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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.

Occasionally the Legislature grants emergency rule authority to an agency with a longer effective period than 150 days or allows an agency to adopt an emergency rule without requiring a finding of emergency.

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 or a statement of exemption from a 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.

Copies of emergency rule orders can be obtained from the promulgating agency. The text of current emergency rules can be viewed at www.legis.state.wi.us/rsb/code.

Agriculture, Trade and Consumer Protection

Rules adopted revising **ch. ATCP 10**, relating to diseases of fish and farm-raised deer.

Finding of Emergency

(1) The Wisconsin department of agriculture, trade and consumer protection (“DATCP”) administers Wisconsin’s animal health and disease control programs, including programs to control diseases of fish and farm-raised deer.

Disease Testing of Fish

(2) DATCP regulates fish farms, including fish farms operated by the Wisconsin Department of Natural Resources (“DNR”). DATCP also regulates the import, movement and disease testing of fish.

(3) Viral hemorrhagic septicemia (VHS) is a serious disease of fish. VHS was first reported in Wisconsin on May 11, 2007, after the Wisconsin Veterinary Diagnostic Laboratory confirmed positive samples from freshwater drum (sheepshead) in Little Lake Butte des Morts (part of the Lake Winnebago system). VHS was subsequently found in Lake Winnebago, and in Lake Michigan near Green Bay and Algoma. The source of VHS in these wild water bodies is not known. VHS has not yet been reported in any Wisconsin fish farms. VHS can be fatal to fish, but is not known to affect human beings.

(4) Current DATCP rules require health certificates for fish and fish eggs (including bait) imported into this state, for fish and fish eggs stocked into waters of the state, and for fish and fish eggs (including bait species) moved between fish farms in this state. *Import* health certificates must include VHS

testing if the import shipment includes salmonids (salmon, trout, etc.) or originates from a state or province where VHS is known to occur. VHS testing is *not* currently required for fish or fish eggs stocked into waters of the state from Wisconsin sources, for bait fish or eggs originating from Wisconsin sources, for fish or fish eggs moved between fish farms in Wisconsin, or for non-salmonids imported from states where VHS has not yet been found.

(5) Because VHS has now been found in waters of the state, it is necessary to expand current VHS testing requirements. Because of the urgent need to minimize the spread of VHS in this state, it is necessary to adopt VHS testing requirements by emergency rule, pending the adoption of a “permanent” rule.

Disease-Free Herd Certification of Farm-Raised Deer Herds

(6) DATCP registers farm-raised deer herds in this state. DATCP also regulates the import, movement and disease testing of farm-raised deer. Under current DATCP rules, DATCP may certify a deer herd as brucellosis-free or tuberculosis-free, or both, based on herd test results provided by the deer keeper. Certification is voluntary, but facilitates sale and movement of deer.

(7) Under current rules, a tuberculosis-free herd certification is good for 3 years, but a brucellosis-free herd certification is good for only 2 years. There is no compelling veterinary medical reason for the difference. A rule change (extending the brucellosis-free certification term from 2 to 3 years) is needed to harmonize the certification terms, so that deer farmers can conduct simultaneous tests for both diseases. Simultaneous testing will reduce testing costs and limit stress on tested deer. An emergency rule is needed to avoid some unnecessary costs for deer farmers this year, pending the adoption of permanent rules.

Publication Date: October 31, 2007

Effective Date: October 31, 2007

Expiration Date: March 29, 2008

Hearing Date: January 14, 2008

Commerce

(Licenses, Certifications, etc., Ch. Comm 5)

Rules adopted revising **ch. Comm 5**, relating to licensing of elevator contractors and installers.

Exemption From Finding of Emergency

Under the nonstatutory provisions of 2005 Wis. Act 456, the Department of Commerce was directed to issue emergency rules that implement provisions of the Act. The Act specifically states: “Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department of commerce is not required to provide evidence that promulgating rules under this subsection as emergency rules is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for the rules promulgated under this subsection.”

The Act mandates the licensing of elevator contractors and installers. Under the Act no person may engage in the business of installing or servicing conveyances or working on a conveyance unless licensed as of June 1, 2007. These

emergency rules are being adopted in order to provide the elevator industry the ability to comply with licensing aspects of the Act and continue working until permanent rules are implemented.

Publication Date: June 1, 2007
Effective Date: June 1, 2007
Expiration Date: See section 7 (2), 2005 Wis. Act 456
Hearing Date: June 27, 2007

Commerce (Amusement Rides, Ch. Comm 34)

Rules adopted revising **ch. Comm 34**, relating to amusement rides and affecting small businesses.

Finding of Emergency

The Department of Commerce finds that an emergency exists within the state of Wisconsin and that adoption of an emergency rule is necessary for the immediate preservation of the public health, safety and welfare. A statement of the facts constituting the emergency is as follows.

1. An amusement ride fatality occurred in Wisconsin on July 14, 2007.

2. The department is in the processing of promulgating rule revisions under its Amusement Ride Code, chapter Comm 34 to address two issues that have come to light as a result of the accident investigation. The completion of this rule-making process and their enactment cannot occur prior to the beginning of the 2008 amusement ride season. The issuance of the emergency rules at this time is also necessary to allow amusement ride owners and operators sufficient time to acquire the necessary issuance.

3. The department believes that establishing liability insurance obligations for amusement ride owners and operators will promote safety.

Publication Date: November 12, 2007
Effective Date: January 1, 2008
Expiration Date: May 30, 2008
Hearing Date: December 12, 2007

Commerce (Financial Resources for Businesses and Communities, Chs. Comm 104–135)

Rules adopted creating **ch. Comm 135**, relating to tax credits and exemptions for internet equipment used in the broadband market.

Exemption From Finding of Emergency

These rules establish the criteria for administering a program that will (1) certify businesses as temporarily eligible for tax credits and exemptions for Internet equipment used in the broadband market, and (2) allocate up to \$7,500,000 to these businesses for these tax credits and exemptions.

Pursuant to section 227.24 of the statutes, this rule is adopted as an emergency rule to take effect upon publication

in the official state newspaper. In accordance with section 17 (1) (d) of 2005 Wisconsin Act 479, this rule will remain in effect until January 1, 2008, or until the Department reports its certifications and determinations under this rule to the Department of Revenue, whichever is sooner.

The rules specify who is eligible for the income and franchise tax credits and the sales and use tax exemptions in this program, for Internet equipment used in the broadband market. Eligible equipment is also specified, along with how to apply for the certifications and allocations. Parameters for allocating the authorized total of \$7,500,000 are likewise specified. These parameters emphasize (1) efficiently initiating broadband Internet service in areas of Wisconsin that otherwise are not expected to soon receive this service, and (2) encouraging economic or community development. The rule chapter also describes the time-specific legislative oversight that is established in 2005 Act 479 for these allocations, and describes the follow-up reports that the Act requires from every person who receives a sales or use tax exemption under this chapter.

Publication Date: February 20, 2007
Effective Date: February 20, 2007
Expiration Date: See section 17 (1) (d) 2005 Wis. Act 479
Hearing Date: March 26, 2007

Elections Board

Rules adopted creating **s. EIBd 3.50**, relating to pricing of voter information available from the Statewide Voter Registration System.

Exemption From Finding of Emergency

The Elections Board finds that under Section 180 of the non-statutory provisions of 2005 Wisconsin Act 451, in subsection (4), the Elections Board may promulgate emergency rules under s. 227.24, Stats., implementing s. 6.36 (6), Stats., as created by Wisconsin Act 451. Notwithstanding s. 227.24 (1) (c) and (2), Stats., emergency rules promulgated under subsection (4) remain in effect until the date on which permanent rules take effect. Notwithstanding s. 227.24 (1) (a) and (3), Stats., the Elections Board is not required to provide evidence that promulgating a rule under subsection (4) as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under subsection (4).

This amended rule interprets ss. 5.02 (14) and (17), 6.27, 6.275, 6.29, 6.33, 6.34, 6.35, 6.36, 6.40, 6.45, 6.46, 6.48, 6.50, 6.54, 6.55, 6.56, and 6.57, Stats. The rule requires that persons who request copies of information from the Statewide Voter registration System must pay, for each such copy, a charge calculated under the provisions of the rule.

At the present time, the Elections Board is limited, in the fee that it can charge for information provided by the Statewide Voter registration System, to the fee set by s. 19.35 (3), Stats.: “the actual, necessary, and direct cost of reproduction and transcription of the record.” In order to recover both the cost of reproduction and the cost of maintaining the list at the state and local level, rather than having its charge be limited to the amount currently provided under the public records law, the Board needs an immediate rule reflecting both cost components required by the new statute.

Publication Date: May 12, 2007
Effective Date: May 12, 2007
Expiration Date: See section 180 (4), 2005
 Wis. Act 451
Hearing Date: June 11, 2007

Employment Relations Commission

Rule adopted amending s. ERC 10.08 (1), (2), (3), (4), and (5), relating to increased filing fees.

Finding of Emergency

The Employment Relations Commission finds that an emergency exists and that the attached rules are necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is as follows:

1. The Employment Relations Commission has a statutory responsibility in the private, municipal and state sectors for timely and peaceful resolution of collective bargaining disputes and for serving as an expeditious and impartial labor relations tribunal.

2. 2003 Wisconsin Act 33 eliminated \$400,000 in General Program Revenue (GPR) and 4.0 GPR supported positions from the Commission's 2003–2005 budget and increased the number of Program Revenue (PR) filing fee supported positions by 2.0, from 3.0 to 5.0. The same legislation also abolished the Personnel Commission and transferred certain of that agency's former responsibilities to the Employment Relations Commission, without additional staff or funding.

3. The 2005–07 budget maintained the same reduced GPR funding and position levels and the additional PR positions as authorized in 2003 Wisconsin Act 33. The Governor's proposed budget for 2007–09 maintains the same number of GPR and PR funded positions as the previous two budgets.

4. In order to support the 5.0 PR positions provided in the state budgets since 2003, the Employment Relations Commission doubled its filing fees in August, 2003. Despite that increase, filing fee income has averaged \$381,359 over the past four fiscal years, an amount that was approximately \$130,350 less each year than the average budget–authorized PR position expenditures for those same years. As a result the Commission's PR fund balance has been reduced to a level that is wholly insufficient to meet current PR expenditures.

5. Unless the emergency rule making procedures of s. 227.24, Stats., are utilized by the Employment Relations Commission to provide the increased filing fee revenue needed to support the 5.0 positions provided in the PR portion of the Commission's budget, the Commission's ability to provide timely and expeditious dispute resolution services will be significantly harmed.

Publication Date: December 19, 2007
Effective Date: January 2, 2008
Expiration Date: May 31, 2008
Hearing Date: November 12, 2007

Health and Family Services (Health, Chs. HFS 110—)

Rules adopted revising s. HFS 115.04, to include the condition known as Severe Combined Immunodeficiency

(SCID) and related conditions of immunodeficiency to the list of disorders and disorder types found under s. HFS 115.04.

Finding of Emergency

The early identification of particular congenital and metabolic disorders that are harmful or fatal to persons with the disorders is critical to mitigating the negative effects of such disorders. Therefore, s. 253.13, Wis. Stats., requires that every infant born be subjected to blood tests for congenital and metabolic disorders, as specified in administrative rules promulgated by the Department; however, parents may refuse to have their infants screened for religious reasons. The Department has issued ch. HFS 115, Screening of Newborns for Congenital and Metabolic Disorders, to administer this statutory requirement. Currently, s. HFS 115.04 lists 13 congenital and metabolic disorders and types of disorders, for a total of 47 different disorders, for which the state hygiene laboratory must test newborn blood samples.

In determining whether to add or delete disorders from the list under s. HFS 115.04, s. HFS 115.06 directs the Department to seek the advice of persons with expertise and experience concerning congenital and metabolic disorders. For this purpose, the Department has established the Wisconsin Newborn Screening Umbrella Advisory Group. Section HFS 115.06 also lists 6 criteria on which the Department must base its decision to add or delete disorders from s. HFS 115.04. These criteria are as follows:

1. Characteristics of the specific disorder, including disease incidence, morbidity, and mortality.
2. The availability of effective therapy and potential for successful treatment.
3. Characteristics of the test, including sensitivity, specificity, feasibility for mass screening and cost.
4. The availability of mechanisms for determining the effectiveness of test procedures.
5. Characteristics of the screening program, including the ability to collect and analyze specimens reliably and promptly, the ability to report test results quickly and accurately and the existence of adequate follow-up and management programs.
6. The expected benefits to children and society in relation to the risks and costs associated with the testing for the specific condition.

In consideration of these criteria, the Wisconsin Newborn Screening Advisory Umbrella Advisory Group has recently recommended the Department add the condition known as Severe Combined Immunodeficiency (SCID) and related conditions of immunodeficiency to the 13 disorders and types of disorders currently screened for and listed in s. HFS 115.04. Persons with SCID are extremely vulnerable to infections, to the degree that the condition is universally fatal without treatment within the first year of life. With an estimated prevalence of 1 in 66,000, and a Wisconsin annual birth rate around 71,000, the failure to screen for SCID could result in the death of 1–2 infants in the state every year.

The Advisory Group also recommended the Department begin screening newborns for SCID and related conditions of immunodeficiency as soon as possible. Before the screening can begin, the Department needs to add these conditions to the list in s. HFS 115.04. Therefore, it is proposed to put an emergency rule in effect first, to be followed by an identical proposed permanent rule to replace the emergency rule.

The Department will immediately promulgate identical permanent rules to replace these emergency rules.

Publication Date: December 27, 2007
Effective Date: January 1, 2008
Expiration Date: May 30, 2008

Natural Resources (2) (Fish and Game, etc., Chs. NR 1—)

1. Rules adopted amending ss. NR 10.01 (1) (v), 10.12 (5) (d) and 10.15 (6); and to repeal and recreate s. NR 10.01 (1) (b), (g) and (u), relating to the 2007 migratory game bird seasons and waterfowl hunting zones.

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 regulations in the establishment of migratory bird hunting seasons and conditions. Federal regulations are not made available to this state until mid-August of each year. This order is designed to bring the state hunting regulations to conformity with the 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: August 30, 2007
Effective Date: August 30, 2007
Expiration Date: January 27, 2008
Hearing Date: October 19, 2007

2. Rules adopted affecting chs. NR 19 and 20, relating to control of fish diseases and invasive species.

Finding of Emergency

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

The World Health Organization for Animal Health (OIE) lists Viral Hemorrhagic Septicemia (VHS) as a "notifiable" disease, meaning that outbreaks must be reported immediately. On May 11, the Department received notice that freshwater drum collected from Little Lake Butte des Morts (part of the Lake Winnebago system) were infected with the VHS virus. On May 23, May 24, and June 1, respectively, the Department learned that brown trout from Lake Michigan, smallmouth bass from Sturgeon Bay, and lake whitefish from Lake Michigan had tested positive for the virus.

Earlier, VHS had been discovered in the Great Lakes, and was known to be moving from the lower lakes (Ontario and Erie), where it has already caused large-scale fish kills, via Huron, where it has been present since 2005, to the upper lakes (Michigan and Superior). Lake Michigan is connected to the Mississippi River by the Chicago Sanitary and Ship Canal and Illinois River, allowing fish and fish diseases to reach the Mississippi drainage basin. Information obtained pursuant to an emergency rule that took effect May 17 revealed that 88 bait dealers harvest live wild minnows from a large number of state waters, including waters that are near or connected to the Mississippi river, the Lake Winnebago system, Green Bay and Lakes Michigan and Superior.

