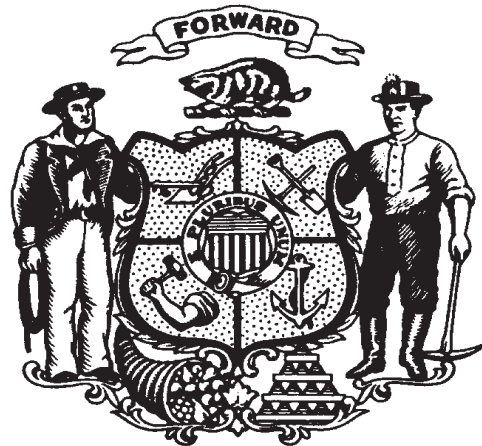


Wisconsin Administrative Register

No. 609



Publication Date: September 30, 2006

Effective Date: October 1, 2006



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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.

Administration

Rules adopted revising **ch. Adm 10**, relating to cost benefit analyses of contractual services.

Exemption from Finding of Emergency

Section 8(2) of 2005 Wisconsin Act 89 requires the Department of Administration to promulgate rules required under ss. 16.004 (1), 16.705 (2) and 227.11 Stats., by using the emergency rulemaking procedure under s. 227.24, Stats., except that the department is not required to provide evidence that the emergency rule is necessary for the preservation of public peace, health, safety or welfare and is not required to provide a finding of emergency.

Plain language analysis

The department intends to promulgate a rule as required by Act 89 to require a cost-benefit analysis to be completed for each bid or request for proposal to compare the cost of contracting for services versus providing the services with state employees.

Currently, all state agencies and UW System campuses may contract for services between \$25,000 and \$200,000 if they can show that the services can be performed more economically or efficiently by such a contract than by state employees. Currently, if the contractual services would be greater than \$200,000, the contracting agency must complete a more rigorous and detailed cost/benefit analysis to demonstrate that the services can be performed more economically or efficiently by such a contract than by state employees. This more rigorous and detailed analysis includes total cost, quality and nature of services required, specialized

skills, time factors, risk factors and legal barriers. Act 89 requires agencies to conduct uniform cost-benefit analysis of each proposed contractual service procurement involving an estimated expenditure of more than \$25,000 in accordance with standards prescribed in the rules. Cost benefit-analysis is defined to include total cost, quality, technical expertise and timeliness of a service.

Act 89 also requires agencies to review periodically, and before any renewal, the continued appropriateness of contracting under each services agreement involving an estimated expenditure of more than \$25,000. Act 89 requires the department to complete an annual summary report of the cost benefit-analysis prepared by state agencies in the preceding fiscal year and recommendations for elimination of unneeded contractual service procurements and for the consolidation or resolicitation of existing contractual service procurements.

Publication Date: July 1, 2006

Effective Date: July 1, 2006

Expiration Date: See section 8 (2) of 2005 Wis. Act 89.

Hearing Date: August 11, 2006

Agriculture, Trade & Consumer Protection (2)

1. Rules adopted revising **chs. ATCP 10 and 11**, relating to a poultry flock certification program.

Finding of Emergency

(1) The Wisconsin department of agriculture, trade and consumer protection ("DATCP") administers Wisconsin's animal health and disease control programs, including the national poultry improvement program (NPIP). The NPIP is designed to prevent the spread of *Salmonella pullorum*, fowl typhoid and, in the case of turkeys, *Mycoplasma gallisepticum*. NPIP is governed by 9 CFR 145 and 147. NPIP enrollment is voluntary, but non-enrolled flocks are subject to certain movement restrictions.

(2) Current DATCP rules prohibit the import, use, sale or movement of poultry, farm-raised game birds or their eggs for breeding or hatching unless they originate from flocks that are enrolled in NPIP and meet NPIP standards. Current DATCP rules also prohibit the exhibition of poultry or farm-raised game birds at a fair, exhibition or swap meet unless they originate from an NPIP "pullorum-typhoid clean" or equivalent flock, or are individually tested for pullorum-typhoid.

(3) NPIP is primarily designed for large commercial flocks that move birds or eggs in interstate commerce. NPIP requires yearly testing of all sexually mature birds, and routine inspections. Fees for enrollment in the program differ based on flock size and purpose, and range from \$20 to \$200. NPIP enrollment and testing may be cost-prohibitive for small flocks. Current rules restrict market access and exhibition by small producers of poultry and farm-raised game birds, and impose an unnecessary burden on those producers. Some small producers may be tempted to ignore or subvert current rules, in order to market or exhibit their poultry or farm-raised game birds. That may, in turn, create unnecessary risks of disease.

(4) It is urgently necessary to provide alternative disease monitoring options for small producers of poultry and farm-raised game birds, so that those producers can legally and economically move, market and exhibit their birds. The current lack of alternatives creates an unnecessary economic hardship, and an unnecessary risk of disease spread.

(5) DATCP has proposed rules which would create practical disease monitoring alternatives for small producers of poultry and farm-raised game birds. DATCP is proceeding to adopt those rules by normal rulemaking procedures. However, normal rulemaking procedures require at least a year to complete. A temporary emergency rule is needed to eliminate unnecessary hardship and risk in the short term, and to provide practical and effective disease monitoring for this year's fair and exhibition season.

Publication Date: March 3, 2006
Effective Date: March 3, 2006
Expiration Date: July 31, 2006
Hearing Date: March 31, 2006
Extension Through: September 28, 2006

2. Rules adopted revising **ch. ATCP 136**, relating to mobile air conditioners; reclaiming or recycling refrigerant.

(1) The Wisconsin department of agriculture, trade and consumer protection ("DATCP") administers s. 100.45, Stats. DATCP has adopted rules under ch. ATCP 136 to implement s. 100.45, Stats. The current rules regulate the sale and installation of mobile air conditioner refrigerants, including "substitute refrigerants" such as R 134A. Among other things, the current rules prohibit the sale of mobile air conditioner refrigerants in containers holding less than 15 lbs. of refrigerant.

(2) On June 28, 2006, the Legislature's Joint Committee for Review of Administrative Rules (JCRAR) voted to suspend all current state rules related to the installation and sale of "substitute refrigerants" of any kind. This broad exemption will become effective on July 7, 2006 unless by that date DATCP adopts a narrower alternative exemption by emergency rule. The narrower exemption specified by JCRAR would apply only to the sale of the "substitute refrigerant" R 134A. The exemption would allow the sale of R 134A to the general public in "do-it-yourself" containers holding less than 15 lbs.

(3) DATCP is adopting this emergency rule for the sole purpose of preventing a broader JCRAR suspension of rules that currently prevent the release of mobile air conditioner refrigerant into the environment.

