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Questions, comments, or corrections should be directed to:

Bruce Hoesly (608) 266-7590
email: bruce.hoesly@legis.wisconsin.gov

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Table of Contents

Emergency Rules Now in Effect.**Pages 3 to 5**

Agriculture, Trade and Consumer Protection:

Create section ATCP 161.50 (3) (e) and subchapter VI of Chapter ATCP 161, relating to the “grow Wisconsin dairy producer” grant and loan program. **EmR1202**

Children and Families:

Safety and Permanence, Chs. DCF 37–59Create sections DCF 57.485 and 57.49 (1) (am), relating to determination of need for new group homes. **EmR1034**

Employment Relations Commission:

Create Chapters ERC 70 to 74 and ERC 80, relating to initial annual certification elections. **EmR1113**Create Chapters ERC 90 and 100, relating to the calculation and distribution of collectively bargained base wages. **EmR1203** [*First Appearance*]

Insurance:

Revise Chapter Ins 18, relating to grievances and independent review requirements and affecting small business. **EmR1117**Repeal EmR1117 which was to revise Chapter Ins 18, relating to grievances and independent review requirements, and affecting small business. **EmR1119**

Justice:

Create section Jus 17.13, relating to the recognition by Wisconsin of concealed carry licenses issued by other states. **EmR1115**

Natural Resources:

Fish, Game, etc., Chs. NR 1—Repeal section NR 40.02 (28m), amends section NR 40.04 (3m), and repeals and recreates section NR 40.07 (8), relating to the identification, classification and control of invasive species. **EmR1045**

Revenue:

Revise section Tax 7.23, relating to the activities of brewers, bottlers, out-of-state shippers, and wholesalers. **EmR1201**Safety and Professional Services:
(formerly Regulation and Licensing)Create section RL 91.01 (3) (k), relating to training and proficiency in the use of automated external defibrillators for certification as a massage therapist or bodyworker. **EmR0827****Scope Statements.****Pages 6 to 13**

Agriculture, Trade and Consumer Protection:

Revises Chapter ATCP 16, relating to dog sellers and dog facility operators. **SS 020–12**

Agriculture, Trade and Consumer Protection:

Revises Chapter ATCP 1, relating to discretion in enforcement against small businesses. **SS 021–12**

Agriculture, Trade and Consumer Protection:

Revises Chapter ATCP 49, relating to farmland preservation planning and zoning and farmland preservation agreements.. **SS 022–12**

Agriculture, Trade and Consumer Protection:

Revises Chapter ATCP 127, relating to regulating telephone solicitations. **SS 024–12**

Natural Resources:

Fish, Game, etc., Chs. NR 1—
Revises Chapters NR 10, 12, and 19, relating to Establishing a wolf hunting/trapping season and regulations. **SS 023–12**
Page 14

Rule Orders Filed with the Legislative Reference Bureau.

Natural Resources:

Environ. Protect. — Solid Waste Management., Chs. NR 500—
Revises Chapters NR 500, 502, and 518, relating to composting of solid waste. **CR 10–128**

Safety and Professional Services:

Safety, Buildings, and Environment, General Part II, Chs. SPS 326–360
Revise Chapters SPS 341, 341 Appendix, 345, and 345 Appendix, relating to boilers and pressure vessels. **CR 11–047**

Rules Published with this Register and Final Regulatory Flexibility Analyses.

Page 15

Agriculture, Trade and Consumer Protection:

Revise Chapter ATCP 160, relating to county and district fairs. **CR 11–037**

Safety and Professional Services — Real Estate Examining Board:
(formerly Regulation and Licensing)

Revise Chapters REEB 24 and 25 (formerly RL 24 and 25), relating to definitions, duties of brokers, broker disclosure requirements, written proposals, ethical requirements, and educational requirements. **CR 10–136**

Sections Affected.

Page 16

Executive Orders.

Page 17

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.

Beginning with rules filed with the Legislative Reference Bureau in 2008, the Legislative Reference Bureau will assign a number to each emergency rule filed, for the purpose of internal tracking and reference. The number will be in the following form: EmR0801. The first 2 digits indicate the year of filing and the last 2 digits indicate the chronological order of filing during the year.

Agriculture, Trade and Consumer Protection

EmR1202 — Rule adopted to create **section ATCP 161.50 (3) (e)** and **subchapter VI of Chapter ATCP 161**, relating to the “grow Wisconsin dairy producer” grant and loan program created under sections 20.115 (4) (d) and 93.40 (1) (g), Stats.

This emergency rule was approved by the governor on March 27, 2012.

The scope statement for this rule, SS 002–12, was approved by the Governor on January 9, 2012, published in Register No. 673, on January 31, 2012, and approved by the Board of Agriculture, Trade and Consumer Protection on February 22, 2012.

Finding of Emergency

Enactment of a rule is necessary to establish criteria the department will use to make determinations for grants, loans or other forms of financial assistance to dairy producers to promote and develop the dairy industry. An emergency rule is needed to ensure that funds are used to assist dairy producers during the first year of the annual appropriation as permanent rules cannot be adopted in time to provide the basis for grant determinations for the first year appropriations.

Publication Date: March 30, 2012
Effective Dates: March 30, 2012 through August 26, 2012

Children and Families

Safety and Permanence, Chs. DCF 37–59

EmR1034 — Rule adopted to create **sections DCF 57.485 and 57.49 (1) (am)**, relating to determination of need for new group homes.

Exemption from Finding of Emergency

Section 14m (b) of 2009 Wisconsin Act 335 provides that the department is not required to provide evidence that promulgating a rule under s. 48.625 (1g), Stats., as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency.

Section 14m (b) also provides that notwithstanding s. 227.24 (1) (c) and (2), Stats., an emergency rule promulgated under s. 48.625 (1g), Stats., remains in effect until the permanent rules promulgated under s. 48.625 (1g), Stats., take effect.

Publication Date: September 2, 2010
Effective Dates: September 2, 2010 through the date permanent rules become effective
Hearing Date: October 21, 2010

Employment Relations Commission (2)

1. EmR1113 — Rule adopted to create Chapters **ERC 70 to 74** and **ERC 80**, relating to initial annual certification elections.

These emergency rules were approved by the governor on September 13, 2011.

The statement of scope for this rule, SS 004–11, was approved by the governor on July 20, 2011, published in Register 667, on July 31, 2011, and approved by the Wisconsin Employment Relations Commission as required by s. 227.135 (2) on August 15, 2011.

Finding of Emergency

An emergency exists because the public peace, health, safety and welfare necessitate putting these rules into effect so that the Wisconsin Employment Relations Commission can meet its election obligations under ss. 111.70 (4) (d) 3. b. and 111.83 (3) (b), Stats., and nonstatutory provisions ss. 9132 (1) (b) and 9155 (1) (b) of 2011 Wisconsin Act 10 as amended by nonstatutory provisions ss. 3570f and 3570h of 2011 Wisconsin Act 32.