Twenty-seven species of Wisconsin fish have been identified as susceptible by the OIE or USDA APHIS, including most of our most important recreational and commercial species. It is expected the USDA APHIS will soon expand its emergency order limiting the interstate transportation of these species to apply to all fish species. The VHS virus can be transported from infected areas to areas where it is not yet present via live fish, fish eggs, refrigerated or frozen dead fish, or water where infected fish have been present. The presence of VHS virus in Wisconsin is therefore a threat to the public health or safety or to the environment.

Publication Date: November 2, 2007
Effective Date: November 2, 2007
Expiration Date: March 31, 2008
Hearing Date: December 3, 2007

Natural Resources (Environmental Protection – Water Regulation, Chs. NR 300—)

Rules adopted revising chs. NR 320, 323, 328, 329, 341, 343 and 345, relating to general permit criteria requiring decontamination of equipment for invasive species and viruses.

Finding of Emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The Wisconsin Legislature enacted 2003 Wisconsin Act 118 to streamline the regulatory process for activities in public trust waters. The state has an affirmative duty to administer the law in a manner consistent with the public trust responsibilities of the State of Wisconsin under Article IX, Section I of the Wisconsin Constitution.

Act 118 identifies certain activities that may be undertaken under a general permit. There are no statutory general permits standards that require decontamination of equipment for invasive species and viruses. Without emergency rules to create new general permit standards, any condition imposed would be limited to individual permits only with an automatic 30-day public notice. The required 30-day comment period will unnecessarily delay projects that otherwise could go ahead with prescribed conditions established in a general permit. To carry out the intention of Act 118 to speed decision-making but not diminish the public trust in state waters, these emergency rules are required to establish general permits standards to be in effect for the 2007 summer season, with specific standards that require decontamination of equipment for invasive species and viruses.

In addition, The Department of Natural Resources finds that an emergency exists and the foregoing rules are necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of facts constituting the emergency is: The World Health Organization for Animal Health (OIE) lists viral hemorrhagic septicemia (VHS) as a "notifiable" disease, meaning that outbreaks must be reported immediately. VHS has been discovered in the Great Lakes, and is moving from the lower lakes (Ontario and Erie), where it has already caused large-scale fish kills, via Huron, where it has been present since 2005, to the upper lakes (Michigan and Superior). Lake Michigan is connected to the Mississippi River by the Chicago Sanitary and Ship Canal and Illinois River, allowing fish and fish diseases to reach the Mississippi drainage. Twenty-seven species of Wisconsin fish have been identified as susceptible by the OIE or USDA APHIS,

including most of our most important recreational and commercial species. The VHS virus can be transported from affected areas to areas where it is not yet present via live fish, fish eggs, refrigerated or frozen dead fish, or water where infected fish have been present. The presence of VHS virus in the Great Lakes is therefore a threat to the public health or safety or to the environment.

Publication Date: July 12, 2007
Effective Date: July 12, 2007
Expiration Date: December 9, 2007
Hearing Date: August 13, 2007
Extension Through: February 6, 2008

Natural Resources (Environmental Protection – Air Pollution Control, Chs. NR 400–)

Rules adopted creating s. NR 462.015, relating to national emission standards for hazardous air pollutants for industrial, commercial and institutional boilers and process heaters and potentially affecting small business.

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. Preservation of the public welfare necessitates putting the rule into effect prior to the time that it would take if the department complied with the normal procedures. Federal regulations that are the basis for ch. 462, Wis. Adm. Code, were vacated on July 30, 2007 by the U.S. Court of Appeals. Both the vacated federal regulations and ch. NR 462 contain a date for compliance of September 13, 2007. This order is designed to bring state rules into conformity with the court-ordered vacatur of the federal regulations. Normal rule-making procedures will not allow implementation of ch. NR 462 to be stayed before September 13, 2007.

Publication Date: September 13, 2007
Effective Date: September 13, 2007
Expiration Date: February 10, 2008
Hearing Date: October 26, 2007

Public Instruction

A rule is adopted creating ch. PI 33, relating to grants for nursing services.

Finding of Emergency

The Department of Public Instruction finds that an emergency exists and that the adoption of an emergency rule is necessary for the immediate preservation of the public welfare. The facts constituting the emergency are as follows:

The school nursing grant program under s. 115.28 (47), Stats., was created under 2007 Wisconsin Act 20. The Act became effective October 27, 2007, and appropriated \$250,000 annually beginning in the 2007–08 school year. In order for school districts to develop applications and for the department to review the applications and grant awards in

time for the program to operate in the second semester of the school year, rules must be in place as soon as possible to establish application criteria and procedures.

Publication Date: November 24, 2007
Effective Date: November 24, 2007
Expiration Date: April 23, 2008
Hearing Date: February 21, 2008
 [See Notice this Register]

Revenue (2)

1. Rules adopted amending s. Tax 2.505, relating to the computation of the apportionment fraction by multistate professional sports clubs.

Finding of Emergency

The Department of Revenue finds that an emergency exists and that the rule order is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is:

The emergency rule is to prescribe the method to be used for apportioning the apportionable income of interstate professional sports clubs.

It is necessary to promulgate this rule order to provide the method of apportionment to be used by interstate professional sports clubs.

Publication Date: October 12, 2007
Effective Date: October 12, 2007
Expiration Date: March 10, 2008

2. A rule was adopted revising s. Tax 8.63, interpreting s. 125.54 (7), Stats., relating to liquor wholesale warehouse facilities.

Finding of Emergency

The Department of Revenue finds that an emergency exists and that a rule order is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is:

The emergency rule is to change the amount of floor space that a liquor wholesaler warehouse facility described in a wholesalers' permit is required to be from 4,000 to 1,000 square feet of floor space. It also creates a provision that allows the minimum square footage requirement to be waived when it is determined that a waiver is fair and equitable.

It is necessary to promulgate this rule order to remove the threat of revenue loss to bona fide liquor wholesalers as a result of having applications for issuance or renewal of permits denied solely because they do not meet the square footage requirement in the existing rule.

This rule is therefore promulgated as an emergency rule and shall take effect upon publication in the official state newspaper. Certified copies of this rule have been filed with the Secretary of State and Revisor of Statutes, as provided in s. 227.24, Stats.

Publication Date: October 29, 2007
Effective Date: October 29, 2007
Expiration Date: March 27, 2008
Hearing Date: January 2, 2008

Transportation

Rule adopted creating **ch. Trans 178**, relating to the Unified Carrier Registration System.

Analysis

This chapter establishes in the Wisconsin Administrative Code the fees to be charged under the Unified Carrier Registration (UCR) system, and establishes a method for counting the number of vehicles so that an entity knows whether it is required to register under UCR and, if so, which fee bracket applies to the entity.

Exemption From Finding of Emergency

The Legislature, by Section 2927, as created by 2007 Wis. Act 20, provides an exemption from a finding of emergency for the adoption of the rule.

Publication Date: December 19, 2007
Effective Date: December 19, 2007
Expiration Date: May 18, 2008
Hearing Date: March 5, 2008
 [See Notice this Register]

Workforce Development (Family Supports, Chs. DWD 12 to 59)

Rule adopted amending **s. DWD 56.06 (1) (a) 1. and creating s. DWD 56.06 (1) (a) 1. r.**, relating to child care rates.

Finding of Emergency

The Department of Workforce Development finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is:

2007 Wisconsin Act 20 reflects that child care rates will not be increased for the 2008–2009 biennium. Chapter DWD 56 currently provides that child care rates shall be set annually in accordance with a market rate survey and procedures described in s. DWD 56.06 (1). Historically, the rate adjustments have been effective January 1 of the new year. This emergency rule is necessary to provide that child care rates will not be adjusted for 2008 in accordance with 2007

Wisconsin Act 20. A corresponding permanent rule will provide that child care rates will not be adjusted for 2008 and 2009.

Publication Date: December 27, 2007
Effective Date: January 1, 2008
Expiration Date: May 30, 2008

Workforce Development (Public Works Construction Contracts, Chs. DWD 290 to 294)

Rule adopted amending **ss. DWD 290.155 (1) and 293.02 (1) and (2)**, relating to the adjustment of thresholds for application of prevailing wage rates and payment and performance assurance requirements and affecting small businesses.

Finding of Emergency

The Department of Workforce Development finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is:

Adjusting the thresholds for application of the prevailing wage rate requirements by emergency rule ensures that the adjustments are effective on a date certain that is prior to the time of year that project requests are generally submitted to the Department and applicability of the prevailing wage law is determined. The adjustment avoids imposing an additional administrative burden on local governments and state agencies caused by an effective decrease of the thresholds due solely to inflation in the construction industry. The adjustment of the thresholds for the application of the payment and performance assurance requirements avoids imposing an additional administrative burden on contractors for the same reason. If these new thresholds are not put into effect by emergency rule, the old thresholds will remain effective for approximately six to seven months, until the conclusion of the permanent rule-making process. The thresholds are based on national construction cost statistics and are unlikely to be changed by the rule-making process.

Publication Date: December 27, 2007
Effective Date: January 1, 2008
Expiration Date: May 30, 2008

Scope Statements

Agriculture, Trade and Consumer Protection

Subject

The rule affects ch. ATCP 123, relating to sales and billing practices related to telecommunications and television programming services (updated coverage).

Objective of the Rule

Chapter ATCP 123, Wis. Adm. Code, currently protects consumers against unfair sales and billing practices related to telecommunications and cable television services. This rule will update the coverage of the current rule to include newly emerging video programming services and technologies. The updated coverage will continue to afford protection for consumers, regardless of the service form or delivery method. The updated coverage will also provide a “level playing field” between competing providers of similar video programming services. This rule will not make major changes in rule content, but may make some content adjustments as necessary to address new service delivery methods, technologies and “bundling” practices.

Policy Analysis

DATCP promulgated ATCP 123 in 1997 to prevent unfair sales and billing practices related to telecommunications, cable television, satellite television and other information services delivered to consumers over wires or through the air.

2007 Wisconsin Act 42 changed the way that Wisconsin regulates cable TV and other video services. The act was partly motivated by the need to accommodate new technologies and methods for delivering video services to consumers.

This rule will make corresponding changes in the coverage of ATCP 123 to ensure that video service consumers are not deprived of current rule protections. This rule will update current rule coverage to ensure that protection is afforded to video service consumers on an equal basis, regardless of the technology or method used to deliver the service. In particular, this rule will update current definitions so that equivalent protection will be afforded to consumers of video services provided by satellite, cable or telecommunications networks.

Policy Alternatives

Do nothing. If DATCP does nothing, some consumers of video services may be deprived of current basic protections against unfair subscription and billing practices, based solely on the method or technology used to deliver those services. That would be unfair to consumers, and unfair to competing providers of video services (who would be subject to unequal regulatory standards).

Statutory Authority

Sections 93.07 (1), 100.20 (2), 100.207 (6) (e) and 100.209 (3), Stats.

Entities Affected by the Rule

This rule protects residential consumers from unfair trade practices by regulating the billing and sales practices of

businesses that provide telecommunications, cable, video and satellite television services.

Comparison with Federal Regulations

The Federal Communications Commission has authority to regulate businesses that provide telecommunications, cable, video, and satellite television services, but does not regulate their sales and billing practices. The Federal Trade Commission has authority to regulate unfair trade practices in business, but has not adopted rules related to unfair sales and billing practices related to these businesses.

Estimate of Time Needed to Develop the Rule

DATCP estimates that it will use approximately .5 FTE staff time to develop this rule. This includes research, drafting, preparing related documents, holding public hearings, coordinating advisory council discussions and communicating with affected persons and groups. DATCP will assign existing staff to develop this rule.

Agriculture, Trade and Consumer Protection

Subject

The rule affects ch. ATCP 123, relating to customer access to video services and discriminatory practices by video service providers.

Objective of the Rule

Interpret and establish procedures for the administration of s. 66.0420(8), Wis. Stats. Among other things, the rule may do the following:

- Define “low-income households,” a critical term used but not defined by the statute.
- Require a video service provider to submit information to DATCP showing whether it has met the standards for establishing a defense to an allegation of discrimination.
- Describe procedures to be followed by a video service provider when applying for a waiver or extension of local access requirements, including information that must be submitted and standards that must be met to become eligible for the waiver or extension.

Policy Analysis

2007 Wisconsin Act 42, enacted on December 21, 2007, regulates video service providers. Among other things, the act creates s. 66.0420(8), Wis. Stats., which regulates customer access to video services and prohibits discrimination in the provision of video services based on race or income.

The act provides a video service provider with a defense to a claim of discrimination based on income if the provider can show that within 3 years after the provider first provides video services, 30% of its customers are “low-income households.” The act does not define “low-income households.”

The act also requires large telecommunication video service providers to provide service access to 35% of households in its local exchange service area within 3 years, and 50% within 5 years. A large provider may apply to DATCP for a waiver or extension of these requirements.

DATCP believes it is necessary to create rules that interpret and establish procedures for the administration of s. 66.0420(8), Wis. Stats.

Policy Alternatives

Do nothing. If DATCP does nothing, portions of s. 66.0420(8), Wis. Stats., will be rendered meaningless because there will be no definition of “low income households.” There will also be no clear procedures for granting extensions or waivers of service access requirements.

Statutory Authority

Sections 66.0420 (8), 66.0420 (13) (a), and 93.07 (1), Stats.

Entities Affected by the Rule

The rule interprets, and establishes procedures for the administration of a law that promotes video service access to residential consumers. The rule will enable video service providers, incumbent cable operators, municipalities and residential customers to understand the law, so that they can comply with or secure the protection afforded by the law.

Comparison with Federal Regulations

No federal authority interprets or establishes procedures for the administration of s. 66.0420 (8), Wis. Stats. Federal law generally regulates telecommunications, cable, video, and cable television service providers under 47 USC s. 97.01, et seq.

Estimate of Time Needed to Develop the Rule

DATCP estimates that it will use approximately .5 FTE staff time to develop this rule. This includes research, drafting, preparing related documents, holding public hearings, coordinating advisory council discussions and communicating with affected persons and groups. DATCP will assign existing staff to develop this rule.

Agriculture, Trade and Consumer Protection

Subject

The rule affects ch. ATCP 161, relating to the “Buy local” grant program.

Objective of the Rule

This rule will implement the “buy local” grant program created under s. 93.48, Stats., by 2007 Wisconsin Act 20 (biennial budget act). Under s. 93.48, Stats., the Department of Agriculture, Trade and Consumer Protection (“DATCP”) may award grants for projects designed to increase local purchases of Wisconsin agricultural products.

The “buy local” legislation requires DATCP to adopt rules for the program. It also authorizes DATCP to adopt temporary “emergency” rules pending the adoption of “permanent” rules. This “permanent” rule will be similar to the “emergency” rule. This “permanent” rule will:

- Authorize DATCP to make grant awards and distribute grant funds appropriated for the “buy local” grant program.
- Spell out the procedures and criteria that DATCP will use to evaluate grant proposals, make grant awards and distribute grant payments.
- Spell out the purposes for which grant funds may be used, subject to the terms of the grant contract.