Publication Date: July 12, 2006
Effective Date: July 12, 2006
Expiration Date: December 9, 2006
Hearing Date: August 15, 2006

Commerce

(Financial Resources for Businesses and Communities, Chs. Comm 105 to 131)

Rule adopted creating **ch. Comm 131**, relating to diesel truck idling reduction grants.

Exemption from Finding of Emergency

The legislature by Section 9108 (1w) in 2005 Wisconsin Act 25, provides an exemption from a finding of emergency for the adoption of this rule.

The rules specify who is eligible for receiving a grant in this program for purchasing and installing diesel truck idling reduction equipment. Eligible costs are also specified, along with how to apply for the grants. Parameters for awarding the grants are likewise specified. These parameters include (1) disallowing grants to any applicant who is failing to comply with any conditions imposed on any previous grant received in this program; and (2) alerting applicants that the Department may (a) refuse to award grants for idling reduction equipment on truck tractors that do not have a sleeper berth, (b) annually allocate up to 25 percent of the grant funding to applicants who own and operate 50 or fewer truck tractors, and (c) set deadlines for submitting applications, and then prorate the awards to the applicants if the total funding requested in the applications exceeds the available revenue.

Publication Date: June 30, 2006
Effective Date: July 1, 2006
Expiration Date: November 28, 2006
Hearing Date: July 25, 2006

Corrections

A rule was adopted creating **s. DOC 332.19**, relating to a sex offender registration fee.

Finding of Emergency

The department of corrections finds that an emergency exists and that rules are necessary for the immediate preservation of public peace, health, safety and welfare. A statement of the facts constituting the emergency is: Under 2005 WI Act 25, the legislature authorized the department to establish a sex offender registration fee. If the rule is not created promptly and immediately, the department will not be able to collect the fees which are to be used to offset the costs of monitoring probationers, parolees, or persons on extended supervision, which could result in a lessening of supervision due to budget limitations.

The purpose of the emergency rule is to establish an annual sex offender registration fee to partially offset the costs of monitoring persons who are on probation, parole, or extended supervision. The permanent rule process has been started. However, the permanent rule process will take approximately nine months to complete. Emergency rules are necessary to respond promptly to the collection of fees while permanent rules are being developed.

Publication Date: June 8, 2006
Effective Date: June 8, 2006
Expiration Date: November 5, 2006
Hearing Date: July 18, 2006

Elections Board (2)

1. Rules adopted creating **s. EIBd 1.395**, relating to the use of funds in a federal campaign committee that has been converted to a state campaign committee and relating to the use of those converted funds whose contribution to the federal committee would not have been in compliance

with Wisconsin law if the contribution had been made directly to a state campaign committee.

Finding of Emergency

The Elections Board finds that an emergency exists in the recent change in federal law that permits the transfer of the funds in a federal candidate campaign committee's account to the candidate's state campaign committee account and finds that a rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is as follows:

Since the Bi-Partisan Campaign Reform Act of 2002 (BICRA), transfers of funds from a federal campaign committee to a state campaign committee had not been authorized under federal law. In November, 2004, Congress amended the Federal Election Campaign Act, (H.R. 4818, s. 532 (3) and 532 (4), to permit the transfer of a federal candidate's campaign committee's funds to the candidate's state campaign committee, if state law permitted, and subject to the state law's requirements and restrictions.

Because of Congress' action in November, 2004, money which had not been available to a state committee under BICRA, and which might not have qualified for use for political purposes in a state campaign because of its source or because of other noncompliance with state law, could now be transferred to a state committee, if state law permitted. Wisconsin law, under the Board's current rule, s. EIBd 1.39, Wis. Adm. Code, allows for conversion of federal campaign committees, and their funds, to a state campaign committee without regard to the source of those funds and without regard to contribution limitations.

Restricting the use of such money to that money which has been contributed to the candidate's federal committee, under circumstances in which the contribution would have complied with Wisconsin law if it had been given directly to the Wisconsin campaign committee, is found to be in the public interest.

Publication Date: February 3, 2005
Effective Date: February 3, 2005*/**
Expiration Date: December 3, 2006
Hearing Date: May 18, 2005

* On February 9, 2005, the Joint Committee for Review of Administrative Rules suspended this emergency rule.

** The legislative session ended on July 12, 2006, with no action on the bill that would have sustained the suspension action.

- Rules were adopted creating **s. EIBd 3.04**, relating to election day registration and the requirement to provide a driver's license number or other form of identification to register at the polls.

Finding of Emergency

The Elections Board finds that an emergency exists in the 2002 change in federal law that requires persons who have been issued a current and valid driver's license to list that number in completing a voter registration application or their registration may not be processed.

In 2002, Congress enacted the Help America Vote Act to address problems and issues that surfaced in the 2000 presidential election. Section 303(a)(5)(A)(i) of the Act provided that "an application for voter registration for an election for Federal office may not be accepted or processed by a state unless the application includes – in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number." To comply

with federal law, but also to avoid disenfranchising those Wisconsin election day registrants who have been issued a current and valid Wisconsin driver's license but do not provide that number on their registration form, the Board has adopted s. EIBd 3.04, providing for the issuance of a provisional ballot to those registrants, pursuant to s. 6.97, Stats. Under that statute, the provisional ballot will be counted if the registrant provides, by any means feasible, his or her driver's license number to the clerk of the municipality in which the registrant has voted, not later than 4:00 p.m., on the day following the election.

Previously, the Board's policy had been to process the election day registration of those registrants who failed to list their driver's license number on their registration application, if they had provided, on their registration form, a Wisconsin-issued Identification Card Number or the last four digits of their Social Security Number. Whether that policy complied with federal law had been in issue. Assuring that Wisconsin's practice complies with federal law and obtaining that assurance before election day, by the promulgation of this emergency rule, is found to be in the public interest.

Publication Date: July 31, 2006
Effective Date: July 31, 2006
Expiration Date: December 28, 2006
Hearing Date: October 4, 2006

Emergency Management

Rule adopted creating **ch. WEM 7**, relating to disaster assistance for local governments.

Finding of Emergency

The Wisconsin Division of Emergency Management finds that an emergency exists and that a rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of facts constituting an emergency is as follows:

1. The 2005 Wis. Act 269 created the major disaster assistance program under Wis. Stats. § 166.03 (2) (b) 9. An annual appropriation of \$3,000,000 SEG A for fiscal years 2005-06 and 2006-07 was established under Wis. Stats. § 20.465 (3) (b) (s) from the petroleum inspection fund. These funds were provided to make payments to local units of government for damages and costs incurred as a result of a major catastrophe. This Act was made retroactive to January 1, 2005.

