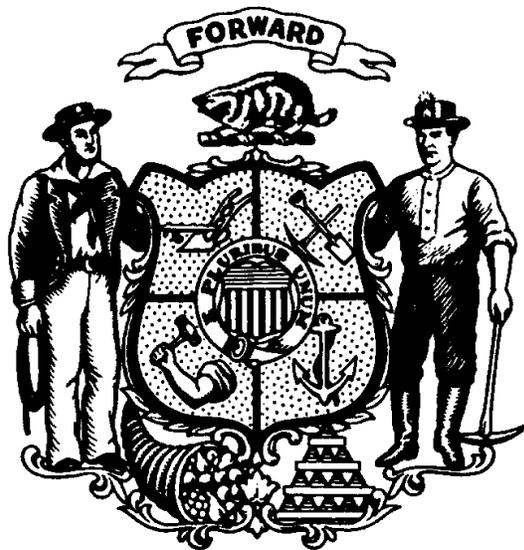


WISCONSIN ADMINISTRATIVE REGISTER

No. 527



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EMERGENCY RULES NOW IN EFFECT

Under s. 227.24, Stats., state agencies may promulgate rules without complying with the usual rule-making procedures. Using this special procedure to issue emergency rules, an agency must find that either the preservation of the public peace, health, safety or welfare necessitates its action in bypassing normal rule-making procedures.

Emergency rules are published in the official state newspaper, which is currently the Wisconsin State Journal. Emergency rules are in effect for 150 days and can be extended up to an additional 120 days with no single extension to exceed 60 days.

Extension of the effective period of an emergency rule is granted at the discretion of the Joint Committee for Review of Administrative Rules under s. 227.24 (2), Stats.

Notice of all emergency rules which are in effect must be printed in the Wisconsin Administrative Register. This notice will contain a brief description of the emergency rule, the agency finding of emergency, date of publication, the effective and expiration dates, any extension of the effective period of the emergency rule and information regarding public hearings on the emergency rule.

EMERGENCY RULES NOW IN EFFECT (2)

Agriculture, Trade & Consumer Protection

1. Rules were adopted amending s. ATCP 60.19 (3) and (4), relating to drug residues in raw milk.

Finding of Emergency

The state of Wisconsin department of agriculture, trade and consumer protection (DATCP) finds that an emergency exists and that the following emergency rule is necessary to protect public health, safety and welfare. The facts constituting the emergency are as follows:

(1) Milk from Wisconsin dairy farms may not contain drug residues. Current rules under ch. ATCP 60, Wis. Adm. Code, require every dairy plant operator to perform a drug residue screening test on every bulk load of raw milk received by that operator. If the bulk load tests positive for any drug residue, the operator must test a milk sample from each producer milk shipment included in that bulk load. Current rules do not require a dairy plant operator to perform a confirmatory test if a producer sample tests positive on an initial test.

(2) If a producer sample tests positive for drug residue, the dairy plant operator may hold that producer financially responsible for contaminating the bulk load. In some cases, the cost of a contaminated tanker load of milk may be \$5,000 or more. The department may also take enforcement action against the milk producer. Enforcement may result in financial penalties or suspension of the milk producer's license.

(3) In several enforcement actions, producers have argued that dairy plant drug residue tests were inaccurate. Producers claimed that there was no confirmatory testing, and no opportunity to confirm the accuracy of the dairy plant operator's test findings. Inaccurate findings may unfairly penalize affected producers, and result in severe financial losses to those producers. The lack of a confirmatory test aggravates conflicts between dairy plant operators and milk producers.

(4) Confirmatory testing of test-positive producer samples would provide greater assurance of fairness for milk producers, and would help avoid conflicts between dairy plant operators and producers. Dairy plant operators can perform confirmatory tests at reasonable cost. An emergency rule requiring confirmatory testing of producer samples is necessary to protect milk producers, and to promote the efficient operation and economic well-being of Wisconsin's dairy industry.

(5) Confirmatory testing of test-positive producer samples will enhance, and not reduce, the safety of Wisconsin milk supplies. Dairy plant operators will still be required to test bulk tanker loads of milk, and dispose of tanker loads that test positive for drug residues.

(6) This emergency rule will strengthen public health protection by requiring dairy plant operators to dispose of contaminated loads, or denature contaminated loads before transferring them to the custody of another person. Denaturing ensures that persons receiving custody of contaminated loads will not redirect them to human food use.

(7) Pending the adoption of rules according to normal administrative rulemaking procedures, it is necessary to adopt this emergency rule to do both of the following:

(a) Protect the public milk supply against drug residue contamination by assuring proper disposal of contaminated milk.

(b) Provide additional assurance that milk producers will not be subjected to serious penalties or financial losses based on inaccurate drug residue tests.

Publication Date: April 30, 1999
Effective Date: April 30, 1999
Expiration Date: September 27, 1999
Hearing Date: June 18, 1999
Extension Through: November 25, 1999

2. Rules adopted revising s. ATCP 100.45, relating to security of dairy plant payments to milk producers.

Finding of Emergency

(1) Section 100.06, Stats., is designed to provide "reasonable assurance" that dairy farmers will be paid for the milk they produce. Under ss. 97.20(2)(d)2. and 100.06, Stats., a dairy plant must, as a condition to licensing, comply with applicable security requirements under s. 100.06, Stats., and department rules under ch. ATCP 100, Wis. Adm. Code. Since dairy plant licenses expire on April 30 annually, dairy plants must comply with applicable security requirements in order to qualify for license renewal on May 1 of each year.

(2) Under s. 100.06, Stats., and ch. ATCP 100, a dairy plant operator who purchases milk from producers must do one of the following:

(a) File with the department of agriculture, trade and consumer protection ("department") audited financial statements which show that the operator meets minimum financial standards established by s. 100.06, Stats.

(b) File security with the department in an amount equal to at least 75% of the operator's "maximum liability to producers," as calculated under s. ATCP 100.45(5).

(c) Enter into a dairy plant trusteeship under ch. ATCP 100, Subch. V.

(3) Under s. ATCP 100.45(5), a dairy plant operator's "maximum liability to producers" is based on the plant operator's largest monthly purchase of milk during the *preceding* license year. Milk prices hit all time record highs in 1998, dramatically increasing

monthly dairy plant payrolls. Security requirements for the 1999 license year are currently based on these inflated 1998 monthly payrolls, even though 1999 monthly payrolls have dropped dramatically in response to price changes.

(4) Since December 1998, the average market price for raw milk has fallen by approximately 40%. Dairy economists expect BFP average prices to remain at least 12% to 16.2% below last year's average during 1999. Because of the dramatic decline in milk prices, dairy plants have smaller producer payroll obligations than they had in 1998.

(5) Prices received by Wisconsin dairy plants for processed dairy products have also fallen dramatically since December. This has created serious financial hardships for some dairy plants.

(6) Current security requirements, based on 1998 producer prices and payrolls, are excessive in relation to current payroll obligations and impose an added financial burden on dairy plants. Current security requirements under s. ATCP 100.45(5), based on last year's prices, are at least 31 to 48% higher than they would be if calculated at current prices.

(7) Because of the dramatic decline in dairy prices, some dairy plant operators are required to file large amounts of additional security, often amounting to millions of dollars. This is a major expense for affected operators. Operators may find it difficult, financially, to obtain and file the required security. If a dairy plant is unable to file the required security in connection with the May 1, 1999 license renewal, the department will be forced to take action against the dairy plant's license. This could result in the forced closing of some unsecured dairy plants. The forced closing of an unsecured plant may, in turn, result in serious financial losses to producer patrons.

(8) By requiring excessive security based on last year's prices, current rules are making it unnecessarily difficult and expensive for dairy plants to obtain and file security. This could contribute to the financial failure of some dairy plants, or to the forced closing of some unsecured plants. Dairy plant financial failures or closings, if they occur, may cause serious and widespread financial injury to milk producers in this state. This constitutes a serious and imminent threat to the public welfare.

(9) In order to reduce the risk of dairy plant financial failures or forced closings, rule amendments are urgently needed to adjust dairy plant security requirements to appropriate levels based on current milk prices. The rule amendments will relieve financially stressed dairy plants from unnecessary financial burdens and will make it easier for those dairy plants to file security with the department. That, in turn, will reduce the risk of dairy plant financial failures, or the forced closing of unsecured plants, which may adversely affect milk producers.

(10) Rule amendments, to be effective, must be promulgated prior to the dairy plant license year beginning May 1, 1999. That is not possible under normal rulemaking procedures. Therefore, the following emergency rule is needed to protect the public welfare.

(11) Should milk prices rise beyond the levels currently anticipated for the license year beginning May 1, 1999, so that security filed under this emergency rule is less than 75% of a dairy plant operator's current monthly producer payroll, the operator is required to notify the department of that fact under s. 100.06, Stats., and s. ATCP 100.20(3). The department may demand additional security at that time.

Publication Date: April 20, 1999
Effective Date: May 1, 1999
Expiration Date: September 28, 1999
Hearing Date: May 18, 1999
Extension Through: November 26, 1999

EMERGENCY RULES NOW IN EFFECT

Commerce

(PECFA – Chs. Comm 46–47)

Rules adopted creating **ch. Comm 46**, relating to “Petroleum Environmental Cleanup Fund Interagency Responsibilities,” and relating to sites contaminated with petroleum products from petroleum storage tanks

Exemption From Finding of Emergency

On September 22, 1999, the Joint Committee for Review of Administrative Rules adopted a motion pursuant to s. 227.26 (2) (b), Stats., that directs the Departments Commerce and Natural Resources to promulgate as an emergency rule, no later than October 22, 1999, the policies and interpretations under which they intend to administer and implement the shared elements of the petroleum environmental cleanup fund program.

In administering the fund, the Departments had previously relied upon a Memorandum of Understanding for classifying contaminated sites and addressing other statements of policy that affect the two Departments. The rule that is being promulgated details the policies and interpretations under which the agencies intend to administer and guide the remedial decision making for sites with petroleum product contamination from petroleum product storage tank systems.

The rule defines “high priority site,” “medium priority site,” and “low priority site,” and provides that the Department of Natural Resources has authority for high priority sites and that the Department of Commerce has authority for low and medium priority sites. The rule requires transfer of authority for sites with petroleum contamination in the groundwater below the enforcement standard in ch. NR 140 from the Department of Natural Resources to the Department of Commerce. The rule also establishes procedures for transferring sites from one agency to the other when information relevant to the site classification becomes available.

Publication Date: October 20, 1999
Effective Date: October 20, 1999
Expiration Date: March 18, 2000
Hearing Date: November 18, 1999

EMERGENCY RULES NOW IN EFFECT

Commerce

(Financial Resources for Communities, Chs. Comm 105 to 128)

Rules adopted creating **ch. Comm 111**, relating to certified capital companies.

Finding of Emergency

The Department of Commerce finds that an emergency exists and that the adoption of the rule is necessary for the immediate preservation of public health, safety and welfare.

Analysis of Rules

Statutory Authority: ss. 560.31, 560.34 (1m) (b), and 227.24
 Statutes Interpreted: ss 560.31, 560.34 (1m) (b), and 227.24

On June 17, 1999, the Department of Commerce (Commerce) held a public hearing on proposed rules in response to 1997 Wis. Act 215. That act provides tax credits to persons that make certain investments in certified capital companies that are certified by

Commerce. Legislators and persons interested in the rules testified at the hearing and requested that Commerce adopt an emergency rule that would (1) allow persons to apply for certification to become certified as capital companies, (2) allow persons to apply to make a certified capital investment in a certified capital company, and (3) set forth the operational and reporting requirements of certified capital companies required under the law. Since then, articles in the newspaper as well as business journals have pointed out the lack of venture capital in the state hinders high-tech growth and making that capital available will benefit Wisconsin as it has done in other states. This emergency rule is necessary to begin implementation of the law and to place Wisconsin in a better position to make capital available to draw high-tech industries, create new businesses, and expand existing businesses that will ultimately create new jobs and benefit all its citizens.

Publication Date: July 23, 1999
Effective Date: July 23, 1999
Expiration Date: December 19, 1999
Hearing Date: August 17, 1999

EMERGENCY RULES NOW IN EFFECT

Crime Victims Rights Board

Rules adopted creating **ch. CVRB 1**, relating to the rights of crime victims.

Finding of Emergency

The Crime Victims Rights Board finds that an emergency exists and that rules are necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is:

The Crime Victims Rights Board was created by 1997 Wis. Act 181, effective December 1, 1998, to enforce victims' rights established by Wis. Const. Art. I, s. 9m, adopted in 1993. The Wisconsin Constitution states that the Legislature shall provide remedies for the violation of victims' constitutional rights. The Board's process represents the only means of enforcing the remedies available to victims of crime who are not provided with the rights guaranteed to them by the Wisconsin Constitution and the Wisconsin statutes. The Board can issue reprimands to correct violations of victims' rights, seek forfeitures in egregious cases, and seek equitable relief to enforce victims' rights. The Board can also work to prevent future violations of victims' rights by issuing reports and recommendations on crime victims' rights and services.

Complaints must be presented to the Department of Justice before they can be presented to the Board. The Department estimates that it receives 200 complaints annually involving the treatment of crime victims. The Department has no authority to enforce victims' rights; the Department can only seek to mediate disputes. Of those complaints, approximately 25 per year cannot be resolved to the parties' satisfaction, and are therefore ripe for the Board's consideration. There are presently 5 complaints that could be referred to the Board if the Board were able to receive and act on complaints.

Until the Board establishes its complaint process by administrative rule, it is unable to provide the remedies constitutionally guaranteed to crime victims.

Publication Date: September 17, 1999
Effective Date: September 17, 1999
Expiration Date: February 14, 1999
Hearing Date: November 9, 1999

EMERGENCY RULES NOW IN EFFECT

Professional Geologists, Hydrologists and Soil Scientists

Rules adopted creating **chs. GHSS 1 to 5**, relating to the registration and regulation of professional geologists, hydrologists and soil scientists.

Exemption From Finding of Emergency

The Examining Board of Geologists, Hydrologists and Soil Scientists finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, safety or welfare. A statement of the facts constituting the emergency is:

Section 64 of 1997 Wis. Act 300 states that the board is not required to make a finding of emergency. However, the board offers the following information relating to the promulgation of these rules as emergency rules. The new regulation of professional geologists, hydrologists and soil scientists was created in 1997 Wis. Act 300. The Act was published on June 30, 1998; however the Act created an effective date for the new regulation as being the first day of the 6th month beginning after the effective date of this subsection.

Publication Date: May 15, 1999
Effective Date: May 15, 1999
Expiration Date: October 12, 1999
Hearing Date: June 23, 1999
Extension Through: December 10, 1999

EMERGENCY RULES NOW IN EFFECT

Health & Family Services

(Management, Technology, etc., Chs. HFS 1-)

A rule was adopted revising **chapter HFS 12, Appendix A**, relating to caregiver background checks.

Finding of Emergency

The Department of Health and Family Services finds that an emergency exists and that the rules are necessary for the immediate preservation of the public peace, health, safety or welfare. The facts constituting the emergency are as follows:

Since October 1, 1998, the Department has been implementing statutes that became effective on that date that require use of uniform procedures to check the backgrounds of persons who apply to the Department, to a county social services or human services department that licenses foster homes for children and carries out adoption home studies, to a private child-placing agency that does the same or to a school board that contracts for day care programs, to provide care or treatment to persons who need that care or treatment, or who apply to a regulated entity to be hired or contracted with to provide services to the entity's clients or who propose to reside as a non-client at the entity. The statutes, ss. 48.685 and 50.065, Stats., direct the regulatory agencies and regulated entities to bar persons, temporarily or permanently, depending on the conviction, finding or charge, who have in their backgrounds a specified conviction, finding or charge substantially related to the care of clients, from operating a service provider organization, providing care or treatment to persons who need that care or treatment or otherwise having contact with the clients of a service provider.

The new statutes, commonly referred to as the Caregiver Law, were effective on October 1, 1998, for applicants on or after that date for licensure, certification or other agency approval, and for persons

applying to be hired by or to enter into a contract with a regulated entity on or after that date to provide services to clients or to take up residence as a non-client at a regulated entity.

For regulated agencies approved before October 1, 1998, and for persons employed by, under contract to or residing as non-clients at regulated entities before October 1, 1998, the Caregiver Law's required uniform procedures and "bars" are to apply beginning on October 1, 1999. That is to say, by October 1, 1999, background checks, using the uniform procedures, are to be completed for all service providers who were approved before October 1, 1998, and for all employees, contractors and non-client residents employed by, under contract to or living at a regulated entity before October 1, 1998, and action taken to withdraw approval, terminate employment or end a contract, as appropriate.