Policy Analysis

The “buy local” grant program is designed to increase local sales of Wisconsin agricultural products. The biennial budget act appropriated \$225,000 in grant funding for the FY 2007–09 biennium.

This rule will spell out grant procedures and criteria. Under this rule, the “buy local” grant program may focus primarily on food products, rather than other agricultural products such as timber, feed, fiber or nursery products. However, projects may have incidental benefits related to sales of other agricultural products.

This rule will authorize DATCP to award grants for projects designed to increase the sale of Wisconsin food products to local purchasers. For example, this rule may authorize DATCP to award grants for projects to create, expand, diversify or promote any of the following:

- Local food marketing systems and market outlets.
- Local food and cultural tourism trails.
- Production, processing, marketing and distribution of Wisconsin food products primarily for sale to local purchasers.

This rule will identify procedures and criteria that DATCP will use to solicit and evaluate grant proposals, and to make grant awards. This rule may limit the maximum size of individual grant awards, and may require grant recipients to make percentage matching contributions to funded projects.

This rule may spell out grant contract requirements and payment procedures, to ensure that grant payments reimburse bona fide project costs and that projects are completed as promised. This rule may identify the types of costs that are reimbursable with grant funds.

Policy Alternatives

Section 93.48, Stats, requires DATCP to adopt rules for the “buy local” grant program. Without these rules, DATCP will not be able to award “buy local” grants. The statute spells out the basic goal of the grant program to increase local sales of Wisconsin agricultural products. Rule contents may reflect some policy choices related to eligible projects, grant procedures and criteria, maximum grant amounts, “matching” requirements, reimbursable expenses, etc. However, some of those provisions will be based on typical standards for other grant programs.

Statutory Authority

Sections 93.48 and 93.07 (1), Stats.

Entities Affected by the Rule

The “buy local” grant program will benefit farmers, businesses and communities that participate in production, distribution or marketing of locally produced foods. Grant recipients will benefit directly, while others will benefit indirectly from the creation of stronger local food networks and systems. This rule will establish standards and procedures for the “buy local” grant program to ensure that the program is effective and accountable.

Comparison with Federal Regulations

The United States Department of Agriculture (USDA) administers a farmers’ market promotion program. That program offers grants to help improve and expand domestic farmers’ markets, roadside stands, community-supported agriculture programs and other direct farmer-to-consumer marketing mechanisms.

USDA also provides food assistance programs for pregnant women, women with infants, children up to 5 years

old, and seniors who are at nutritional risk. Those programs provide or promote fresh, locally grown foods to program participants.

Estimate of Time Needed to Develop the Rule

DATCP estimates that it will use approximately 0.50 FTE staff to develop this rule. The estimate includes time required for investigation and analysis, rule drafting, preparing related documents, coordinating advisory committee meetings, holding public hearings and communicating with affected persons and groups. DATCP will use existing staff to develop this rule.

Financial Institutions— Corporate and Consumer Services

Subject

The rule creates ch. DFI-CCS 20, relating to video service.

Objective of the Rule

The objective of the rule is to create ch. DFI-CCS 20. Sections 66.0420 (3) (f) 4. and 66.0420 (13) (a), Stats., authorize the department to promulgate rules regarding video service provider franchises interpreting and establishing procedures for s. 66.0420. The purpose of this rule is to set forth certain qualifications, interpretations and procedures.

Statutory Authority

Sections 66.0420 (3) (f) 4., 66.0420 (13) (a) and 227.11 (2), Stats.

Entities Affected by the Rule

Video service providers, video service customers, municipalities.

Comparison with Federal Regulations

The federal regulation addressing the activities is 47 USC 541 *et seq.*

Estimate of Time Needed to Develop the Rule

250 hours

Insurance

Subject

The rule affects ch. Ins 50, relating to audit, control and financial reporting requirements and affecting small businesses.

Objective of the Rule

The proposed rule would foster improved financial oversight of Wisconsin-domiciled insurers including by establishing standards for the creation of independent audit committees and documentation of controls over financial reporting.

Policy Analysis

The existing requirements are contained in subch. I of ch. 50, Wis. Adm. Code. These provisions establish the requirement to file an annual audited financial report (CPA audit) and the related standards including applicability, auditor qualification requirements and the auditor duty to report adverse financial conditions. The proposed rule will update or add certain general requirements including those related to auditor independence, the scope of the audit and report, communication of internal control matters noted in an audit, an audit committee, and management's report of internal control over financial reporting. The proposed rule

will be based on a model regulation adopted by the National Association of Insurance Commissioners (NAIC) at the June, 2006, national meeting. The proposed rule is under consideration as it has been recommended by the NAIC, will increase the ability of management and regulators to monitor financial status, and will provide control documentation contemplated in the enhanced financial surveillance procedures adopted by the NAIC and required as an accreditation standard for statutory examinations conducted after January 1, 2010.

Statutory Authority

Sections 601.41 (3) and 601.42 and ch. 623, Stats.

Entities Affected by the Rule

The proposed rule will affect Wisconsin-domiciled insurers required to file annual audited financial reports. The most significant impact will involve only those companies with premium volume in excess of \$300 million per year.

Comparison with Federal Regulations

The office is unaware of any proposed or existing federal regulation that is intended to address the activities to be regulated by this proposed rule.

Estimate of Time Needed to Develop the Rule

200 hours and no other resources are necessary

Natural Resources

Subject

The rule affects ch. NR 198, relating to aquatic invasive species control grants.

Objective of the Rule

The Bureau of Watershed Management requests authorization to revise ch. NR 198 Aquatic Invasive Species (AIS) Control Grants to implement enabling legislation, facilitate investing a substantial increase in the funding allocation and make general housekeeping and programmatic improvements.

Policy Analysis

Act 20 increases the state cost-share rate for AIS Control grants to "up to 75%" (from "up to 50%") for the costs of projects and deletes a former requirement that grants be awarded to local government units, thus making any public or private entity eligible for a grant. Annual funding levels are increased from \$1.5 million in FY 07 to \$3.3 million in FY 08 and \$4.3 million in FY 09 and thereafter, creating the opportunity to expand the scope of these grants. Act 20 also segregated the AIS Control Grant appropriation from Lake Protection and changed it to a biennial appropriation.

After four years of this grant program, both the state and local community grant sponsors are learning what it takes to prevent and control AIS. Each biennium the Legislature increased available grant funds. We can now incorporate these lessons in the rule to make it more effective and efficient to administer a larger grant appropriation.

With the substantial increases in the available funding and no increase in staffing support, the department seeks to expand the list of eligible recipients who can apply for grants to do AIS prevention and control. We propose broadening the scope of eligible projects and activities to better reflect the breadth and diversity of aquatic invasive species and the problems they cause in aquatic habitats. Originally, projects were "capped" at \$75,000 when funding was more limited. This policy will be reviewed and revised. Increasing the maximum amount of a grant award will improve efficiency

and allow the scope and scale of the projects commensurate with the scale at which these issues need to be approached. Along the same lines, the types of projects and the eligibility of certain costs can be expanded as we've listened to sponsor's needs and learned more about the most effective techniques for managing particular species. The Department recommends revising the code's eligible activities to allow grant funds to be used as an incentive for community-based project sponsors who control AIS in an environmentally sound manner according to a department approved plan. Application requirements, recordkeeping and reporting requirements and other financial and administrative policies can be improved and streamlined now that the department and local communities are experienced and more familiar with AIS prevention and control approaches.

Consideration of an Emergency Rule

We are interpreting the substantial increase in AIS grant funding as a strong message from the Legislature that concern over the welfare of our public waters is growing, along with the expectation that these additional funds be put to work as soon as possible. The timeline for permanent rule promulgation will impede the Department's ability to fully invest the authorized spending by the end of the biennium because of the current rule's limitations. Therefore, the Department is considering a request for enacting the proposed rule as an emergency rule to allow immediate implementation of the policies that will aide in effective investment of these funds. Given that the appropriation from which these funds are spent is a biennial appropriation, meaning that any unspent funds at the end of the biennium automatically lapse back to the Water Resources Account of the Conservation Fund, an emergency rule will help to minimize or eliminate the amount of funds that are lapsed.

Statutory Authority

Authority for the rule comes from s. 23.22, Stats., Invasive Species, sub. (2) (c), and general department rule making authority under s. 227.11 (2) (a), Stats.

Entities Affected by the Rule

Lake organizations and other grant sponsors will benefit from a higher cost state share rate and grant awards and expanded eligibility. Commercial herbicide applicators and consultants providing aquatic plant management services will be interested in the rule but should also be positively affected by increased business opportunities.

Comparison with Federal Regulations

There are no comparable federal regulations or grant programs that directly relate to the promulgation of this rule.

Estimate of Time Needed to Develop the Rule

The Department will bring a proposed revision to the Board for public hearing authorization at its March meeting. Due to the program's popularity, we expect considerable public interest during the hearing process. After incorporating comments, a final rule will be brought to the Board for approval late fall or early winter of 2008. The final rule can be in effect in late spring or early summer 2009.

Contact Information

Contacts for more information on the proposal are Carroll Schaal, Lake Partnership Team Leader (608) 261-6423 or Carroll.Schaal@dnr.state.wi.us.

Natural Resources

Subject

The rule affects chs. NR 504 and 812, relating to setback distances from private water supply wells to landfills.

Objective of the Rule

Modify procedures and criteria for variances to required setback distance of 1200 feet between a private water supply well and a landfill to eliminate inconsistencies between applicable language in chs. NR 812 and NR 504, Wis. Adm. Code.

Policy Analysis

Both ch. NR 812 and ch. NR 504, Wis. Adm. Code, specify a minimum distance of 1200 feet between a water supply well and the waste fill area of a landfill. Chapter NR 504 applies to a landfill owner applying for permission to site a new or expanded landfill under s. 289, Wis. Stats. Chapter NR 812 applies to a well owner who wishes to locate a new well within 1200 feet of an existing landfill, or to a well owner whose existing well lies within 1200 feet of a new or expanded landfill. Both codes allow exceptions to the 1200-foot setback distance, but the information required by the respective code provisions to support a variance request, the criteria the department must use to evaluate the request, and the timeframe for the department to consider the request, differ between the two applicable codes.

In a recent case in southeast Wisconsin, the differences in the code requirements were significant enough that for several wells near a landfill that had applied for an expansion permit, NR 812 setback variances were granted but exemptions to the NR 504 setback were denied. The department would like to reconcile the variance provisions in the two codes so that a unified decision regarding the setback can be made at one point in time on the basis of protection of the water quality to the well and the integrity of the aquifer, in a manner that protects the rights both of the landfill owner and the private well owner.

Statutory Authority

Chapters 280 and 289, Stats.

Entities Affected by the Rule

Parties most affected by the proposed rule changes include landfill owners and owners of private water supply wells near existing or proposed landfill sites. Parties secondarily affected would include environmental consultants and attorneys working on landfill siting projects, and public interest groups and private citizens with an interest in waste management issues.

Comparison with Federal Regulations

There are no comparable federal regulations that establish minimum setback distances from private water supply wells to landfills.

Estimate of Time Needed to Develop the Rule

Approximately 500 hours of staff time will be needed to complete the rule revision.

Contact Information

Jack Connelly
Bureau of Waste and Materials Management
P.O. Box 7921
Madison, WI 53707
(608) 267-7574
Johnston.Connelly@Wisconsin.gov

Mark Putra
Bureau of Drinking Water and Groundwater
P.O. Box 7921
Madison, WI 53707
(608) 267-7649
Mark.Putra@Wisconsin.gov

Transportation

Subject

This rule affects ch. Trans 139, relating to motor vehicle dealers' sales practices.

Objective of the Rule

The information in this rule making supplements a rule effort and Scope Statement previously published on 8-1-07. This rule making proposes to amend the following regulation governing motor vehicle dealers' sales practices:

- Amend ch. Trans 139 to clarify that if the dealer proposes to make changes to the warranty and service contract language in the Buyers Guide or in the Purchase Contract, the dealer shall send the proposed changes to DOT, which

will reply within a certain time frame approving or denying the changes.

Policy Analysis

Currently, ch. Trans 139 requires absolute verbatim wording to disclose manufacturers' or dealers' warranties in the Buyers Guide and in the Purchase Contract. In recent years, manufacturers have begun to offer "manufacturer certified used vehicle" programs, which often have their own warranty language. This rule amendment would allow dealers to request DOT approval of language to accommodate these new types of warranties.

Statutory Authority

Sections 85.16 (1), 218.0152 and 227.11, Stats.

Entities Affected by the Rule

Motor vehicle dealers licensed in Wisconsin, motor vehicle purchasers and persons who are considering purchasing a motor vehicle.

Comparison with Federal Regulations

No federal regulations apply to these activities.

Estimate of Time Needed to Develop the Rule

80 hours

Submittal of Rules to Legislative Council Clearinghouse

*Please check the Bulletin of Proceedings – Administrative Rules
for further information on a particular rule.*

Public Instruction CR 08–001

On January 3, 2008, the Department of Public Instruction submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The rule creates ch. PI 33, relating to grants for nursing services.

Agency Procedure for Promulgation

Public hearings will be scheduled at a later time. The Division for Learning Support: Equity and Advocacy is primarily responsible for promulgation of this rule.

Contact Person

Douglas White, Director
Student Services/Prevention and Wellness
(608) 266–5198
douglas.white@dpi.state.wi.us

Transportation CR 08–002

On January 14, 2008, the Department of Transportation submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed rule affects ch. Trans 178, relating to the unified carrier registration system

Agency Procedure for Promulgation

A hearing is required and is scheduled for March 5, 2008. The Division of Motor Vehicles, Bureau of Vehicle Services is responsible for promulgation of the rule.

Contact Person

Julie A. Johnson
(608) 267–3703

Workforce Development CR 08–004

On January 14, 2008, the Department of Workforce Development submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed rule affects ch. DWD 12, relating to Wisconsin Works temporary absence of a child, job access loans, and affecting small businesses.

Agency Procedure for Promulgation

A public hearing is required and will be held on February 21, 2008. The organizational unit responsible for the promulgation of the proposed rule is the DWD Division of Family Supports.

Contact Person

Elaine Pridgen
(608) 267–9403
elainepridgen@dwd.state.wi.us

Workforce Development CR 08–003

On January 14, 2008, the Department of Workforce Development submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed rule affects chs. DWD 290 and 293, relating to the adjustment of thresholds for application of prevailing wage rates, payment and performance assurance requirements, and affecting small businesses.

Agency Procedure for Promulgation

A public hearing is required and will be held on February 14, 2008. The organizational unit responsible for the promulgation of the proposed rule is the DWD Equal Rights Division.

Contact Person

Elaine Pridgen
(608) 267–9403
elainepridgen@dwd.state.wi.us

Rule-Making Notices

Notice of Hearings

Agriculture, Trade and Consumer Protection

CR 07-116

(Reprinted from 1/15/08 Register)

The State of Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) announces that it will hold public hearings on a proposed rule that clarifies current DATCP rules related to rendering plants, animal food processors, grease processors, dead animal collectors and carcass dealers, without making substantial changes. The rule also incorporates current federal regulations that prohibit the feeding of protein from mammalian tissues to cattle or other ruminants.