2. The Act requires the Wisconsin Department of Military Affairs, through its Division of Emergency Management, to promulgate rules to implement and establish the application process and the criteria to determine eligibility under the major disaster assistance program. The Division will immediately begin the permanent rule-making process for establishing administrative rules for these payments, but cannot complete the required hearings and review of these rules prior to the lapse of funds retained in the major disaster assistance appropriation for fiscal year 2005-06.

3. To ensure that appropriated funds for fiscal year 2005-06 are timely paid to local governmental units for damages and eligible costs incurred as a direct result of major catastrophes, emergency administrative rules must be established immediately.

Publication Date: June 8, 2006
Effective Date: June 8, 2006
Expiration Date: November 5, 2006
Hearing Date: August 14, 15, 16 & 17, 2006

Health and Family Services (2) (Health, Chs. HFS 110—)

1. Rules were adopted revising **chs. HFS 110 and 111**, relating to licensing emergency medical technicians and affecting small businesses.

Finding of Emergency

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

The facts constituting the emergency are as follows:

In Wisconsin there are approximately 430 ambulance service providers. Approximately 80% are volunteer (not for profit) or owned by private for profit entities. The remaining 20% are government owned. A total of 129 ambulance service providers and 2,812 licensed individuals in 48 counties currently provide emergency medical services at the EMT–basic–IV (74) or EMT–provisional intermediate (55) level to approximately 2.65 million Wisconsin residents. The provider industry estimates that these ambulance service providers are losing approximately \$1.5 million dollars in reimbursement revenues annually due to the codification of the EMT–basic IV services in ch. HFS 110 as basic life support. The loss is likely to increase when the provisional EMT–intermediate is renamed EMT–basic IV effective July 1, 2006, and an estimated 95% of the individuals who are currently licensed and titled as provisional EMT–intermediate will be renamed EMT–basic IV. Ambulance service providers report that they cannot continue to cover the costs of training and operating at the advanced life support level of care while being reimbursed at the basic life support level of care. Consequently, the level of emergency medical services provided in over half of the state's 72 counties may be reduced or become non-existent unless changes are implemented.

To maintain the level of emergency medical services that are currently being provided and to avoid confusion about the skills and level of care provided by the EMT–basic IV licensee, the department in these emergency rules is changing the name of the EMT–basic IV license to EMT–intermediate technician and moving the licensing requirements to ch. HFS 111. These changes will allow ambulance service providers to charge for both at the higher rate of reimbursement. In addition, these emergency rules will modify the continuing education requirements under ch. HFS 110 to allow ambulance service providers flexibility in providing refresher training to EMT–basic licensees. This change will reduce financial and scheduling burdens on providers by allowing them to use their training dollars more cost effectively.

Publication Date: July 1, 2006
Effective Date: July 1, 2006
Expiration Date: November 28, 2006
Hearing Dates: July 25, 26 and 27, 2006

2. Rules adopted creating **ch. HFS 137**, relating to prescribing forms for use by physicians, technicians and tissue bank employees when removing organs and tissue, other than cardiovascular tissue from decedents.

Exemption from Finding of Emergency

The legislature by 2005 Wisconsin Act 230 requires these rules to be promulgated as emergency rules and exempts the Department from making a finding of emergency or providing evidence that these rules as emergency rules is necessary for the preservation of the public peace, health, safety, or welfare.

Plain language analysis:

The Department is required by 2005 Wisconsin Act 230 to appoint an advisory committee to assist the Department in prescribing, by rule, a form for removal of organs and a form for removal of tissue, other than cardiovascular tissue, for use by physicians, technicians, and tissue bank employees under section 157.06 (4m) (e) of the statutes, as created by Act 230. Section 157.06 (4m) (e), Stats., requires a physician who removes tissue or an organ from a decedent or a technician or tissue bank employee who removes tissue from a decedent under s. 157.06 (4m), Stats., to complete the form created by the Department and transmit the form to the coroner or medical examiner with jurisdiction over the decedent.

As required by section. 12. (1) (b) of Act 230, the Department intends to promulgate permanent rules that are substantially identical to the emergency rules.

Because these rules only prescribe forms, the Department will, as allowed under s. 227.23, Stats., promulgate these rules without adhering to the notice and public hearing requirements set forth under ch. 227, Stats. Also, as allowed under s. 227.23, Stats., the forms prescribed by the proposed rules will not be published in the Wisconsin administrative code or the Wisconsin Administrative Register, but will be listed by title and description with a statement as to how the forms may be obtained.

Publication Date: July 24, 2006
Effective Date: August 1, 2006
Expiration Date: December 29, 2006

Insurance

Rules adopted creating **ss. Ins 9.25 (8) and 9.27 (4)**, Wis. Adm. Code, relating to preferred provider plan applicability dates and affecting small business plan limited exemption.

Finding of Emergency

The Commissioner of Insurance finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. Facts constituting the emergency are as follows:

The rule identifies a limited group of policies issued by licensed insurers offering preferred provider plans that do not comply with newly promulgated ch. Ins 9, Wis. Adm. Code. In compliance with the request of the Joint Committee for the Review of Administrative Rules (JCRAR), this rule must be issued as an emergency rule and permanent rule. It is not possible to complete the permanent rule process prior to the effective date of the chapter, January 1, 2007, therefore this emergency rule is necessary.

The commissioner has filed a notice of scope for drafting the permanent rule corresponding to this emergency rule and will continue with the permanent rule making process. It is intended that one rule hearing can be held to comply with both the emergency rule and permanent rule requirements.

Publication Date: August 31, 2006
Effective Date: September 1, 2006
Expiration Date: January 29, 2007

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

1. Rules were adopted creating **s. NR 45.04 (1) (g)**, relating to regulation of firewood entering and exiting department lands and affecting small businesses.

Finding of Emergency

It is important to have restrictions on out-of-state firewood entering department lands in place this camping season due to recent developments in efforts to eradicate and quarantine emerald ash borer in the areas where it is currently established. In Michigan, Ohio, Indiana and Ontario, eradication programs are being dramatically scaled back or abandoned entirely for this summer. A recent audit of quarantine efforts in Michigan where emerald ash borer is most abundant and widespread is critical and faults their program for lax enforcement and poor education of the public to the dangers of moving firewood. Given this situation, a need for an external quarantine to protect Wisconsin forest resources, industry, and community trees becomes obvious. The Wisconsin Department of Agriculture, Trade and Consumer Protection has proposed an external quarantine on host material of emerald ash borer and three other invasive pests and diseases and our firewood regulation would help support this effort, provide an opportunity for education of the public and reduce one of the reasons people move firewood: for use while camping.