To implement the new Caregiver Law, the Department on October 1, 1998, published administrative rules, ch. HFS 12, Wis. Adm. Code, by emergency order. Chapter HFS 12 included an appendix which consisted of a list of crimes. The original list specified 159 crimes for conviction of any one of which a person would be barred permanently (45 crimes), all programs, or would be barred temporarily, all programs, pending demonstration of rehabilitation, from being approved to be a service provider or from providing care or treatment to clients or otherwise having access to clients. The October 1998 emergency rules were modified in December 1998 and February 1999 by emergency order, and were replaced by permanent rules effective July 1, 1999. The Crimes List in the current permanent rules specifies 117 crimes with 9 being permanent bar crimes for all programs.

This order again modifies ch. HFS 12, but only the Crimes List and not the text of the chapter. The number of specified crimes is reduced to 79, with 6 of them, all taken from ss. 48.685 and 50.065, Stats., being permanent bar crimes for all programs. The change to the ch. HFS 12 Crimes List is being made at this time because the 1999-2001 Budget Bill, now before the Legislature but not likely to take effect before October 1, 1999, is expected to provide for a more modest Crimes List than the one now appended to ch. HFS 12. This means that the Legislature intends that some persons who under the current rules would lose their jobs effective October 1, 1999, will be able to keep their jobs. The Department has the authority to further modify the Crimes List so that it corresponds to how the Legislature, after having heard arguments since October 1998 about how the Caregiver Law should be amended and implemented, wants it to work. This is what the Department is doing through this order.

Publication Date: September 16, 1999
Effective Date: September 16, 1999
Expiration Date: February 13, 2000
Hearing Date: October 28, 1999

EMERGENCY RULES NOW IN EFFECT (2)

Health & Family Services

(Medical Assistance, Chs. HFS 101-108)

1. Rules were adopted revising **chs. HFS 101 to 103, and 108**, relating to operation of BadgerCare health insurance program.

Finding of Emergency

The Department of Health and Family Services finds that an emergency exists and that the rules are necessary for the immediate preservation of the public peace, health, safety or welfare. The facts constituting the emergency are as follows:

This order creates rules that specify how a new program called BadgerCare, established under s. 49.665, Stats., will work. Under BadgerCare, families with incomes up to 185% of the federal poverty level, but not low enough to be eligible for regular Medical

Assistance (MA) coverage of their health care costs, and that lack access to group health insurance, are eligible to have BadgerCare pay for their health care costs. The order incorporates the rules for operation of BadgerCare into chs. HFS 101 to 103 and 108, four of the Department's chapters of rules for operation of the MA program.

BadgerCare is projected to cover over 40,000 currently uninsured Wisconsin residents, including more than 23,000 children, by the end of 1999.

Benefits under BadgerCare will be identical to the comprehensive package of benefits provided by Medical Assistance. The existing Wisconsin Medicaid HMO managed care system, including mechanisms for assuring the quality of services, improving health outcomes and settling grievances, will be used also for BadgerCare.

Department rules for the operation of BadgerCare must be in effect before BadgerCare may begin. The program statute, s. 49.665, Stats., was effective on October 14, 1997. It directed the Department to request a federal waiver of certain requirements of the federal Medicaid Program to permit the Department to implement BadgerCare not later than July 1, 1998, or the effective date of the waiver, whichever date was later. The federal waiver letter approving BadgerCare was received on January 22, 1999. It specified that BadgerCare was not to be implemented prior to July 1, 1999. Once the letter was received, the Department began developing the rules. They are now ready. The Department is publishing the rules by emergency order so that they will go into effect on July 1, 1999, rather than at least 9 months later, which is about how long the process of making permanent rules takes, and thereby provide already authorized health care coverage as quickly as possible to families currently not covered by health insurance and unable to pay for needed health care.

The rules created and amended by this order modify the current Medical Assistance rules to accommodate BadgerCare and in the process provide more specificity than s. 49.665, Stats., about the nonfinancial and financial conditions of eligibility for BadgerCare; state who is included in a BadgerCare group and whose income is taken into consideration when determining the eligibility of a BadgerCare group; expand on statutory conditions for continuing to be eligible for BadgerCare; exempt a BadgerCare group with monthly income at or below 150% of the federal poverty level from being obliged to contribute toward the cost of the health care coverage; and set forth how the Department, as an alternative to providing Medical Assistance coverage, will go about purchasing family coverage offered by the employer of a member of a family eligible for BadgerCare if the Department determines that purchasing that coverage would not cost more than providing Medical Assistance coverage.

Publication Date: July 1, 1999
Effective Date: July 1, 1999
Expiration Date: November 28, 1999
Hearing Dates: August 26, 27, 30 & 31, 1999

2. Rule adopted amending **s. HFS 105.39 (4) (b) 3.**, relating to certification of specialized medical vehicle providers.

Finding of Emergency

The Department of Health and Family Services finds that an emergency exists and that the adoption of the rules included in this order is necessary for the immediate preservation of the public peace, health, safety or welfare. The facts constituting the emergency are as follows:

The Department's rules for certification of specialized motor vehicle (SMV) providers under the Medical Assistance (MA) program include requirements for SMV drivers. Among current requirements is that each driver must receive training in first aid and cardiopulmonary resuscitation (CPR) before driving a vehicle or serving as an attendant and must receive refresher training in first aid every 2 years and refresher training in CPR annually. The specific requirements for refresher training date from December 1, 1994. When revising its rules for SMV providers earlier in 1994 the Department proposed to require refresher training every 2 years for

both first aid and CPR, but at the public hearings on the proposed rules 5 SMV providers said the CPR refresher training should take place annually and the Department agreed and made that its requirement.

Although the American Red Cross CPR training and certification that the person is trained continue to be annual, the equivalent American Heart Association CPR training and certification (the American Heart Association prefers "recognition" to "certification") is now every 2 years. This means that to comply with the Department's current MA rule for SMV drivers, s. HFS 105.39 (4) (b) 3., drivers who receive their training from the American Heart Association must repeat the training each year. That is unnecessary for maintenance of American Heart Association certification (recognition) and the time and expense involved is a burden on SMV providers and drivers. The Department is modifying the rule through this order to simply require that drivers maintain CPR certification.

The Department through this order is also changing the requirement for refresher training in first aid from every 2 years to at least every 3 years. That is because the American Red Cross certification in first aid is now for 3 years. A requirement for more frequent refresher training in first aid is a burden in time and expense involved for SMV providers and drivers.

Publication Date: July 3, 1999
Effective Date: July 3, 1999
Expiration Date: November 30, 1999
Hearing Date: September 1, 1999

EMERGENCY RULES NOW IN EFFECT (2)

Health and Family Services

(Health, Chs. HSS/HFS 110–)

1. Rules were adopted revising **ch. HFS 119**, relating to the Health Insurance Risk–Sharing Plan.

Exemption From Finding of Emergency

Section 149.143 (4), Stats., permits the Department to promulgate rules required under s. 149.143(2) and (3), Stats. by using emergency rulemaking procedures, except that the Department is specifically exempted from the requirement under s. 227.24(1) and (3), Stats., that it make a finding of emergency. These are the rules. Department staff consulted with the HIRSP Board of Governors on April 30, 1999 on the proposed rules, as required by s. 149.20, Stats.

Analysis Prepared by the Department of Health and Family Services

The State of Wisconsin in 1981 established a Health Insurance Risk–Sharing Plan (HIRSP) for the purpose of making health insurance coverage available to medically uninsured residents of the state. One type of coverage provided by HIRSP is supplemental coverage for persons eligible for Medicare. This coverage is called Plan 2. Medicare (Plan 2) has a \$500 deductible. Approximately 17% of the 7,291 HIRSP policies in effect on March 31, 1999 were of the Plan 2 type.

The Department through this rulemaking order is amending ch. HFS 119 in order to update HIRSP Plan 2 premium rates in accordance with the authority and requirements set out in s. 149.143 (2) (a) 2., Stats. The Department is required to set premium rates by rule. These rates must be calculated in accordance with generally accepted actuarial principles. Policyholders are to pay 60% of the costs of HIRSP.

There are separate sets of tables in ch. HFS 119 that show unsubsidized and subsidized Plan 2 premium rates. Both sets of

tables are amended by this order to increase the premium rates because Plan 2 costs, which historically have been running about 50% less than Plan 1 costs, began to increase several years ago and now are running at about 67% of Plan 1 costs. The Plan 2 premium rates need to be increased to cover increased costs of treatment for individuals enrolled under Plan 2. The order increases these premium rates by about 18%.

In January 1999, the Department published an emergency rule order to increase HIRSP unsubsidized Plan 2 premium rates by about 10%, with the intention of increasing those rates again in July 1999 to the level provided for in this order. However, in May 1999 the Legislature's Joint Committee for the Review of Administrative Rules (JCRAR) refused to extend the effective period of that part of the January 1999 emergency rule order relating to premium rate increases, with the result that effective May 31, 1999, the rates reverted back to the rates in effect before January 1, 1999. Consequently, to increase rates effective July 1, 1999, the Department through this rulemaking order has based the increased rates on the rates in effect prior to January 1, 1999.

The Department through this order is also adjusting the total HIRSP insurer assessments and provider payment rates in accordance with the authority and requirements set out in s. 149.143 (2)(a)3. and 4., Stats. With the approval of the HIRSP Board of Governors and as required by statute, the Department reconciled total costs for the HIRSP program for calendar year 1998. The Board of Governors approved a reconciliation methodology that reconciles the most recent calendar year actual HIRSP program costs, policyholder premiums, insurance assessments and health care provider contributions collected with the statutorily required funding formula. By statute, the adjustments for the calendar year are to be applied to the next plan year budget beginning July 1, 1999.

The result of this reconciliation process for calendar year 1998 indicated that insurance assessments collected were greater than the 20% of costs (net of the GPR contribution from appropriation s. 20.435(5)(af), Stats.), required of insurers. Also, the calendar year 1998 reconciliation process showed that an insufficient amount was collected from health care providers. As a result of this reconciliation, the insurer assessments for the time periods July 1, 1999 through December 31, 1999 and January 1, 2000 through June 30, 2000, are reduced to offset the overpayment in 1998. The total adjustments to the provider payment rates for the same time periods are sharply increased in order to recoup the provider contribution that was not collected in calendar year 1998. The budget for the plan year ending June 30, 2000 and the calendar year 1998 reconciliation process were approved by the HIRSP Board of Governors in April 1999.

Publication Date: June 30, 1999
Effective Date: July 1, 1999
Expiration Date: November 28, 1999
Hearing Date: September 9, 1999

2. Rules adopted creating **s. HSS 122.10**, relating to distribution of 3 closed nursing home beds to a nursing home that serves only veterans.

Finding of Emergency

The Department of Health and Family Services finds that an emergency exists and that the adoption of the rules is necessary for the immediate preservation of the public peace, health, safety or welfare. The facts constituting the emergency are as follows:

These rules are for the one–time distribution of 3 closed nursing home beds to a nursing home or nursing homes that serve only veterans. Following distribution of the 3 beds, the rules will be allowed to lapse.

Section 150.31, Stats., establishes a statewide bed limit for nursing homes as one means of controlling nursing home costs and Medical Assistance program expenditures. Within that bed limit a facility may close or its bed capacity may be reduced, in which case beds are freed up and may be redistributed by the Department under s. HSS 122.05(1)(c).

The Wisconsin Veterans Home at King has 4 separately licensed nursing home buildings on its grounds, and a total licensed capacity

of 718 beds. It is operating at 99.9 percent of capacity with a long waiting list for admission. Managers of the Wisconsin Veterans Home have decided to close their underutilized 3 bed hospital operation at King. The 3 hospital beds are currently located in Stordock Hall. The 3 nursing home beds will replace the hospital beds. Because of the burgeoning population of older veterans, whose active service was during World War II, the Korean War, and the Vietnam War, and the immediate pressure on admissions to the facility, and the desirability of having flexibility when moving residents, Wisconsin Veterans Home managers have asked that the space previously used for hospital beds be converted to nursing home space and that 3 closed nursing home beds be transferred to the Veterans Home. These beds could be put on line immediately and provide some relief to those awaiting admission.

This rulemaking order establishes a process for considering applications for 3 closed nursing home beds to be made available to a nursing home or nursing homes that serve only veterans, that ask for no more than 3 beds and that do not require space to be added to the building in which the beds will be located to accommodate those beds.

Publication Date: August 3, 1999
Effective Date: August 3, 1999
Expiration Date: December 31, 1999

EMERGENCY RULES NOW IN EFFECT

Higher Educational Aids Board

Rules adopted amending s. HEA 11.03 (3) and creating s. HEA 11.03 (5), relating to the Minority Teacher Loan Program.

Finding of Emergency

The 1989 Wis. Act 31 created s. 39.40, Stats., which provides for loans to minority students enrolled in programs of study leading to licensure as a teacher. The Wisconsin Higher Educational Aids Board (HEAB) administers this loan program under s. 39.40 and under ch. HEA 11. Current rules require that a student be enrolled full time and show financial need to be considered for participation in the Minority Teacher Loan Program. Students who did not enroll full time and did not show financial need were allowed to participate in the program in the past when part of the program was administered by another administrative body. These students are enrolled in teacher education programs that train teachers specifically for the school districts named in the statutes that outline the intent of the Minority Teacher Loan Program. Unless the Board changes its rules, many participating students will lose their eligibility in the program. This will cause a hardship to those students who relied on the interpretation of the prior system administration. Revising the rules would allow students who participated in the program in the past to continue to participate. The proposed revision will not affect expenditures of State funds for the Minority Teacher Loan Program.

Publication Date: August 6, 1999
Effective Date: August 6, 1999
Expiration Date: January 3, 2000
Hearing Date: October 28, 1999

EMERGENCY RULES NOW IN EFFECT

Natural Resources

(Fish, Game, etc., Chs. NR 1-)

Rules adopted revising ch. NR 10, relating to the 1999 migratory game bird season.

Finding of Emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public welfare. The federal government and state legislature have delegated to the appropriate agencies rule-making authority to control the hunting of migratory birds. The State of Wisconsin must comply with federal regulation in the establishment of migratory bird hunting seasons and conditions. General regulations are not made available to this state until mid-August of each year. This order is designed to bring the state hunting regulations into conformity with federal regulations. Normal rule-making procedures will not allow the establishment of these changes by September 1. Failure to modify our rules will result in the failure to provide hunting opportunity and continuation of rules which conflict with federal regulations.

Publication Date: September 10, 1999
Effective Date: September 10, 1999
Expiration Date: February 7, 2000
Hearing Date: October 14, 1999

EMERGENCY RULES NOW IN EFFECT (2)

Natural Resources

(Environmental Protection-Water Regulation, Chs. NR 300-)

1. Rules adopted creating ch. NR 303, relating to department determinations of navigability for farm drainage ditches.

Exemption From Finding of Emergency

The Department was directed by the JCRAR under s. 227.26 (2) (b), Stats., to promulgate emergency rules regarding navigability

Analysis Prepared by the Department of Natural Resources

Statutory authority: s. 227.26 (2)(b)

Statute interpreted: s. 30.10 (4)(c)

This order codifies present department program guidance for staff making navigability determinations for farm drainage ditches, identifying various methods and information to be relied on when making such determinations.

Publication Date: May 1, 1999
Effective Date: May 1, 1999
Expiration Date: September 28, 1999
Hearing Dates: June 16 and 17, 1999
Extension Through: November 26, 1999

2. Rules adopted creating ch. NR 328, relating to regulation of water ski platforms and water ski jumps.

Analysis by the Department of Natural Resources

Statutory authority: ss. 30.135, 227.11 (2) (a) and 227.24

Statutes interpreted: ss. 30.66, 30.69 and 30.135

Chapter NR 328 describes the conditions where a water ski jump or platform will require a permit. It explains what constitutes a substantive written objection to a water ski jump or platform and provides a list of reasons that support a substantive written objection. It specifies the contents of a public notice and the process for making a substantive written objection. It details how the department will respond to complaints about an existing water ski jump or platform.

These rules were promulgated as emergency rules at the direction of the joint committee for review of administrative rules.

Publication Date: July 9, 1999
Effective Date: July 9, 1999*
Expiration Date: December 6, 1999

*Rule suspended by Joint Committee for Review of Administrative Rules on July 5, 1999.

EMERGENCY RULES NOW IN EFFECT

Natural Resources

(Environmental Protection—Investigation and Remediation, Chs. NR 700—)

Rules adopted creating **ch. NR 746**, relating to sites contaminated with petroleum products from petroleum storage tanks.

Finding of Emergency

The Wisconsin Natural Resources Board finds that an emergency exists and that a rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts contributing to the emergency is:

The Department of Commerce has adopted administrative rules under ss. 101.143 and 101.144, Stats., to implement the Petroleum Environmental Cleanup Fund Act (PECFA). The purpose of PECFA is to reimburse responsible persons for the eligible costs incurred to investigate and remediate petroleum product discharges from a petroleum product storage system or home oil tank system. The recent emergency rule, ch. Comm 46, was adopted by both the Department of Natural Resources and the Department of Commerce in January 1999, incorporating parts of a Memorandum of Understanding between the two agencies that relates to the classification of contaminated sites and creating risk screening

criteria for assessing petroleum-contaminated sites. However, ch. Comm 46 expired on September 27, 1999, prior to publication of the permanent rule. The emergency rule, ch. NR 746, is being proposed in order to ensure rules continue in effect during the time period between now and when the permanent rule is published. This action is also in response to a resolution adopted by the Joint Committee for Review of Administrative Rules (JCRAR), which directed the Department of Commerce and the Department of Natural Resources to promulgate a new emergency rule for this interim time period.