With respect to meat and poultry for human food, the proposed rule incorporates recent federal regulation changes into state meat inspection rules, including prohibiting the slaughter of “downer” animals for human consumption (already being enforced), requiring producers of “ready-to-eat” meat products to have written procedures for minimizing food safety risks related to *Listeria monocytogenes* (already being implemented), and restricting the amount of water from post-evisceration processing that may be retained in raw meat and poultry. The proposed rule also clarifies current rules related to meat brokers and meat distributors.

Submission of Written Comments

DATCP will hold two public hearings at the times and places shown below. DATCP invites the public to attend the hearings and comment on the proposed rule. Following the public hearings, the hearing record will remain open until Monday, March 10, 2008, for additional written comments. Comments may be sent to the Division of Food Safety, Bureau of Meat Safety and Inspection at the address below, by email to Jim.Larson@wisconsin.gov or online at: <https://apps4.dhfs.state.wi.us/admrules/public/Home>.

To provide comments or concerns relating to small business, please contact DATCP’s small business regulatory coordinator Keeley Moll at the address above, or by emailing to Keeley.Moll@wisconsin.gov, or by calling (608) 224-5039.

Hearing Information

Wednesday, February 20, 2008

3:00 p.m. to 5:00 p.m.

Department of Agriculture, Trade and Consumer Protection

2811 Agriculture Drive, Board Room (CR-106)

Madison, Wisconsin, 53708

Friday, February 22, 2008

3:00 p.m. to 5:00 p.m.

Marathon County Public Library

300 North First Street

Wausau, WI 54403

Hearing impaired persons may request an interpreter for these hearings. Please make reservations for a hearing

interpreter by Wednesday, February 13, 2008, by writing to Carol Cockroft, Division of Food Safety, P.O. Box 8911, Madison, WI 53708-8911, telephone (608) 224-4663. Alternatively, you may contact the DATCP TDD at (608) 224-5058. Handicap access is available at the hearings.

Copy of Rule

You may obtain a free copy of this rule by contacting the Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Food Safety, 2811 Agriculture Drive, P.O. Box 8911, Madison, WI 53708. You can also obtain a copy by calling (608) 224-4726 or emailing Carol.Winner@wisconsin.gov. Copies will also be available at the hearings. To view the proposed rule online, go to: <https://apps4.dhfs.state.wi.us/admrules/public/Home>.

Analysis Prepared by the Department of Agriculture, Trade and Consumer Protection

Overview

The Department of Agriculture, Trade and Consumer Protection (“DATCP”) administers Wisconsin food safety laws. Among other things, DATCP licenses and inspects meat establishments that produce meat for human consumption. DATCP also regulates rendering plants, animal food processors and other entities that process and handle *inedible* animal carcasses. This rule does all of the following:

- Repeals and recreates current DATCP rules related to rendering plants, animal food processors, grease processors, dead animal collectors and carcass dealers. These entities process and handle inedible animal carcasses and carcass materials, and produce products for *non-food* use. Regulation keeps inedible materials out of the human food chain and helps ensure safe animal feed. For the most part, this rule clarifies current rules without making major substantive changes.
- Incorporates current federal regulations that prohibit the feeding of protein from mammalian tissues to cattle or other ruminants. The prohibition is designed to prevent the incidence of BSE (“mad cow disease”). DATCP is already enforcing this federal prohibition.
- Amends current state meat inspection rules to incorporate recent changes in federal regulations (state rules must be at least “equal to” federal regulations). Consistent with federal regulations, this rule does all of the following:
 - Prohibits, without exception, the slaughter of “downer” animals for human consumption (DATCP is already enforcing this federal prohibition).
 - Requires producers of “ready-to-eat” meat products to have written procedures for minimizing food safety risks related to *Listeria monocytogenes* (DATCP has already implemented this federal requirement).
 - Restricts the amount of water from post-evisceration processing that may be retained in raw meat and poultry.
- Clarifies current rules related to meat brokers and meat distributors.

Statutes interpreted

Sections 93.07(10), 94.72, 95.71, 95.72, 97.02, 97.10, 97.42, 97.43, 97.44, Stats.

Statutory authority

Sections 93.07 (1), 93.07 (10), 94.72 (13) (a), 95.71 (8), 95.72 (5), 97.42 (4)

Explanation of agency authority

DATCP has broad authority to regulate the production and sale of food and animal feed, and broad authority to regulate activities that may threaten animal health or spread disease. DATCP licenses and regulates rendering plants, animal food processors, grease processors, dead animal collectors and related businesses under s. 95.72, Stats. DATCP licenses and regulates commercial feed manufacturers under s. 94.72, Stats. DATCP licenses and regulates meat establishments under s. 97.42, Stats. DATCP may adopt rules to implement statutes under its jurisdiction.

Inedible Animal By-Products

Wisconsin has a large rendering and animal food processing industry. This industry collects and processes inedible animal carcasses, inedible carcass materials and inedible meat by-products from Wisconsin's large livestock and meat processing industries, and produces useful *non-food* products such as grease, tallow, blood meal, bone meal and animal feed.

DATCP currently regulates rendering plants, animal food processors, grease processors and dead animal collectors under s. 95.72, Stats., and ch. ATCP 57, Wis. Adm. Code. Regulation protects human and animal health, and is closely related to the regulation of food and animal feed.

With the advent of BSE ("mad cow disease"), there has been increased focus on the rendering and animal food processing industries. DATCP currently enforces federal BSE regulations under contract with the United States Food and Drug Administration (FDA). FDA is considering possible regulatory changes, but has not adopted any changes to date (this rule incorporates *current* federal prohibitions and labeling requirements).

In cooperation with the United States Department of Agriculture (USDA), Wisconsin has tested over 100,000 cattle for BSE without any positive disease findings. Wisconsin has tested far more cattle than any other state. Indeed, Wisconsin has tested about 20% of all the cattle tested to date in the *entire nation*.

Renderers**General**

This rule clarifies current licensing and regulation of rendering operations under s. 95.72, Stats. Under this rule, "rendering" means melting or reconstituting carcasses or carcass materials, with the use of heat, to produce rendered products for non-food use. "Rendering" does not include licensed meat processing, licensed food processing, licensed grease processing, hide processing, or the manufacture of glue, pharmaceuticals or gelatin.

Renderer License

Under this rule, no person may do any of the following without an annual renderer license from DATCP:

- Operate a rendering plant in this state (a renderer may operate 2 or more rendering plants under a single license).
- Collect, receive or transport, in this state, carcasses or carcass materials for rendering by that person in this state or another state.
- Slaughter animals in this state for rendering by that person in this state or another state.

An annual license expires on February 28 of each year and is not transferable. A license does not authorize the license holder to produce, sell or distribute food for human consumption. An applicant must submit an annual license application that identifies rendering plant locations and includes other information required under this rule. The application must include an annual fee of \$200 for each rendering plant (this rule does not change the current fee).

Before DATCP issues a license covering a new rendering plant, DATCP must inspect the rendering plant (DATCP may also inspect new transfer stations used to transfer carcasses from one vehicle to another). There is an inspection fee of \$25 for each new rendering plant (this rule does not increase the current fee). There is no inspection fee for new transfer stations.

If a pre-license inspection is required, DATCP must complete the inspection within 30 days after DATCP receives a complete license application (unless the applicant agrees to a later inspection date). DATCP must grant or deny a license application within 30 days after DATCP receives the license application or, if a pre-license inspection is required, within 30 days after DATCP completes the inspection.

Rendering Plants: Location, Facilities and Operations

Current statutes prohibit the construction of a rendering plant within 1/8 mile of an existing residence or place of business (this rule incorporates that statutory prohibition). Rendering plant facilities must comply with basic sanitation standards, including basic ventilation standards, specified in this rule. Facilities must be designed for easy cleaning. Fully rendered products must be stored in a location and manner that protects them from contamination by live animals, un-rendered carcasses and un-rendered carcass materials.

A rendering plant must be kept free of nuisance conditions that pose a significant health or environmental risk, or cause obnoxious odors (other than normal odors incidental to generally accepted processing practices). Nuisance conditions include things like accumulated carcasses or manure, drainage from carcasses, accumulated litter, unclean facilities or rodent infestations.

A renderer must collect and safely dispose of all solid and liquid waste from rendering operations. A renderer must collect manure, offal, processing waste and other solid waste at least daily, and more often as necessary, to keep facilities clean and orderly. Liquid waste must be discharged to a public sewer system, or to an effluent disposal system that complies with department of natural resources (DNR) rules. A renderer must comply with applicable waste disposal laws, keep waste storage areas clean and orderly, and keep waste collection and disposal systems in good working order.

A renderer must transport and handle carcasses and carcass materials according to this rule (see below). If a renderer slaughters animals for rendering, the renderer must use humane methods, and must slaughter the animals in an area that is designed and equipped for safe and humane slaughtering. Live animals may not be unloaded, kept or slaughtered in processing or storage areas.

Renderer Records

Under this rule, a renderer must keep records of rendering operations. Records must include all of the following:

- The name and address of each person from whom the renderer receives carcasses or carcass materials, the date and location of each receipt, the types of carcasses or carcass materials received, the number or weight of carcasses received, the weight or liquid volume of carcass

materials received, and the disposition of any carcasses or carcass materials received but not rendered.

- The name and address of each person from whom the renderer receives live animals, the date and location of each receipt, the numbers and types of live animals received, and the disposition of each animal. If the renderer slaughters an animal, the renderer must record the date and location of slaughter, and the disposition of the carcass.
- The types of rendered product, and the daily amounts of each type of rendered product, produced at each rendering plant.
- The name and address of each person to whom the renderer sells or distributes rendered product, the dates on which the renderer ships rendered product to each person, and the type and amount of rendered product included in each shipment.
- Lot coding or other records that effectively track the receipt, processing and distribution of ingredients and rendered products, so that it is possible to identify ingredient sources for each lot of rendered product (and vice versa).

A renderer must retain required records for at least 3 years, and must make the records available for inspection and copying by DATCP upon request.

Animal Food Processors

General.

This rule clarifies current licensing and regulation of animal food processors under s. 95.72, Stats. Under this rule, “animal food processing” means slaughtering animals or processing carcasses or carcass materials for use as animal feed. “Animal food processing” does not include any of the following:

- The collection or transportation of whole animal carcasses by a dead animal collector licensed under this rule (see below), provided that the dead animal collector does not process the carcasses or remove hide or feathers.
- A fur farm operator’s processing of carcasses or carcass materials solely for feeding to fur bearing animals produced on that fur farm (fur farmers must register with DATCP under s. 97.44(2), Stats.).
- Licensed rendering operations (see above).
- Licensed grease processing operations (see below).
- Licensed meat processing operations (see ch. ATCP 55).
- Licensed food processing operations (see chs. ATCP 70 and 75, and s. 254.64, Stats.).
- Licensed commercial feed manufacturer operations that extend beyond “minimal processing” of animal carcasses (see ch. ATCP 42 and s. 94.72(5), Stats.).
- The processing of hides, or the manufacture of glue, pharmaceuticals or gelatin.

This rule clarifies that a licensed animal food processor is not required to hold a commercial feed manufacturer license (ATCP 42) if the animal food processor does only “minimal processing” of carcasses or carcass materials fed to animals. “Minimal processing” includes removal of hides or feathers, cutting, grinding, denaturing, freezing and packaging. “Minimal processing” does not include heat treating, rendering, or mixing with other ingredients such as vitamins or minerals.

Animal Food Processor License

Under this rule, no person may do any of the following without an animal food processor license from DATCP:

- Operate an animal food processing plant in this state.
- Collect, receive or transport, in this state, carcasses or carcass materials for animal food processing by that person in this state or another state.
- Slaughter animals in this state for animal food processing by that person in this state or another state.

An annual license expires on February 28 of each year and is not transferable. A license does not authorize the license holder to produce, sell or distribute food for human consumption. An applicant must submit an annual license application that identifies animal food processing plant locations and includes other information required under this rule. The application must include an annual fee of \$200 for each animal food processing plant (this rule does not change the current fee).

Before DATCP licenses a new animal food processing plant, DATCP must inspect the plant (DATCP may also inspect new transfer stations where carcasses are transferred from one transport vehicle to another). There is an inspection fee of \$25 for each new animal food processing plant (this rule does not change the current fee). There is no inspection fee for new transfer stations.

If a pre–license inspection is required, DATCP must complete the inspection within 30 days after DATCP receives a complete license application (unless the applicant agrees to a later inspection date). DATCP must grant or deny a license application within 30 days after DATCP receives the license application or, if a pre–license inspection is required, within 30 days after DATCP completes the inspection.

Animal Food Processing Plants: Location, Facilities and Operations

Current statutes prohibit the construction of an animal food processing plant within 1/8 mile of an existing residence or place of business (this rule incorporates that statutory prohibition). Animal food processing plant facilities must comply with basic sanitation standards, including basic ventilation standards, specified in this rule.

Facilities must be designed for easy cleaning. Processed products must be stored in a location and manner that protects them from contamination by live animals, unprocessed carcasses and unprocessed carcass materials.

An animal food processing plant must be kept free of nuisance conditions that pose a significant health or environmental risk, or cause obnoxious odors (other than normal odors incidental to generally accepted processing practices). Nuisance conditions include things like accumulated carcasses or manure, drainage from carcasses, accumulated litter, unclean facilities or rodent infestations.

An animal food processor must collect and safely dispose of all solid and liquid waste from processing operations. An animal food processor must collect manure, offal, processing waste and other solid waste at least daily, and more often as necessary, to keep facilities clean and orderly. Liquid waste must be discharged to a public sewer system, or to an effluent disposal system that complies with DNR rules. An animal food processor must comply with applicable waste disposal laws, keep waste storage areas clean and orderly, and keep waste collection and disposal systems in good working order.

An animal food processor must transport and handle carcasses and carcass materials according to this rule (see

below). If an animal food processor slaughters animals for processing, the animal food processor must use humane methods, and must slaughter the animals in an area that is designed and equipped for safe and humane slaughtering. Live animals may not be unloaded, kept or slaughtered in processing or storage areas.

Animal Food Processor Records

Under this rule, an animal food processor must keep records of animal food processing operations. Records must include all of the following:

- The name and address of each person from whom the animal food processor receives carcasses or carcass materials, the date and location of each receipt, the types of carcasses or carcass materials received, the number or weight of carcasses received, the weight or liquid volume of carcass materials received, and the disposition of any carcasses or carcass materials received but not processed.
- The name and address of each person from whom the animal food processor receives live animals, the date and location of each receipt, the numbers and types of live animals received, and the disposition of each animal. If the animal food processor slaughters an animal, the animal food processor must record the date and location of slaughter, and the disposition of the carcass.
- The types of animal feed, and the daily amounts of each type of feed, produced at each animal food processing plant.
- The name and address of each person to whom the animal food processor sells or distributes animal feed, the dates on which the animal food processor ships the animal feed to each person, and the type and amount of animal feed included in each shipment.
- Lot coding or other records that effectively track the receipt, processing and distribution of ingredients and processed products, so that it is possible to identify ingredient sources for each lot of processed product (and vice versa).

An animal food processor must retain required records for at least 3 years, and must make the records available for inspection and copying by DATCP upon request.