Publication Date: March 27, 2006
Effective Date: April 1, 2006
Expiration Date: August 29, 2006
Hearing Date: July 5, 2006
Extension Through: October 27, 2006

2. Rules adopted revising **ch. NR 10**, relating to the 2006 migratory game bird seasons.

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 31, 2006
Effective Date: August 31, 2006
Expiration Date: January 28, 2007
Hearing Date: October 11, 2006
[See Notice this Register]

Natural Resources (2)
(Environmental Protection – Water Regulation, Chs. NR 300—)

1. Rules adopted revising **ch. NR 326**, relating to regulation of piers, wharves, boat shelters, boat hoists, boat lifts and swim rafts in navigable waterways.

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 recently 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 new law in a manner consistent with the public trust responsibilities of the State of Wisconsin under Article IX, Section I of the Wisconsin Constitution.

2003 Act 118 identifies certain activities that may be undertaken in public trust waters exempt from a permit, or under a general permit. Certain activities may not be undertaken in waters that are defined as “areas of special natural resource interest” or at other locations where the activity would cause detrimental impacts on public rights and interests in navigable waters. Without emergency rules to aid in administering the new law, the following severe problems will occur:

Until general permits are created by rule, any activity which is not exempt requires an individual permit with an automatic 30-day public notice. The required 30-day comment period will unnecessarily delay hundreds of construction projects that otherwise could go ahead with specified conditions for protecting lakes and streams (for example, all new riprap and culvert applications currently require public notices).

Unclear wording of exemptions currently puts property owners, contractors and consultants at risk of violation. Without clear procedures and standards established by emergency rule, many more people may request exemption determinations, slowing the decisions on individual permit applications.

Wording of exemptions and temporary grading jurisdiction puts lakes and streams at risk. Without standards as intended and described in the new law, exempted activities and grading along shorelines will cause inadvertent but permanent destruction of fish and wildlife habitat, loss of natural scenic beauty and reduced water quality. Rights of neighboring property owners may also be harmed. Cumulatively over one or two construction seasons, these impacts will have immediate and permanent effects on Wisconsin’s water-based recreation and tourism industry.

To carry out the intention of the Legislature that 2003 Act 118 to speed decision-making but not diminish the public trust in state waters, these emergency rules are required to establish definitions, procedures and substantive standards for exemptions, general permits and jurisdiction under the new law.

Publication Date: April 19, 2004
Effective Date: April 19, 2004*/**
Expiration Date: October 4, 2006
Hearing Date: May 19, 2004

*On June 24, 2004, the Joint Committee for Review of Administrative Rules suspended this emergency rule.

** The legislative session ended on July 12, 2006, with no action on the bill that would have sustained the suspension action.

2. Rules adopted creating **ss. NR 328.31 to 328.36**, relating to shore erosion control on rivers and streams.

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 as exempt from a permit, or under a general permit. There are no statutory exemptions for shore protection on rivers and streams. Without emergency rules to create general permits, all shore protection projects on rivers and streams require an individual permit 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 to be in effect for the 2006 construction season, with specific standards for shore erosion control structures on rivers and streams.

Publication Date: May 5, 2006
Effective Date: May 8, 2006
Expiration Date: October 4, 2006
Hearing Date: June 13, 2006

Natural Resources (Environmental Protection – Hazardous Waste, Chs. NR 600—)

Rules adopted revising **chs. NR 660 to 665**, relating to hazardous waste management.

Finding of emergency

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:

In 2001, EPA proposed regulations to change the hazardous waste manifest requirements under the federal Resource Conservation and Recovery Act (RCRA) to eliminate all state-specific manifest requirements and to require electronic submittal of the manifests. The EPA's final rule was published March 4, 2005, with correcting amendments published on June 16, 2005, and the effective date is September 5, 2006. The new regulations require the use of standardized manifest forms in all states and require certification from EPA in order to print the manifest forms. (Final action on the e-manifest was postponed.) Unlike most RCRA rules, this federal regulation will take effect, nation-wide, on the effective date. The new federal requirements will apply in all states, including Wisconsin, but will not override or supersede Wisconsin's state-specific hazardous waste manifest requirements. Accordingly, the potential exists for conflicting or additional state manifest

requirements to exist beginning on that date, and the advantages of a single, uniform nationwide rule will be lost.

The normal administrative rulemaking process cannot be completed in time to conform Wisconsin's hazardous waste manifest requirements to the new EPA manifest regulations by their September 5, 2006 effective date. However, failure to adopt the new federal requirements as state rules by this date may cause legal uncertainty and potential confusion among hazardous waste generators, transporters and treatment, storage and disposal facility operators, as well as state regulatory program staff. This could interfere with interstate commerce and the orderly functioning of government, imposing unnecessary regulatory costs on Wisconsin individuals and businesses and out-of-state companies doing business in Wisconsin, to the detriment of the public welfare. More importantly, the potential confusion caused by different state and federal manifest requirements could lead to improper transportation and management of hazardous wastes, resulting in a threat to public health or safety and the environment.

Publication Date: September 2, 2006
Effective Date: September 5, 2006
Expiration Date: February 2, 2007
Hearing Date: September 26, 2006

Regulation and Licensing

Rules were adopted creating **chs. RL 164 and 165**, relating to a code of conduct and renewal requirements for substance abuse professionals.

Plain language analysis

The purpose of this emergency rule is to create a code of conduct to facilitate assumption of disciplinary proceedings as part of the transfer of the regulation of substance abuse professionals from the Department of Health and Family Services to the Department of Regulation and Licensing. The emergency rule also sets forth the requirements for renewal.

The Department of Regulation and Licensing must promulgate this emergency rule for the period before the effective date of the permanent rules as promulgated under Wis. Stats. s. 440.88 (3). Under the previous regulatory scheme, the Department of Health and Family Services and the Wisconsin Certification Board had established a code of conduct and restrictions on late renewals. This emergency rule continues the applicability of the rules until the department, with the advice of the Advisory Committee, can establish permanent rules.

Exemption from finding of emergency

Section 9140 (1q) of 2005 Wisconsin Act 25 states in part: "Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection 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 under this subsection."

Publication Date: April 15, 2006
Effective Date: April 15, 2006
Expiration Date: September 12, 2006
Hearing Date: June 27, 2006
Extension Through: November 10, 2006

Transportation (2)

1. Rules adopted creating **ch. Trans 515**, relating to contractual service procurement.

Exemption from finding of emergency

The Legislature, by Section 8 of 2005 Wis. Act 89, provides an exemption from a finding of emergency for the adoption of the rule.