Publication Date: September 15, 2011
Effective Dates: September 15, 2011 thru February 12, 2012
Extension Through: June 11, 2012
Hearing Date: February 2, 2012

2. EmR1203 — Rule adopted to create **Chapters ERC 90** and **100**, relating to the calculation and distribution of collectively bargained base wages.

This emergency rule was approved by the governor on March 30, 2012.

The statement of scope for this rule, SS 005–11, was approved by the governor on August 31, 2011, published in Register No. 669, on September 14, 2011, and approved by the Employment Relations Commission on September 19, 2011.

Finding of Emergency

An emergency exists because the public peace, health, safety and welfare necessitate putting these rules in effect so that the State of Wisconsin and municipal employers can proceed to bargain over base wages with labor organizations that represent State and municipal employees.

Publication Date: April 19, 2012
Effective Dates: April 19, 2012 through September 15, 2012

Insurance (2)

1. EmR1117 — Rule adopted to revise **Chapter Ins 18**, relating to grievances and independent review requirements and affecting small business.

The statement of scope for this rule, SS 027–11 Ch. Ins 18, was approved by the governor on September 30, 2011, published in Register No. 670, on October 14, 2011, and approved by the Commissioner Theodore Nickel on October 26, 2011. The emergency rule was approved by the governor on November 3, 2011.

Finding of Emergency

The Commissioner of Insurance finds that an emergency exists and that the attached proposed emergency rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. Portions of Wisconsin's insurance law and regulations governing grievances and independent review processes are in conflict with federal law and regulation following the amendment of 42 USC 300gg 19 (a) and (b), as implemented by 45 CFR 147.136, as amended. Therefore, the Commissioner, pursuant to s. 631.01 (5), Stats., has determined that it is in the interest of the State of Wisconsin, Wisconsin insureds and the public to exempt insurers, certified independent review organizations and self-insured governmental health plans that elect to comply with ch. Ins 18, Wis. Adm. Code, as revised, from being required to comply with provisions contained in s. 632.83 and 632.835, Stats., that are inconsistent with 42 USC 300gg–19 (a) and (b), and 45 CFR 147.136 et seq., as amended.

Facts constituting the emergency arise from the desire for the State of Wisconsin to retain jurisdiction and regulatory control over the grievance and the independent review processes and independent review organizations operating in the state. The Secretary of the US Department of Health and Human Services issued interim final regulations and guidance, most recently released late June 2011. The regulations require states that desire to retain regulatory oversight of the grievance and independent external review processes, to demonstrate compliance with the federal internal appeal and external review laws and regulations to the Center for Consumer Information and Insurance Oversight ("CCIIO"). The Commissioner received notice on July 29, 2011, from CCIIO that Wisconsin's current regulatory oversight is not compliant.

The Commissioner has requested reconsideration of that initial determination, however, to ensure retention of regulatory oversight of the grievance and independent external review processes revisions to ch. Ins 18, Wis. Adm. Code, must be made and be applicable for claims arising on or after January 1, 2012. Assembly Bill 210 has been introduced, a bill that repeals inconsistent provisions in accordance with federal requirements, but it is unlikely that AB 210 will be enrolled within the reconsideration timeframe. Therefore the Commissioner is proposing this emergency rule to comply with the federal requirements in order to retain regulatory jurisdiction of grievance and independent review processes.

Publication Date: November 16, 2011
Effective Dates: November 16, 2011 through April 13, 2012

Repealed by EmR1119: December 29, 2011

2. EmR1119 — Rule to repeal EmR1117, which was to revise **Chapter Ins 18**, relating to grievances and independent review requirements, and affecting small business.

The emergency rule was approved by the governor on December 27, 2011.

The statement of scope SS 045–11 was approved by the governor on December 1, 2011, and published December 14, 2011 in Register No. 672. The Statement of Scope was signed by Commissioner Nickel on December 24, 2011.

Finding of Emergency

The Commissioner of Insurance finds that an emergency exists and that the attached proposed emergency rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. Emergency Rule 1117 (EmR1117), was effective November 16, 2011 and is to be first applicable on January 1, 2012. EmR1117 contained provisions modifying Wisconsin's insurance regulations governing grievances and independent review processes to comply with federal law provisions of 42 USC 300gg 19 (a) and (b), as implemented by 45 CR 147.136, as amended. It has been determined that this may not be in the best interest of the state.

The proposed emergency rule will repeal EmR1117 in its entirety and maintain Wisconsin's prior existing regulations and oversight of the grievance and independent review process. To avoid full implementation of EmR1117 and industry and consumer confusion, the Commissioner has determined that this emergency rule must be effective prior to January 1, 2012.

Publication Date: December 29, 2011
Effective Dates: December 29, 2011 through May 26, 2012
Hearing Date: January 26, 2012

Justice

2. EmR1115 — Rule to create **section Jus 17.13**, relating to the recognition by Wisconsin of concealed carry licenses issued by other states.

This emergency rule was approved by the governor on October 14, 2011.

The statement of scope for this rule, SS 009–11, was approved by the governor on August 4, 2011, published in Register No. 668, on August 31, 2011, and approved by Attorney General J.B. Van Hollen on September 12, 2011.

Finding of Emergency

Section 100 (1) of 2011 Wis. Act 35 expressly authorizes and requires DOJ to use the emergency rulemaking procedures of s. 227.24, Stats., to promulgate the emergency rule required under s. 165.25 (12), Stats., and further provides that DOJ is not required to provide evidence that promulgating this rule as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare.

Publication Date: October 25, 2011
Effective Dates: November 1, 2011 through March 29, 2012
Extension Through: May 28, 2012

Natural Resources*Fish, Game, etc., Chs. NR 1—*

1. EmR1045 (DNR # IS-07-11(E)) — Rule to repeal **section NR 40.02 (28m)**, to amend **section NR 40.04 (3m)**, and to repeal and recreate **section NR 40.07 (8)**, (all as created by Natural Resource Board emergency order EmR1039, DNR # IS-49-10(E)), relating to the identification, classification and control of invasive species.

Exemption from Finding of Emergency

Section 227.24 (1) (a), Stats., authorizes state agencies to promulgate a rule as an emergency rule without complying with the notice, hearing and publication requirements under Ch. 227, Stats., if preservation of the public peace, health, safety or welfare necessitates putting the rule into effect prior to the time it would take effect if the agency complied with the procedures. However, s. 23.22 (2t) (a), Stats., authorizes the department to promulgate emergency rules to identify, classify, or control an invasive species without having to provide evidence that an emergency rule is necessary for the preservation of public peace, health, safety, or welfare or to provide a finding of emergency. **In addition, such emergency rules may remain in effect until whichever of the following occurs first: the first day of the 25th month beginning after the effective date of the emergency rule, the effective date of the repeal of the emergency rule, or the date on which the permanent rule identifying, classifying, or controlling the invasive species, promulgated under s. 23.22 (2) (b) 6., Stats., takes effect.**

Publication Date: December 13, 2010
Effective Dates: December 13, 2010 through
See bold text above

Revenue

EmR1201 — Rule to revise **section Tax 7.23**, relating to the activities of brewers, bottlers, out-of-state shippers, and wholesalers.