The emergency rule was approved and adopted by the State of Wisconsin Natural Resources Board on September 29, 1999.

Publication Date: October 20, 1999
Effective Date: October 20, 1999
Expiration Date: March 18, 2000
Hearing Date: November 18, 1999

EMERGENCY RULES NOW IN EFFECT

Revenue

A rule was adopted creating **s. Tax 11.20**, relating to the sales and use tax treatment of machinery and equipment used in waste reduction and recycling activities.

Exemption From Finding of Emergency

On February 25, 1999, the Joint Committee for Review of Administrative Rules, pursuant to s. 227.26, (2) (b), Stats., directed the Department of Revenue to use the emergency rule making process to promulgate as an emergency rule, within 30 days, its policies interpreting s. 77.54 (26m), Stats.

Analysis by the Department of Revenue

Statutory authority: ss. 227.11 (2) (a) & 227.26 (2) (b)
 Statute interpreted: s. 77.54 (26m)

Section Tax 11.20 is created to address the sales and use tax exemptions for waste reduction and recycling activities.

Publication Date: March 27, 1999
Effective Date: March 27, 1999
Expiration Date: August 24, 1999
Extension Through: December 21, 1999

STATEMENTS OF SCOPE OF PROPOSED RULES

Agriculture, Trade and Consumer Protection

Subject:

Ch. ATCP 48 – Relating to the County Drainage Board Grant Program.

Description of policy issues:

Preliminary objectives:

This rule will establish standards for the county drainage board grant program under s. 88.15, Stats., as required by s. 88.15 (2), Stats. Under the grant program, DATCP will distribute grants to county drainage boards to help them comply with new requirements under ch. 88, Stats., and ch. ATCP 48, Wis. Adm. Code. This rule will address:

- Grant eligibility requirements.
- Grant application procedures.
- Grant allocation criteria.
- Grant distribution procedures.
- Other issues related to the administration of the grant program.

Preliminary policy analysis:

County drainage boards are responsible for the construction, administration, maintenance, and repair of drainage districts. Drainage districts are local government districts organized to drain lands for agricultural or other purposes. Landowners in a district who benefit from drainage must pay assessments to cover the cost of constructing, administering, maintaining, and repairing the drainage system. Drainage districts have a major impact on land use, landowners, and the environment.

Drainage districts are governed by ch. 88, Stats., and ch. ATCP 48, Wis. Adm. Code. County drainage boards must administer drainage districts according to these legal requirements. Recent changes to ch. 88, Stats., and ch. ATCP 48 have imposed major new requirements. Among other things, county drainage boards must establish and document comprehensive engineering specifications for drainage districts, and must maintain district drains according to those specifications.

In the short run, drainage districts will incur additional costs to implement these requirements. In the long run, these changes will facilitate drainage district operations, avoid costly disputes, and protect landowners and the environment.

The 1999–2001 biennial budget act established a county drainage board grant program to help county drainage boards comply with the new requirements. The grant program will provide a statewide total of \$500,000 in grant assistance per year, starting on July 1, 2000, and ending on June 30, 2006. DATCP may award grants to reimburse up to 60 percent of a county drainage board's cost to comply with the new state statutes and rules.

The Legislature directed DATCP to adopt rules for the grant program. DATCP is proposing this rule to comply with the statutory directive.

Policy alternatives:

DATCP is required to adopt rules for the county drainage board grant program, and has no alternative but to do so. DATCP will consult with county drainage boards and other affected groups as it develops the rules. Key issues will include grant eligibility requirements, and criteria for allocating grant funds among county drainage boards.

Statutory authority:

Section 88.15 (2), Stats., requires the Department to adopt rules for the county drainage board grant program.

Anticipated time commitment:

The Department estimates that it will use approximately 0.5 FTE staff time to develop this rule. This includes research, drafting, preparing related documents, holding public hearings, coordinating advisory committee discussions, and communicating with affected persons and groups. The Department will assign existing staff to develop this rule.

Agriculture, Trade and Consumer Protection

Subject:

Ch. ATCP 92 – Relating to Commercial Weighing and Measuring Devices; Inspection Standards.

Description of policy issues:

Preliminary objectives:

Establish inspection standards for commercial weighing and measuring devices to improve statewide consistency.

Preliminary policy analysis:

DATCP enforces Wisconsin's weights and measures laws. DATCP inspectors, municipal inspectors and licensed private service companies check weighing and measuring devices to ensure that commercial weights and measures are accurate.

Municipalities with a population of 5,000 or more must establish their own weights and measures departments, or must contract with DATCP to furnish weights and measures services. Currently 17 municipalities operate their own weights and measures programs, while 90 municipalities contract with DATCP for weights and measures services. Inspectors "seal" weighing and measuring devices that meet standards of accuracy.

DATCP licenses private service companies to install, service, test and calibrate commercial weighing and measuring devices. Currently, there are 311 licensed private service companies in the state.

Currently, there are few uniform procedures for inspecting commercial weighing and measuring devices. This results in inconsistent inspection, which harms consumers and competing businesses. DATCP proposes to establish uniform procedures by rule, including:

- Uniform test procedures for commercial weighing and measuring devices.
- Uniform sealing requirements.
- Uniform standards for inspection frequency.
- Uniform standards for equipment used to test weighing and measuring devices.
- Uniform record keeping and reporting requirements.
- Periodic audits and evaluations of municipal programs.

DATCP also proposes to establish training program standards, including:

- Proficiency training for state and municipal inspectors.
- Voluntary training and certification of weights and measures technicians, including technicians employed by municipalities and private service companies.

Policy alternatives:

• Do nothing. This will foster inconsistent application of state weights and measures laws. Lack of uniformity hurts consumers and competing businesses.

• Allow each municipality and private service company to establish its own testing and inspection standards. This will also foster inconsistent application of state weights and measures laws, and will harm consumers and competing businesses.

Statutory authority:

DATCP proposes to develop this rule under authority of ss. 93.07 (1), 98.04 (1), 98.18 and 100.20 (2), Stats.

Anticipated time commitment:

DATCP estimates that it will use approximately 0.5 FTE staff time to develop this rule. This includes researching, drafting, preparing related documents, holding public hearings, coordinating advisory group discussions, and communicating with affected persons and groups. DATCP plans to develop this rule in consultation with municipalities, private service companies and other affected groups. DATCP will assign existing staff to develop this rule.

Funeral Directors Examining Board**Subject:**

S. FD 6.10 – Relating to door-to-door solicitation.

Description of policy issues:

Objective of the rule:

To repeal s. FD 6.10 (3) (a), (b) and (c).

Policy analysis:

In Clearinghouse Rule 99-008, the Board repealed and recreated s. FD 6.10 (3), intending to repeal s. FD 6.10 (3) (a), (b) and (c). Due to an incorrect treatment clause in the rule-making order, s. FD 6.10 (3) (a), (b) and (c) were not repealed.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) and 445.125 (3m) (j) 1. and 2., Stats.

Estimate of the amount of state employee time and of any other resources that will be necessary to develop the rule:

20 hours.

Insurance, Commissioner of**Subject:**

S. Ins 6.57 (4) – Relating to lowering resident individual intermediary-agent listing fees from \$8 to \$7 per year.

Description of policy issues:

A statement of the objective of the proposed rule:

The objective of the proposed rule is to lower resident individual intermediary-agent listing fees from \$8 to \$7 per year.

A description of existing policies relevant to the rule and of new policies proposed to be included in the rule and an analysis of policy alternatives:

Wisconsin has experienced a strong economy and a growing and competitive insurance industry. At the same time, OCI has been a good fiscal steward and has not grown at the same rate as the insurance industry, allowing OCI to reduce fee collections. Effective use of information technology and increased efficiency in agency operations has resulted in a reduced need for revenue from the industry.

Statutory authority:

Sections 601.31 (1) (n) and 601.41 (3), Stats.

Estimate of the amount of time that state employees will spend to develop the rule and a description of other resources necessary to develop the rule:

30 hours

Insurance, Commissioner of**Subject:**

S. Ins 6.59 – Relating to exemption of attorneys seeking licensure for title insurance from certain testing requirements.

Description of policy issues:

A statement of the objective of the proposed rule:

This change would allow attorneys licensed in Wisconsin who have taken at least 6 hours of Continuing Legal Education dealing with Wisconsin title insurance law within the previous 1 year period to apply for a title insurance license without passing the title insurance test.

A description of existing policies relevant to the rule and of new policies proposed to be included in the rule and an analysis of policy alternatives:

Currently, all applicants for title insurance must pass the title test prior to applying for a title insurance license. The agency could continue to require everyone to pass the title test.

Statutory authority:

Section 628.04, Stats.

An estimate of the amount of time that state employees will spend to develop the rule and a description of other resources necessary to develop the rule:

The agency is estimated to require 100 hours of staff time and no other resources.

Natural Resources**Subject:**

NR Code – Relating to approving emergency rules creating new administrative code to implement rivers planning and protection grants; and to approving public hearings for permanent rule development.

Description of policy issues:

Description of policy issues to be resolved, include groups likely to be impacted or interested in the issue:

1999 Wis. Act 9 [AB 133 (budget bill)] creates a rivers planning and protection grant program necessitating rule development. Under an annual appropriation, first year funding for this program will lapse if not encumbered by June 30, 2000. Therefore, emergency rule approval is sought to provide an inaugural grant cycle in the Spring of 2000 while final permanent rules are developed. Project sponsors, local government, nonprofit conservation organizations, and rivers organizations will be impacted in a positive way, by providing a broader range of funded project types.

This rule/Board action represents a change from past policy.

Explain the facts that necessitate the proposed change:

Enabling legislation requires development of new policies regarding rivers planning and protection grants.

This rule/Board action represents an opportunity for pollution prevention and/or waste minimization.

Statutory authority:

Section 281.68, Stats.

Anticipated time commitment:

The anticipated time commitment is 302 hours. Three public hearings are proposed to be held during February and March 2000 in the Eau Claire, Rhinelander and Waukesha vicinities.

Natural Resources**Subject:**

NR Code – Relating to the Laboratory Certification Program's fiscal year (FY) 2001 budget and fees, per s. NR 149.05, Wis. Adm. Code; and presentation of the 2000 Registered Lab of the Year awards.

Description of policy issues:

Description of policy issues to be resolved, include groups likely to be impacted or interested in the issue:

No policy issues to resolve. The Department is not proposing rule changes with these items. Impacted and interested groups include all laboratories certified or registered by the State of Wisconsin.

The Laboratory Certification Program is required under s. NR 149.05 (1) (b), Wis. Adm. Code, to submit its proposed budget and fees to the Natural Resources Board for approval prior to setting the fee schedule for the upcoming fiscal year. This also includes presentation of the 2000 Registered Laboratory of the Year Awards, which recognize outstanding registered laboratories for their commitment to the production of quality data.

Timing is critical to the fee approval process. The Laboratory Certification Program bills participating laboratories each year in May, with payment due in full by the certification period's August 31 end-date. If the proposed budget and fees are not approved at the March Board meeting, it will be difficult for the Program to mail bills in time to collect the revenue necessary to operate the program during the coming fiscal year. The fee approval and billing process has progressed smoothly in past years, and no significant problems are anticipated for the FY 2001 proposal.

As also required by s. NR 149.05 (1) (b), Wis. Adm. Code, the proposed budget and fees will be submitted to the Laboratory Certification Standards Review Council, an advisory body to the Department, for review and comment in January 2000. The Council's comments will be summarized and addressed in the aforementioned background memo. Historically, the Council has supported the Program's budget and fee proposals, and their support for the FY 2001 proposal is anticipated as well.

This rule/Board action does not represent a change from past policy.

This rule/Board action does not represent an opportunity for pollution prevention and/or waste minimization.

Statutory authority:

Section 299.11 (5), Stats.

Anticipated time commitment:

The anticipated time commitment is 116 hours. Two public hearings are proposed to be held in February 2000 at Madison and Wausau.

Natural Resources

(Fish, Game, etc., Chs. NR 1--)

Subject:

Ch. NR 10 and s. NR 15.13 – Relating to trapping and hunting regulations (annual housekeeping order).

Description of policy issues:

Description of policy issues to be resolved, include groups likely to be impacted or interested in the issue:

Minor changes will be made to the trapping and blind restriction rules and the permitting process for wildlife research on the University of Wisconsin Arboretum lands. A more concise definition for State park lands and a modification to allow zone T permits to be filled during a disabled hunt is also proposed.

This rule/Board action does not represent a change from past policy.

This rule/Board action does not represent an opportunity for pollution prevention and/or waste minimization. This action relates to the adoption of federal requirements that do not include or allow for pollution prevention.

Statutory authority:

Section 29.014, Stats.

Anticipated time commitment:

The anticipated time commitment is 186 hours. One public hearing is proposed to be held in March 2000 at Madison.

Natural Resources

(Fish, Game, etc., Chs. NR 1--)

Subject:

Ch. NR 10 and ss. NR 11.05, 16.02, 17.01 and 17.02 – Relating to trapping and hunting regulations (spring hearing questionnaire).

Description of policy issues:

Description of policy issues to be resolved, include groups likely to be impacted or interested in the issue:

1. Establish mourning dove hunting season, daily bag limit, and possession limit. [s. NR 10.01 (1) (h)]

2. Establish showshoe hare hunting season dates, daily bag limit, and possession limit. [s. NR 10.01 (3) (c) 1.]

3. Include unfilled gun deer licenses in muzzleloader season. [s. NR 10.01 (3) (es)]

4. Establishes a statewide deer gun season closing time of 15 minutes after sundown. [s. NR 10.06 (5)]

5. Allow the same rifle cartridges that are legal for deer and bear hunting legal for handguns. [s. NR 10.09 (11) (c)]

6. Require timely registration of bobcat, fisher and otter harvest. [s. NR 10.145 (5) (a) 1.]

7. Eliminate the New Auburn Subzone for migratory birds. [s. NR 10.31 (1) (d)]

8. Amends map of pheasant management zones to include parts of Eau Claire and Pepin counties. [s. NR 10.34]

9. Establishes a closed season for resting waterfowl in the Winx Flowage Area. [s. NR 11.05]

10. Requires game farm mute swans to be penned or sterilized. [s. NR 16.02 (5) (e)]

11. Requires ch. NR 17 permittees to permanently mark captive protected wild animals prior to release for dog training. [ss. NR 17.01 (5) (f) and 17.02 (3) (c)]

This rule/Board action represents a change from past policy.

This rule/Board action does not represent an opportunity for pollution prevention and/or waste minimization. This action relates to the adoption of federal requirements that do not include or allow for pollution prevention.

Statutory authority:

Section 29.014, Stats.

Anticipated time commitment:

The anticipated time commitment is 256 hours. Public hearings are proposed to be held in every county of the state (72 locations) on April 10, 2000.

Nursing, Board of

Subject:

N Code – Relating to providing for grant of a limited license to an applicant for renewal who has not renewed his or her license in more than five years and who cannot demonstrate current competency, in order to permit the applicant to complete a nursing refresher course.

Description of policy issues:

Objective of the rule:

Under s. N 5.08 (2), the Board may require a credential holder who has failed to renew his or her license within 5 years after its renewal date to demonstrate continued competence in the practice of nursing as a prerequisite to credential renewal. The rule provides that the Board may require demonstration of competence by various methods, including written or oral examination, documentation of nursing work in other jurisdictions, or documentation of current education or experience in the field. Where an applicant is unable to demonstrate current competence in the manner suggested, the Board has required the applicant to appear before the Board in order to provide the Board an opportunity to determine what remedial education and training is necessary. In cases where there is no other negative information relating to the application, the Board has invariably required that the applicant complete a nursing refresher course. The proposed rule would provide for a limited license to permit an applicant who is unable to demonstrate current competence to complete a nursing refresher course without the need to make a personal appearance before the Board.

Policy analysis:

The Board has authority under s. 440.08 (3), Stats., and s. N 5.08 (2), to require that an applicant who has failed to renew his or her

credential in more than 5 years to demonstrate current competence. In most instances, there is no adverse information relating to the applicant and the only question is whether he or she has remained current in the profession. In cases where the applicant is unable to demonstrate current competence, he or she has been required to appear before the Board for a personal appearance, thus delaying the renewal of the license for two to three months. The Board's invariable decision in these cases is to require simply that the applicant complete a nursing refresher course. A nursing license is a prerequisite to enrollment in nursing refresher courses, and the proposed rule would permit the applicant to receive a limited license for that purpose without suffering the expense and delay of making a personal appearance before the Board.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) and 441.01 (3), Stats.