Analysis Prepared by the Department of Transportation

The proposed rule requires a cost benefit analysis before procuring engineering or other specialized services under s. 84.01 (13), Stats., in excess of \$25,000 when those services are normally performed by state employees. The required analysis includes a comparison between the costs of contracting out and performing the services with state employees. The analysis also considers other subjective factors such as timeliness, quality and technical expertise.

Publication Date: July 1, 2006

Effective Date: July 1, 2006

Expiration Date: See section 8 (2) of 2005 Wis. Act 89

Hearing Date: August 8, 2006

2. Rules adopted revising **ch. Trans 276**, relating to allowing the operation of certain 2–vehicle combinations on certain highways without a permit.

Exemption from finding of emergency

The Legislature, by Section 7 of 2005 Wis. Act 363, provides an exemption from a finding of emergency for the adoption of the rule.

Plain language analysis

Section 348.07 (1), Stats., historically has limited vehicle lengths on Wisconsin highways to 65 feet. Section 348.07(2), Stats., allowed vehicles meeting the specifications of that subsection to operate without permits despite exceeding the 65–foot limit of subsection (1).

2005 Wis. Act 363 amended s. 348.07, Stats., and essentially made 75 feet the default permitted length on the state trunk highway system. Wisconsin’s old default 65–foot overall length limit still applies on all local roads but only applies to state trunk highways that are designated as 65–foot restricted routes by the Department. This emergency rule making establishes a preliminary list of such “65–foot restricted routes.”

Prior to Act 363, s. 348.07 (4), Stats., permitted the Department to designate “long truck routes” upon which no overall length limits apply. The Department designates the state’s long truck routes in s. Trans 276.07. This rule making does not affect those longstanding designations.

The new “default” 75–foot overall length limit applies on state highways that are neither designated as 65–foot restricted routes under this rule making nor long truck routes under s. Trans 276.07.

Definitions have been added to the rule to make it easier to identify the nature of designations made by the Department in Ch. Trans 276.

In drafting this rule the Department noticed several items that it believes may be of special interest to the legislature and which, in the Department’s view, deserve special legislative attention. First, Act 363 did not grant any authority for 75–foot vehicles using the new 75–foot routes to leave those routes to reach fuel, food, maintenance, repair, rest, staging,

terminal or vehicle assembly facilities or points of loading or unloading. The Department does not believe this oversight was intentional and, on an emergency basis, has designated the intersection of each 75–foot route and any other highway as a long truck route under its authority in s. 348.07 (4), Stats. This will permit trucks to exceed the 65–foot default length limit on local roads to access such facilities and make deliveries. The Department encourages the legislature to consider statutorily establishing access rights for vehicles using 75–foot restricted routes.

The second consequence of Act 363 the Department has discovered in drafting this emergency rule is that one statute that formerly restricted double–bottom tractor–trailer combinations to the state’s long–truck network was repealed by the deletion of the reference to s. 348.07 (2) (gm), Stats., by the Act’s amendment of s. 348.07 (4), Stats. Under the amended statute, as revised by Act 363, it might appear to a reader that double bottom trucks of unlimited length may operate upon any highway in the state, including local roads and streets, without permits. Section 348.08 (1) (e), Stats., however, continues to provide that double–bottom trucks be restricted to highways designated by the department under s. 348.07 (4). WisDOT believes this provision continues to limit double–bottom operation to long truck routes designated by the Department under s. 348.07 (4), Stats. WisDOT would suggest the deleted reference to (2) (gm) in 348.07 (4), Stats., be re–inserted into the statute to avoid confusion.

Finally, the Department notes that s. 348.07, Stats., is becoming difficult to decipher from a legal standpoint because of the many amendments that have been made to it over the years. It may be that recodifying the statute for the purpose of clarification of the length limitations of Wisconsin law would be helpful to truck and long vehicle operators in this state.

Publication Date: September 15, 2006

Effective Date: September 15, 2006

Expiration Date: February 12, 2007

Hearing Date: October 4, 2006

Workforce Development (Labor Standards, Chs. DWD 270–279)

Rules adopted revising **ss. DWD 274.015 and 274.03** and creating **s. DWD 274.035**, relating to overtime pay for employees performing companionship services.

Finding of emergency

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

On January 21, 2004, pursuant to s. 227.26(2)(b), Stats., the Joint Committee for Review of Administrative Rules directed the Department of Workforce Development to promulgate an emergency rule regarding their overtime policy for nonmedical home care companion employees of an agency as part of ch. DWD 274.

Analysis Prepared by the Department of Workforce Development

Statutory authority: Sections 103.005, 103.02, and 227.11, Stats.

Statutes interpreted: Sections 103.01 and 103.02, Stats.

Section 103.02, Stats., provides that “no person may be employed or be permitted to work in any place of employment or at any employment for such period of time during any day,

night or week, as is prejudicial to the person's life, health, safety or welfare." Section 103.01 (3), Stats., defines "place of employment" as "any manufactory, mechanical or mercantile establishment, beauty parlor, laundry, restaurant, confectionary store, or telegraph or telecommunications office or exchange, or any express or transportation establishment or any hotel."

Chapter DWD 274 governs hours of work and overtime. Section DWD 274.015, the applicability section of the chapter, incorporates the statutory definition of "place of employment" and limits coverage of the chapter to the places of employment delineated in s. 103.01 (3), Stats., and various governmental bodies. Section DWD 274.015 also provides that the chapter does not apply to employees employed in domestic service in a household by a household.

Section 103.02, Stats., directs that the "department shall, by rule, classify such periods of time into periods to be paid for at the rate of at least one and one-half times the regular rates." Under s. DWD 274.03, "each employer subject to this chapter shall pay to each employee time and one-half the regular rate of pay for all hours worked in excess of 40 hours per week." Section DWD 274.04 lists 15 types of employees who are exempt from this general rule and s. DWD 274.08 provides that the section is inapplicable to public employees.

Nonmedical home care companion employees who are employed by a third-party, commercial agency are covered by the overtime provision in s. DWD 274.03. Section DWD 274.03 applies to all employees who are subject to the chapter and not exempt under ss. DWD 274.04 or 274.08. The chapter applies to companion employees of a commercial agency because under s. DWD 274.015 a commercial agency is considered a mercantile establishment. Section DWD 270.01 (5) defines a mercantile establishment as a commercial, for-profit business. The chapter does not apply to companion employees of a nonprofit agency or a private household. In addition, none of the exemptions to the overtime section in ss.

DWD 274.04 or 274.08 apply to companion employees of a commercial agency.