The scope statement for this rule, SS 018-11, was approved by the governor on August 16, 2011, published in Register No. 669 on September 14, 2011, and approved by the Secretary of Revenue on September 26, 2011.

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 administer the provisions of ss. 125.28 (5) (e) and 125.29 (3), Stats., as created by 2011 Wisconsin Act 32, and reflect revisions made by the Act to the authorized activities of persons holding wholesalers' and brewers' permits.

It is necessary to promulgate this rule order so that the above provisions may be administered in a fair and consistent manner.

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 Legislative Reference Bureau, as provided in s. 227.24, Stats.

Publication Date: January 27, 2012
Effective Dates: January 27, 2012 through June 24, 2012
Hearing Date: February 27, 2012

Safety and Professional Services**(Formerly Regulation and Licensing)**

EmR0827 — Rule adopted creating **section RL 91.01 (3) (k)**, relating to training and proficiency in the use of automated external defibrillators for certification as a massage therapist or bodyworker.

Exemption from Finding of Emergency

Section 41 (2) (b) of the nonstatutory provisions of 2007 Wisconsin Act 104 provides that notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department of regulation and licensing is not required to provide evidence that promulgating a rule as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated to implement 2007 Wisconsin Act 104. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, these emergency rules will remain in effect until the date on which the final rules take effect.

Publication Date: September 10, 2008
Effective Dates: September 10, 2008 through the date on which the final rules take effect
Hearing Date: November 26, 2008
 April 13, 2009

Scope Statements

Agriculture, Trade and Consumer Protection

SS 020-12

This statement of scope was approved by the governor on April 9, 2012.

Rule No.

Chapter ATCP 16, Wis. Adm. Code (Existing)

Relating to

Dog sellers and dog facility operators.

Description of the Objective of the Rule

This proposed rule may modify current animal health rules related to the dog sellers and facility operators program established pursuant to s. 173.41, Stats.

Description of Existing Policies Relevant to the Rule and of New Policies Proposed to be Included in the Rule and an Analysis of Policy Alternatives; the History, Background and Justification for the Proposed Rule

History and background. The dog sellers and dog facility operator program went into effect on June 1, 2011. This program licenses animal control facilities, animal shelters that: shelter at least 25 dogs; dog breeders that sell 25 or more dogs from more than 3 litters; dog breeding facilities from which 25 or more dogs are sold in a year; dog dealers who sell, distribute, trade, or offer for sale, distribution, or trade, 25 or more dogs in a year; and out of state dog dealers who are not residents of this state and who bring 25 or more dogs into this state for sale here in a year. With this license the department inspects facilities, establishes health requirements for selling dogs, defines the age that a dog may be sold, and defines standards of care including enclosure and exercise requirements, vaccinations, record keeping and requirements for temporary dog markets.

Proposed policies. DATCP will be reconvening the advisory committee required by s. 173.41, Stats., to provide assistance in drafting the proposed rules.

Policy Alternatives. Do nothing. If the department does not review the current rule and make modifications that have been identified as necessary during the first year of implementation of the program, the current rule would stay in effect.

Statutory Authority for the Rule (Including the Statutory Citation and Language)

Sections 93.07 (1) and 173.41 (14), Stats.

93.07 Department duties. It shall be the duty of the department:

(1) REGULATIONS. To make and enforce such regulations, not inconsistent with law, as it may deem necessary for the exercise and discharge of all the powers and duties of the department, and to adopt such measures and make such regulations as are necessary and proper for the enforcement by the state of chs. 93 to 100, which regulations shall have the force of law.

173.41 Regulation of persons who sell dogs or operate animal shelters.

(14) RULES. (a) The department, in consultation with the advisory committee established under par. (b) shall promulgate rules to implement and administer this section.

(d) An advisory committee under par. (b) does not expire until 12 months after the rules are promulgated and shall make recommendations to the department for amendments to the rules.

Estimate of the Amount of Time that State Employees will Spend to Develop the Rule and of Other Resources Necessary to Develop the Rule

DATCP estimates that it will use approximately 1.0 FTE staff to develop this rule. That 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.

Description of All Entities that May be Impacted by the Rule

The following entities must obtain a dog seller license under s. 173.41, Stats:

- Any entity that sells 25 or more dogs in a year, coming from 3 or more litters (including a nonresident who brings dogs into this state for sale).
- Any entity that operates a dog breeding facility (a place at which dogs are bred and raised) from which 25 or more dogs, coming from 3 or more litters, are sold in a year.
- Any entity that operates an auction at which 50 or more dogs are sold or offered for sale in a year.
- Any entity that operates an animal shelter that is used to shelter at least 25 dogs in a year.
- Any entity that operates an animal control facility under a contract with a city, village, town, or county.

Summary and Preliminary Comparison of any Existing or Proposed Federal Regulation that is Intended to Address the Activities to be Regulated by the Rule

Currently, the United States Department of Agriculture (USDA) licenses and inspects fewer than 50 kennels in Wisconsin selling puppies wholesale. USDA establishes minimum facility standards for those licensed facilities.

Anticipated Economic Impact

DATCP expects the proposed rule to have no negative economic impact statewide and locally. Since dogs sellers who meet the definitions are already licensed and inspected, rule revisions will be designed to make clarifications or correct discrepancies identified in the rule. The rule will have no impact on local governmental units or public utility taxpayers.

Contact Person

Paul McGraw, DVM, Assistant State Veterinarian, DATCP; Phone (608) 224-4884.

Agriculture, Trade and Consumer Protection

SS 021-12

This statement of scope was approved by the governor on April 9, 2012.

Rule No.

Chapter ATCP 1, Subch. VII, Wis. Adm. Code (Existing)

Relating to

Discretion in enforcement against small businesses.

Description of the Objective of the Rule

This proposed rule would modify current Ch. ATCP 1, Subch. VII, which identifies the discretion DATCP may use in enforcing rule violations against small businesses. The existing rule was adopted as required by s. 895.59, Stats., "to disclose in advance the discretion DATCP will follow in the enforcement of rules and guidelines against small businesses". 2011 Act 46 created s. 227.04, Stats., which makes changes related to the discretion that an agency will use related to minor violations by small businesses and which requires adoption of rules to implement those changes. This rulemaking will enable DATCP to comply with the requirements of s. 227.04, Stats.

Description of Existing Policies Relevant to the Rule and of New Policies Proposed to be Included in the Rule and an Analysis of Policy Alternatives; the History, Background and Justification for the Proposed Rule

History and background. DATCP adopted Ch. ATCP 1, Subch. VII, in November 2006 to comply with the requirements of s. 895.59, Stats. Prior to the creation of s. 895.59, Stats., and the DATCP rules subchapter, DATCP exercised much the same discretion as is provided in the statute and rule when determining if and how to enforce regulation violations committed by small businesses. For example, DATCP has always considered the seriousness of the violation, the risk of harm to the public and past history of compliance when making enforcement determinations.