Grease Processors

General

This rule clarifies current licensing and regulation of grease processors under s. 95.72, Stats. Under this rule, “grease processing” means combining, melting, refining, reconstituting or recycling fully rendered products to produce grease or other products for non-food use. “Grease processing” does not include any of the following:

- Licensed rendering operations (see above).
- Licensed animal food processing operations (see above).
- Licensed meat processing operations (see current ch. ATCP 55).
- Licensed food processing operations (see current chs. ATCP 70 and 75, and s. 254.64, Stats.).

Grease Processor License

Under this rule, no person may operate as a grease processor without an annual license from DATCP. An annual license expires on February 28 of each year and is not transferable. A license does not authorize the license holder to do any of the following:

- Produce, sell or distribute food for human consumption.
- Receive, collect, transport or slaughter live animals.

- Receive, collect, transport or process carcasses or carcass materials.

An applicant must submit an annual license application that identifies grease processing plant locations and includes other information required under this rule. The application must include an annual fee of \$200 for each grease processing plant (this rule does not change the current fee).

Before DATCP licenses a new grease processing plant, DATCP must inspect the plant. There is an inspection fee of \$25 for each new grease processing plant (this rule does not change the current fee). If a pre-license inspection is required, DATCP must complete the inspection within 30 days after DATCP receives a complete license application (unless the applicant agrees to a later inspection date).

DATCP must grant or deny a license application within 30 days after DATCP receives the license application or, if a pre-license inspection is required, within 30 days after DATCP completes the inspection.

Grease Processing Plants: Location, Facilities and Operations

Current statutes prohibit the construction of a rendering plant within 1/8 mile of an existing residence or place of business (this rule incorporates that statutory prohibition). Grease processing plant facilities must comply with basic sanitation standards, including basic ventilation standards, specified in this rule. Facilities must be designed for easy cleaning.

Processed grease must be stored in a location and manner that protects it from contamination from unprocessed ingredients. A grease processing plant must be kept free of nuisance conditions that pose a significant health or environmental risk, or cause obnoxious odors (other than normal odors incidental to generally accepted processing practices).

A grease processor must collect and safely dispose of all solid and liquid waste from grease processing operations. A grease processor must collect processing waste and other solid waste at least daily, and more often as necessary, to keep facilities clean and orderly. Liquid waste must be discharged to a public sewer system, or to an effluent disposal system that complies with DNR rules. A grease processor must comply with applicable waste disposal laws, keep waste storage areas clean and orderly, and keep waste collection and disposal systems in good working order.

Grease Processor Records

Under this rule, a grease processor must keep records related to the receipt and processing of grease ingredients and the sale or distribution of processed grease. Records must identify all of the following:

- The name and address of each person from whom the grease processor receives ingredients for processing, the date and location of each receipt, the types of ingredients received, the weight or liquid volume of ingredients received, and the disposition of any ingredients not processed into grease.
- The types and daily amounts of grease produced at each grease processing plant.
- The name and address of each person to whom the grease processor sells or distributes grease, the dates on which the grease processor ships grease to each person, and the type and amount of grease included in each shipment.
- Lot coding or other records that effectively track the receipt, processing and distribution of ingredients and processed grease, so that it is possible to identify ingredient sources for each lot of processed grease (and vice versa).

A grease processor must retain required records for at least 3 years, and must make the records available for inspection and copying by DATCP upon request.

Dead Animal Collectors

General.

This rule clarifies current licensing and regulation of dead animal collectors under s. 95.72, Stats. Under this rule, a “dead animal collector” means a person who collects and transports whole carcasses, with hide or feathers intact, for delivery to a renderer, animal food processor or fur farm operator. “Dead animal collector” does not include any of the following:

- A person who is solely engaged in collecting or transporting hides or feathers.
- A licensed renderer (see above).
- A licensed animal food processor (see above).
- A fur farm operator who collects and transports carcasses solely for feeding to fur bearing animals on that person’s fur farm (fur farmers must register with DATCP under s. 97.44(2), Stats.).

Dead Animal Collector License

Under this rule, no person may operate as a dead animal collector without an annual license from DATCP. This license requirement does not apply to a licensed renderer or animal food processor (see above) who collects or transports carcasses or carcass materials solely for processing by that renderer or animal food processor. A dead animal collector license does not authorize a license holder to do any of the following:

- Process carcasses or carcass materials.
- Collect or transport anything other than whole carcasses with hide or feathers intact.
- Collect, transport or deliver carcasses for processing or use as human food.
- Collect, transport or deliver carcasses for processing or use as animal feed, other than for processing by a licensed renderer or animal food processor.

An annual license expires on February 28 of each year and is not transferable. An annual license application must identify each transfer station operated by the dead animal collector, and must include other information required under this rule. The application must include an annual fee of \$100 for the applicant’s principal business location and for each of transfer station (this rule does not change the current fee). DATCP must grant or deny a license application within 30 days after DATCP receives a complete application.

Dead Animal Collector: Facilities and Operations

Facilities operated by a dead animal collector must comply with basic sanitation standards, including basic ventilation standards, specified in this rule. Facilities must be designed for easy cleaning, and must be kept free of nuisance conditions.

A dead animal collector must collect and safely dispose of all solid and liquid waste related to that person’s operations. Liquid waste must be discharged to a public sewer system, or to an effluent disposal system that complies with DNR rules. A dead animal collector must comply with applicable waste disposal laws, keep waste storage areas clean and orderly, and keep waste collection and disposal systems in good working order.

A dead animal collector must transport and handle carcasses and carcass materials according to this rule (see

below). If a dead animal collector slaughters an animal before collecting its carcass, the dead animal collector must use humane methods.

Dead Animal Collector Records

Under this rule, a dead animal collector must keep all of the following records:

- The name and address of each person from whom the dead animal collector receives carcasses, the date and location of each receipt, the types of carcasses received, and the number of carcasses of each type received.
- The name and address of each person to whom the dead animal collector delivers carcasses, the date and location of each delivery, the types of carcasses delivered, and the number of carcasses of each type delivered.

A dead animal collector must retain required records for at least 3 years, and must make the records available for inspection and copying by DATCP upon request.

Carcass Dealers

Under current DATCP rules, a person engaged in the business of buying, selling or distributing inedible animal carcasses or carcass materials must register annually with DATCP (unless that person is licensed as a rendering plant operator, animal food processor or dead animal collector). A registrant must keep records related to carcass transactions. This rule clarifies, but does not substantially alter, current rules. Under this rule, registrants are called “carcass dealers.” There is no fee to register as a carcass dealer.

Transporting Carcasses and Carcass Materials

Licensing

Under this rule, no person may transport carcasses or carcass materials on a public road unless the person is licensed as a renderer, animal food processor or dead animal collector. This license requirement does not apply to any of the following:

- The transportation of meat according to ATCP 55.
- A farmer transporting carcasses of animals raised on his or her farm.
- Transportation solely for purposes of destruction, burial or landfill disposal.
- Transportation by a government agency.
- Transportation by a bona fide research institution, for purposes of scientific research.
- An animal trucker licensed under ch. ATCP 12 who transports, for direct delivery to a licensed renderer, animal food processor or dead animal collector, the carcass of an animal that died while being transported by the animal trucker.
- The transportation of hides, feathers, or fully rendered products.
- A fur farm operator’s transportation of carcasses or carcass materials solely to feed fur-bearing animals on the operator’s fur farm.
- The transportation of legally harvested wild animals by or on behalf of the person who harvested them.
- An employee of a license holder, acting within the scope of his or her employment.

Vehicle Permit

A person who transports carcasses and carcass materials under this rule must hold a DATCP permit for each vehicle that the person uses to transport carcasses or carcass materials on a public road. A permit expires on February 28 of each year. There is no fee.

To obtain a vehicle permit, a person must apply on a form provided by DATCP. An application must identify the applicant and vehicle and must show that the applicant is licensed (or applying for a license) as a renderer, animal food processor or dead animal collector. DATCP must grant or deny an application within 30 days after DATCP receives a complete application.

Vehicle Marking

Each transport vehicle must bear the following information on both sides of the vehicle:

- The correct legal name of the vehicle permit holder, prominently printed in block lettering at least 3 inches high.
- The principal business address of the permit holder, prominently printed below the permit holder's name in block lettering at least 2 inches high.

Sanitary Transport

A person who transports carcasses or carcass materials under this rule must do all of the following:

- Transport carcasses or carcass materials in leakproof vehicles or containers that are closed or fully covered by a tarpaulin or other watertight covering.
- Clean and sanitize, after each day's use and more often if necessary, vehicles and containers used to transport carcasses and carcass materials.

Prohibited Practices

No person covered by this rule may do any of the following:

- Transport live animals without an appropriate license under ch. ATCP 12 (Livestock Markets, Dealers and Truckers).
- Transport live animals in the same vehicle with carcasses or carcass materials.
- Park a vehicle containing carcasses or carcass materials in any place where the parked vehicle may create a nuisance condition.

Removing Carcasses from Transfer Stations

A person who operates a transfer station must remove carcasses and carcass materials from that transfer station within 24 hours after they are received, and sooner if necessary to prevent nuisance conditions. Carcasses and carcass materials received on a Saturday, or on a Sunday followed by a legal holiday, must be removed within 48 hours and sooner if necessary to prevent nuisance conditions.

Denaturing Carcasses and Carcass Materials

Under this rule, no renderer or animal food processor may transport, freeze, or receive for processing any carcasses or carcass materials other than the following:

- Complete carcasses with hide or feathers intact.
- Carcasses or carcass materials that are denatured according to this rule.
- Fully rendered products.
- Carcasses or carcass materials that are naturally incapable of being consumed by humans.
- Lungs and lung lobes originating from a licensed meat establishment.

To denature carcasses or carcass materials, a person must apply an approved denaturing agent according to this rule, so that the denatured carcass or carcass material has a distinctive color, texture, odor or taste and cannot be confused with human food. This rule identifies approved denaturing agents (the department may approve additional denaturing agents).

Labeling Processed Products

Under this rule, no person may sell or distribute any rendered product, animal feed or grease unless that product is clearly and conspicuously labeled with all of the following:

- The name and address of the renderer, animal food processor or grease processor.
- A clear identification of the product.
- The net quantity of product included in any package or bulk shipment.
- The clear and conspicuous statement **"INEDIBLE (SPECIES) NOT INTENDED FOR HUMAN FOOD"** if the product is capable of being consumed by humans.
- The clear and conspicuous statement **"DO NOT FEED TO CATTLE OR OTHER RUMINANTS"** if required by current FDA rules under 21 CFR 589.2000.

Prohibitions

Under this rule, no person may do any of the following:

- Process, sell or distribute any carcass or carcass material as feed for food animals unless the material has been fully rendered.
- Do any of the following contrary to current FDA rules under 21 CFR 589.200 (some exemptions apply under current FDA rules):
 - Feed protein derived from animal tissues to cattle or other ruminant animals.
 - Manufacture, label, sell or distribute, as feed for ruminant animals, any protein derived from mammalian tissues.
- Produce, sell or distribute food for human consumption pursuant to a renderer license, animal food processor license or grease processor license.
- Process food in the same facilities used for a rendering plant, animal food processing plant or grease processing plant.

Meat and Poultry for Human Consumption

DATCP administers Wisconsin's meat inspection program (includes poultry). DATCP licenses and inspects approximately 360 meat slaughter and processing establishments, and regulates the sale and distribution of meat. Wisconsin's program must be at least "equal to" the federal program administered by USDA. This rule modifies current DATCP meat inspection rules to incorporate recent federal regulatory changes.

Downer Animals

This rule prohibits, without exception, the slaughter of "downer" animals for human consumption (DATCP is already enforcing this federal prohibition).

Listeria Control Plans

Under federal regulations, meat establishments producing "ready-to-eat" meat products (such as bologna and frankfurters) must have written operating plans to minimize potential consumer health risks from *Listeria monocytogenes*. DATCP has already implemented this federal requirement in state-inspected meat establishments. This rule incorporates the federal regulations by reference.

Water Retained in Meat Products

Federal regulations prohibit retained water from post-evisceration processing in raw meat and poultry, except to the extent that the retained water is an unavoidable consequence of processing to meet food safety requirements. The product label must disclose the presence of any water in excess of naturally occurring water. This rule incorporates the federal regulations by reference.

Meat Brokers and Distributors; Records

Under current DATCP rules, meat brokers and meat distributors must register annually with DATCP unless they are licensed as meat establishments. Under this rule, meat brokers and meat distributors must keep all of the following records related to meat transactions in which they are involved as buyers, sellers or brokers:

- The name and address of the seller.
- The name and address of the buyer.
- The date and location of sale.
- The types of products sold.
- The amount of product of each type sold.
- The disposition of any meat products received by the meat broker or meat distributor.

Comparison with federal regulations

DATCP currently enforces federal commercial feed regulations under contract with FDA. Federal regulations include prohibitions designed to prevent BSE (“mad cow disease”). This rule is consistent with current federal regulations and does not change current federal regulations.

Federal law requires federal or state inspection of all meat establishments. State meat inspection must be at least “equal to” federal inspection. USDA administers the federal meat inspection program, and DATCP administers Wisconsin’s state inspection program. This rule revises state meat inspection rules to keep them at least “equal to” federal regulations.

Comparison with adjacent states

All of the surrounding states (Michigan, Minnesota, Illinois and Iowa) regulate inedible animal by-products, including licensing and fees, processing and handling, facility standards, sanitation, labeling and enforcement. However, the surrounding states may use different terminology in their regulations.

All of the surrounding states require vehicle permits and identification of vehicles used to haul inedible carcasses and carcass materials. Surrounding states all require similar labeling of inedible carcasses, carcass materials and products. Surrounding states enforce FDA feed regulations, including prohibitions against the feeding of mammalian protein material to cattle or other ruminants. However, not all states have incorporated federal regulations by rule (incorporation facilitates enforcement under state law).

Data and analytical methodologies

See above. DATCP has analyzed current rules in light of actual program experience and industry practice. This rule is designed to clarify current rules, make current rules consistent with relevant federal rules, and make current rules internally consistent. DATCP has not conducted a formal scientific data analysis, because it is not necessary or relevant to this rulemaking proceeding.

DATCP conducts or monitors disease testing and surveillance as part of normal program administration, and evaluates programs in light of relevant disease findings and test results. Among other things, Wisconsin has tested over 100,000 cattle for BSE (about 20% of all the cattle tested to date in the U.S.) without any positive disease findings.

Fiscal Estimate

This rule will have no significant fiscal impact on DATCP or local government units.

Initial Regulatory Flexibility Analysis

For the most part, this rule merely clarifies current rules without making significant substantive changes. Among other things, this rule clarifies the coverage of current licenses related to renderers, animal food processors, grease processors, commercial feed manufacturers and dead animal collectors.

This rule will not have any significant adverse impact on business (including small business). This rule clarifies current recordkeeping requirements, but it does not add significant new recordkeeping requirements. This rule requires regulated entities to keep records for 3 years (instead of 2 years under current rules).

Notice of Hearing**Podiatrists Affiliated Credentialing Board****CR 07–103**

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Podiatrists Affiliated Credentialing Board in ss. 15.085 (5) (b), 227.11 (2), 448.665 and 448.695 (2), Stats., and interpreting s. 448.665, Stats, the Podiatrists Affiliated Credentialing Board will hold a public hearing at the time and place indicated below to consider an order to create s. Pod 3.02 (1) (e), relating to continuing medical educational programs.