The Joint Committee for the Review of Administrative Rules has directed DWD to promulgate an emergency rule regarding the overtime policy for nonmedical home care companion employees of an agency. This provision is created at s. DWD 274.035 to say that employees who are employed by a mercantile establishment to perform companionship services shall be subject to the overtime pay requirement in s. DWD 274.03. "Companionship services" is defined as those services which provide fellowship, care, and protection for a person who because of advanced age, physical infirmity, or mental infirmity cannot care for his or her own needs. Such services may include general household work and work related to the care of the aged or infirm person such as meal preparation, bed making, washing of clothes, and other similar services. The term "companionship services" does not include services relating to the care and protection of the aged or infirm person that require and are performed by trained personnel, such as registered or practical nurses.

This order also repeals and recreates the applicability of the chapter section and the overtime section to write these rules in a clearer format. There is no substantive change in these sections.

Publication Date: **March 1, 2004**
Effective Date: **March 1, 2004*/****
Expiration Date: **October 12, 2006**

* On April 28, 2004, the Joint Committee for Review of Administrative Rules suspended s. DWD 274.035 created as an emergency rule.

** The legislative session ended on July 12, 2006, with no action on the bill that would have sustained the suspension action.

Scope statements

Insurance

Subject

Objective of the rule. These changes will modify Ins 6.77 in light of the recent Supreme Court decisions, *Rebernick v American Family Mutual Ins Company*, 2006 WI 27 and *Rocker v USAA Casualty Ins Company*, 2006 WI 26. In *Rebernick*, the court held that s 632.32 (4m), Stats, applies to personal umbrella policies. In *Rocker*, the court held that s. 632.32 (6) (a), Stats, applies to commercial general liability policies and commercial umbrella policies. These interpretations are inconsistent with current insurer practices and OCI's expectation of what would be covered in these types of policies. Compliance with this interpretation would create significant, if not impossible compliance problems for insurers.

Policy Analysis

This change would reverse the unexpected Supreme Court decision in *Rebernick* to the understanding and processes used prior to *Rebernick*.

Statutory authority

The statutory authority for this rule is ss. 600.01 (2), 601.41 (3), 628.34 (12), 631.01 (5), 631.36 (1) (c), Stats.

Staff time required

200 hours and no other resources are necessary.

Entities affected by the rule

Insurance companies and a small number of insureds

Comparison with federal regulations

None.

Physical Therapists Affiliated Credentialing Board

Subject

Continuing education, examination waiver for physical therapist assistants, and temporary licenses for foreign trained physical therapists.

Policy Analysis

Objective of the rule. To make various changes to Chapter PT 9, continuing education, mainly to clarify what was intended when the rule was drafted to make the rule more understandable, to delete s. PT 2.04 waiving the physical therapist assistant examination for applicants who apply before April 1, 2004, which is no longer operative, and to reinstate language from the board's former rule, relating to temporary licenses, allowing extension of the temporary license.

The board has received questions from licensees surrounding its interpretation of various provisions of its continuing education rule. As a result, the board has decided

to add more descriptive language to the rule, such as inserting terminology to eliminate confusion in calculating continuing education contact hours, and also specifying a time limit on retention of records. Second, removing a grandfather provision that expired in April, 2004, removes one possible area of confusion for prospective applicants. Third, allowing a three month extension of the temporary license will accommodate all licensees who have not passed the national examination and foreign applicants who need the temporary license to extend a visa. Adding a second three month extension for reasons relating to hardship recognizes that some applicants may not be able to complete the examination requirement for reasons beyond their control.

Statutory authority

Sections 15.08 (5) (b), 227.11 (2), 448.53 (1) (e) and (2), and 448.55 (3), Stats.

Comparison with federal regulations

None.

Entities affected by the rule

Physical therapy license applicants and the Department of Regulation and Licensing.

Staff time required

150 hours.

Public Service Commission

Subject

Objective of the rule. The objective of the rule is to do a general updating of nonsubstantive matters in the Public Service Commission (PSC) chapters of the administrative code, similar to a revisor's bill in the legislature. This will include updating language and drafting style as well as deleting obsolete provisions.

Policy Analysis

Not applicable.

Comparison with federal regulations

Not applicable.

Statutory authority

Wis. Stats. ss. 196.02 (3) and 227.11 (2).

Staff time required

The Commission estimates that approximately 500 hours of Commission staff time will be required in this rulemaking.

Other resources necessary to develop rule.

None.

Entities affected by the rule

Since this rule only involves updating and deletion of obsolete rules, it should have no substantive effect.

Submittal of rules to legislative council clearinghouse

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

Public Service Commission

NOTICE IS GIVEN, pursuant to s. 227.14 (4m), Stats., that on September 13, 2006, the Public Service Commission of Wisconsin submitted a proposed rule to the Joint Legislative Council Staff (Rules Clearinghouse) for review.

Analysis

The proposed rule, Commission docket 1-AC-219, incorporates into the state pipeline safety code recent changes to federal pipeline safety regulations.

Agency Procedure for Promulgation

A public hearing will be held on October 16, 2006, at 9:00 a.m. at the Public Service Commission building at 610 North Whitney Way, Madison, Wisconsin.

Contact Person

The Gas and Energy Division of the Commission is the organizational unit responsible for the promulgation of the

rule. The contact person is Tom Stemrich at (608) 266-2800.

Transportation

On September 11, 2006, the Wisconsin Department of Transportation submitted a proposed rule order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed rule amends ch. Trans 200, relating to specific information signs.

Agency Procedure for Promulgation

A public hearing is scheduled for November 14, 2006.

The Division of Transportation System Development, Bureau of Highway Operations is primarily responsible for promulgation of this rule.

Contact Person

Julie A. Johnson, Paralegal
(608) 266-8810

Rule-making notices

Notice of Hearing Higher Educational Aids Board

[CR 05-077]

NOTICE IS HEREBY GIVEN that pursuant to s. 227.11 Stats., the State of Wisconsin Higher Educational Aids Board will hold a public hearing at the time and place shown below to consider a proposed order to create ch. HEA 15 relating to the Nursing Student Loan Program.

Hearing Information

The hearing will be held at the State Capital, Room 201 SE, Madison, WI, on Friday, **October 13, 2006** at 9:00 a.m.

Statute interpreted: Section 39.393 Stats.

Statutory authority: Section 39.393 Stats.

Explanation of statutory authority: The proposed rules define the various aspects of the Nursing Student Loan Program authorized by s. 39.393, Stats., as created by 2001 Wis. Act 16 as to the awarding of the loans; their forgiveness; or their repayment.

Related statutes or rules:

None.