Proposed policies. DATCP will make those modifications to the subchapter that are needed to remain in compliance with ss. 227.04 and 895.59 Stats., and will examine other modifications to fine tune enforcement flexibility for small businesses.

Statutory Authority for the Rule (Including the Statutory Citation and Language)

Statutory authority for the rule is in ss. 227.04 (2) (b) and 895.59 (2), Stats. Section 227.04 (2) (b), Stats., requires DATCP, consistent with the requirements of s. 895.59, Stats., to "establish by rule, reduced fines and alternative enforcement mechanisms for minor violations of administrative rules made by small businesses. The rules promulgated under this paragraph shall include a definition of minor violation". Section 895.59 (2), Stats., requires DATCP to promulgate a rule that requires it to disclose in advance the discretion it will follow in the enforcement of rules and guidelines against a small business.

Estimate of the Amount of Time that State Employees will Spend to Develop the Rule and of Other Resources Necessary to Develop the Rule

DATCP estimates that it will use approximately 0.20 FTE staff to develop this rule. The estimate includes time required for analysis, rule drafting, preparing related documents, holding public hearings and communicating with affected persons and groups. DATCP will use existing staff to develop this rule.

Description of All Entities that May be Impacted by the Rule

This rule will affect small businesses that are in violation of DATCP regulations.

Summary and Preliminary Comparison of any Existing or Proposed Federal Regulation that is Intended to Address the Activities to be Regulated by the Rule

Federal rules have similar small business regulatory flexibility provisions.

Anticipated Economic Impact

DATCP expects the proposed rule to have no economic impact statewide and locally.

Contact Person

Dennis Fay, Assistant Legal Counsel, DATCP; Phone (608) 224-5006.

Agriculture, Trade and Consumer Protection

SS 022-12

This statement of scope was approved by the governor on April 12, 2012.

Rule No.

Chapter ATCP 49.

Relating to

Farmland preservation planning and zoning and farmland preservation agreements.

Rule Type

Permanent.

Description of the Objective of the Rule

This rule is intended to interpret and clarify provisions of chapter 91 relating to the Department of Agriculture, Trade and Consumer Protection's certification of farmland preservation plans and farmland preservation zoning ordinances. The rule shall specify certification requirements to ensure that farmland preservation plans and farmland preservation zoning ordinances meet the goals of the program. This shall include a clarification that the rationale used to delineate the farmland preservation areas should serve to preserve farmland. The rule shall also provide clarity to zoning ordinance standards and requirements for farmland preservation agreement applications. Under s. 91.02, Stats., the agency is granted the authority to promulgate rules for the administration of chapter 91. This includes rules to set forth technical specifications for farmland preservation zoning maps, rules to identify uses allowed in farmland preservation zoning districts, rules that specify requirements for certification of plans and ordinances, rules to require information on applications for farmland preservation agreements, and rules that clarify provisions of the statute.

Description of Existing Policies Relevant to the Rule, Proposed Policies to be Included in the Rule, and an Analysis of Policy Alternatives

History and background. Wisconsin's Farmland Preservation program was repealed and recreated under 2009 Wis. Act 28. The law was updated to acknowledge the growing pressures on farmland across the state and to curb the increasing conversion of farmland out of agricultural use.

The law now requires all Counties to update their farmland preservation plans before January 1, 2016. The farmland preservation planning process ensures that local governments evaluate the agricultural land within their boundaries and consider the role that agriculture plays in their local economy. Counties must submit farmland preservation plans to DATCP for certification. To be certified, the plan must meet certain statutory requirements such as describing the rationale used to determine the areas that the County intends to preserve for agriculture.

Farmland preservation zoning is an optional tool that local governments can take advantage of to protect farmland. Under the law, those local governments that choose to adopt farmland preservation zoning ordinances must update and submit their zoning ordinances to the state. Similar to farmland preservation plans, DATCP ensures that each zoning ordinance meets certain statutory requirements before it is certified. The certification process ensures that only compatible uses are allowed in the farmland preservation district to limit pressures on active agriculture created by the presence of incompatible uses. Once a zoning ordinance is certified, landowners within the farmland preservation district are eligible to collect tax credits.

Another tool available to landowners under the law is the farmland preservation agreement. By law, any new agreement must be located in a landowner-initiated and state-designated Agricultural Enterprise Area (AEA), and those areas must first be planned as Farmland Preservation Areas in county plans. Landowners with farmland preservation agreements are eligible to collect farmland preservation tax credits. By clustering agreements in these areas that are primarily devoted to agricultural use, farmland can be better protected under the recognition that a concentration of agriculture provides landowners with the confidence that the surrounding land will remain in agriculture. This confidence encourages landowners to not only continue farming but to make additional investments in their agricultural operations as well.

Proposed policies. The farmland preservation plan serves as the foundation to all other parts of the farmland preservation program. Land may only be zoned for farmland preservation or designated as an agricultural enterprise area (and covered by a farmland preservation agreement) if it is also planned for farmland preservation. It is critical, as a result, that an honest, objective planning process occurs in order to make sufficient land available for these other farmland preservation tools.

Planning that evaluates objective factors such as current land use, available agricultural infrastructure, and appropriate soil types also serves to ensure that the appropriate lands are included in the planned area and thus available to take advantage of those preservation tools. Through this rule, DATCP will specify that farmland preservation plans must contain a rationale that not only accurately describes the farmland preservation area, but is based on such objective factors to ensure that farmland is being preserved.

To aid local governments and landowners in taking advantage of farmland preservation tools once the planning process is complete, this rule will also seek to clarify the description of uses allowed in the farmland preservation zoning program as well as applications for entering into farmland preservation agreements. This part of the rule will be designed to recognize that uses in the farmland preservation zoning district should be compatible with active agriculture and should facilitate the ability of farmers to keep their land in the agricultural district. Along those same lines, DATCP will clarify the information required in farmland preservation applications to make sure that agreements signed serve to preserve farmland.

Alternative Policies. If the department does not develop this rule, Counties, Towns, and Municipalities will continue to update their farmland preservation plans and ordinances. However, local governments and farmers would fail to benefit from the clarity and direction that this rule could provide, causing added staff time at both the local and state level. In addition, farmers will continue to sign farmland preservation agreements with the state. A lack of clarity in the information required, however, will result in added staff time at the state and local level to complete agreement applications and sign agreements.

Detailed Explanation of Statutory Authority for the Rule (Including the Statutory Citation and Language)

Sections 91.02 (1) and (2), Stats., give the department specific and general authority to establish rules that will clarify aspects of the program.

91.02 Rule making. (1) The department shall promulgate rules that set forth technical specifications for farmland preservation zoning maps under s. 91.38 (1) (d).