Hearing Information

Date: **February 19, 2008**
 Time: 9:30 A.M.
 Location: 1400 East Washington Avenue
 (Enter at 55 North Dickinson Street)
 Room 121A
 Madison, Wisconsin

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Regulation and Licensing, Office of Legal Counsel, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received by February 22, 2008, to be included in the record of rule-making proceedings.

Agency contact person

Pamela Haack, Paralegal
 Department of Regulation and Licensing
 Office of Legal Counsel
 1400 East Washington Avenue – Room 152
 P.O. Box 8935
 Madison, Wisconsin 53708–8935
 Telephone: (608) 266–0495
 Email: pamela.haack@drl.state.wi.us.

Submission of Written Comments

Comments may be submitted to Pamela Haack, Paralegal, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708–8935, or by email at pamela.haack@drl.state.wi.us. Comments must be received on or before February 22, 2008, to be included in the record of rule-making proceedings.

Analysis Prepared by the Department of Regulation and Licensing

Statutes interpreted

Section 448.665, Stats.

Statutory authority

Sections 15.085 (5) (b), 227.11 (2), 448.665 and 448.695 (2), Stats.

Explanation of agency authority

The Podiatrists Affiliated Credentialing Board has the authority under s. 448.665, Stats., to promulgate rules relating to continuing education.

Related statute or rule

There are no other related statutes or rules other than those listed above.

Plain language analysis

Section Pod 3.02 sets forth the requirements for obtaining continuing education for podiatrists. Each biennium, podiatrists are required to obtain 50 hours of acceptable continuing education. Under the current rule, the board has recognized four entities that may approve continuing education for its licensees. This amendment recognizes an additional entity, the Wisconsin Society of Podiatric Medicine, as an acceptable approval authority for continuing education. By adding this amendment, licensees will have additional programming from which to choose in order to complete their continuing education requirements.

SECTION 1 adds an additional organization that may approve continuing education programs for podiatrists.

Comparison with federal regulations

There is no existing or proposed federal regulation.

Comparison with rules in adjacent states

Iowa. The Iowa board does not preapprove continuing education providers, sponsors, or programs. Licensees must review the statutory requirements and determine if programs meet the specified criteria. Some approved sponsors are listed, including the American Podiatric Medical Association and regional or state affiliates of the American Podiatric Medical Association.

Illinois. Sponsors can apply to the board for recognition. They must be validated by the Council on Podiatric Medical Education.

Michigan. There are six categories of continuing education. Approval is granted by the Accreditation Council on Podiatric Education, the Board, accredited hospitals or other clinical institutions, or a graduate training program. A publication option is also available.

Minnesota. Programs must be approved by the Board or the Council on Podiatric Medical Education. Participation in home study programs, hospital staff meetings and acceptable graduate medical education are also allowed.

Summary of factual data and analytical methodologies

A request to be included as a provider was submitted to the board by the Wisconsin Society of Podiatric Medicine (WSPM). The board reviewed its current list of continuing podiatric medical education programs (CPME) and determined an expanded list of programs would offer more options for podiatrists.

Initial Regulatory Flexibility Analysis

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

Small business regulatory review coordinator

The Department's Regulatory Review Coordinator may be contacted by email at larry.martin@drl.state.wi.us, or by calling (608) 266-8608.

Analysis and supporting documents used to determine effect on small business

The board reviewed the request of the Wisconsin Society of Podiatric Medicine (WSPM), discussed it in person with a representative of the WSPM, and posed questions relating to the request. Board members consulted with members of the profession about the request and offered their own views on the merits of expanding the list of CPME programs.

Section 227.137, Stats., requires an "agency" to prepare an economic impact report before submitting the proposed rule-making order to the Wisconsin Legislative Council. The Department of Regulation and Licensing is not included as an "agency" in this section.

Fiscal Estimate

The department estimates that the proposed rule will have no significant impact.

Anticipated costs incurred by private sector

The department finds that this rule has no significant fiscal effect on the private sector.

Text of Rule

SECTION 1. Pod 3.02 (1) (e) is created to read:

Pod 3.02 (1) (e) The Wisconsin Society of Podiatric Medicine.

Notice of Hearing Public Instruction CR 08-001

NOTICE IS HEREBY GIVEN That pursuant to s. 227.11 (2) (a), Stats., and interpreting s. 115.28 (47), Stats., the Department of Public Instruction will hold a public hearing as follows to consider emergency and proposed permanent rules created under Chapter PI 33, relating to grants for nursing services. The hearing will be held as follows:

Hearing Information

February 21, 2008 Madison
4:00 – 5:00 p.m. GEF 3 Building
125 South Webster St.
Room 041

The hearing site is fully accessible to people with disabilities. If you require reasonable accommodation to access any meeting, please call Douglas White, Director, Student Services/Prevention and Wellness at (608) 266-5198 or leave a message with the Teletypewriter (TTY) at (608) 267-2427 at least 10 days prior to the hearing date. Reasonable accommodation includes materials prepared in an alternative format, as provided under the Americans with Disabilities Act.

Agency Contact Person

Douglas White, Director, Student Services/Prevention and Wellness, (608) 266-5198, douglas.white@dpi.state.wi.us.

Copy of Rule and Submission of Written Comments

The administrative rule and fiscal note are available on the internet at <http://dpi.wi.gov/pb/rulespg.html>. A copy of the proposed rule and the fiscal estimate also may be obtained by sending an email request to lori.slauson@dpi.state.wi.us or by writing to:

Lori Slauson
 Administrative Rules and Federal Grants Coordinator
 Department of Public Instruction
 125 South Webster Street
 P.O. Box 7841
 Madison, WI 53707

Written comments on the proposed rules received by Ms. Slauson at the above mail or email address no later than February 27, 2008, will be given the same consideration as testimony presented at the hearing.

Analysis Prepared by the Dept. of Public Instruction

Statute interpreted

Section 115.28 (47), Stats.

Statutory authority

Section 227.11 (2) (a), Stats.

Explanation of agency authority

Section 227.11 (2) (a), Stats., gives an agency rule-making authority to interpret the provisions of any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute.

Related statute or rule

N/A

Plain language analysis

2007 Wisconsin Act 20, the biennial budget bill, created a new competitive grant program under s. 115.28 (47), Stats., appropriating \$250,000 annually for school districts, other than Milwaukee Public Schools, to employ additional school nurses or contract for additional nursing services.

Grants must be awarded based on greatest need such as the ratio of pupils to nurses, rate of chronic health problems among pupils, and number of pupils from low-income families. Recipients may not supplant existing nursing staff or services and must submit a report to the department describing how the school district used the money and its effectiveness in providing additional nursing services to pupils who need such services.

The proposed rule establishes criteria and procedures for awarding grants to eligible school districts.

Emergency rules were promulgated effective November 24, 2007, in order to establish application criteria and procedures in time for the program to operate in the second semester of the school year.

Comparison with federal regulations

N/A

Comparison with rules in adjacent states

Illinois, Iowa, Michigan, and Minnesota do not have rules relating to grants for nursing services.

Summary of factual data and analytical methodologies

The rules reflect statutory language. Because 2007 Wisconsin Act 20 creating this grant program became effective October 27, 2007, the rule established an application deadline of December 14 to expedite the awarding of funds in 2007-08. In subsequent years, applications will be due April 30 to coincide with application timelines established for other grants awarded by the department.

Analysis and supporting documents used to determine effect on small business

N/A

Initial Regulatory Flexibility Analysis

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

Fiscal Estimate

Under s. 20.255 (2) (dL), Stats., 2007 Wisconsin Act 20 appropriated \$250,000 annually for the department to award nursing services grants to school districts (other than Milwaukee Public Schools) to employ additional school nurses or contract for additional nursing services.

The rule establishes criteria and procedures for awarding these program grants. The rules will have no fiscal effect on local governments or small businesses as defined in s. 227.114 (1) (a), Stats.

The costs associated with administering this grant program will be absorbed by the department.

Notice of Hearing Transportation CR 08-002

NOTICE IS HEREBY GIVEN that pursuant to s. 194.407(1) and (3), Stats., as created by 2007 Wis. Act 20, interpreting s. 194.407, Stats., the Department of Transportation will hold a public hearing on **March 5, 2008** at the Hill Farms State Transportation Building, **Room 144-B**, 4802 Sheboygan Avenue, Madison, WI, at **10:00 AM**, to consider the creation of ch. Trans 178, Wis. Adm. Code, relating to the Unified Carrier Registration system.

Parking for persons with disabilities and an accessible entrance are available.

Copy of Rule

A copy of the proposed rule may be obtained upon request from Carson Frazier, Wisconsin Department of Transportation, Division of Motor Vehicles, Bureau of Vehicle Services, Room 255, P. O. Box 7911, Madison, WI 53707-7911. You may also contact Ms. Frazier by phone at (608) 266-7857 or e-mail: carson.frazier@dot.state.wi.us.

Agency Contact Person and Submission of Written Comments

The public record on this proposed rule making will be held open until close of business the day of the hearing, March 5, 2008, to permit the submission of comments in lieu of public hearing testimony or comments supplementing testimony offered at the hearing. Any such comments should be submitted to Carson P. Frazier, Division of Motor Vehicles, P.O. Box 7911, Madison WI 53707-7911, by calling (608) 266-7857 or via e-mail at carson.frazier@dot.state.wi.us.

To view the proposed rule, and submit written comments via e-mail/internet, you may visit the following website:

<http://www.dot.wisconsin.gov/library/research/law/rulenotices.htm>.

Analysis Prepared by the Department of Transportation

Statutes interpreted

Section 194.407, Stats., as created by 2007 Wis. Act 20

Statutory authority

Section 194.407 (1) and (3), Stats., as created by 2007 Wis. Act 20

Explanation of agency authority

Section 194.407 of the statutes authorizes the Department to implement and administer a unified registration system for

motor carriers consistent with 49 USC 13908 and 14504a, and to prescribe annual fees for that registration.

Related statute or rule

Section 194.407, Stats., 49 USC 13908 and 14504a, 49 CFR 367.

Plain language analysis

This chapter establishes in Wisconsin Administrative Code the fees to be charged under the Unified Carrier Registration (UCR) system, and establishes a method for counting the number of vehicles so that an entity knows whether it is required to register under UCR and, if so, which fee bracket applies to the entity.

Comparison with federal regulations

This proposed rule complies and is consistent with federal law and regulations pertaining to the Unified Carrier Registration system.

Comparison with rules in adjacent states

Michigan: There are no regulations pertaining to UCR, as of January 3, 2008.

Minnesota: Minnesota is not a participating state in the UCR program in 2007. There are no regulations pertaining to UCR, as of January 3, 2008.

Illinois: There are no regulations pertaining to UCR, as of January 3, 2008.

Iowa: There are no regulations pertaining to UCR, as of January 3, 2008.

Summary of factual data and analytical methodologies

This proposed rule is derived solely from federal law, federal regulation and Unified Carrier Registration Agreement, both of which are authorized by 49 USC 13908 and 14504a and implement those sections. If Wisconsin chooses not to participate in the UCR program, Wisconsin will forfeit revenues from carrier registration pursuant to federal law.

Initial Regulatory Flexibility Analysis

The proposed rules are not anticipated to have a fiscal effect on small businesses as defined under s. 227.114 (1) (a), Stats.

Small business regulatory review coordinator

The Department's Regulatory Review Coordinator may be contacted by e-mail at ralph.sanders@dot.state.wi.us, or by calling (414) 438-4585.

Analysis and supporting documentation used to determine effect on small business

This proposed rule is derived solely from federal law, federal regulation, and Unified Carrier Registration Agreement. Any effect on small businesses is a result of federal law, federal regulation and the Unified Carrier Registration Agreement. The bill will affect some small businesses by requiring them to pay an annual registration fee based on the size of its truck fleet, with fees of \$39 to \$806 annually. These fees are established under federal law at 49 CFR 367.20 but may be revised annually by publication in the federal register. If Wisconsin does not charge these fees, small businesses that operate affected trucks and trailers outside this state will nevertheless be required to pay these same fees to other states.

Fiscal Estimate

This proposed rule is derived solely from federal law, federal regulation, and Unified Carrier Registration Agreement. Any fiscal impact on the liabilities or revenues

of any county, city, village, town, school district, vocational, technical and adult education district, sewerage district, or federally-recognized tribes or bands is a result of federal law, federal regulation and the Unified Carrier Registration Agreement. The Unified Carrier Registration Agreement authorizes states to exempt solely intra-state carriers and qualified school buses from the registration fee, and the Department has made registration and payment of the fees optional for those entities.

Anticipated costs incurred by private sector

This proposed rule is derived solely from federal law, federal regulation, and Unified Carrier Registration Agreement. Any cost incurred by the private sector is a result of federal law, federal regulation and the Unified Carrier Registration Agreement. Many parties subject to these fees are paying higher fees under the Single State Registration System (SSRS), which the Unified Carrier Registration fee replaces; they will see significant annual fee reductions. Numerous smaller motor carriers, motor private carriers, brokers, leasing companies, and freight forwarders are exempt from SSRS and are made subject to Unified Carrier Registration; they will be required to pay annual fees of \$39-\$806 or more depending upon their fleet size. The sum of fees collected by this state will be the same under Unified Carrier Registration as presently collected under SSRS. Under federal law, federal regulation, and the Unified Carrier Registration Agreement, the amounts of UCR registration fees is established so that the amount collected, in total, is the same as the total amount of fees that had been collected under the former SSRS program. More motor carriers are required to register and pay fees under UCR than were required to register and pay under the SSRS program. Therefore, some types of carriers may pay more (those newly subject to UCR) or less (those previously subject to SSRS) fees under UCR, but the sum of fees is the same.

**Notice of Hearing
Workforce Development
CR 08-004**

NOTICE IS HEREBY GIVEN that pursuant to ss. 49.147 (6), 103.005 (17), and 227.11 (2) (a), Stats., the Department of Workforce Development proposes to hold a public hearing to consider rules affecting ch. DWD 12, relating to Wisconsin Works temporary absence of a child and job access loans and affecting small businesses.

Hearing Information

February 21, 2008	MADISON
Thursday	G.E.F. 1 Building, A415
1:30 p.m.	201 E. Washington Avenue

Interested persons are invited to appear at the hearing and will be afforded the opportunity to make an oral presentation of their positions. Persons making oral presentations are requested to submit their facts, views, and suggested rewording in writing.

Visitors to the GEF 1 building are requested to enter through the left East Washington Avenue door and register with the customer service desk. The entrance is accessible via a ramp from the corner of Webster Street and East Washington Avenue. If you have special needs or circumstances regarding communication or accessibility at the hearing, please call (608) 267-9403 at least 10 days prior to the hearing date. Accommodations such as ASL interpreters, English translators, or materials in audiotape format will be made available on request to the fullest extent possible.

Agency Contact Person

The agency contact for issues related to temporary absence of a child is Jude Morse, W-2 Policy Section, (608) 266-2784, jude.morse@dwd.state.wi.us. The agency contact for issues related to job access loans is Rose Prochazka, W-2 Policy Section, (608) 267-7398, rose.prochazka@dwd.state.wi.us.