Plain language analysis: The 2001 Wisconsin Act 16 created s. 39.393 which provides loans to Wisconsin residents who are enrolled at least half-time at an eligible in-state institution that prepares them to be licensed as either a RN or LPN, or earns either a master's or doctoral degree in nursing.. The Wisconsin Higher Educational Aids Board (HEAB) administers this program under s. 39.393. The proposed rules are the administrative rules for Chapter HEA 15 that define the various aspects of the Nursing Student Loan Program including the application process, borrower eligibility, loan terms, forgiveness and repayment.

Summary of, and comparison with, existing or proposed federal regulation:

These rules are not intended to address any proposed or existing federal regulations.

Comparison with rules in adjacent states:

The Michigan Nursing Scholarship is a non-need based award available to Michigan residents enrolled at least half time at an eligible institution in a program leading to a Licensed Practical Nurse (LPN) certification, Associate Degree in Nursing (ADN), or Bachelor of Science in Nursing (BSN). Students will be selected for scholarship awards by their college or university financial aid office. Scholarship awards are for \$4,000 per academic year for full time students, but cannot exceed cost of attendance minus other grants and scholarships. Students receiving a full time scholarship award have to agree to work as a direct care nurse in Michigan one year for each year of assistance. Not fulfilling the work commitment will result in the scholarship becoming a loan that must be repaid.

Summary of factual data and analytical methodologies:

N/A

Analysis and supporting documents used to determine effect on small business:

The proposed rules have no affect upon small business in Wisconsin.

Effect on small business: The proposed rules have no affect upon small business in Wisconsin.

Agency contact person

Connie Hutchison, Executive Secretary

Higher Educational Aids Board

131 W. Wilson, P.O. Box 7885

Madison, WI 53707-7885

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to the agency contact person that is listed above until 4:00 p.m. Thursday, October 12, 2006, which is the date stated in the Wisconsin Administrative Register. The public hearing will be held on Friday, October 13, 2006 at 9:00 a.m. at the State Capital, Room 201 SE, Madison, Wisconsin.

Copies of the Rules: Proposed rules and the summary of proposed rules are posted on the HEAB website at www.HEAB.wi.gov.

Contact Person: To request hared copies of the rules, or for more information, please contact:

Connie Hutchison, Executive Secretary

Higher Educational Aids Board

P.O. Box 7885, 131 W. Wilson

Madison, WI 53707-7885

608-264-6181

connie.hutchison@heab.state.wi.us

Notice of Hearing Natural Resources

NOTICE IS HEREBY GIVEN that pursuant to ss. 29.014 and 227.11, Stats., interpreting ss. 29.014 and 29.041, Stats., the Department of Natural Resources will hold a public hearing on Natural Resources Board Emergency Order No. WM-27-06(E) pertaining to the 2006 migratory game bird season. This emergency order took effect on August 31, 2006. The significant regulations are:

Ducks: The state is divided into two zones each with 60-day seasons. The daily bag limit is 6 ducks including no more than 4 mallards, of which only one may be a hen, one black duck, one pintail, one canvasback, 2 wood ducks, 2 redheads and 2 scaup. The daily bag for mergansers is 5 to include not more than 2 hooded mergansers and the daily bag for coots is 15. The dates of the youth hunt are September 16-17.

Geese: The state is apportioned into three goose hunting zones: Horicon, Collins and Exterior. Other special goose management subzones are included within the Exterior Zone. Season lengths are: Collins - 63 days; Horicon - 92 days; Exterior Zone - 92 days; and Mississippi River Subzone - 70 days.

In addition to these annual regulatory issues, the emergency rule eliminates the Canada goose Horicon Intensive Management Subzone directly adjacent to the Horicon National Wildlife Refuge, establishes a new North/South zone boundary for Wisconsin's duck zones for the 2006-2010 period; and establishes a 9:00 a.m. opening time for the first day of the 2006 duck season.

NOTICE IS HEREBY FURTHER GIVEN that the hearing will be held on:

Wednesday, **October 11, 2006** at 1:00 p.m.
Room 511, GEF #2 Office Building
101 South Webster Street
Madison

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of information material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Ken Van Horn at (608) 266-8841 with specific information on your request at least 10 days before the date of the scheduled hearing.

Written comments on the emergency rule may be submitted to Mr. Kent Van Horn, Bureau of Wildlife Management, P.O. Box 7921, Madison, WI 53707 no later than October 13, 2006. Written comments will have the same weight and effect as oral statements presented at the hearing. A copy of the emergency rule may be obtained from Mr. Van Horn. The emergency rule may be reviewed and comments electronically submitted at the following Internet site: <http://adminrules.wisconsin.gov>.

Notice of Hearing Public Service Commission [CR 06-106]

The Commission proposes an order to amend s. PSC 135.019 (3) to incorporate by reference recent changes to the federal pipeline safety regulations.

Analysis Prepared by the Public Service Commission of Wisconsin

Statutory authority: ss. 196.02 (1) and (3), 196.745 and 227.11, Stats.

Statute interpreted: s. 196.745.

Under an agreement with the federal Department of Transportation, Office of Pipeline Safety, the Commission is authorized to enforce federal natural gas pipeline safety requirements as set out in the Code of Federal Regulations, 49 CFR Parts 192, 193, and 199. As part of the agreement, the Commission agrees to adopt those parts of the federal code that apply to pipeline safety. The state adopts the federal pipeline safety code in Wis. Admin. Code s. PSC 135.019. The Commission last promulgated revisions to s. PSC 135 in 2003. Since then, the federal DOT has adopted several final rules which revise the pipeline safety code. These changes include:

Federal Amendment 192-94, relating to consensus industry standards and various technical standards. This rule took effect July 14, 2004.

Federal Amendment 192-95, relating to pipeline integrity management in high consequence areas. This rule took effect on January 14, 2004.

Federal Amendment 192-96, relating to the operation and capacity of existing pressure limiting and regulating stations on gas pipelines, and establishing an appropriate pressure limit. This rule took effect on September 14, 2004.

Federal Amendment 192-97, relating to transmission lines accommodating the passage of internal inspection devices. This rule took effect on July 28, 2004.

Federal Amendment 192-98, relating to periodic underwater inspections of pipeline facilities located in the

Gulf of Mexico and its inlets in waters less than 15 feet deep.¹ This rule took effect on September 9, 2004.

Federal Amendment 192-99, relating to the requirements for pipeline operators to develop and implement public awareness programs. This rule took effect June 20, 2005.

Federal Amendment 192-100, relating to programs conducted by operators of gas and hazardous liquid pipelines to qualify individuals who perform certain safety-related tasks on pipelines. This rule took effect July 1, 2005.