(2) The department may promulgate rules for the administration of this chapter, including rules that do any of the following:

- (a) Identify accessory uses under s. 91.01 (1) (e).
- (b) Identify agricultural uses under s. 91.01 (2) (b).
- (c) Identify agriculture-related uses under s. 91.01 (3) (b).
- (d) Identify base farm tracts under s. 91.01 (5) (b).
- (e) Specify requirements for certification under s. 91.18 (1) (b).
- (f) Require information in an application for certification of a farmland preservation plan or amendment under s. 91.20 (4).
- (g) Specify types of ordinance amendments for which certification is required under s. 91.36 (8) (b) 3.
- (i) Specify requirements for certification of a farmland preservation zoning ordinance under s. 91.38 (1) (i).
- (j) Require information in an application for certification of a farmland preservation zoning ordinance or amendment under s. 91.40 (5).
- (k) Authorize additional uses in a farmland preservation zoning district under s. 91.42 (4).
- (L) Authorize additional uses as permitted uses in a farmland preservation zoning district under s. 91.44 (1) (g).
- (m) Authorize additional uses as conditional uses in a farmland preservation zoning district under s. 91.46 (1) (j).
- (p) Require information in an application for a farmland preservation agreement under s. 91.64 (2) (h).

Estimate of Amount of Time that State Employees will Spend Developing the Rule and of Other Resources Necessary to Develop the Rule

DATCP estimates that it will use approximately 0.5 FTE staff to develop this rule. This includes investigation, 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.

List with Description of All Entities that May be Affected by the Proposed Rule

Counties, Towns and Municipalities

Out of 72 Counties, 70 currently have farmland preservation plans. All Counties must update their farmland preservation plans before January 1, 2016. Counties work with towns, cities, and villages to establish what lands are in and should remain available for agriculture. The farmland preservation plan requires extensive public participation to accurately reflect farmland across a county. As a result, it can take counties well over a year to complete the farmland preservation planning process. Though a few Counties have completed the update to their plan, there are many Counties that are just beginning the process. Clarification of the statute, especially specification of certification requirements, will aid Counties in updating their plans.

Across the state, 31 counties, 119 towns, 18 villages, and 19 cities administer a certified farmland preservation zoning ordinance. These ordinances serve to implement the County farmland preservation plan and enable local governments to protect agricultural land within their boundaries by restricting conflicting uses from locating within agricultural districts.

Farmers and Other Landowners

Farmland Preservation Planning does not by itself control land use, but planning is a means of guiding future zoning decisions. Planning also enables lands to be designated as agricultural enterprise areas, which allow individual farmers to apply for a farmland preservation agreement. Alternatively, if a plan does not identify sufficiently sized blocks of land for farmland preservation, landowners are precluded from participating in agricultural enterprise areas and, by extension, farmland preservation agreements.

Any land that is included in the farmland preservation plan area may then be included in a farmland preservation zoning district or in an agricultural enterprise area and subsequently in a farmland preservation agreement. By clarifying the standards for uses that may be included in farmland preservation zoning ordinances and the requirements that the ordinances must meet in order to be certified, the proposed rule may encourage more local governments to zone land for farmland preservation. This, in turn, could enable more landowners to be eligible to collect farmland preservation tax credits. It could also encourage additional agricultural-related investment into local communities as landowners are assured that farming will continue in these areas. The same is true for providing rules to guide the information required to apply for a farmland preservation agreement – added clarity in the application process could encourage additional landowners to enter into farmland preservation agreements.

Agriculture-Related Business

As part of the farmland preservation planning process, Counties are required to inventory and evaluate agriculture-related businesses and services, including agricultural production and enterprises related to agriculture.

This process helps to ensure that the impact of agriculture-related business can be measured within the community. Clarifying the significance of this requirement in the planning process may aid communities in accurately capturing the breadth of agriculture-related businesses within the area.

Clarity in the farmland preservation zoning standards may help local governments include these agriculture-related enterprises in the zoning district. Most agriculture-related businesses may be allowed in a farmland preservation zoning district either as an agriculture-related use or an accessory use. Though such businesses may or may not collect tax credits, their presence in the district may add additional certainty to farmers within the zoning district. Additional farms under farmland preservation agreements can also provide a customer base for area agriculture-related businesses. The presence of farmland preservation agreements in the vicinity may encourage agriculture-related businesses to locate or stay or expand in a community.

Summary and Preliminary Comparison of any Existing or Proposed Federal Regulation that is Intended to Address the Activities to be Regulated by the Rule

There are no existing or proposed federal regulations intended to address the activities to be regulated by this proposed rule.

Anticipated Economic Impact of Implementing the Rule (Note if the Rule is Likely to have a Significant Impact on Small Business)

The proposed rule should have minimal economic impact statewide.

Contact Person

Alison Volk, Division of Agricultural Resource Management, DATCP; Phone (608) 224-4634.

Agriculture, Trade and Consumer Protection

SS 024-12

This statement of scope was approved by the governor on April 12, 2012.

Rule No.

Chapter ATCP 127, Wis. Adm. Code (Existing)

Relating to

Regulating telephone solicitations.

Description of the Objective of the Rule

Recently enacted 2011 Wisconsin Act 197 prohibits text message solicitation to residential customers enrolled in the Wisconsin No Call program. The proposed rule change would update ATCP 127 (Direct Marketing) to align the rule with recent changes to s. 100.52, Stats., and to prohibit a telephone solicitation practice called “spoofing” that hides or provides a false telephone number for the telephone solicitor.

Description of Existing Policies Relevant to the Rule and of New Policies Proposed to be Included in the Rule and an Analysis of Policy Alternatives; the History, Background and Justification for the Proposed Rule

History and Background. The Wisconsin No Call program was established by statute in 2001 and the Department of Agriculture, Trade, and Consumer Protection (DATCP) promulgated a rule to implement the program in 2002. Telephone solicitors are prohibited from calling residential

customers on the state No Call list. Exceptions are made for calls made to current clients and for calls made on behalf of non-profit and political organizations. Solicitors are required to register with DATCP and to pay an annual or quarterly fee to solicit residential customers located in Wisconsin. Residential customers who do not want to receive unsolicited commercial calls must provide their telephone number and zip code to the department every two years to remain on the non-solicitation list. In 2008, the statute was amended to include cellular phones. 2011 Wisconsin Act 197 further amended the statute to include regulation of text messages. This proposed rule change would align the rule with the statute.

Current s. ATCP 127.04 requires that a telephone solicitor identify the name of the person making the solicitation and the name of the principal seller. It also prohibits the use of a fictitious name by the telephone solicitor. The proposed rule would prohibit the practice of “spoofing” that transmits misleading or inaccurate caller identification information.

Proposed Policies. The rule will regulate text messages as required by 2011 Wisconsin Act 197 and will modify the existing solicitor registration fee structure as necessary to register solicitors that send commercial text messages to residential customers. The rule will also regulate the practice of “spoofing”.