Copy of Rule and Submission of Written Comments

An electronic copy of the proposed rules is available at <http://www.dwd.state.wi.us/dwd/hearings.htm>. A copy of the proposed rules is also available at <http://adminrules.wisconsin.gov>. This site allows you to view documents associated with this rule's promulgation, register to receive email notification whenever the Department posts new information about this rulemaking order, and submit comments and view comments by others during the public comment period. You may receive a paper copy of the rule or fiscal estimate by contacting:

Elaine Pridgen
Office of Legal Counsel
Dept. of Workforce Development
P.O. Box 7946
Madison, WI 53707-7946
(608) 267-9403
elaine.pridgen@dwd.state.wi.us

Written comments on the proposed rules received at the above address, email, or through the <http://adminrules.wisconsin.gov> web site no later than February 22, 2008, will be given the same consideration as testimony presented at the hearing.

Analysis Prepared by the Department of Workforce Development

Statutory authority

Sections 49.147 (6) (b), 103.005 (17), and 227.11, Stats.

Statutes interpreted

Sections 49.147 and 49.145 (2) (a), Stats.

Related statute or rule

42 USC 608 (10)

Explanation of agency authority

Section 49.147 (6) (a), Stats., provides that an individual is eligible to receive a job access loan if, in addition to meeting Wisconsin Works (W-2) eligibility requirements, all of the following conditions are met: (1) the individual needs the loan to address an immediate and discrete financial crisis; (2) the individual needs the loan to obtain or continue employment, including a loan needed to repair or purchase a vehicle that is needed to obtain or continue employment; (3) the individual is not in default on any previous job access loan or repayment of any W-2 overpayments; and (4) the individual is not a migrant worker. Section 49.147 (6) (b), Stats., directs the department to promulgate rules establishing the terms of any job access loan, including: (1) the maximum and minimum loan amounts in any 12-month period; (2) the method of loan disbursement; and (3) the terms and conditions of repayment.

Section 49.145 (2), Stats., provides that an individual is eligible for a W-2 employment position and a job access loan in a month only if all nonfinancial eligibility requirements are met, including the requirement under par. (a) that the individual is a custodial parent.

Section 103.005 (17), Stats., provides that the department shall administer those programs of public assistance that are specified in subch. III of ch. 49.

Summary of the proposed rule

The proposed rules will make changes to the Wisconsin Works program affecting (1) temporary absence of the child from the home due to child welfare issues; and (2) job access loans.

Under the current s. DWD 12.10, a dependent child may be absent from the custodial parent's home but still be considered under the care of the custodial parent if: (a) the dependent child will not be or has not been continuously absent for more than 3 months and the child is expected to return to the custodial parent's home; (b) the absence is not the result of removal of a child under a dispositional order issued under s. 48.355, Stats., which places custody of a child outside the home for an indefinite period or a period of 3 months or more; and (c) the custodial parent continues to exercise responsibility for the care and control of the child.

The proposed rules will allow a dependent child to be absent from the custodial parent's home due to child welfare issues but still be considered under the care of the custodial parent if the W-2 agency, in consultation with the child welfare agency, determines that there is substantial compliance with the following 9 conditions:

- The child welfare agency confirms the child was removed from the home due to child welfare issues.
- The parent maintains an appropriate home for the child.
- The permanency plan under s. 48.38 (1) (b), Stats., states that the child is expected to be reunified with the parent in the parent's household within 6 months of the initial day of the child's temporary absence from the home.
- The child's out-of-home placement type is consistent with reuniting the child with the parent in the parent's household within 6 months of the initial day of the child's temporary absence from the home.
- The child's absence is not the result of removing the child under a dispositional order under s. 48.355, Stats., which places the child outside the home indefinitely or for longer than 6 months.
- The custodial parent continues to exercise responsibility for the care and control of the child while the child is placed out of the home.
- The custodial parent is cooperating with the W-2 agency.
- The custodial parent is participating in and satisfactorily completing employability plan activities and any other requirements of the W-2 agency.
- The custodial parent is cooperating with child welfare agency activities required for reunification with the child.

A custodial parent of a dependent child who fails to notify the W-2 agency of the absence of the dependent child from the home due to child welfare issues by the end of the 5-day period that begins with the date that the parent knows that the child is absent from the home is not eligible for W-2. The W-2 agency shall accept a report of a child's temporary absence from the home by the child welfare agency as a report from the parent and shall inform the parent of the child welfare agency's report.

The current rules on job access loans provides that W-2 agencies shall issue a job access loan to an eligible individual in an amount not less than \$25 and not more than \$1,600 in any 12-month period. The maximum allowable amount for all loans and the maximum outstanding balance for each individual receiving a job access loan is \$1,600.

The proposed rules will increase the maximum allowable job access loan amount in any 12-month period and the maximum outstanding balance for each individual receiving a job access loan to \$2,500 if the loan will be used to purchase

a vehicle that is needed to obtain or continue employment. The maximum loan amount and outstanding balance will remain at \$1,600 in all other cases.

Summary of factual data and analytical methodologies

A longer W-2 eligibility period when the child is absent from the home due to child welfare issues will support service integration between the W-2 and child welfare programs and help stabilize and support families for reunification with their children.

A \$2,500 maximum job access loan rather than a \$1,600 maximum job access loan is closer to the amount necessary to obtain a vehicle that will be reliable for commuting to work.

Comparison with federal regulations

42 USC 608 (10) requires denial of assistance for a minor child who has been, or is expected by a parent to be absent from the home for a period of 45 consecutive days, or at the option of the State, such period of not less than 30 and not more than 180 consecutive days as the State may provide for the State plan. The State may establish good cause exceptions to this provision as it considers appropriate if the exceptions are provided for in the State plan.

There are no comparable federal requirements relating to job access loans.

Comparison with rules in adjacent states

Iowa. Eligibility for temporary absence of child when the reason for the absence not specifically designated is limited to 3 months. Eligibility for temporary absence if the child is in medical institution limited to one year. Eligibility for individual 16 to 19 years old who is enrolled in elementary or secondary school full time is allowed. No special provision for absence due to child welfare issues.

Minnesota. Eligibility for a child out of the home due to placement in foster care if the placement will not be paid under Title IV-E of the Social Security Act is limited to 6 months. Eligibility for a child out of the home due to vacation, incarceration, or run away is limited to 2 months. Eligibility for absence due to hospitalization or illness is limited to 6 months. Eligibility for absence due to child's enrollment in education curricula that cannot be met by the local public school district is allowed.

Illinois. Eligibility for temporary absence when the reason is not specified is limited to an absence of 3 months or less, except if the absence is due to hospitalization, training, or education. A consent decree exists that allows eligibility for parents whose children have been or could be removed from the home due to allegations of environmental neglect or inadequate shelter, beds, food, or clothing or children who are in custody of the child welfare agency, regardless of the reason, and the child welfare agency has required the parents to obtain adequate living arrangements for the family as a condition of return of the children. Active participants may continue to receive benefits for up to 180 days after the children are removed from the home. Applicants may be approved for benefits for up to 90 days prior to the children's return. A family is not eligible if all children are in custody of the child welfare agency, but the reasons do not fall within the terms of the consent decree.

Michigan. Eligibility for temporary absence when the reason is not specified is limited to an absence of 30 days or less, except if the absence is due to hospitalization, training, or education. Eligibility for a parent of a child in foster care is allowed for up to one year if there is a plan to return the child to the parent's home.

Initial Regulatory Flexibility Analysis

The proposed rules affect small businesses, but do not have a significant impact on a substantial number of small businesses.

Small business regulatory coordinator

The DWD Small Business Regulatory Coordinator is Elaine Pridgen, elaine.pridgen@dwd.state.wi.us, (608) 267-9403.

Analysis used to determine effect on small businesses

A longer W-2 eligibility period when the child is absent from the home due to child welfare issues may initially increase the amount that private W-2 agencies spend on W-2 benefits. The increased W-2 benefits for families with child welfare issues will help stabilize these families and will address issues that would otherwise be barriers to employment, which will save money that would otherwise need to be spent for W-2 services.

Some private agencies provide child welfare services, especially in Milwaukee. The increased service integration between the W-2 and child welfare programs should decrease costs for child welfare agencies.

Fiscal Estimate

A longer W-2 eligibility period when the child is absent from the home due to child welfare issues may initially increase the amount that some counties spend on W-2 benefits. The increased W-2 benefits for families with child welfare issues will help stabilize these families and will address issues that would otherwise be barriers to employment, which will save money that would otherwise need to be spent for W-2 services. The increased service integration between W-2 and child welfare programs should decrease costs for county child welfare agencies.

State fiscal effect: None

Local government costs: None

Long-range fiscal implications: None

**Notice of Hearing
Workforce Development
CR 08-003**

NOTICE IS HEREBY GIVEN that pursuant to Sections 66.0903 (5), 103.49 (3g), 779.14 (1s), and 227.11 (2) (a), Stats., the Department of Workforce Development proposes to hold a public hearing to consider rules affecting chs. DWD 290 and 293, relating to the adjustment of thresholds for application of prevailing wage rates and payment and performance assurance requirements and affecting small businesses.

Hearing Information

February 14, 2008

Thursday

1:30 p.m.

MADISON

G.E.F. 1 Building, A415

201 E. Washington Avenue

Interested persons are invited to appear at the hearing and will be afforded the opportunity to make an oral presentation of their positions. Persons making oral presentations are requested to submit their facts, views, and suggested rewording in writing.

Visitors to the GEF 1 building are requested to enter through the left East Washington Avenue door and register with the customer service desk. The entrance is accessible via a ramp from the corner of Webster Street and East Washington

Avenue. If you have special needs or circumstances regarding communication or accessibility at the hearing, please call (608) 267-9403 at least 10 days prior to the hearing date. Accommodations such as ASL interpreters, English translators, or materials in audio format will be made available on request to the fullest extent possible.

Agency Contact Person

Julie Eckenwalder, Construction Wage Standards Section Chief, (608) 266-3148, julie.eckenwalder@dwd.state.wi.us.

Copy of Rule and Submission of Written Comments

A copy of the proposed rules is also available at <http://adminrules.wisconsin.gov>. This site allows you to view documents associated with this rule's promulgation, register to receive email notification whenever the Department posts new information about this rulemaking order, and submit comments and view comments by others during the public comment period. You may receive a paper copy of the rule or fiscal estimate by contacting:

Elaine Pridgen
Office of Legal Counsel
Dept. of Workforce Development
P.O. Box 7946
Madison, WI 53707-7946
(608) 267-9403
elaine.pridgen@dwd.state.wi.us

Written comments on the proposed rules received at the above address, email, or through the <http://adminrules.wisconsin.gov> web site no later than February 15, 2008, will be given the same consideration as testimony presented at the hearing.

Analysis Prepared by the Department of Workforce Development

Statutory authority

Sections 66.0903 (5), 103.49 (3g), 779.14 (1s), and 227.11, Stats.

Statutes interpreted

Sections 66.0903 (5), 103.49 (3g), and 779.14, Stats.

Explanation of agency authority

The prevailing wage laws require that when a state agency or local governmental unit contracts for the erection, construction, remodeling, repairing, or demolition of a public works project it must obtain a prevailing wage rate determination from the Department of Workforce Development and require that the contractors and subcontractors on the project pay their employees in accordance with those wage rates. Sections 66.0903 (5) and 103.49 (3g), Stats., set initial estimated project cost thresholds for application of the prevailing wage rate requirements and direct the Department to adjust the thresholds each year in proportion to any change in construction costs since the thresholds were last determined.

Section 779.14, Stats., sets payment and performance assurance requirements that apply to contracts for the performance of labor or furnishing of materials for a public improvement project or public work. Section 779.14 (1s), Stats., requires the Department to biennially adjust the thresholds for various requirements in proportion to any change in construction costs since the last adjustment if the adjustment to be made would not be less than 5%.

Summary of the proposed rule

Section DWD 290.155 (1) currently provides that the prevailing wage rate requirements do not apply to any single-trade public works project for which the estimated cost of completion is below \$44,000 and do not apply to any multi-trade public works project for which the estimated cost of completion is below \$216,000. The proposed rule will adjust the thresholds from \$44,000 to \$45,000 for a single-trade project and from \$216,000 to \$221,000 for a multi-trade project based on a 2.25% increase in construction costs between December 2006 and December 2007.

Chapter DWD 293 provides adjusted thresholds for various payment and performance assurance requirements that apply to contracts with state or local governments for the performance of labor or furnishing of materials for a public improvement or public work. The proposed rule will adjust these thresholds to reflect a 5.78% increase in construction costs from December 2005 to December 2007.

Summary of factual data and analytical methodology

Sections DWD 290.15 and 293.01 provide that the Department will adjust the thresholds on the basis of the change in the construction cost index as published in the *Engineering News-Record*, a national construction trade publication. Thresholds are rounded to the nearest thousand.

Comparison to federal regulations

The threshold for application of the federal prevailing wage law is a contract greater than \$2,000. The threshold for application of the federal contractor payment and performance bond requirements is \$100,000. These thresholds are in statute and are rarely adjusted.

Comparison of prevailing wage law thresholds in adjacent states

Minnesota has a statutory threshold of \$2,500 for a single-trade project and \$25,000 for a multi-trade project. **Illinois** does not have a threshold in its prevailing wage law. The law covers public works projects and defines public works projects as projects financed under various other specified laws. **Michigan** does not have a threshold in its prevailing wage law. The law covers projects that must be bid and relies on other agencies to determine the thresholds for what projects must be bid. **Iowa** does not have a prevailing wage law.

Comparison of payment and performance bond thresholds in adjacent states

Minnesota has a public contractors' performance and payment bond requirement that applies to a contract that exceeds \$75,000. **Illinois** requires a bond if a contract for a public work exceeds \$5,000. Neither state appears to have a mechanism for adjustment of the thresholds, other than statutory amendment. **Michigan** has a performance bond requirement without a clear statutory threshold. The Department is not aware of a performance bond requirement for public works contracts in **Iowa**.

Initial Regulatory Flexibility Analysis

The rule affects small businesses as defined in s. 227.114 (1), Stats., but does not have a significant economic impact on a substantial number of small businesses.

Small business regulatory coordinator

The Department's Small Business Regulatory Coordinator is Elaine Pridgen, elaine.pridgen@dwd.state.wi.us, (608) 267-9403.

Analysis used to determine effect on small business

Many construction companies are small businesses. The adjustment of the thresholds for application of the prevailing

wage and payment and performance bond requirements prevent these provisions from affecting more and more public works projects over time due solely to the effects of inflation.

Fiscal Estimate

Under the rule, a state agency or local governmental unit contracting for the construction of a single-trade public works project that costs more than \$44,000 but less than \$45,000 or a multi-trade project that costs more than \$216,000 but less than \$221,000 is not covered by the prevailing wage requirement.

The adjustment of the threshold for performance bonds has a negligible effect on governmental bodies. If thresholds were not adjusted for inflation, public works contractors would have been required to get performance bonds on smaller projects and these costs would have been likely added to the project bid.

State fiscal effect: None

Local government costs: None

Long-range fiscal implications: None

Submittal of Proposed Rules to the Legislature

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

Revenue

CR 07-091

Ch. Tax 2, relating to the computation of the apportionment fraction by multistate professional sports clubs.

Rule Orders Filed with the Legislative Reference Bureau

The following administrative rule orders have been filed with the Legislative Reference 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 date of these rules could be changed. Contact the Legislative Reference Bureau at bruce.hoesly@legis.wisconsin.gov or (608) 266-7590 for updated information on the effective dates for the listed rule orders.