Estimate of the amount of state employee time and any other resources that will be necessary to develop the rule.

50 hours.

Public Instruction

Subject:

PI Code – Relating to the alternative education grant program under s. 115.366, Stats.

Description of policy issues:

Rationale for proposed rule development:

1999 Wis. Act 9 created an alternative education grant program under s. 115.366, Stats., and requires the Department to promulgate rules to implement and administer the program. The statutes also require the Department to define alternative education program.

Describe the objective(s) of the proposed rule:

The rule will establish criteria and procedures for awarding alternative education program grants and will define the term alternative education program.

Describe any existing relevant policies to be included in the administrative rule:

The definition of an alternative education program will be similar, if not identical, to the definition under s. 115.78 (7) (e), Stats.

Describe any new policies to be included in the proposed rule:

The rules will:

- Give examples of alternative education programs that may be funded.
- Specify grant applicant eligibility requirements.
- Specify grant application requirements.
- Specify criteria used in reviewing and awarding grants.

Describe policy alternatives:

None. The Department is required to develop rules to implement and administer alternative education grants under s. 115.366, Stats.

Statutory reference/authority:

Sections 115.366 and 227.11 (2) (a), Stats.

Estimate the amount of time/staff resources necessary to develop rule:

The amount of time needed for rule development by Department staff and the amount of other resources necessary is indeterminable. The time needed in creating the rule language, itself, will be minimal. However, the time involved with guiding the rule through the required rule promulgation process is fairly significant. The rule process takes more than 6 months to complete.

For further information, please contact:

Lori Slauson
Bureau for Policy and Budget
Dept. of Public Instruction
Telephone (608) 267-9127
Email: lori.slauson@dpi.state.wi.us

Public Instruction

Subject:

Ch. PI 32 – Relating to the Alcohol and Other Drug Abuse (AODA) program, making ch. PI 32 consistent with the Statutes as revised by 1999 Wis. Act 9.

Description of policy issues:

Rationale for proposed rule development:

1999 Wis. Act 9 provides a single, comprehensive alcohol and other drug abuse (AODA) program to replace several existing categorical AODA grants. The proposed rules will make changes under ch. PI 32 to correspond with the statutory changes made to the AODA program under the Act.

Describe the objective(s) of the proposed rule:

- To make the administrative rules under ch. PI 32 consistent with the statutes as revised by 1999 Wisconsin Act 9.
- To provide clarification on procedures to be used by the state superintendent in awarding grants.
- To establish flexible and comprehensive grants that allow schools to develop effective prevention education programs.

Describe any existing relevant policies to be included in the administrative rule:

The rules will still allow the use of funds for the individual categorical programs that existed before the law was changed. Such categorical programs include drug abuse resistance education programs, families and schools together programs, and after school and summer school programs. Although the law eliminated these categorical programs to create a comprehensive AODA program, it was not meant to preclude these individual programs from continuing to receive funds.

Describe any new policies to be included in the proposed rule:

- Clarify the broadened eligibility of activities to be funded related to youth risk behaviors beyond AODA.
- Clarify how many years a grant may be awarded.
- Provide a single, comprehensive grant replacing multiple categorical grants.

Describe policy alternatives:

None.

Statutory reference/authority:

Sections 115.36 (3) (a) 5., 115.361 (1) and 227.11 (2) (a), Stats.

Estimate the amount of time/staff resources necessary to develop rule:

The amount of time needed for rule development by Department staff and the amount of other resources necessary is indeterminable. The time needed in creating the rule language, itself, will be minimal. However, the time involved with guiding the rule through the required rule promulgation process is fairly significant. The rule process takes more than 6 months to complete.

For further information, please contact:

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Email: lori.slauson@dpi.state.wi.us

Public Instruction

Subject:

SS. PI 40.046 and 40.055— Relating to the youth options program under s. 118.55, Stats.

Description of policy issues:

Rationale for proposed rule development:

1999 Wis. Act 9 amended the youth options program under s. 118.55, Stats. Chapter PI 40 will be modified to conform to the changes made under the Act.

Describe the objective(s) of the proposed rule:

Chapter PI 40, relating to the youth options program, will be modified to conform to statutory language.

Describe any existing relevant policies to be included in the administrative rule:

The rule modifications will reflect current law and practice by requiring a school board to pay an amount equal to tuition, course fees and books for courses taken for high school credit, regardless of the number of credits eligible for high school credit. Currently, the rule requires two different payment methods depending on whether a student takes more or fewer than 7 credits at a technical college.

Describe any new policies to be included in the proposed rule:

The rule will include the following provisions currently specified in 1999 Wis. Act 9:

- When a pupil gains 12th grade status, as determined by the school board of the school district in which the pupil is enrolled, the pupil may participate in the youth options program for no more than two consecutive semesters.

- If a school board is required to pay tuition to a postsecondary institution on behalf of a pupil enrolled under the program, the tuition charged cannot exceed the amount that would be charged a resident of the state.

Describe policy alternatives:

None. The rule must be changed or it will conflict with statutory language.

Statutory reference/authority:

Sections 118.55 (9) and 227.11 (2) (a), Stats

Estimate the amount of time/staff resources necessary to develop rule:

The amount of time needed for rule development by Department staff and the amount of other resources necessary is indeterminable. The time needed in creating the rule language, itself, will be minimal. However, the time involved with guiding the rule through the required rule promulgation process is fairly significant. The rule process takes more than 6 months to complete.

For further information, please contact:

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Transportation

Subject:

Ch. Trans 206 – Relating to procedures for assisting in the improvement of deteriorating local highways, streets and roads under s. 86.31 (6), Stats.

Description of policy issues:

Description of the objective of the rule:

This rulemaking will amend several sections in ch. Trans 206, which interprets and administers procedures for assisting in the improvement of deteriorating local highways, streets and roads under s. 86.31 (6), Stats. Specifically, the rule will:

- Interpret section 2486hg enacted by 1997 Wis. Act 27, which incorporates the CHIP-D program for high cost county highway projects of at least \$250,000 in eligible total project costs, and create procedures and criteria for the selection of projects.

- Include the new Municipal Street Improvement Discretionary Program (MSIP-D), created in 1999 Wis. Act 9, for high cost municipal street improvement projects costing at least \$250,000 in eligible total project costs, and create procedures and criteria for the selection of projects.

- Incorporate the new bidding requirements for town projects including the criteria that specifies when a project may be awarded to a county, and criteria for the selection of the lowest responsible bidder.

- Repeal current restrictions on the amount of work a county can perform under the County Highway Improvement (CHIP) and County Highway Improvement Discretionary (CHIP-D) programs. Include new criteria to determine when it will be cost-effective for a county to do the work, and procedures for review of disputes relating to whether proposed work to be done by county highway departments is cost-effective.

Description of existing policies relevant to the rule and of new policies proposed to be included in the rule and an analysis of policy alternatives:

The 1999 Wis. Act 9, s. 86.31 (3r), provides for a \$2,000,000 biennial (\$1.250 million the first year of the biennium and \$750,000 on the second year) discretionary allocation from the Local Roads Improvement Program (LRIP) to fund a discretionary municipal street improvement program, similar to the existing discretionary programs for high-cost town roads and county highways. It specified that eligible projects must have a total estimated cost of at least \$250,000. The current LRIP matching requirements will apply to this component.

Currently, the statutes require that all LRIP projects be awarded on the basis of competitive bids and be awarded to the lowest responsible bidder. However, it also makes provision for any city, village, or town that does not receive a responsible bid on a project to contract with the county for the improvement.

1999 Wis. Act 9 deletes the above provision for town projects only and requires an amendment to the rule to incorporate new bidding requirements for town projects. It also requires the inclusion of criteria and procedures for determining when a contract for a project under the town road improvement programs may be awarded to a county, including, at a minimum:

- A requirement that a written and sealed pre-bid estimate of the cost of the improvement, including the source of the estimate, be prepared prior to the opening of the bids.

- A requirement that all bids may be rejected and the contract awarded to a county for the improvement if the lowest bid exceeds the cost of the cost estimate by at least 10% and the town board notifies the lowest two bidders or, if only one bid was received, the single bidder, to provide information on the accuracy of the cost estimate.

- A requirement that the amount of the contract with a county for the improvement be at least 10% below the lowest bid received for the improvement.

- A provision that permits re-bidding if the amount of the proposed contract with a county for the improvement is less than 10% below the lowest bid received for the improvement.

- The above amendment on the bidding requirements are specific to town projects only and are only valid when a town rejects a bid based on price.

Currently, the statutes allow county trunk highway improvements to be performed by county highway departments subject to the following restrictions:

- That no improvement done by county highway departments may exceed \$100,000 in cost, or 0.5% of the total amount of funds distributed to counties under the basic county formula component of the program, whichever is greater;
- Work done by any county highway department may not exceed 40% of that county's highway improvements funded under the program; and
- Work performed within any transportation district by county highway departments within the district may not exceed 30% of the biennial amount allocated to counties for county trunk highway improvements in that district.

1999 Wis. Act 9 deletes the above restrictions on the amount of work on county trunk highways that may be done by county highway departments under the county highway improvement programs. It will amend the statutes to specify that county highway departments may do work under the basic county highway improvement program or the discretionary county highway improvement program if they demonstrate that doing so will be cost-effective, provided that each county highway department uses competitive bidding for projects with a combined total cost equal to at least the amount of state funds allocated to the county under the program during the biennium.

Furthermore, the bill requires WisDOT to amend the administrative rule to include:

- Criteria for determining whether a project can be done cost-effectively by county highway departments; and
- Procedures for review by DOT of disputes relating to whether proposed work to be performed by a county highway department is cost-effective.

In addition, it eliminates the provision that requires each county highway improvement district committee to ensure compliance with the provisions related to the amount of work that may be done by county highway departments. The bill, instead, requires these committees to do the following:

- Review each project proposed to be done by a county highway department and determine if it would be cost effective for the county highway department to perform the work; and
- Approve the proposed project prior to its being performed by the county highway department.

The bill further modifies the membership of county highway improvement district committees to specify that they shall be composed of the highway commissioners from each county in the district, instead of not more than five county executives, or county board chairpersons in counties that do not have county executives, or their designees.

Statutory authority for the rule:

Section 86.31, Stats.

Estimates of the amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

Estimated 7 months to completion.

Transportation

Subject:

Ch. Trans 156 – Relating to the administration of the Automated Partnership Processing System (APPS) program.

Description of policy issues:

Description of the objective of the rule:

In 1995, s. 341.21, Stats., gave the Department the authority to contract with any person for title and registration services under chs. 341 and 342, Stats. The Department of Transportation proposes to create a rule to govern all aspects of administration of the Automated Partnership Processing System (APPS) program, including codifying into rule the Department's Program Standards which govern the program.

Description of existing policies relevant to the rule and of new policies proposed to be included in the rule and an analysis of policy alternatives:

The Department of Transportation, Division of Motor Vehicles, has published Program Standards for the APPS program. The rule will codify by reference the Program Standards and any updates which the Department of Transportation may make to the Program Standards. In addition, the rule will clarify definitions, policies and procedures which apply to the program.

Statutory authority for the rule:

Sections 85.16 (1) and 227.11, Stats.

Estimates of the amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

200 hours.

SUBMITTAL OF RULES TO LEGISLATIVE COUNCIL CLEARINGHOUSE

Notice of Submittal of Proposed Rules to Wisconsin Legislative Council Rules Clearinghouse

Please check the Bulletin of Proceedings for further information on a particular rule.

Administration

Rule Submittal Date

On October 28, 1999, the Wisconsin Department of Administration submitted to the Wisconsin Legislative Council Rules Clearinghouse a proposed rule repealing and recreating ch. Adm 47, relating to the Wisconsin land information program grants-in-aid to local government.

Analysis

Statutory authority: ss. 16.004 (1) and 227.11, Stats.

Statutes interpreted: ss. 16.967 (1), (3) and (7) and 59.72, Stats.

The purpose of the code revision is to update the grants-in-aid program to reflect the changing needs of the Wisconsin Land Information Board's customers over the last 9 years. The changes simplify the application and award process; put funds to work more quickly at the local government level; and allocate funds based on statewide or regional initiatives designed to ensure timely completion of the foundational elements of the land information program.

Agency Procedure for Promulgation

A public hearing is required. The Department intends to hold public hearings on the proposed rule on Monday, December 13, 1999 at Green Bay and Rhinelander and on Tuesday, December 14, 1999 at Eau Claire and Madison.

Contact Information

If you have any questions regarding this rule, please contact:

Donna Sorenson
Dept. of Administration
Telephone (608) 266-2887

Employe Trust Funds

Rule Submittal Date

Notice is hereby given that on November 11, 1999, the Department of Employee Trust Funds submitted to the Wisconsin Legislative Council Rules Clearinghouse a proposed rule order affecting s. ETF 10.63.

Analysis

The subject matter of the proposed rule relates to establishing due dates for employers to submit reports and remittances for all programs administered under Chapter 40, Stats., by the Department of Employee Trust Funds.

Agency Procedure for Promulgation

A public hearing will not be held on the proposed rule, pursuant to s. 227.16 (2) (e), Stats.

Contact Information

If you have any questions, you may contact:

Mary Hensen
Division of Employer Services
Telephone (608) 266-8411

Health and Family Services

Rule Submittal Date

On November 16, 1999, the Wisconsin Department of Health and Family Services submitted to the Wisconsin Legislative Council Rules Clearinghouse a proposed rule affecting ch. HFS 175, relating to recreational and educational camps.

Analysis

Statutory authority:

Sections 227.11 (2) (a), 250.04 (7) and 254.47 (4), Stats.

Reason for rules, intended effects, requirements:

This is an updating and general revision of the Department's rules for operation of recreational and educational camps. The rules have not been generally revised since late 1985.

Chapter HFS 175 is one of 7 chapters of the Department's rules under which permits are issued by the Department or agent local health departments to facilities that provide overnight lodging or serve meals to the general public, or are swimming pools except swimming pools serving fewer than 3 residences. A permit is a condition of operation and evidence that when the permit was issued the facility complied with the Department's rules.

At the end of 1998 there were 246 camps in Wisconsin, 191 regulated by the Department under these rules and 55 by local health departments serving as the Department's agents, also under these rules.

The rulemaking order makes a number of changes in ch. HFS 175 mainly based on the recommendations of a workgroup consisting of camp operators, local public health department staff and staff of the Department's Environmental Health Section. One major change is modification of the definition of "camp" to delete the rule limitation that the overnight living quarters provide 4 or more consecutive nights of lodging. The effect of this change is to permit a camp to operate the year around and to permit some camps to avoid having to obtain restaurant and hotel permits in addition to a camp permit.

Forms

Application for recreational and educational camp permit [s. HFS 175.05 (1)]

Agency Procedure for Promulgation

Public hearings under ss. 227.16, 227.17 and 227.18. Stats.; approval of rules in final draft form by DHFS Secretary; and legislative standing committee review under s. 227.19. Stats.

Contact Information

Doug Voegeli
Division of Public Health
Telephone (608) 266-9443

Natural Resources**Rule Submittal Date**

On November 5, 1999, the Wisconsin Department of Natural Resources submitted a proposed rule [Board Order No. WM-3-99] to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed rule affects ss. NR 10.01, 10.27 and 10.28, relating to deer hunting in Council Grounds State Park, Lincoln County.

Agency Procedure for Promulgation

A public hearing is required, and is scheduled for 6:00 p.m. on Tuesday, December 14, 1999 at the Supervisor's Room, 2nd Floor, Lincoln County Courthouse, 1110 East Main Street in Merrill.

Contact Information

If you have any questions regarding this rule, please contact:

Bill Mytton
Bureau of Wildlife Management
Dept. of Natural Resources
Telephone (608) 266-2194

Revenue**Rule Submittal Date**

Notice is hereby given, pursuant to s. 227.14 (4m), Stats., that on November 15, 1999, the Wisconsin Department of Revenue submitted a proposed rule order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed rule amends ch. Tax 20, relating to the lottery and gaming property tax credit.

Agency Procedure for Promulgation

A public hearing is not required. The proposed rule will be published under the 30-day notice procedure, pursuant to s. 227.16 (2) (e), Stats. The Office of the Secretary is primarily responsible for the promulgation of the rule order.

Contact Information

If you have questions regarding this rule, you may contact:

Rebecca Boldt
Division of Research and Analysis
Telephone (608) 266-6785

NOTICE SECTION

Notice of Hearings

Administration

Notice is hereby given that pursuant to ss. 16.004(1) and 227.11(2)(a), Stats., and interpreting ss. 16.967(1), (3), and (7), and 59.72, Stats., the Department of Administration will hold public hearings to consider the revision of Ch. Adm 47, relating to the Wisconsin Land Information Program Grants-in-aid to Local Government.

Hearing Information

December 13, 1999
Monday
8:30 a.m. – 10:30 a.m.