Policy Alternatives. Do nothing. If the department does not modify the rule to incorporate text messaging, businesses attempting to comply with the law may find the requirements confusing. The department would also have difficulty enforcing the No Call program since solicitors that use voice communication would be covered by the rule, while businesses that solicit via text would be regulated only by statute. If the department does not modify the existing solicitor registration fee structure, businesses that solicit residential customers via text message may not be required to pay a registration fee to the department, while solicitors that use voice communication will continue to pay registration fees.

If the department does not prohibit “spoofing”, recipients may continue to receive telephone solicitations which lack accurate identification of the caller’s telephone number.

Statutory Authority for the Rule (Including the Statutory Citation and Language)

Sections 93.07 (1), 100.20 (2) (a) and 100.52 (2) (b), Stats.

93.07 Department duties. It shall be the duty of the department:

(1) REGULATIONS. To make and enforce such regulations, not inconsistent with law, as it may deem necessary for the exercise and discharge of all the powers and duties of the department, and to adopt such measures and make such regulations as are necessary and proper for the enforcement by the state of chs. 93 to 100, which regulations shall have the force of law.

100.20 (2) (a) The department, after public hearing, may issue general orders forbidding methods of competition in business or trade practices in business which are determined by the department to be unfair. The department, after public hearing, may issue general orders prescribing methods of competition in business or trade practices in business which are determined by the department to be fair.

100.52 (2) (b) The department shall promulgate rules for establishing, maintaining and semiannually updating a directory that includes listings of residential customers

who do not wish to receive telephone solicitations made on behalf of telephone solicitors.

Estimate of the Amount of Time that State Employees will Spend to Develop the Rule and of Other Resources Necessary to Develop the Rule

DATCP estimates that it will use approximately .02 FTE staff to develop this rule. This includes time required for research and analysis, rule drafting, preparing related documents, holding public hearings and communicating with affected persons and groups. DATCP will use existing staff to develop this rule.

Description of All Entities that May be Impacted by the Rule

The part of this rulemaking related to text messaging will impact any businesses that solicit Wisconsin residential customers through text messages. It will not impact entities that solicit residential customers that are current clients or non-profit and political organizations that solicit residential customers via text message. The part of this rule related to “spoofing” will impact businesses that conduct telephone or text message solicitations of Wisconsin residential customers.

Summary and Preliminary Comparison of any Existing or Proposed Federal Regulation that is Intended to Address the Activities to be Regulated by the Rule

The federal CAN-SPAM Act prohibits sending commercial electronic mail (e-mail) messages to wireless devices, including cellular phones and pagers, unless the recipient provided prior authorization to receive such messages. In addition, Federal Communications Commission (FCC) rules prohibit sending unwanted text messages to a wireless phone number if they are sent using an auto dialer. Finally, FCC rules prohibit sending unwanted text messages to a telephone number on the national Do Not Call list.

Anticipated Economic Impact

DATCP anticipates that the proposed rule will have minimal economic impact statewide and locally.

Contact Person

Sandy Chalmers, Administrator of the Division of Trade and Consumer Protection, DATCP; Phone (608) 224-4929.

Natural Resources

Fish, Game, etc., Chs. NR 1—

SS 023-12

This statement of scope was approved by the governor on April 12, 2012.

Rule No.

WM-08-12 and WM-09-12 (Emergency)

Relating to

Establishing a wolf hunting/trapping season and regulations, NR Chapters 10, 12, and 19.

Rule Type

Both permanent and emergency.

Finding/Nature of Emergency

Non-statutory provisions in SECTION 21 of 2011 ACT 169 require the department to submit rules necessary for interpretation or interpretation and establish that the department is not required to make a finding of emergency.

Detailed Description of the Objective of the Proposed Rule

The objectives of this proposed rule are to establish regulated and managed harvest opportunities for gray wolves via hunting and trapping, and to establish the administrative procedures for submission and payment of wolf depredation claims. The desired outcome of these rules is the maintenance of a healthy wolf population at an established population goal.

This rulemaking will restate in administrative code many provisions that are already explicitly described in statute. Many similar or identical provisions, which apply to other species, are found only in administrative code. If statutory provisions related to wolves are not duplicated in administrative code, a person who is not aware of statutory provisions will draw incorrect conclusions about regulations that apply. These include; season dates, hunting hours, baiting regulations, regulations on firearms and crossbow use, and updates to the payments of claims for damage associated with gray wolves.

This proposed rulemaking will establish wolf harvest zones and the process for modifying those zones in the future. The department has established 4 wolf management zones previously in rule. Wolf harvest zones may differ from wolf management zones. Through this rulemaking process, the department will consider and may propose a process for annually establishing an allowable statewide harvest of wolves and allocating the harvest among the wolf harvest zones. Currently, for other species, some population goals are established in administrative code and others are established in a species management plan that has been approved by the agency's board but have not been promulgated as rules. In the past, the wolf population goal was established not by rule but in a management plan. The goal was a late winter count of 350 animals outside of Native American reservations. This proposal will also recognize tribal harvest rights of up to 50% of the annual allowable take of wolves within the Ceded Territory.

This rulemaking may establish that the number of wolf harvest permits to be issued will be based on annual population estimates in relation to the statewide population goal, and hunter and trapper success rates.

In order to facilitate the issuance of wolf harvest permits, as well as, collect information on harvest and enforce harvest limits, the following requirements will be established; application deadlines, selection protocol, permit transfer procedures, possession of a carcass tag while hunting, tagging the carcasses of harvested animals, reporting, registration, tissue, parts and carcass collection, and a process for rapid season closure when harvest quotas are met before the scheduled close of the season. These regulations will be familiar to hunters and trappers because they are similar or identical to those already in place for species such as bobcat, fisher, otter, deer, bear, turkeys and Canada geese.

This proposal will establish trapping regulations that meet public expectations for humane capture of wolves and avoidance of non-target species. The proposal may establish regulations on the size, type, placement, and times for use of traps and cable restraints. To the greatest extent possible, regulations will be based on research and testing for methods that result in low injury scores and eliminate harvest of non-target species. Wolf trapping in the lower 48 states is new in modern times and a review of existing best management practices is ongoing at the time this scope statement is being proposed.

Currently, hunting is prohibited in the Necedah National Wildlife Refuge except that hunting deer, turkey, and unprotected species with firearm and bow is allowed where posted by the United State Fish & Wildlife Service with their signs. This proposal extends the option for the property owner to also allow wolf hunting. Trapping for wolves is an option that the service already has if they choose to implement it.

Trapper education is currently a prerequisite for most people who wish to purchase a trapping license. However, the safe methods for trapping wolves have not been part of the curriculum of the Wisconsin Cooperative Trapper Education Course. Through this rulemaking, the department will investigate and propose the simplest, most efficient means possible of updating trapper's knowledge. Trapping wolves involves trap and cable restraints of sizes not previously in use on dry land in this state and significant care and regulatory assurances are needed for this practice to be accepted in the long run by the public.