Commerce
CR 07-069

An order affecting chs. Comm 5 and 82, relating to the assessment of forfeitures for violating plumbing licensing requirements, the installation of tracer wire for locating non-metallic underground pipe, and affecting small businesses.

Effective 3-1-08.

Commerce
CR 07-086

An order affecting ch. Comm 34, relating to amusement rides and affecting small businesses.

Effective 3-1-08.

Health and Family Services
CR 07-077

An order affecting ch. HFS 144, relating to the statewide immunization program and affecting small business.

Effective 3-1-08.

Health and Family Services
CR 07-090

An order affecting ch. HFS 145, relating to communicable disease list revisions and reporting communicable diseases, and affecting small business.

Effective 3-1-08.

Transportation
CR 07-084

An order affecting ch. Trans 129, relating to motorcycle courses.

Effective 3-1-08.

Rules Published with this Register and Final Regulatory Flexibility Analyses

*The following administrative rule orders have been adopted and published in the **January 31, 2008**, 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 07-006

An order affecting chs. ATCP 60, 69, 77, 80 and 82, relating to safe production, processing, distribution and sale of milk and dairy products. Effective 2-1-08.

Summary of Final Regulatory Flexibility Analysis

Businesses affected include dairy farms, dairy plants, cheesemakers, buttermakers, milk equipment installers, and laboratories that test milk, food and water. In most cases, the rules do not significantly change existing requirements for these businesses. There are no new professional skills or assistance required by the rules.

It is essential to Wisconsin dairy producers and dairy plants that Wisconsin meet PMO standards. Approximately 96 percent of the milk produced in Wisconsin is grade A. Approximately 85 percent of Wisconsin milk is shipped out of state. This rule will have a generally positive impact on business because it will allow for the unimpeded shipment of milk and milk products to leave Wisconsin. Failure to comply with the PMO could jeopardize Wisconsin's ability to routinely ship grade A milk and milk products in interstate commerce. In general, this rule will have few, if any, negative impacts on business.

Some of the businesses affected by this rule are "small businesses," as defined in s. 227.114 (1), Stats. For the most part, this rule will help small businesses by modernizing current regulations to accommodate industry practices. This rule merely implements changes in the interstate PMO and redrafts existing requirement for businesses so that they will be easier to read and understand. It also provides additional options to meet training and experience requirements for individuals who wish to become licensed cheesemakers or buttermakers.

For interested dairy plants, DATCP will provide training on this rule to dairy plant operators, field representatives, and milk haulers. The training will cover implementation of rule requirements as they relate to dairy farms (that ship milk to dairy plants), milk haulers, and dairy plant requirements. For interested parties who cannot attend training, DATCP will send summaries of rule changes and information about how to obtain copies of the new rules.

This rule will benefit Wisconsin's dairy industry by allowing for the uninterrupted flow of milk and milk products across Wisconsin borders and into interstate commerce.

This rule will generally benefit affected businesses, including "small businesses." Negative effects, if any, will be few and limited. This rule will not have a significant adverse effect on "small businesses". The small businesses affected will be subject to the delayed "small business" effective date provided in s. 227.22 (2) (e), Stats.

Under 2003 Wis. Act 145, DATCP and other agencies must adopt rules spelling out their rule enforcement policy for small businesses. DATCP has not incorporated a small business enforcement policy in this rule, but will propose a separate rule on that subject. DATCP will, to the maximum extent feasible, seek voluntary compliance with this rule.

Summary of Comments by Legislative Review Committees

No comments were reported.

Elections Board CR 07-043

An order affecting ch. EIBd 3, relating to the pricing of voter registration data obtained from the statewide voter registration system. Effective 2-1-08.

Summary of Final Regulatory Flexibility Analysis

The creation of this rule does not affect business.

Summary of Comments by Legislative Review Committees

No comments were reported.

Elections Board CR 07-059

An order affecting ch. EIBd 3, relating to voter registration. Effective 2-1-08.

Summary of Final Regulatory Flexibility Analysis

The creation of this rule does not affect business.

Summary of Comments by Legislative Review Committees

No comments were reported.

Health and Family Services CR 06-081

An order affecting ch. HFS 43, relating to training for child protective services caseworkers and supervisors. Effective 2-1-08.

Summary of Final Regulatory Flexibility Analysis

The rule will affect any licensed child welfare agency that is under contract with the Department or a county department, including those that are small businesses, to provide child protective services. However, the rule will not have a significant economic impact on any of those businesses. In addition, the Department does not believe that the rules will increase costs imposed under s. 48.981 (8) (d) 1., Stats.

Summary of Comments by Legislative Review Committees

No comments were reported.

**Natural Resources
CR 07-014**

An order affecting ch. NR 20, relating to fishing on the inland, outlying, and boundary waters of Wisconsin. Effective 2-1-08 and 4-1-08.

Summary of Final Regulatory Flexibility Analysis

The rules do not impose any compliance or reporting requirements on small businesses nor are any design or operational standards contained in the rule.

Summary of Comments by Legislative Review Committees

No comments were reported.

**Natural Resources
CR 07-025**

An order affecting ch. NR 809, relating to IESWTR, LT1, DDBP, PN, CCR, radionuclide, and total coliform rules and updating of analytical methods for public water systems. Effective 2-1-08.

Summary of Final Regulatory Flexibility Analysis

The majority of these rule changes are clarification of federal requirements that are already in existence. The rule changes for surface water and GWUDI systems will not impact small business, since no small systems will be regulated under them. The addition of USEPA approved analytical methods may provide laboratories with additional flexibility in analyzing public drinking water samples.

The effects of these rule changes are to provide additional flexibility to laboratories that perform analyses for public water systems. Since there are no small surface water systems or GWUDI in Wisconsin, the LT1 rule is not necessary to provide monitoring relief for small water systems.

Summary of Comments by Legislative Review Committees

No comments were reported.

**Natural Resources
CR 07-034**

An order affecting ch. NR 140, relating to groundwater quality standards. Effective 2-1-08.

Summary of Final Regulatory Flexibility Analysis

The Department has determined that this rule order will not have a significant economic impact on small businesses. Chapter NR 140 currently contains groundwater standards for 122 substances of public health concern, 8 substances of

public welfare concern and 15 indicator parameters. The proposed groundwater standard revisions would apply to all regulated facilities, practices and activities which may impact groundwater quality.

Because few water supply wells have tested above proposed alachlor-ESA groundwater standards, and as use of alachlor has decreased in Wisconsin to relatively low levels, and because available alachlor herbicide products are priced comparably to other corn herbicide products, the Department has determined that any management practice restrictions that might be placed on alachlor to prevent exceedances of state groundwater quality standards for alachlor-ESA, are unlikely to have a significant economic impact on Wisconsin corn growers.

Summary of Comments by Legislative Review Committees

No comments were reported.

**Natural Resources
CR 07-055**

An order affecting ch. NR 10, relating to the migratory game bird seasons and waterfowl hunting zones. Effective 2-1-08.

Summary of Final Regulatory Flexibility Analysis

These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector or small businesses. Additionally, no significant costs are associated with compliance to these rules.

These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, nor are any design or operational standards contained in the rule.

Summary of Comments by Legislative Review Committees

No comments were reported.

**Public Service Commission
CR 07-021**

An order affecting ch. PSC 114, relating to electric safety. Effective 2-1-08.

Summary of Final Regulatory Flexibility Analysis

The rule should have no impact on small business.

Summary of Comments by Legislative Review Committees

No comments were reported.

Sections affected by rule revisions and corrections

The following administrative rule revisions and corrections have taken place in **January 2008**, and will be effective as indicated in the history note for each particular section. For additional information, contact the Legislative Reference Bureau at (608) 266-7590.

Revisions

Agriculture, Trade and Consumer Protection

Ch. ATCP 60

- S. ATCP 60.01 (4), (9) (b), (15) (b), (16), (17m), (19), (19m), (20), (21), (23m), (23r) and (29) (b)
- S. ATCP 60.02 (7) (c) and (d)
- S. ATCP 60.06 (1), (1m), (5), (8) and (9) (c)
- S. ATCP 60.07 (4) (a) and (c)
- S. ATCP 60.08 (5), (6) (a) and (7)
- S. ATCP 60.10 (1), (4), (6) (a) and (7)
- S. ATCP 60.11 (2) (c) and (e), (2m) and (4) (g), (h), (hm), (j), (k) and (L)
- S. ATCP 60.12 (1), (2) and (6)
- S. ATCP 60.13 (1), (2) and (6)
- S. ATCP 60.14 (2), (3) and (4)
- S. ATCP 60.15 (4)
- S. ATCP 60.16
- S. ATCP 60.17 (2m) and (3) (b)
- S. ATCP 60.18 (1), (3), (5) and (b)
- S. ATCP 60.19 (6) (b) and (d), (10) (b) and (12)
- S. ATCP 60.20 (1), (2), (3), (4), (6) and (b) and (c)
- S. ATCP 60.21
- S. ATCP 60.22
- S. ATCP 60.235
- S. ATCP 60.245 (1) (g), (2) (e) to (g), (3) and (4)
- S. ATCP 60.27 (1) (b) and (c), (4) (b) and (c)
- S. ATCP 60.275 (1) (a) and (4)
- S. ATCP 60.31 (4)

Ch. ATCP 69

- S. ATCP 69.01
- S. ATCP 69.02

Ch. ATCP 77

- S. ATCP 77.01 (4m)
- S. ATCP 77.02 (1) and (3)
- S. ATCP 77.03 (1) and (a) and (2) (c)
- S. ATCP 77.20 (2) (b) and (c)
- S. ATCP 77.23 (1) and (3) (d) and (f)
- S. ATCP 77.24 (2) and (5) (e)
- S. ATCP 77.30 (2) (b) and (c)
- S. ATCP 77.32 (2)
- S. ATCP 77.34 (2)

Ch. ATCP 80

- S. ATCP 80.01 (19), (23m), (26) (27m), (33g) and (33j)
- S. ATCP 80.04 (2) (a)
- S. ATCP 80.08 (4) (a), (8) (b), (d) and (g) and (8m) (a) and (b)
- S. ATCP 80.12 (1) (a) and (7)
- S. ATCP 80.14 (2) (b)

- S. ATCP 80.16 (2) (i) and (3) (a) to (c)
 - S. ATCP 80.20 (7) (c)
 - S. ATCP 80.22 (7) (a) and (b) and (8)
 - S. ATCP 80.24 (3), (3m), (4) and (5)
 - S. ATCP 80.26 (1) (a) and (b)
 - S. ATCP 80.32 (1) (a) and (b) and (5)
 - S. ATCP 80.34 (2) (c) and (d), (3) (d), (4) (b), (5) (d), (6) (c), (7) (c) and (8)
 - S. ATCP 80.40 (1) and (2)
 - S. ATCP 80.41 (2) (g) to (i), (3) and (4) to (9)
 - S. ATCP 80.42
 - S. ATCP 80.44 (2), (2m), (4) and (5)
 - S. ATCP 80.46
 - S. ATCP 80.48
 - S. ATCP 80.49 (2) and (b)
 - S. ATCP 80.50 (1), (2) (b) to (e) and (g), (3) (b), (c) and (e) to (h) and (4)
 - S. ATCP 80.52 (2), (6) (a), (b) and (d)
 - S. ATCP 80.54 (1) (j), (n) and (o) and (2)
 - S. ATCP 80.62 (1) (b), (c) and (d), (2) and (3) (a), (b) and (c)
 - S. ATCP 80.70
- ##### Ch. ATCP 82
- S. ATCP 82.01 (1m), (3), (5) and (7m)
 - S. ATCP 82.02 (1) (b), (2) and (c) and (e) and (7) and (d) and (e)
 - S. ATCP 82.04 (1) (a) and (b)
 - S. ATCP 82.06 (1)
 - S. ATCP 82.08
 - S. ATCP 82.10 (2) and (c), (d) and (f) and (6) (c)
 - S. ATCP 82.12 (1), (2) and (b), (2m) and (3)

Elections Board

Ch. EIBd 3

- S. EIBd 3.01
- S. EIBd 3.02
- S. EIBd 3.03
- S. EIBd 3.10
- S. EIBd 3.11
- S. EIBd 3.12
- S. EIBd 3.13
- S. EIBd 3.20
- S. EIBd 3.50

Health and Family Services

Ch. HFS 43 (Entire chapter)

Natural Resources**Ch. NR 10**

- S. NR 10.01 (1) (b), (g), (u), (v)
- S. NR 10.12 (5) (d)
- S. NR 10.15 (6)

Ch. NR 12

- S. NR 12.10 (1) (b)

Ch. NR 20

- S. NR 20.03 (37w)
- S. NR 20.05 (1)
- S. NR 20.06 (4)
- S. NR 20.20 (2) (g), (3) (d), (e), (4) (f), (13) (d), (19) (d), (e), (20) (c), (26) (a), (27) (dm), (35) (f), (37) (c), (47) (g), (48) (b), (49) (am), (cm), (f), (51) (g), (52) (b), (c), (d), (59) (c), (60) (e), (g), (h), (62) (am), (66) (g), (67) (am)

Ch. NR 21

- S. NR 21.04 (11) (b)

Ch. NR 26

- S. NR 26.08 (23)
- S. NR 26.24 (13) (b)

Ch. NR 140

- S. NR 140.10 Table 1

Ch. NR 809

- S. NR 809.30 (1) (b) and (3)
- S. NR 809.31 (6)
- S. NR 809.50 (3) Table B
- S. NR 809.53 (3) (e)
- S. NR 809.542 (2) (c)
- S. NR 809.546 (1) (a)
- S. NR 809.725 (1) Tables A , B, F
- S. NR 809.75 (4) (intro.)
- S. NR 809.76 (1) (a), (b), and (2)
- S. NR 809.765 (1)
- S. NR 809.80 (3)
- S. NR 809.833 (3) (b), (e), (6) (a) to (d)
- S. NR 809.835 (2) and (3)
- S. NR 809.837 (7) (intro.)
- S. NR 809.90 (4) (b)
- S. NR 809.957 (1)

Public Service Commission**Ch. PSC 114 (Entire chapter)****Editorial corrections**

Corrections to code sections under the authority of s. 13.92 (4) (b), Stats., are indicated in the following listing.

Agriculture, Trade and Consumer Protection**Ch. ATCP 77**

- S. ATCP 77.02 (1) (za) to (zd)

Ch. ATCP 82

- S. ATCP 82.10 (2) (d)

Elections Board**Ch. EIBd 3**

- S. EIBd 3.20 (6)

Health and Family Services**Ch. HFS 43**

- S. HFS 43.03 (13)

Natural Resources**Ch. NR 809**

- S. NR 809.51 (2)

Executive Orders

The following are recent Executive Orders issued by the Governor.

Executive Order 229. 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 Former Governor Lee Sherman Dreyfus.

Executive Order 230. Relating to Issuance of General Obligation Bonds for the Veterans Home Loan Program and Appointment of Hearing Officer.

Executive Order 231. Relating to a Proclamation Declaring a State of Emergency.

Executive Order 232. 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 Late Deputy Jason Zunker of the Chippewa County Sheriff's Department.

Executive Order 233. Relating to Designation of a Valued Historical Landmark and an Architectural Masterpiece.

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