Brown County Central Library
Meeting Rooms 1 & 2 (lower level)
515 Pine Street
Green Bay, WI 54301
(enter via Pine Street doors)

December 13, 1999
Monday
3:00 p.m. – 5:00 p.m.

UW-Extension Meeting Rm.
(lower level)
Rhineland-Oneida Co.
Airport Terminal Bldg.
3375 Airport Road
Rhineland, WI 54301

December 14, 1999
Tuesday
9:00 a.m. – 11:00 a.m.

Eau Claire County Courthouse
Room 2550 (2nd Floor)
731 Oxford Avenue
Eau Claire, WI 54701

December 14, 1999
Tuesday
4:00 p.m. – 6:00 p.m.

Dept. of Administration
State Office Bldg.
St. Croix Room (1st Floor)
101 East Wilson Street
Madison, WI 53702

The hearing sites are accessible to people with disabilities. Interested persons are invited to present information at the hearing. People appearing may make an oral presentation but are also urged to submit facts, opinions and arguments in writing as well. Written comments from persons unable to attend the public hearing, or who wish to supplement testimony offered at the hearings, should be directed to: Donna Sorenson, Department of Administration, P.O. Box 7864, Madison, WI 53707-7864. Written comments must be received by **December 30, 1999**, to be included in the record of rule-making proceedings.

Fiscal Estimate

There is no fiscal effect.

Contact Person

Donna Sorenson
 Department of Administration
 101 E. Wilson St., 10th Floor
 P.O. Box 7864
 Madison, WI 53707-7864
 (608) 266-2887

Proposed Order of the Department of Administration

The Wisconsin Department of Administration proposes an order to repeal and recreate chapter Adm 47 of the Wis. Adm. Code, relating to the Wisconsin land information program grants-in-aid to local government.

Analysis Prepared by the Department of Administration

Statutory Authority: ss. 16.004 (1) and 227.11

Statutes Interpreted: ss. 16.967 (1), (3) and (7), and 59.72

The Wisconsin Land Information Board is attached to the Department of Administration. The Board is authorized to implement and oversee a program of grants-in-aid to Wisconsin counties for land records modernization.

The purpose of the code change is to update the grants-in-aid program to reflect the changing needs of the Board's customers over the last 9 years. The changes streamline and simplify the application and award process; put funds to work more quickly at the local government level; and allocate funds based on statewide or regional initiatives designed to ensure timely completion of the foundational elements of the land information program.

The following items are the major code revisions proposed by the Department:

1. Expand eligible grant projects to include the design, development and implementation of systems integration projects. This recognizes a statutory revision since the original rule enactment. [Adm 47.03 (4)]

2. Expand the eligible grant activities to include county staff training and education in land records modernization or land information systems. [Adm 47.03(5)]

3. Require that the Board determine annual grant amounts by October 15, of each year, based on the funds available. [Adm 47.04]

4. Establish a training and education grant category for the county land information officer or the officer's designee. [Adm 47.04 (1)]

5. Establish a land information system base budget grant category to provide a minimum funding level to develop, maintain and operate a land information system. [Adm 47.04 (2)]

6. Establish a local government contribution based grant category to fund eligible projects and activities that are consistent with the county's land records modernization plan approved by the Board. [Adm 47.04 (3)]

7. Establish a strategic initiative grant category that the Board may make eligible to counties to expedite and foster statewide and regional strategic initiatives consistent with statutes and standards established by the Board. [Adm 47.04 (4)]

8. Change the grant application review and scoring by an evaluation committee comprised of Board members to a review and evaluation by Department staff prior to Board approval. [Adm 47.06]

9. Eliminate the evaluation criteria for first-time grant application since every Wisconsin county has now received grants under this program. Require that applicants complete and submit an annual land information program survey. [Adm 47.07 (4)]

10. Require that applicants subscribe to the Wisconsin land information program's internet land information officers technical assistance email list serve. [Adm 47.07 (5)]

Initial Regulatory Flexibility Analysis

Pursuant to s. 227.114, Stats., the rule herein is not expected to negatively impact on small businesses.

Text of Rule

SECTION 1. Adm 47 is repealed and recreated to read.

Chapter Adm 47 WISCONSIN LAND INFORMATION PROGRAM Grants–In–Aid to Local Government

Adm 47.01 Purpose and authority. This chapter is promulgated under the authority of ss. 16.004(1) and 227.11, Stats., to implement s. 16.967(7), Stats.

Adm 47.02 Definitions. In this chapter:

(1) "Applicant" means a local governmental unit as defined in s. 59.72(1)(c), Stats., applying for a grant under this chapter.

(2) "Board" has the meaning given in s. 16.967(1)(a), Stats.

(3) "County–wide plan for land records modernization" means the plan under s. 59.72(3)(b) and (5)(b), Stats., and submitted for approval by the board under s. 16.967(3)(e), Stats.

(4) "Department" means the department of administration.

(5) "Eligible applicant" means a local governmental unit as defined in s. 59.72(1)(c), Stats., located wholly or partially within a county that has established a land information office under s. 59.72(3), Stats., and has in effect a county–wide plan for land records modernization that has been approved by the board under s. 16.967(3)(e), Stats.

(6) "Fiscal year" has the meaning given in s. 20.902, Stats.

(7) "Land information" has the meaning given in s. 16.967(1)(b), Stats.

(8) "Land information system" has the meaning given in s. 16.967(1)(c), Stats.

(9) "Land records" has the meaning given in s. 16.967(1)(d), Stats.

(10) "Land records modernization" means the process by which land information can ultimately be shared through the implementation of automated land information systems.

(11) "Systems integration" has the meaning given in s. 16.967(1)(e), Stats.

Adm 47.03 Eligible projects and activities. A county may apply to the board for a grant for any of the following projects:

(1) The design, development and implementation of a land information system as provided by s. 16.967(7)(a) 1, Stats.

(2) The preparation of parcel property maps as provided by s. 16.967(7)(a) 2, Stats.

(3) The preparation of maps that are suitable for use by local governmental units for planning purposes as provided by s. 16.967(7)(a) 3, Stats.

(4) The design, development and implementation of systems integration projects as provided by s. 16.967(7)(a) 4, Stats.

(5) The training and education of county land information office personnel in land records modernization or land information systems.

Adm 47.04 Grants. Subject to availability of funds, the board shall determine annual grant amounts by October 15, of each year. A grant may not exceed \$100,000 however, the board may award more than one grant to a county board as provided by s. 16.967(7)(b), Stats. Any funds not granted in any given year shall remain available for general distribution to eligible local units of government, at the discretion of the board in future grant cycles. The board may designate the following grant categories:

(1) Training and education grants shall be available to provide the county land information officer or the officer's designee with training for the design, development and implementation of a land information system. A county may receive \$300, or greater as determined by the board, to participate in workshops and courses

provided by institutions of higher education, professional land information organizations or land information system vendors.

(2) Land information system base budget grants shall be available to provide a minimum funding level to enable a county land information office to develop, maintain and operate a basic land information system. To be eligible for this category, the fees that a county retained under the provisions of s. 59.72(5)(b), Stats., would have to be less than \$35,000 for the preceding state fiscal year. The Board may determine a greater amount for the minimum threshold of retained fees.

(3) Local government contribution based grants shall be available to fund eligible projects and activities as provided in s. Adm 47.03, that are consistent with the countywide plan for land records modernization approved by the board under s. 16.967(3)(e), Stats. A county may receive an amount equal to the available funds divided proportionately according to the rate of county fee submittals under s. 59.72(5)(a), Stats., for the preceding state fiscal year.

(4) Strategic initiative grants may be available, as determined by the board, to expedite and foster statewide and regional strategic initiatives consistent with specific statutory requirements and standards established by the board.

Adm 47.05 Grant application. All applications shall be submitted on the authority of the county board on its own behalf or on behalf of a local governmental unit located wholly or partially within the county. County board authority shall be obtained by specific action of the county board. The board may request evidence of such authority. County boards may delegate their authority to apply for grants. Any such delegation shall be explicit. All applications shall be fully completed and submitted on forms provided by the department before the deadline established by the board. Applications shall be executed under the authority of both the county and the eligible applicant. The department shall give notice of application periods to county land information offices at least 90 days prior to the deadline for submission of applications.

Note: Grant Applications can be obtained by calling or writing the Wisconsin Land Information Program, Department of Administration, P. O. Box 1645, Madison, WI 53701–1645 (telephone 608/267–2707). The application may also be viewed and printed at the following website: <http://www.doa.state.wi.us/olis/>.

Adm 47.06 Grant application evaluation. Each individual grant application shall be analyzed on the basis of the evaluation criteria set forth in s. Adm 47.07. Grant requests shall be reviewed and evaluated by department staff for board approval.

Adm 47.07 Evaluation criteria. All grant applications shall be evaluated on the applicant's responsiveness to the following evaluation criteria:

(1) Applicants shall evidence specific plans for cooperation and partnership with local units of government, located fully or partially within the geographic borders of the county making application, to collect, maintain, integrate and share land information, data and associated metadata.

(2) Projects shall meet or exceed all relevant statutory requirements and standards established by the board under s. 16.967(3)(c) and (e), Stats.

(3) Projects shall be consistent with the countywide plan for land records modernization approved by the board under s. 16.967(3)(e), Stats.

(4) Applicants shall complete and submit an annual land information program survey.

(5) Applicants shall subscribe to and participate in the Wisconsin land information program's internet land information officers technical assistance email list serve.

(6) To request a land information system base budget grant for developing, maintaining and operating a basic land information system in the county land information office, the county shall be eligible as determined by the board under s. Adm 47.04(2).

(7) Requests for contribution based grant funding shall be in an amount consistent with the amount determined by the board under s. Adm 47.04(3).

(8) Requests for strategic initiative grant funding shall be in an amount and for a purpose consistent with that determined by the board under s. Adm 47.04(4).

Adm 47.08 Grant Agreements. Grants are contingent upon the execution of a grant agreement. Failure of a grantee to execute a grant agreement shall result in withdrawal of the offer. The board, the department, and the grantee may negotiate the specific budget items, project goals, and other terms and conditions prior to the board approving the grant. Terms of a grant award shall be administered through the grant agreement.

Notice of Hearings

Agriculture, Trade and Consumer Protection *[CR 99-151]*

► Reprinted from Mid-November, 1999 *Wis. Adm. Register*.

The State of Wisconsin Department of Agriculture, Trade and Consumer Protection announces that it will hold public hearings, at the times and places indicated below, on proposed amendments to ch. ATCP 81, Wis. Adm. Code, relating to cheese grading, packaging and labeling.

Written Comments

The public is invited to attend the hearings and make comments on the proposed rule. Following the public hearings, the hearing record will remain open until January 14, 2000, for additional written comments.

Copies of Rule and Contact Information

A copy of this rule may be obtained, free of charge, from the Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Food Safety, 2811 Agriculture Drive, PO Box 8911, Madison, WI 53708-8911, or by calling 608-224-4700. Copies will also be available at the public hearings.

An interpreter for the hearing impaired will be available on request for these hearings. Please make reservations for a hearing interpreter by **December 2, 1999** either by writing to Debbie Mazanec, Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Food Safety, 2811 Agriculture Drive, PO Box 8911, Madison, WI 53708-8911, (608-224-4712), or by contacting the message relay system (TTY) at 608-224-5058. Handicap access is available at the hearing locations.

Hearing Information

Three (3) hearings are scheduled. The hearings will be held simultaneously by video conferencing at the following locations on Thursday, December 9, 1999, from 1:00 p.m. - 3:00 p.m.

Wis. Dept. of Agriculture, Trade & Consumer Protection
Room 472
2811 Agriculture Drive
Madison, WI 53704
Handicapped accessible

State of Wisconsin Office Building
Room 618
200 North Jefferson St.
Green Bay, WI 54301
Handicapped accessible

State of Wisconsin Office Building
Room 139
718 West Clairemont Ave.
Eau Claire, WI 54701
Handicapped accessible

Analysis Prepared by the Dept. of Agriculture, Trade and Consumer Protection

Statutory authority: ss. 93.07 (1), 97.09 (4) and 97.177 (4)

Statute interpreted: s. 97.177

The Department of Agriculture, Trade and Consumer Protection (DATCP) regulates the grading, packaging and labeling of cheese in this state. This rule modifies current rules related to cheese grading, packaging and labeling. The current rules are contained in ch. ATCP 81, Wis. Adm. Code.

Wisconsin Cheese; Manufacturer's Label

Under current rules, a cheese manufacturer must label all bulk cheese with the name of the cheese, state identification, dairy plant identification, vat identification and date of manufacture. The labeling must remain on the bulk cheese until the cheese is used in the manufacture or processing of another food, or until the cheese is relabeled by a buyer who cuts and repackages the bulk cheese into consumer size packages.

This rule permits a cheese manufacturer to use electronic code labeling to display any or all of the required bulk cheese label information. Conventional labeling (not just electronic code labeling) must appear on all bulk cheese that leaves the manufacturer's custody and control. If a cheese manufacturer uses electronic code labeling, the manufacturer must provide a scanner or other device that enables a DATCP employee or agent to decode the information into a readable format at the place where the manufacturer keeps the cheese.

Under current rules, the bulk cheese label must disclose the month, date and year of manufacture. Under this rule, the labeler may abbreviate the date of manufacture using an alphanumeric or all numeric format. The abbreviation shall clearly identify the month, date and year, or a Julian calendar date consisting of a 2-digit designation for the year of manufacture followed by a 3-digit Julian date. A Julian calendar date is the numerical designation for a specified day of the year using consecutive numbers between "001" for January 1 and "365" for December 31.

Cheese from other States or Countries; Wisconsin Grade Labeling Prohibited

Under current rules, cheese from other states or countries may be identified with a Wisconsin grade mark or grade label if it is graded by a Wisconsin licensed cheese grader and labeled to identify the state or country of origin. This rule prohibits the use of Wisconsin grade labeling on cheese originating from other states or countries, even if that cheese is graded by a Wisconsin licensed grader.

Age Labeling of Cheese

Under current rules, if a manufacturer labels cheese as "aged" or "cured," the manufacturer's label must also disclose the minimum length of time that the cheese has been aged or cured. This rule applies the same requirement to any cheese (including retail cheese packages) labeled "aged" or "cured," regardless of who labeled that cheese.

Grade Labeling Retail Cheese Packages

Under current rules, DATCP may authorize a licensed food processing plant or retail food establishment to grade label retail packages of cheese. This rule clarifies that a licensed dairy plant may also cut, wrap and grade label cheese for retail distribution. A Wisconsin licensed cheese grader must grade the cheese, and the grade labeling must comply with applicable DATCP rules.

Swiss Cheese

This rule eliminates current weight and size requirements for rindless blocks of Swiss cheese. This change will give Wisconsin manufacturers greater flexibility to meet customers' demands. The Food Safety Task Force subcommittee recommended this change.

Recordkeeping

Under current rules, a licensed cheese grader must keep records showing the name of each person for whom cheese is graded, the quantity graded, the grading date, and the grade of each graded lot. This rule also requires the grader to keep fat and moisture records for each lot of cheese if the fat or moisture content is measured.

Fiscal Estimate

See the Mid-November, 1999 *Wisconsin Administrative Register*, page 15.

Initial Regulatory Flexibility Analysis

See the Mid–November, 1999 *Wisconsin Administrative Register*, page 15.

Notice of Hearings

Corrections

[CR 97–13]

Notice is hereby given that pursuant to ss. 227.11 (2) (a), 302.04, 302.07, 302.08 and 302.11 (2), Stats., the Department of Corrections proposes the following rule revising ch. DOC 303, relating to inmate conduct and discipline.

Hearing Information:

Date & Time	Location
December 15, 1999 Wednesday 10:00 A.M.	Room 120 State Office Building 141 N.W. Barstow Street Waukesha, WI
December 16, 1999 Thursday 9:00 A.M.	Secretary's Conference Room Department of Corrections 149 East Wilson Street Madison, WI
December 17, 1999 Friday 11:00 A.M.	Room 105 State Office Building 718 West Clairemont Eau Claire, WI

The public hearing sites are accessible to people with disabilities.

Analysis Prepared by the Dept. of Corrections

Some provisions of the Department of Corrections administrative rule relating to inmate discipline have not been updated since the rule was created in 1980. With over 18 years of experience working with the rule, the Department proposes to update the rule.

This rule governs inmate conduct, describes the conduct for which an inmate may be disciplined, and describes the procedure for the imposition of discipline.

A. This rule generally:

1. Broadens the authority of each institution to make specific substantive disciplinary policies and procedures.

2. Applies the rule to all inmates in the custody of the Department regardless of the inmate's physical custody. The rule does not preclude another jurisdiction that has the physical custody of the inmate from enforcing its rules. The Department may not discipline an inmate for an incident for which the inmate was disciplined in another jurisdiction.

3. Recognizes the right of an inmate to call witnesses outweighs the right of a witness to refuse to testify.

4. Recognizes that any violation of disciplinary rules in an institution is a serious threat to safety and security and removes the elements of "knowingly," "recklessly," "intentionally," and "negligently" from most offenses.