Statute currently establishes conditions and authorities for the removal of wild animals causing damage and the department has established rules. This rule proposal will add wolves to rules the department has already promulgated for other species. In particular, the rules would require written permission to remove and relocate or to destroy a wolf causing damage and may require that the public be allowed to hunt on properties where removal is permitted. This proposal may also create a requirement that abatement measure be implemented before lethal means of control are authorized. This proposal will not affect current rules which allow a landowner to kill a wolf that is in the act of killing, wounding or biting a domestic animal. This proposal the department will investigate and propose rules that outline the process for submitting a wolf depredation claim and payment schedule. The department already has a similar process for agricultural damage caused by deer, bear, geese and turkeys.

Description of Existing Policies Relevant to the Rule, New Policies Proposed to be Included in the Rule, and an Analysis of Policy Alternatives

Policies relevant to the rule are consistent with existing policies for hunting, trapping, and wildlife damage claims payments for other species in most aspects. The department has regulations in place for the method of harvest, transportation, recording and registration of many harvested animals. The department establishes population goals for species such as deer, bear and bobcat. These proposed rules do not differ significantly from ones that are currently in place. Additionally, the department already administers a wolf depredation program including investigating suspected incidents of depredation on domestic animals and payment of claims.

Detailed Explanation of Statutory Authority for the Rule

The department is directed by s. 29.014, Wis. Stats. to establish regulations for the taking of game that conserve populations, including wolves, and provide opportunities for good hunting. This authorizes the department to establish rules that restrict harvest to safe levels which are established based on population estimates, population goals, and hunter and trapper success rates. This section authorizes other actions such as establishing that wolves are not small game and allows removing them from a protected species list because they will be protected under other rules.

Non-statutory provisions of 2011 ACT 169 exempt the department from making a finding of emergency in

promulgating any rules that are necessary to implement the ACT.

Many provisions of the ACT will be duplicated in administrative code because that is where people are accustomed to finding similar or identical regulatory information for other species. The following are found in s. 29.185 (5) and (6); season dates, use of dogs, hunting hours, baiting regulations, regulations on firearms and crossbow use. Rule updates on the payments of claims for damage associated with gray wolves will be similar or identical to new language created in 20.370 (5) (fv) of the ACT.

A variety of provisions explicitly authorize the department to limit wolf harvest if necessary to effectively manage the state wolf population. The department's authority to limit the number of harvest licenses issued is established in 29.185 (1). The establishment of wolf harvesting zones is required by the s. 29.185 (5) (b) of the ACT. Department authority to close the season in a harvest zone if the harvest quota is reached is established in 29.185 (5) (c). Regulations on the proper use of tags and registration of harvest are authorized under s. 29.185 (7) and generally by s. 29.014.

Regulations on the types of traps that may be used to harvest wolves are authorized under s. 29.185 (6) (f) and generally by s. 29.014.

The department is required to establish and supervise the Wisconsin Cooperative Trapper Education Program under s. 29.597.

Restrictions on the removal of wild animals and the wildlife damage abatement and claims program are established under the authority of ss. 29.014 and 29.885. These provisions allow the department to require written authorization for a member of the public to capture and relocate or kill wolves in damage and nuisance situations, consistent with current requirements for species such as deer, bear, and elk. Current administrative rule and statutory requirements for preventative abatement action before killing certain wild animals will be extended to wolves. Public hunting and trapping of certain species must be allowed for species currently covered under s. 29.885 (4m). The department will consider extending these requirements for wolves being removed under 29.888 of the ACT through this rulemaking. These provisions will not affect current rules that allow a landowner to kill a wolf that is actually in act of killing, wounding or biting a domestic animal.

Estimate of Amount of Time that State Employees will Spend Developing the Rule and of Other Resources Necessary to Develop the Rule

The Bureau of Wildlife Management, in cooperation with endangered resources, costumer & outreach services, law enforcement, and legal services, will be responsible for promulgating permanent and emergency rules that support the implementation of a wolf hunting and trapping season. This would be a one-time expense that will be absorbed in the department's current budget. It is generally estimated that the effort of various staff will amount to the equivalent of two months of a staff specialist's time, approximately 320 hours.

List with Description of All Entities that May be Affected by the Proposed Rule

These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses and no design or operational standards are established in the rule.

The Great Lakes Indian Fish & Wildlife Commission, representing eleven Ojibwe tribes who reserved hunting, fishing and gathering rights in the 1837, 1842, and 1854 Treaties, have indicated that they are affected by the proposed rule. The department will consult with the commission during promulgation of these rules.

It is likely that some of the groups that registered with the Government Accountability Board when the authorizing legislation was being considered in the legislature believe they will be affected by this proposed rule. Groups registering in support of the ACT include primarily groups with hunting and agricultural interests; Safari Club International, Wisconsin Chapters, United Sportsmen of Wisconsin, Inc., Wi-Force (Wisconsin Firearm Owners, Ranges, Clubs & Educators, Inc.), Wisconsin Bear Hunters Association, Wisconsin Bowhunters Association, Wisconsin Cattlemen's Association, Wisconsin Farmers Union, Wisconsin Independent Businesses Inc., Wisconsin Pork Association, and the Wisconsin State Cranberry Growers Association. The Stockbridge-Munsee Community registered in opposition with the board. The Humane Society of the United States registered in opposition at the hearing held by the State Assembly Natural Resources Committee on February 1, 2012.

Summary and Preliminary Comparison with any Existing or Proposed Federal Regulation that is Intended to Address the Activities to be Regulated by the Proposed Rule

Wolves are currently a state managed species. The US Department of Interior announced in December, 2011 that gray wolf populations in the Great Lakes region have recovered and no longer require the protection of the Endangered Species Act. The U.S. Fish and Wildlife Service published a final rule in the Federal Register that removed wolves in Michigan, Minnesota and Wisconsin, and in portions of adjoining states, from the list of endangered and threatened wildlife and plants. The rule went into effect on January 27, 2012.

The states of Wisconsin, Minnesota and Michigan are required to monitor wolf populations for at least five years to ensure the species continues to thrive. If it appears, at any time, that the gray wolf cannot sustain itself without the protections of the ESA, the service can initiate the listing process, including emergency listing.

Anticipated Economic Impact of Implementing the Rule (Note if the Rule is Likely to have a Significant Economic Impact on Small Businesses)

In the long term it is expected that new wolf hunting and trapping opportunities, and continuing wildlife watching activity, will contribute positively to Wisconsin's existing tourism economy. Even though the total number of participants in hunting and trapping will be low, these unique opportunities will bolster Wisconsin's image as a premier destination for wildlife and outdoors oriented activities.

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. The department does not have experience yet to gauge the level of public participation and interest in this new activity. People who hunt or trap wolves may reside anywhere in the state but are likely to hunt and trap in the northern third of the state where most wolves are found. This will result in increased purchases of lodging services.

