wisconsin.gov/rsb/code.htm>. This site provides a link to the entire Administrative Code and current and past issues of the Administrative Register. It also has links to emergency rules in effect and final administrative rule orders filed for publication, as well as to proposed rules, Clearinghouse Reports, and agency reports, searchable by Clearinghouse Rule number.
4. 2011 Annual Report of the Legislative Council Rules Clearinghouse, March 2012: <http://www.legis.wisconsin.gov/lc>. This statutorily required Annual Report to the Governor and Legislature explains the rule review functions and related responsibilities of the Rules Clearinghouse, significant changes to the rulemaking process in 2011, and activities of the Clearinghouse in 2011. It also includes a sample Clearinghouse Report and rule processing instructions to agency heads.

GLOSSARY

Act 21: 2011 Wisconsin Act 21 made significant changes to the rulemaking process, as described in this chapter.

Act 46: 2011 Wisconsin Act 46 reconstituted the membership of the SBRRB and required that agencies submit proposed rules to the board for review if the rule will have any economic impact on small business.

Executive Order #50 was issued pursuant to Act 21 by Governor Walker in November 2011, to impose additional rulemaking requirements and provide detailed rule promulgation guidance to state agencies.

Executive Order #61 was issued pursuant to Act 46 by Governor Walker in February 2012, to require that all state agencies: (1) ensure that they are in compliance with Act 46, ready to assist small business owners, and properly submitting any proposed rules with an economic impact to the SBRRB; and (2) cooperate with SBRRB to identify existing rules hindering job creation and small business growth.

JCRAR: The Joint Committee for Review of Administrative Rules is a joint legislative committee that plays a key role in reviewing administrative rules, including emergency rules. Among other functions, JCRAR may grant extensions for emergency rules and suspend current emergency or permanent rules in specified circumstances.

SBRRB: The Small Business Regulatory Review Board is comprised of seven representatives of small business, and a Senator and a Representative involved with legislative committees relating to small business. Agencies must refer rules that may have an economic impact on small business to the SBRRB for review. The board also has authority to review **current** agency rules to determine whether they place an unnecessary burden on small businesses.

Wisconsin Legislative Council

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