B. This rule makes the following definition changes:

1. Removes the definition of "overt behavior."
2. Adds definitions for "working days," "public," "temporary lock up (TLU)," "institution," "staff", and "adjustment committee".
3. Amends the definition of "discipline" to state what it is and to eliminate that portion of the definition that states what it is not.
4. Amends the definition of "authorized" to eliminate the requirement that policies and procedures be posted and also changes the definition from the "latest order" of a staff member to the "direction" of a staff member.

5. Amends the definition of "administrator" by deleting "division of adult institutions."

6. Amends the definition of "harass" by deleting the word "persistently."

7. Amends the definition of "possession" by adding that the Department considers possession an activity under s. DOC 303.20 (3).

8. Amends the definition of "inmate gang" to eliminate specified activities which define a gang.

9. Changes the definition of "superintendent" to "warden".

10. Amends the definition "without consent" by removing language stating how the actor put the victim in fear.

11. Expands the definition of "contraband" by adding "property that is damaged or altered" and "anything used as evidence for a disciplinary hearing deemed contraband by the adjustment committee or hearing officer."

12. Deletes the definitions relating to state of mind: "intentionally," "knowingly," "recklessly," and "negligently" as these are also removed as elements of most offenses.

13. Deletes the definition of "device" under the offense of "Possession of drug paraphernalia."

14. Deletes "with intent to deprive the owner of it permanently" from the definition of "steals."

C. This rule adds the following offenses for which an inmate may be disciplined:

1. Causing bodily injury by spitting or throwing body fluids, waste, or other unidentified substances.
2. Intentionally causing the death of another.
3. Intentionally causing bodily injury or the unauthorized death of an animal.
4. Clutching, fondling, or touching the inmate's intimate parts for the purpose of sexual arousal or gratification or for purposes of exhibition whether clothed or unclothed.
5. Stating affection or sexual desire, verbally or in writing, whether personally written or commercially written or by drawings to staff members or the family of a staff member, or asks staff members or the family of a staff member for any staff member or the family of staff member's addresses, phone numbers, or favors, or in any manner requests special attention or action from a staff member or the family of staff members that is not appropriate.
6. Possessing any gang literature, creed, signal, or symbol.
7. Showing disrespect to any staff. Staff is defined to mean an employee, an independent contractor, or a volunteer of the Department or an institution or facility where an inmate is housed by order of a court, a warden or the Department.
8. Using a name other than the name by which the inmate was committed to the Department. (deletes the words "unless the name was legally changed")
9. Ordering and buying an item on credit.
10. Possession of a credit card.
11. Misrepresenting facts to another to obtain items of value.
12. Possession of an item which "could" be used in the manufacture of a weapon. The item need not be "designed exclusively" as a weapon.
13. Possession of personal written information relating to any staff of the Department, including a staff's or staff's immediate family home address or telephone number.
14. Causing damage to property by reckless conduct.
15. Altering or erasing a postal cancellation mark or possessing any postage stamp that has been altered.
16. Attempting to circumvent the rules by sending a second envelope or letter intended to be mailed elsewhere within a sealed envelope.
17. Sending food samples through the mail.
18. Sending body fluids or body wastes through the mail.
19. Sending correspondence, which harms, harasses or intimidates any person.

20. Possessing gambling or betting pool or lottery material.
21. Participating in a lottery.
22. Refusing to provide a body specimen, submit to a physical examination, or a breathalyzer test is an offense of use of intoxicants.
23. Failure to meet the standards set for performance on a job or school program regardless of "ability" to meet the standards.
24. Improperly disposing of any prescription medication.

D. This rule modifies the following offenses:

1. Broadens the definition of "conspiracy" by making it an offense for inmates to plan or agree with inmates or "others" to do acts prohibited by these rules.
2. Changes "Attempt" from a necessity to find both s. DOC 303.06 (1) (a) and (b) to a finding of "either" for guilt.
3. Changes "Aiding and abetting" to an offense if inmate acts in concert with "another" and not just another inmate, and removes the requirement for staff to name the principal actor when charging inmate.
4. Removes the language "knowledge of the condition of his or her quarters and had the opportunity to clean or rearrange it" from the offense of "dirty quarters."
5. Removes the language "knowledge of this condition and the opportunity to correct it" from the offense of "poor grooming."
6. Adds solicitation of "acquaintance" to the offense of "soliciting staff."
7. Exempts the formal complaint process from the offense "disrespect."

E. This rule deletes the following specific offenses:

1. "Possession of excess smoking materials."
2. "Talking."
3. "Attire."

F. This rule modifies disciplinary penalties and procedures to provide:

1. A new penalty—disciplinary separation. Disciplinary separation is being added to the major penalty selection as an alternative to program segregation. The difference is it is less punitive for the first time offender or the offender who normally follows the rules. That difference being there is not an automatic extension of mandatory release date with disciplinary separation. By law, program segregation requires an extension of one day for every 2 days served.
2. Removes specific requirements that each institution (a) maintain a bulletin board for bulletins of general applicability; (b) post bulletins on such bulletin boards at time of alleged violation in order to administer discipline for violations; and (c) maintain a notebook of current bulletins. Requires, instead, that institutions maintain at least one official method and location for notifying inmates about notices of general applicability.
3. Removes requirement that inmate have actual knowledge or have received copy of bulletins before discipline may be imposed.
4. Inmates in segregation shall have a copy of all bulletins that are applicable to the inmate.
5. Removes specific instructions regarding seizure and disposition of contraband and provides that the hearing officer, adjustment committee, or security director shall dispose of items in accordance with institution policies and procedures.
6. Deletes the listing of absolute defenses available to inmates charged with rule violations.
7. Restitution may include escape expenses and any other expense caused by the inmate's actions whether intentional or reckless.
8. Adds possession of intoxicants and possession of drug paraphernalia to major penalties.
9. Grants inmates the right to request, regardless of other evidence, a confirmatory test for intoxicating substances following an initial positive result.

10. Grants inmates in adjustment segregation the opportunity to exercise outside the cell at least once every eight days.

11. The time periods for adjustment segregation are consecutive to the time in adjustment segregation and concurrent to the time in program segregation.

12. The time periods in program segregation are concurrent to all segregation or disciplinary separation time.

13. Specifies that time in TLU cannot be considered as time served.

14. TLU is changed in the following ways:

- Changes security director placement review from "next working day" to "within 2 working days," and;
- Allows administrator to extend TLU for 21 days but removes words "for cause," and;
- Allows inmate to be in TLU if decision-maker believes certain elements are "possible." This is changed from "more likely than not."
- Provides for treatment of inmates in a private sector/prison industry enhancement certification program.

15. Loss of recreation privileges for inmates in the general population is 1 to 60 days for a minor penalty and more than 60 days for a major penalty.

16. Loss of recreation privileges for inmates in segregation is 1 to 8 days for a minor penalty and 9 to 60 days for a major penalty.

17. Room confinement for minor penalty is increased from a maximum of 10 days to a period of 1 to 15 days and a major penalty is 16 to 30 days.

18. Building confinement for a minor penalty is set at 1 to 30 days and a major penalty is a period more than 30 days.

19. Days in program segregation may be 150, 210, 240, 270, 330, or 360 days in addition to the current 30, 60, 90, 120, and 180.

20. Maximum days in segregation have been increased for the following offenses to:

a. Sexual conduct	8 and 180
b. Fighting	360
c. Lying	180
d. False names & titles	180
e. Gambling	180

21. Allows the adjustment committee, upon a finding of guilt, to refer the inmate to program review to review the inmate's program assignment and custody level.

22. Removes the enumerated list of factors the warden must consider when reviewing inmate program segregation status, while still providing for review at least once every 30 days.

23. Adds "secure work crew" as a minor disciplinary sanction.

24. Removes requirement that "only persons who are eligible to serve on the adjustment committee" serve as hearing officers for minor violations.

25. Allows the use of electronic conferencing for minor and major hearings.

26. Inmate's agreement to summary disposition is not appealable.

27. The 21-day time limit for disciplinary hearings is not jurisdictional.

28. Increases the time limit for the warden to review all records and forms pertaining to an appeal of a finding of guilt for a major offense from 10 days to within 60 days following receipt of request for appeal.

29. A dismissed conduct report serves as a warning that the behavior specified in the conduct report is a violation of the rules.

30. Removes the provision that property shall not be disposed of until the grievance is resolved.

31. Removes specific section on "referral for prosecution." Section DOC 303.64 does maintain security director authority to refer a criminal law violation to law enforcement authorities for further investigation and prosecution.

32. Permits the warden to designate an investigator to do the investigation and write the conduct report.

33. The warden may assign staff members to act as inmate advocate during disciplinary hearings and remove the language allowing inmates to choose the advocate from a list of 3 possible candidates.

34. Removes recommendation that "a training program for advocates should be conducted as often as possible."

35. The security director may, for good cause, waive time limits for due process hearing requests.

36. Tolls the time for commencing due process hearing when an inmate is in observation, control segregation, out of the institution by court or warden's order.

37. Removes the requirement that the hearing officer investigate whether a witness should be called.

38. Removes the language allowing inmates to opt-out of testifying at a disciplinary hearing for another inmate.

39. If testifying at a disciplinary hearing would pose a risk of harm to a witness, the committee may, instead, consider a "corroborated, signed statement under oath from that witness" (makes the language consistent with section DOC 303.86 (4) Evidence).

Initial Regulatory Flexibility Analysis

These rules are not expected to have an effect on small businesses.

Fiscal Estimate

This rule has not been updated since it was created nearly 19 years ago. This revision updates language in the original rule, amends the existing rule to add additional offenses for which inmates may be disciplined and creates a new penalty-disciplinary separation—as an alternative to program segregation.

The revised rule is intended to clarify procedures related to disciplinary actions and, with the creation of disciplinary separation, to allow more efficient management of segregation cells. In each case, the proposed rule may result in more effective allocation of DOC staff time. In 1996, inmates filed a total of 294 lawsuits arising from disciplinary actions. Each lawsuit filed requires the use of DOC staff time to collect information as part of a court record. It is anticipated that the proposed revised rule clarifying procedures related to disciplinary actions may result in fewer lawsuits filed or more lawsuits resolved earlier.

The creation of disciplinary separation will allow more efficient management of segregation cells and use of DOC staff time.

The revised rule also amends provisions relating to the cost to an inmate for a confirmatory urinalysis test, from payment of half the cost of the test to the full cost of the test. In FY 1996 (Fiscal Year 1996), 195 confirmatory tests were taken at a cost of \$25 each. Assuming no change in the number or cost of tests taken, this provision would result in savings of approximately \$2,500 annually.

The revised rule also creates provisions assessing monetary forfeitures by inmates ranging from \$1 to \$15 as part of certain disciplinary penalties. The amount of state revenue generated as a result of these provisions cannot currently be estimated.

Contact Information

Julie M. Kane
Telephone (608) 267-9839
Office of Legal Counsel
149 East Wilson Street
P.O. Box 7925
Madison, WI 53707-7925

If you are hearing or visually impaired, do not speak English, or have circumstances which might make communication at the hearing difficult and if you, therefore, require an interpreter or a non-English, large print or taped version of the hearing document, contact the person at the address or phone number above. A person requesting a non-English or sign language interpreter should make that request at least 10 days before the hearing. With less than 10 days notice, an interpreter may not be available.

Written Comments

Written comments on the proposed rules received at the above address no later than **Wednesday, December 22, 1999**, will be given the same consideration as testimony presented at the hearing.

Notice of Hearing

Natural Resources

(Fish, Game, etc., Chs. NR 1-)

[CR 99-155]

Notice is hereby given that pursuant to ss. 29.014, 29.089(3), 29.181 and 227.11(2)(a), Stats., interpreting ss. 29.014, 29.089 and 29.181, Stats., the Department of Natural Resources will hold a public hearing on the repeal and recreation of s. NR 10.28(1) and the creation of ss. NR 10.01 (3)(e)3.e. and 10.27(8), Wis. Adm. Code, relating to deer hunting in Council Grounds state park, Lincoln county. The proposed rule will:

1. Create a shotgun season running concurrent with the regular 9-day gun deer season.
2. Create a muzzleloader season running concurrent with the statewide muzzleloader only season.
3. Allow a late bow season, commencing on the Saturday following the close of the statewide 9-day gun deer season and ending December 31.

Initial Regulatory Flexibility Analysis

Notice is hereby further given that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have an economic impact on small businesses.

Notice is hereby further given that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review documents would summarize the Department's consideration of the impacts of the proposal and reasonable alternatives.

Hearing Information

December 14, 1999
Tuesday
at 6:00 p.m.

Supervisor's Room
2nd Floor
Lincoln Co. Courthouse
1110 E. Main St.
Merrill

Notice is hereby further given that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of information material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Bill Mytton at (608) 266-2194 with specific information on your request at least 10 days before the date of the scheduled hearing.

Written Comments

Written comments on the proposed rule may be submitted to Mr. Bill Mytton, Bureau of Wildlife Management, P.O. Box 7921, Madison, WI 53707 no later than **December 16, 1999**. Written comments will have the same weight and effect as oral statements presented at the hearing. A copy of the proposed rule [WM-3-99] and fiscal estimate may be obtained from Mr. Mytton.

Fiscal Estimate

The fiscal impact of this proposal would be to increase department costs by \$600 annually. There may have to be additional time spent by biologists and law enforcement staff to administer this hunt, but this should be minimal. The bulk of this increase would be due to staff overtime necessary to administer the hunt and register hunters. The wildlife damage appropriation [5(fq)] is affected due to the fact that there is a farmer adjacent to the park who has shooting permits and in some years may be issued claim payments. Approximately \$400 will be needed for signs and 20 hours of LTE time at \$10/hr for a total of \$200.

*NOTICE OF SUBMISSION OF PROPOSED RULES TO THE PRESIDING OFFICER OF
EACH HOUSE OF THE LEGISLATURE, UNDER S. 227.19, STATS.*

Please check the Bulletin of Proceedings for further information on a particular rule.

Commerce (CR 99-64):

S. Comm 5.30 and chs. Comm 41 to 42 – Relating to boilers and pressure vessels.

Commerce (CR 99-120):

Chs. Comm 50 to 64 – Relating to fire safety requirements in the commercial building code.

Health and Family Services (CR 95-140):

Ch. HFS 52 – Relating to residential care centers for children and youth, currently called child care institutions.

Natural Resources (CR 99-45):

SS. NR 439.06, 439.07 and 484.04 – Relating to volatile organic compound (VOC) capture efficiency test methods.

Natural Resources (CR 99-67):

Chs. NR 460 and 466 and s. NR 484.04 – Relating to national emission standards for hazardous air pollutants for the printing and publishing industry.

Natural Resources (CR 99-96):

S. NR 20.12 (1) (c) and (d) – Relating to the marking and tagging of set or bank poles in inland waters.

Natural Resources (CR 99-108):

SS. NR 140.10 and 140.28 – Relating to groundwater quality standards.

Public Instruction (CR 99-30):

Chs. PI 3 and 4 – Relating to teacher education program appraisal and licenses.

Transportation (CR 99-136):

SS. Trans 252.02 and 252.05 – Relating to escort vehicles.

ADMINISTRATIVE RULES FILED WITH THE REVISOR OF STATUTES BUREAU

The following administrative rules have been filed with the Revisor of Statutes Bureau and are in the process of being published. The date assigned to each rule is the projected effective date. It is possible that the publication of these rules could be delayed. Contact the Revisor of Statutes Bureau at (608) 266-7275 for updated information on the effective dates for the listed rules.

Health and Family Services (CR 99-81):

An order affecting ss. HFS 115.04 and 115.06, relating to screening of newborns for congenital and metabolic disorders.

Effective 01-01-00.

Health and Family Services (CR 99-112):

An order amending s. HFS 105.39 (4) (b) 3., relating to refresher training requirements in cardiopulmonary resuscitation (CPR) and first aid for drivers of specialized medical vehicles (SMVs) under the Medical Assistance (MA) program.

Effective 01-01-00.

Law Enforcement Standards Board (CR 99-93):

An order affecting ch. LES 4, relating to the certification of instructors for law enforcement, jail and secure detention training.

Effective 01-01-00.

Natural Resources (CR 98-162):

An order amending s. NR 410.03, relating to an increase in construction permit fees.

Effective 07-01-00.

Pharmacy Examining Board (CR 98-187):

An order creating s. Phar 7.10, relating to pharmacists administering by injection a drug product or device in the course of teaching a patient self-administration techniques.

Effective 01-01-00.

Transportation (CR 98-168):

An order affecting ch. Trans 102, relating to operator's licenses and identification cards.

Effective 01-01-00.

Transportation (CR 99-91):

An order affecting ss. Trans 213.02 and 213.03, relating to the local bridge program.

Effective 01-01-00.

Transportation (CR 99-107):

An order creating ch. Trans 134, relating to registration plates for authorized special groups.