Some hunters/trappers will need to be assisted by paid guides in order to have a high likelihood of success. The gear used for wolf hunting will be similar to that used for deer and that, combined with the low number of hunters, means there will be limited new retail expenditures even though this is a new opportunity. Successful hunters and trappers will contribute economically through the sales of wolf pelts or, more often, the purchase of taxidermy services. These will be minor contributions overall but for an individual taxidermist, guide, or motel owner who receives extra work, the impact is worth noting.

The ACT and this rulemaking will allow Wisconsin to manage wolves to population levels that will be lower than the current population. A result will be less wolf depredation on domestic animals. Under previous requirements of law and under the ACT, the department reimburses owners for the fair market value of domestic animals killed, or veterinary services, in wolf depredation incidents. A reduction in depredation will result in less time investigating damage, filling claims, and working with agency staff who administer

the program. Individual producers who are concerned about livestock depredation are likely to view a hunting season as very important to them economically. In 2010, the department investigated and made damage payments for depredations of 84 cattle or missing cattle and six sheep.

The department does not anticipate that there will be significant conflict in the field between people pursuing different outdoor recreational opportunities. It is possible that some wildlife watchers who seek wolves for viewing opportunities may be concerned about user conflict, however, and will be less active. They may initially spend less money travelling and pursuing these activities.

Contact Person

Tom Hauge, Wildlife Management Bureau Director, 101 South Webster Street, Madison WI 53707. (608) 266-2193, tom.hauge@wisconsin.gov.

Scott Loomans, Wildlife Regulation Policy Specialist, 101 South Webster St., Madison, WI 53707. (608) 267-2452, scott.loomans@wisconsin.gov.

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.

Natural Resources

***Environmental Protection, Solid Waste Management,
Chs. NR 500—
CR 10-128***

(DNR # WA-33-10)

Revises Chapters NR 500, 502, and 518, relating to composting of solid waste.
Effective 6-1-12.

Safety and Professional Services

***Safety, Buildings, and Environment, General Part II
Chs. SPS 326-360
CR 11-047***

Revises Chapters SPS 341, 341 Appendix, 345, and 345 Appendix, relating to boilers and pressure vessels.
Effective 6-1-12.

Rules Published with this Register and Final Regulatory Flexibility Analyses

The following administrative rule orders have been adopted and published in this edition of the 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

(DATCP # 09-R-20)

CR 11-037

The Department of Agriculture, Trade and Consumer Protection (DATCP) hereby submits the following rule for publication revising Chapter ATCP 160, relating to county and district fairs.

Summary of Final Regulatory Flexibility Analysis

This rule will not have any impact on business. Participation in county and district fairs is voluntary. Individual businesses may benefit from winning premiums at county or district fairs, but premium amounts are relatively small and this rule does not substantially affect the likelihood of winning.

Summary of Comments of Legislative Standing Committees

DATCP transmitted the above rule for legislative committee review on December 9, 2011. The rule was referred to the Senate Committee on Agriculture, Forestry, and Higher Education on December 15, 2011 and the Assembly Committee on Agriculture on December 28, 2011. Neither committee took action on the rule. The Senate referred the rule to the Joint Committee for Review of

Administrative Rules (JCRAR) on January 17, 2012 and the Assembly referred the rule to JCRAR on February 1, 2012. JCRAR took no action on the rule.

Safety and Professional Services Real Estate Examining Board

CR 10-136

An order of the Real Estate Examining Board to revise Chapters REEB 24 and 25 (formerly RL 24 and 25), relating to definitions, duties of brokers, broker disclosure requirements, written proposals, ethical requirements, and educational requirements.

Summary of Final Regulatory Flexibility Analysis

These proposed rules were reviewed by the department's Small Business Review Advisory Committee, and it was determined that the proposed rules will not have a significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at john.murray@drl.state.wi.us, or by calling (608) 266-8608.

Summary of Comments of Legislative Standing Committees

No comments were reported.

Sections Affected by Rule Revisions and Corrections

The following administrative code sections had rule revisions and corrections take place in **March 2012**, 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 & Consumer Protection

Ch. ATCP 160

ATCP 160.01 (1) to (9), (11), (12)
 ATCP 160.02 (1) (a), (3) (a), (b), (4) (c) 8.
 ATCP 160.04 (title), (2) to (5)
 ATCP 160.05 (2), (3)
 ATCP 160.07 (5)
 ATCP 160.08 (3), (5) (e), (6)
 ATCP 160.09 (4)
 ATCP 160.12 (2)
 ATCP 160.13 (intro.), (1) (title), (2)
 ATCP 160.14 (intro.), (2), (4), (5)
 ATCP 160.15 entire section
 ATCP 160.19 (title), (3) to (6)
 ATCP 160.40 (2m), (3m), (6m)
 ATCP 160.51 (1)
 ATCP 160.52 (2), (4) (title), (5)
 ATCP 160.53 (2), (4)
 ATCP 160.54 (1) (c), (2), (3), (7)
 ATCP 160.55 entire section
 ATCP 160.61 (title), (3) to (6)
 ATCP 160.77 entire section
 ATCP 160.78 (title), (intro.)
 ATCP 160.80 (4)

Children and Families

Ch. DCF 150 Appendix C

(Adjustment per. s. DCF 150.04 (4) (b))

Ch. DCF 150 Appendix D

(Adjustment per s. DCF 150.05 (2) (c))

Ch. DCF 201

DCF 201.08 Schedule
 (Adjustment per s. DCF 201.08 (3))

Natural Resources

NR 106

NR 106.10 (1) (note)
 (pursuant to s. 227.40 (6), Stats.)

Real Estate Examining Board

Ch. REEB 24

REEB 24.02 (2) to (5), (8), (13), (13m), (17), (19)
 REEB 24.025
 REEB 24.05 (title), (1) (title), (a), (b), (2), (3) (title),
 (4), (5) (b)
 REEB 24.07 (8) (a), (b) (title), (c) (title), (d), (e)
 REEB 24.09
 REEB 24.13 (title), (1), (2) (title), (b), (3) (title), (a), (4)
 (title), (5)
 REEB 24.16
 REEB 24.17 (1), (5)

Ch. REEB 25

REEB 25.02 (2) (intro.), (g)

Editorial Corrections

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

Agriculture, Trade & Consumer Protection

Ch. ATCP 160

ATCP 160.15 (4) (b)
 ATCP 160.40 (3m)
 ATCP 160.55 (4) (b)

Children and Families

Ch. DCF 201

DCF 201.08 (2) (c)

Real Estate Examining Board

Ch. REEB 24

REEB 24.075 (3) (a), (b)

Ch. REEB 25

REEB 25.02 (2) (g) 1. a., b. (notes)

Executive Orders

The following are recent Executive Orders issued by the Governor.

Executive Order 64. 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 Staff Sergeant Jesse J. Grindey of the United States Army Who Lost His Life While Serving His Country During Operation Enduring Freedom. **(March 21, 2012)**

Executive Order 65. Relating to the Creation of the Criminal Justice Coordinating Council. **(April 9, 2012)**

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