Effective 01-01-00.

RULES PUBLISHED IN THIS WIS. ADM. REGISTER

The following administrative rule orders have been adopted and published in the November 30, 1999 Wisconsin Administrative Register. Copies of these rules are sent to subscribers of the complete Wisconsin Administrative Code, and also to the subscribers of the specific affected Code.

For subscription information, contact Document Sales at (608) 266-3358.

Agriculture, Trade and Consumer Protection (CR 99-85):

An order affecting ch. ATCP 15, relating to humane officer training and certification.

Effective 12-01-99.

Commerce (CR 99-7):

An order affecting ss. Comm 2.15, 51.164 and 64.05 and chs. Comm 18 and 69, relating to elevators and mechanical lifting devices.

Effective 12-01-99.

Employment Relations Commission (CR 95-179):

An order affecting ss. ERC 1.06, 2.02 and 12.02 and chs. ERC 10 and 20, relating to fees for complaints, grievance arbitration, mediation, fact-finding, interest arbitration and transcripts.

Effective 12-01-99.

Gaming Commission (CR 99-69):

An order affecting ch. WGC 3, relating to contested case hearings arising out of the regulatory activities of the Division of Gaming.

Effective 12-01-99.

Hearings and Appeals, Division of (CR 98-119):

An order creating ch. HA 3, relating to appeal procedure for Medicaid, food stamp, public assistance and social service programs.

Effective 12-01-99.

Natural Resources (CR 98-181):

An order affecting the chs. NR 400-- series, relating to updating and cleanup changes.

Part effective 12-01-99.

Natural Resources (CR 98-197):

An order affecting ch. NR 200, relating to applications for discharge permits and water quality standards variances.

Effective 12-01-99.

Natural Resources (CR 99-21):

An order affecting ch. NR 409 and ss. NR 400.02, 439.098, 484.10 and 484.11, relating to incorporating federal nitrogen oxides (NO_x) emission requirements into the Department's air pollution control rules.

Effective 12-01-99.

Natural Resources (CR 99-46):

An order affecting s. NR 485.04, relating to emission limitations for motor vehicles.

Effective 12-01-99.

Pharmacy Examining Board (CR 98-90):

An order creating ss. Phar 7.01, 7.08, 8.06, 8.07 and 8.09, relating to the transmission and receipt of electronic prescription orders.

Effective 12-01-99.

Pharmacy Examining Board (CR 99-92):

An order creating ch. Phar 16, relating to continuing education programs offered by a provider approved by the American Council on Pharmaceutical Education at the time of the pharmacist's attendance, or other Board-approved programs.

Effective 12-01-99.

Social Workers, Marriage and Family Therapists and Professional Counselors Examining Board (CR 99-39):

An order affecting ch. SFC 3 and ss. SFC 11.03, 14.01, 14.02, 16.01, 16.02, 18.01 and 18.02, relating to repeal of outdated provisions, and academic equivalency requirements for certification as a professional counselor.

Effective 12-01-99.

Workforce Development (CR 98-34):

An order affecting ch. DWD 120 and ss. DWD 128.02, 129.01 and 150.05, relating to ability to and availability for work, unemployment insurance (UI) notices and forms, and exceptional circumstances for failing to apply for UI.

Effective 12-01-99.

Workforce Development (CR 98-205):

An order affecting ch. DWD 56, relating to the administration of day care funds.

Effective 12-01-99.

SECTIONS AFFECTED BY RULE REVISIONS AND CORRECTIONS

The following administrative rule revisions and corrections have taken place in November, 1999, and will be effective as indicated in the history note for each particular section. For additional information, contact the Revisor of Statutes Bureau at (608) 266-7275.

REVISIONS

Agriculture, Trade and Consumer Protection:

Ch. ATCP 15 (entire chapter)

S. Game 3.05 (intro.), (1) (a) and (c), (2) and (3) (a) to (c)
S. Game 3.06 (entire section)

Commerce:

(Fee Schedule, Ch. Comm 2)

Ch. Comm 2

S. Comm 2.15 (1) and (3)

(Elevators, Ch. Comm 18)

Ch. Comm 18 (entire chapter)

(Barrier-Free Design, Ch. Comm 69)

Ch. Comm 69

S. Comm 69.20 (3) (b)
S. Comm 69.275 (entire section)
S. Comm 69.28 (entire section)

Employment Relations Commission:

Ch. ERC 1

S. ERC 1.06 (entire section)

Ch. ERC 2

S. ERC 2.02 (1) (d)

Ch. ERC 10

S. ERC 10.08 (4)
S. ERC 10.13 (entire section)
S. ERC 10.21 (entire section)

Ch. ERC 12

S. ERC 12.02 (2) (e)

Ch. ERC 20

S. ERC 20.08 (4)
S. ERC 20.13 (5)
S. ERC 20.21 (entire section)

Gaming Division:

Ch. Game 3

S. Game 3.01 (entire section)
S. Game 3.02 (entire section)
S. Game 3.03 (1) (b) and (c) and (2) to (4)
S. Game 3.04 (1) (a) and (b), (2) (b) and (3) (b)

Hearings and Appeals, Division of:

Ch. HA 3 (entire chapter)

Natural Resources:

(Environmental Protection--WPDES, Chs. NR 200--)

Ch. NR 200

S. NR 200.01 (entire section)
S. NR 200.02 (entire section)
S. NR 200.024 (entire section) was renumbered from s. NR 200.08 and (1) was amended.
S. NR 200.027 (entire section)
S. NR 200.03 (1) (a) and (3) (f) and (i)
S. NR 200.05 (intro.), (1) (b) and (4) (intro.)
S. NR 200.065 (entire section)
S. NR 200.07 (2) to (4)
S. NR 200.08 (entire section) was renumbered to be s. NR 200.024
S. NR 200.09 (entire section)
S. NR 200.10 (5)
S. NR 200.20 (entire section)
S. NR 200.21 (entire section)
S. NR 200.22 (entire section)
S. NR 200.23 (entire section)
S. NR 200.24 (entire section)
S. NR 200.25 (entire section)

(Environmental Protection--Air Pollution Control, Chs. NR 400--)

Ch. NR 409

S. NR 409.01 (1) (b), (c) and (d)
S. NR 409.02 (2) (b), (4), (12), (12g), (12m), (12s), (17m), (20), (20m), (21m), (32g), (32m), (32s), (34), (35h), (35p), (39m), (43h), (43p), (44m), (46h), (46p), (49m), (51g), (51m), (51s), (56m), (59) (c), (61m), (67m), (74h), (74p), (76m), (77) (b) and (c), (79m), (81m), (88), (89) and (90)
S. NR 409.04 (entire section)
S. NR 409.05 (entire section)
S. NR 409.055 (entire section)
S. NR 409.06 (2) (a), (b) and (c), (3) (f), (4), (5) (b) and (c), (6) (a), (7) (a), (b) and (f) and (8) (intro.)

- S. NR 409.065 (entire section)
- S. NR 409.08 (1) (a), (c), (d), (e) and (f), (2) (b), (3) (b) and (c) and (4) (a)
- S. NR 409.09 (1) (a), (b), (c) and (d), (2) (f) and (g)
- S. NR 409.10 (2)
- S. NR 409.11 (1) (a) and (c), (2) (a), (d) and (f)
- S. NR 409.12 (1) (a), (c), (d), (e) and (g), (3) (c), (4) (a), (b), (c) and (d) and (6) (a)

Ch. NR 439

- S. NR 439.02 (7)
- S. NR 439.06 (3) (intro.) and (h)
- S. NR 439.07 (1) and (4)
- S. NR 439.08 (1) (a), (d) and (f) and (2) (a) and (b)
- S. NR 439.085 (2) (a), (b) and (c)
- S. NR 439.098 (entire section)

Ch. NR 440

- S. NR 440.285 (entire section)
- S. NR 440.675 (2)
- S. NR 440.686 (2)

Ch. NR 445

- S. NR 445.02 (intro.) and (1)
- S. NR 445.03 (entire section)
- S. NR 445.05 (1) (a), (4) (a), (6) (a), (b), (d), (f) and (g) and (7) (b)
- S. NR 445.08 (entire section)

Ch. NR 446

- S. NR 446.05 (2) (a), (3) (intro.) and (b)

Ch. NR 447

- S. NR 447.02 (3)
- S. NR 447.08 (2) (a), (3) (a), (4) (intro.) and (a) and (6) (a)
- S. NR 447.13 (1) (a)
- S. NR 447.15 (1) (a)
- S. NR 447.16 (2)

Ch. NR 448

- S. NR 448.03 (1) (b) and (2)
- S. NR 448.04 (4) (a)

Ch. NR 449

- S. NR 449.07 (2) (h)

Ch. NR 460

- S. NR 460.01 (2)
- S. NR 460.10 (2) (f)

Ch. NR 463

- S. NR 463.12 (5) (b)

Ch. NR 468

- S. NR 468.20 (1) (g), (2) (mm) and (r), (3) (a), (b) (e), (f), (g) and (h), (4) (b) and (c) and (5) (b) and (c)

Ch. NR 484

- S. NR 484.03 (intro.) and (4)
- S. NR 484.04 (intro.), (11), (13), (16), (23) and (24)

- S. NR 484.05 (1), (3), (8), (9) and (10)
- S. NR 484.06 (2) and (4)
- S. NR 484.10 (intro.), (1) to (10), (12m), (13) to (16), (18), (19), (21), (22), (24) to (29), (31) to (37), (39) to (42), (44), (47) to (52) and (54) to (57)
- S. NR 484.11 (1) to (7)

Ch. NR 485

- S. NR 485.02 (8), (9) and (23)
- S. NR 485.04 (2) (c), (8) (a) and (b), (10) (intro.), Table 1 (5) and Table 3 (1) (a), (2) (a), and (3) (a)

Ch. NR 489

- S. NR 489.01 (1)
- S. NR 489.02 (intro.), (6), (22) and (23)
- S. NR 489.04 (entire section)
- S. NR 489.05 (entire section)
- S. NR 489.06 (entire section)
- S. NR 489.08 (intro.), (3) (a) and (b), (4) (a) and (b), (5) (b) and (d) and renumbering (6) to (8) to be s. NR 489.085 (1) to (3)
- S. NR 489.085 (entire section) was renumbered from s. NR 489.08, and (2) and (3) were amended
- S. NR 489.10 (5)
- S. NR 489.11 (entire section)

Ch. NR 490

- S. NR 490.025 (1)
- S. NR 490.03 (1)

Ch. NR 492

- S. NR 492.01 (entire section)

Pharmacy Examining Board:**Ch. Phar 7**

- S. Phar 7.01 (1) (a)
- S. Phar 7.08 (entire section)

Ch. Phar 8

- S. Phar 8.06 (2) (intro.) and (a)
- S. Phar 8.07 (2)
- S. Phar 8.09 (1) (intro.), (2) (intro.), (3) and (4)

Ch. Phar 16 (entire chapter)**Social Workers, Marriage & Family Therapists and Professional Counselors Examining Board:****Ch. SFC 3**

- S. SFC 3.02 (entire section)
- S. SFC 3.03 (entire section)
- S. SFC 3.04 (entire section)
- S. SFC 3.06 (entire section)
- S. SFC 3.08 (entire section)
- S. SFC 3.10 (entire section)

Ch. SFC 11

- S. SFC 11.03 (entire section)

Ch. SFC 14

- S. SFC 14.01 (2) (intro.)
- S. SFC 14.02 (2)

Ch. SFC 16

- S. SFC 16.01 (1) (c), (2) and (3)
- S. SFC 16.02 (4)

Ch. SFC 18 (entire chapter)**Workforce Development:****(Economic Support, Chs. DWD 11–59)****Ch. DWD 11**

- S. DWD 11.055 (entire section)

Ch. DWD 55

- S. DWD 55.05 (4) and (5)

Ch. DWD 56

- S. DWD 56.01 (entire section)
- S. DWD 56.02 (1), (3), (4), (8) to (11), (13) to (17), (20m), (23) and (24)
- S. DWD 56.03 (3) and (4)

- S. DWD 56.04 (1) (intro.), (a) to (i), (2), (3) (a), (b) and (d), (4) (a), (b) and (e) and (7) (c) and (d)

- S. DWD 56.05 (1), (2) and (5) (a) and (d)

- S. DWD 56.06 (1) (a) and (2) (c)

- S. DWD 56.07 (entire section)

- S. DWD 56.08 (1) (a), (c) and (d), (2) and (3) (a)

(Unemployment Compensation, Chs. DWD 100–150)**Ch. DWD 120**

- S. DWD 120.01 (entire section)
- S. DWD 120.02 (entire section)
- S. DWD 120.03 (entire section)

Ch. DWD 128

- S. DWD 128.02 (entire section)

Ch. DWD 129

- S. DWD 129.01 (4) (e)

Ch. DWD 150

- S. DWD 150.05 (intro.)

EDITORIAL CORRECTIONS

Corrections to code sections under the authority of s. 13.93 (2m) (b), Stats., are indicated in the following listing:

Agriculture, Trade and Consumer Protection:**Ch. ATPC 160**

- S. ATPC 160.08 (6) (intro.) had a correction made under s. 13.93 (2m) (b) 7., Stats.
- S. ATPC 160.53 (2) (intro.) had a correction made under s. 13.93 (2m) (b) 7., Stats.
- S. ATPC 160.55 (2) (i) had a correction made under s. 13.93 (2m) (b) 7., Stats.
- S. ATPC 160.61 (intro.) had a correction made under s. 13.93 (2m) (b) 7., Stats.

Commerce:**(Fee Schedule, Ch. Comm 2)****Ch. Comm 2**

- S. Comm 2.11 (3), (4) and (6) had corrections made under s. 13.93 (2m) (b) 7., Stats.
- S. Comm 2.31 (1) (intro.) had a correction made under s. 13.93 (2m) (b) 7., Stats.
- S. Comm 2.43 (Table 2.43) had a correction made under s. 13.93 (2m) (b) 7., Stats.
- S. Comm 2.52 (2) had a correction made under s. 13.93 (2m) (b) 7., Stats.

(Building and Heating, Chs. Comm 50–64)**Ch. Comm 51**

- S. Comm 51.16 (4) (d) had a correction made under s. 13.93 (2m) (b) 7., Stats.

Ch. Comm 64

- S. Comm 64.22 (7) (d) and (8) had corrections made under s. 13.93 (2m) (b) 7., Stats.
- S. Comm 64.42 (2) (d) had a correction made under s. 13.93 (2m) (b) 7., Stats.

(Barrier-Free Design, Ch. Comm 69)**Ch. Comm 69**

- S. Comm 69.15 (2) (g) and (j) had corrections made under s. 13.93 (2m) (b) 7., Stats.

Gaming Division:

- Ch. Game 3 (entire chapter) was renumbered from ch. WGC 3 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats.**

Health and Family Services:**(Health, Chs. HFS/HSS 110–)****Ch. HFS 174**

- S. HFS 174.01 (entire section) had a correction made under s. 13.93 (2m) (b) 7., Stats.
- S. HFS 174.03 (11) had a correction made under s. 13.93 (2m) (b) 7., Stats.
- S. HFS 174.04 (1) had a correction made under s. 13.93 (2m) (b) 7., Stats.
- S. HFS 174.06 (1) had a correction made under s. 13.93 (2m) (b) 7., Stats.
- S. HFS 174.08 (1) had a correction made under s. 13.93 (2m) (b) 7., Stats.

(Economic Support, Chs. HSS 200--)

Ch. HSS 222 (entire chapter) renumbered to ch. DWD 22 under s. 13.93 (2m) (b) 1., Stats.

Hearings and Appeals, Division of:**Ch. HA 2**

S. HA 2.01 (1) had a correction made under s. 13.93 (2m) (b) 7., Stats.

Natural Resources:*(Environmental Protection--General, Chs. NR 100--)***Ch. NR 120**

S. NR 120.02 (29) had a correction made under s. 13.93 (2m) (b) 1., Stats.
 S. NR 120.18 (3) (intro.) had a correction made under s. 13.93 (2m) (b) 7., Stats.
 S. NR 120.21 (4) (a) had a correction made under s. 13.93 (2m) (b) 1., Stats.
 S. NR 120.23 (4) had corrections made under s. 13.93 (2m) (b) 1., Stats.

Ch. NR 123

S. NR 123.01 (1) had a correction made under s. 13.93 (2m) (b) 7., Stats.
 S. NR 123.02 (entire section) had a correction made under s. 13.93 (2m) (b) 7., Stats.
 S. NR 123.04 (1) had a correction made under s. 13.93 (2m) (b) 7., Stats.
 S. NR 123.05 (1) (c) had a correction made under s. 13.93 (2m) (b) 7., Stats.
 S. NR 123.09 (1) had a correction made under s. 13.93 (2m) (b) 7., Stats.
 S. NR 123.22 (1) and (2) (b) had corrections made under s. 13.93 (2m) (b) 7., Stats.
 S. NR 123.23 (2) and (3) (d) had corrections made under s. 13.93 (2m) (b) 1. and 7., Stats.

*(Environmental Protection--WPDES, Chs. NR 200--)***Ch. NR 200**

S. NR 200.06 (3) had a correction made under s. 13.93 (2m) (b) 7., Stats.

Ch. NR 216

S. NR 216.30 (1) to (4) had corrections made under s. 13.93 (2m) (b) 1., Stats.
 S. NR 216.42 (3) had corrections made under s. 13.93 (2m) (b) 7., Stats.
 S. NR 216.46 (10) had a correction made under s. 13.93 (2m) (b) 7., Stats.

*(Environmental Protection--Air Pollution Control, Chs. NR 400--)***Ch. NR 409**

S. NR 409.01 (2) had a correction made under s. 13.93 (2m) (b) 7., Stats.

Ch. NR 440

S. NR 440.20 (4) (b) had a correction made under s. 13.93 (2m) (b) 7., Stats.
 S. NR 440.215 (10c) (intro.) had a correction made under s. 13.93 (2m) (b) 7., Stats.
 S. NR 440.26 (6) and (8) had corrections made under s. 13.93 (2m) (b) 7., Stats.
 S. NR 440.315 (2) had a correction made under s. 13.93 (2m) (b) 1., Stats.
 S. NR 440.36 (2) (a) had a correction made under s. 13.93 (2m) (b) 7., Stats.
 S. NR 440.44 (5) (a) and (b) had corrections made under s. 13.93 (2m) (b) 7., Stats.
 S. NR 440.45 (6) (d) had a correction made under s. 13.93 (2m) (b) 7., Stats.
 S. NR 440.50 (6) (f) had a correction made under s. 13.93 (2m) (b) 7., Stats.
 S. NR 440.52 (5) (b) had a correction made under s. 13.93 (2m) (b) 7., Stats.
 S. NR 440.56 (4) had a correction made under s. 13.93 (2m) (b) 1., Stats.
 S. NR 440.642 (1) (c) and (4) (L) had corrections made under s. 13.93 (2m) (b) 1., Stats.
 S. NR 440.644 (4) (b) and (k) had corrections made under s. 13.93 (2m) (b) 7., Stats.
 S. NR 440.682 (4) (b) and (d) had corrections made under s. 13.93 (2m) (b) 7., Stats.
 S. NR 440.74 (4) (b) and (5) (c) had corrections made under s. 13.93 (2m) (b) 7., Stats.

Ch. NR 463

S. NR 463.12 (9) (a) had a correction made under s. 13.93 (2m) (b) 7., Stats.

Ch. NR 486

S. NR 486.02 (10) had a correction made under s. 13.93 (2m) (b) 7., Stats.

*(Environmental Protection--Solid Waste Management, Chs. NR 500--)***Ch. NR 590**

S. NR 590.03 (49) had a correction made under s. 13.93 (2m) (b) 1., Stats.
 S. NR 590.13 (intro.) had a correction made under s. 13.93 (2m) (b) 7., Stats.
 S. NR 590.22 (2) (a) and (b) had corrections made under s. 13.93 (2m) (b) 7., Stats.
 S. NR 590.23 (2) (e) had a correction made under s. 13.93 (2m) (b) 7., Stats.
 S. NR 590.36 (intro.) and (2) (a) had corrections made under s. 13.93 (2m) (b) 7., Stats.
 S. NR 590.53 (intro.) had a correction made under s. 13.93 (2m) (b) 7., Stats.
 S. NR 590.73 (intro.) and (1) (a) had corrections made under s. 13.93 (2m) (b) 7., Stats.

Pharmacy Examining Board:**Ch. Phar 9**

S. Phar 9.01 (entire section) had a correction made under s. 13.93 (2m) (b) 7., Stats.

Workforce Development:*(Economic Support, Chs. DWD 11–59)***Ch. DWD 11**

- S. DWD 11.28 (13) had corrections made under s. 13.93 (2m) (b) 7., Stats.
- S. DWD 11.36 (5) (b) and (c) and (8) (b) had corrections made under s. 13.93 (2m) (b) 7., Stats.

Ch. DWD 22 (entire chapter) was renumbered from ch. HSS 222 under s. 13.93 (2m) (b) 1., Stats., and corrections were made under s. 13.93 (2m) (b) 6. and 7., Stats.

Ch. DWD 56

- S. DWD 56.03 (5) (b) had a correction made under s. 13.93 (2m) (b) 7., Stats.

*(Unemployment Compensation, Chs. DWD 100–150)***Ch. DWD 107**

- S. DWD 107.001 (entire section) had a correction made under s. 13.93 (2m) (b) 7., Stats.

Ch. DWD 147

- S. DWD 147.01 (1) had a correction made under s. 13.93 (2m) (b) 1., Stats.

ERRATA

Items reprinted to correct printing errors such as dropped copy (or other errors) are indicated in the following listing:

Agriculture, Trade and Consumer Protection:

Ch. ATCP 33 was reprinted to correct a note.

Ch. ATCP 155

- S. ATCP 155.05 (entire section) was reprinted to correct printing error.

Funeral Directors Examining Board:**Ch. FD 6**

- S. FD 6.10 (3) was reprinted to correct printing error.

Public Service Commission:**Ch. PSC 186**

- S. PSC 186.22 (entire section) was reprinted to correct printing error.
- S. PSC 186.31 (2) was reprinted to correct printing error.
- S. PSC 186.34 (1) (a) was reprinted to correct printing error.
- S. PSC 186.37 (2) (d) and (3) were reprinted to correct printing error.

FINAL REGULATORY FLEXIBILITY ANALYSES

1. Agriculture, Trade & Consumer Protection

(CR 99–85)

Ch. ATPC 15 – Humane Officer training and certification.

Summary of Final Regulatory Flexibility Analysis:

This rule, ch. ATPC 15, interprets and establishes minimum standards of education for humane officers and establishes a certification program for humane officers, in compliance with 1997 Wis. Act 192. It has no impact on small businesses.

The statute allows a political subdivision to appoint humane officers, but it requires that, if the political subdivision appoints a humane officer, the humane officer must meet minimum training standards established by the Department of Agriculture, Trade and Consumer Protection and be certified by the department. Therefore, the impacts of this rule are on the political subdivision which chooses to appoint a humane officer and the person appointed, not on a business.

Summary of Comments of Legislative Committees:

On August 13, 1999, this department transmitted the above rule for legislative committee review. On August 17, the rule was assigned to the Senate Committee on Agriculture, Environmental Resources and Campaign Finance Reform and on August 19, the rule was assigned to the Assembly Committee on Agriculture. During their review periods, neither committee took any action on the rule.

2. Commerce (CR 99–7)

Chs. Comm 2, 18, 64 & 69 – Elevators and mechanical lifting devices.

Summary of Final Regulatory Flexibility Analysis:

The proposed rules will permit the Department to maintain records of the number of people who are injured while using elevators or mechanical lifting devices. This will help to ensure that the general public and employees are safe when they use elevators and other mechanical lifting devices. Also, manufacturers of small elevators complying with ASME A17.1 Part 5 will be permitted to use the reduced overhead clearances complying with ASME A17.1 Part 25 as an alternative to the 12–inch pit depth and the 24–inch overhead clearances required for ASME A17.1 Part 5 elevators.

Summary of Comments of Legislative Standing Committees:

The rules were reviewed by the Assembly Committee on Labor and Employment and the Senate Committee on Economic Development, Housing and Government Operations. No comments were received.

3. Employment Relations Commission (CR 95–179)

Chs. ERC 1, 2, 10, 12 & 20 – Fees for complaints, grievance arbitration, mediation, fact finding, interest arbitration and transcripts.

Summary of Final Regulatory Flexibility Analysis:

Small businesses that receive grievance arbitration or mediation services from the Wisconsin Employment Relations Commission or that wish to receive a transcript of a Commission proceeding will be obligated to pay the fees established by the proposed rules.

Payment of the fees will not require any professional skills or any additional reporting or bookkeeping procedures.

Summary of Comments:

No comments were reported.

4. Gaming (CR 99–69)

Ch. WGC 3 – Contested case hearings arising out of the regulatory activities of the Division of Gaming.

Summary of Final Regulatory Flexibility Analysis:

Pursuant to s. 227.114, Stats., the rule herein is not expect to negatively impact on small businesses.

Summary of Comments:

No comments were reported.

5. Hearings and Appeals (CR 98–119)

Ch. HA 3 – The requirements and process for the appeal by individuals of actions affecting their benefits in the Medicaid, food stamps, public assistance and social service programs.

Summary of Final Regulatory Flexibility Analysis:

The rules will not directly affect small businesses as “small business” is defined in s. 227.1 14(l)(a), Stats. They apply to the Division, to individuals appealing under programs administered by the departments of Workforce Development, Health and Family Services and Administration, and to those departments.

Summary of Comments:

No comments were reported.

6. Natural Resources (CR 98–197)

Ch. NR 200 – Applications for discharge permits and water quality standards variances.

Summary of Final Regulatory Flexibility Analysis:

Because these code changes merely formalize what the Department commonly requires under more general authority, there should be minimal impact on small businesses.

Summary of Comments by Legislative Review Committees:

The rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Agriculture, Environmental Resources and Campaign Finance Reform. There were no comments.

7. Natural Resources (CR 99–21)

Chs. NR 409, 439 & 484 – Incorporating nitrogen oxide emissions requirements into the departments air pollution control program.

Summary of Final Regulatory Flexibility Analysis:

Small businesses will be unaffected by the proposed changes to the state acid rain rules because the regulations only apply to electric utilities.

Summary of Comments by Legislative Review Committees:

The rules were reviewed by the Assembly Committee on Environment and the Senate Committee on Agriculture, Environmental Resources and Campaign Finance Reform. On August 27, 1999, the Assembly Committee on Environment extended their review period for 30 days. The Committee did not request any modifications during the review period.

8. Natural Resources (CR 99–46)

Ch. NR 485 – Emission limitation for motor vehicles.

Summary of Final Regulatory Flexibility Analysis:

The proposed rule does not have a significant economic impact on a substantial number of small businesses. Small businesses that own vehicles subject to the I/M program have been and will continue to be affected by the I/M program in the same way that individual vehicle owners are affected.

Summary of Comments by Legislative Review Committees:

The rule was reviewed by the Assembly Committee on Environment and the Senate Committee on Agriculture, Environmental Resources and Campaign Finance Reform. There were no comments.

9. Pharmacy Examining Board (CR 98–90)

Chs. Phar 7 & 8 – The transmission and receipt of electronic prescription orders.

Summary of Final Regulatory Flexibility Analysis:

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

Summary of Comments:

No comments were reported.

10. Pharmacy Examining Board (CR 99–92)

Ch. Phar 16 – Continuing education programs offered by a provider approved by the American Council on Pharmaceutical Education at the time of the pharmacist's attendance, or other board approved programs.

Summary of Final Regulatory Flexibility Analysis:

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

Summary of Comments:

No comments were reported.

11. Social Workers, Marriage and Family Therapists and Professional Counselors (CR 99–39)

Ch. SFC 3, 11, 14, 16 & 18 – Repeal of outdated provisions and to educational requirements for equivalency academic programs for certification as professional counselors.

Summary of Final Regulatory Flexibility Analysis:

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

Summary of Comments:

No comments were reported.

12. Workforce Development (CR 98–34)

Chs. DWD 120, 128, 129 & 150 – Ability to and availability for work, UI notices and forms, and exceptional circumstances for failing to apply for UI.

Summary of Final Regulatory Flexibility Analysis:

A full analysis is not required because most of the changes are merely clarification of statutes in existence and do not substantively affect any small employers, other than making the law easier to understand. All Wisconsin employers covered under the unemployment insurance statute may be affected by the expansion of the definition of "exceptional circumstances" and the creation of a "grace period." Nonetheless, these definitions are used by the department as part of its administrative process and do not involve any compliance or reporting requirements by small business.

Summary of Comments of Legislative Standing Committees:

The rule was assigned to the Assembly Committee on Labor and Employment and the Senate Committee on Labor. Senator Baumgart, chair of the Senate Labor Committee, requested a meeting with a departmental representative, but his concerns related to a particular case and not the content of the rule. The department received no other comments from legislative committees.

13. Workforce Development (CR 98–205)

Ch. DWD 56 – Administration of day care funds.

Summary of Final Regulatory Flexibility Analysis:

Certified day care operators will be affected by the rule change, but the rule will not have a significant economic impact because there is no material change from current procedures.

Summary of Comments of Legislative Standing Committees:

The rule was assigned to the Assembly Committee on Children and Families and the Senate Committee on Human Services and Aging, and the department received no comments from either committee.

EXECUTIVE ORDERS

The following is a listing of recent Executive Orders issued by the Governor.

Executive Order 382. Relating to a Proclamation that the Flag of the United States and the Flag of the State of Wisconsin be Flown at Half-Staff as a Mark of Respect for Fire Fighters of this State Who Have Given Their Lives in the Line of Duty.

Executive Order 383. Relating to a Special Session of the Legislature.

Executive Order 384. Relating to the Creation of the Governor's Blue Ribbon Task Force on Manufactured Housing.

PUBLIC NOTICE

Public Notice *Wis. Dept. of Transportation*

Public Notice of January 1, 2000 effective date for: Sections 2, 3, 4, 5, 17, 19, 25, 26, 27, 28, 29, 30, 31, 32, 33, 38, 54, 56, 148, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165 and 166 of 1997 Wis. Act 84

Section 85.515, Stats., as created by Section 1g of 1997 Wis. Act 84 ("the Act"), and amended by 1999 Wis. Act 9, permits the Secretary of the Department of Transportation to implement provisions of the Act as the Department's computerized information systems become operational.

The Department's computerized information systems will also be able to implement the statutory changes set forth in sections 2, 3, 4, 5, 17, 19, 25, 26, 27, 28, 29, 30, 31, 32, 33, 38, 54, 56, 148, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165 and 166 of the Act as of January 1, 2000.

By this public notice, and under the authority of s. 85.515, Stats., as created by Section 1g of 1997 Wis. Act 84, and as amended by 1999 Wis. Act 9, Charles Thompson, Secretary of the Wisconsin Department of Transportation, Division of Motor Vehicles declares that the following sections of 1997 Wis. Act 84 shall be effective as of January 1, 2000:

<u>Section of Act 84 made Effective</u>	<u>Affected Statutory Section</u>
1997 Wis. Act 84 Section 2	125.07(4)(bs)3
1997 Wis. Act 84 Section 3	125.07(4)(bs)4
1997 Wis. Act 84 Section 4	125.07(4)(c)3
1997 Wis. Act 84 Section 5	125.07(4)(c)4
1997 Wis. Act 84 Section 17	343.30(1)
1997 Wis. Act 84 Section 19	343.30(1n)
1997 Wis. Act 84 Section 25	343.30(1z)
1997 Wis. Act 84 Section 26	343.30(2d)
1997 Wis. Act 84 Section 27	343.30(2g)
1997 Wis. Act 84 Section 28	343.30(2m)
1997 Wis. Act 84 Section 29	343.30(3)
1997 Wis. Act 84 Section 30	343.30(6)(b)(intro.)
1997 Wis. Act 84 Section 31	343.30(6)(b)3
1997 Wis. Act 84 Section 32	343.30(6)(c)
1997 Wis. Act 84 Section 33	343.30(6)(d)
1997 Wis. Act 84 Section 38	343.31(2r)
1997 Wis. Act 84 Section 54	343.32(1)(b) renumbered 343.32(1s)
1997 Wis. Act 84 Section 56	343.32(1m)(b)(intro.), 2. and 3.
1997 Wis. Act 84 Section 148	345.47(1)(b)
1997 Wis. Act 84 Section 153	767.303(1) and (2)
1997 Wis. Act 84 Section 154	800.09(1)(c)
1997 Wis. Act 84 Section 155	800.095(4)(b)4
1997 Wis. Act 84 Section 156	938.34(8)
1997 Wis. Act 84 Section 157	938.34(14m)
1997 Wis. Act 84 Section 158	938.34(14r)(a) and (c)
1997 Wis. Act 84 Section 159	938.343(2)
1997 Wis. Act 84 Section 160	938.344(2)(c)

Section of Act 84 made Effective

1997 Wis. Act 84 Section 161
1997 Wis. Act 84 Section 162
1997 Wis. Act 84 Section 163
1997 Wis. Act 84 Section 164
1997 Wis. Act 84 Section 165
1997 Wis. Act 84 Section 166

Affected Statutory Section

938.344(2b)(c)
938.344(2d)(c)
938.344(2e)(a)(intro.)
938.344(2e)(b)
938.344(2e)(c)
961.50(1)

Contact Information

For information regarding this notice, contact:

Compliance and Restoration Section
Division of Motor Vehicles
Telephone: (608) 266-2261
FAX: (608) 267-3812

Mailing address:
P.O. Box 7917
Madison, WI 53707

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