TEXT OF PROPOSED RULE

Section 1. PSC 135.019 (1) is amended to read:

PSC 135.019 (1) The federal department of transportation, office of pipeline safety, pipeline safety standards, as adopted through ~~November 25, 2003~~ [reviser inserts date], and incorporated in 49 CFR Parts 192, 193 and 199, including the appendices, are adopted as state pipeline safety standards and incorporated by reference into this chapter.

Section 2. Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

Initial Regulatory Flexibility Analysis

This rulemaking will not affect any small businesses.

Fiscal Estimate

These rule changes have no fiscal impact. A completed Fiscal Estimate form is included as Attachment A. There is also no financial impact on the private sector.

NOTICE IS GIVEN that pursuant to s. 227.16 (2) (b), Stats., the commission will hold a public hearing on these proposed rule changes in the Amnicon Falls Hearing Room at the Public Service Commission Building, 610 North Whitney Way, Madison, Wisconsin, on Monday **October 16, 2006** at 9:00 a.m. This building is accessible to people in wheelchairs through the Whitney Way (lobby) entrance. Handicapped parking is available on the south side of the building.

Written Comments

Any person may submit written comments on these proposed rules. The hearing record will be open for written comments from the public, effective immediately, and until Friday October 27, 2006, at noon (Thursday, October 26, 2006, at noon, if filed by fax). All written comments must include a reference on the filing to docket 1-AC-219. File by one mode only.

Industry: File comments using the Electronic Regulatory Filing system. This may be accessed from the Commission's website psc.wi.gov.

Members of the Public:

If filing electronically: Use the Public Comments system or the Electronic Regulatory Filing system. Both of these may be accessed from the commission's website psc.wi.gov.

¹This rule would be adopted because it could be expanded to include the great lakes navigable waters in the future.

If filing by mail, courier, or hand delivery: Address as shown in the box on page 1.

If filing by fax: Send fax comments to (608) 266-3957. Fax filing cover sheet MUST state "Official Filing," the docket number 1-AC-219, and the number of pages (limited to 25 pages for fax comments).

Contact Person

Questions regarding this matter should be directed to Tom Stemrich at (608) 266-2800. Media questions should be directed to Linda Barth, Director of Governmental and Public

Affairs at (608) 266-9600. Hearing or speech-impaired individuals may also use the Commission's TTY number, if calling from Wisconsin (800) 251-8345, if calling from outside Wisconsin (608) 267-1479.

The Commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs accommodations to participate in this proceeding or who needs to get this document in a different format should contact Tom Stemrich, as indicated in the previous paragraph, as soon as possible.

Notice of Hearing Transportation [CR 06-103]

NOTICE IS HEREBY GIVEN that pursuant to ss. 86.195 (1) (d), 86.195 (3), 86.195 (4) (b), 86.195 (8), Stats., and interpreting ss. 84.02 (4) (e) and 86.195, Stats., the Department of Transportation will hold a public hearing in Room 144-B of the Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin on the **14th day of November, 2006**, at 10:30 AM, to consider the amendment of ch. Trans 200, Wisconsin Administrative Code, relating to Specific Information Signs.

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

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

Analysis Prepared by the Wisconsin Department of Transportation

Statutes interpreted: ss. 84.02 (4) (e) and 86.195, Stats.

Statutory authority: ss. 86.195 (1) (d), 86.195 (3), 86.195 (4) (b), 86.195 (8), Stats.

Explanation of agency authority: The Department has the authority to regulate the number and types of specific information signs on signposts near interchanges.

Related statute or rule: Section Trans 200.06 (2), Wis. Admin. Code.

Plain language analysis: The current administrative rule allows four types of motorist services signs to be displayed on a specific information sign. This proposed rule will amend ch. Trans 200, relating to displaying attractions on highway specific information signs, to include the category of "Attractions" within the Specific Information Sign program and establish guidelines for criteria of qualification for "Attractions."

Summary of, and preliminary comparison with, existing or proposed federal regulation: 2005 Wis. Act 136 amended s. 86.195, Stats., which adds the "Attractions" category to the Specific Information Sign program and authorizes the

amendment of ch. Trans 200 to include specific criteria addressing the qualifications of an attraction. This also would give the Department a chance to add different types of tourist type businesses to the program that may not have had the chance to be included in any directional signing programs.

Comparison with Rules in the Following States:

Michigan: Does not include "Attractions" in their program.

Minnesota: Does not include "Attractions" in their program.

Illinois: Currently involved in "Attractions" pilot program.

Iowa: Recently included "Attractions" in their program.

Summary of factual data and analytical methodologies used and how the related findings support the regulatory **approach chosen**: This rule making would establish more detailed criteria on qualifications to the attractions category, therefore, Wisconsin would be consistent with the Federal Highway Administration Manual on Uniform Traffic Control Devices by adding the "Attractions" category to the Specific Information sign program.

Analysis and supporting documentation used to determine effect on small businesses: The rule change is being requested by small business. The cost impact is minimal and voluntary.

Effect on small business: The proposed rule provides additional participation opportunities for small businesses. Since businesses request that they be identified on state-installed signs, the sign application process will enforce the rule. The Department's Regulatory Review Coordinator may be contacted by e-mail at andrew.ruiz@dot.state.wi.us, or by calling (414) 438-4585.

Fiscal effect and anticipated costs incurred by private sector: The Department estimates that there will be no net fiscal impact on state or private sector revenues or liabilities. Added administrative costs will be recovered through participant's fees. The private sector presumably will only choose to incur the costs when they anticipate the signs will generate a net benefit to the business.

Agency contact person and place where comments are to be submitted and deadline for submission: The public record on this proposed rule making will be held open until close of business the day of the hearing 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 John Noll, Department of Transportation System Development, Traffic Engineering Section, Room 501, and P. O. Box 7986, Madison, WI 53707-7986. You may also contact Mr. Noll by phone at (608) 266-0318.

To view the proposed amendments to the rule, view the current 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>.

Submittal of proposed rules to the legislature

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

Emergency Management

(CR 06-091)

Ch. WEM 8, relating to establishing standards for the adoption of the Mutual Aid Box Alarm System (MABAS).

Rule orders filed with the revisor of statutes bureau

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

**Agriculture, Trade and Consumer Protection
(CR 06-008)**

An order affecting ch. ATCP 21, relating to plant pest import controls and quarantines.
Effective 11-1-06.

**Agriculture, Trade and Consumer Protection
(CR 06-028)**

An order affecting chs. ATCP 1, 11, 13, 17, 29, 40, 42, 50,

55, 69, 70, 80, 81, 82, 85, 88, 92, 105, 111, 113, 118, 131, 134, 155 and 158, relating to technical rule changes.
Effective 12-1-06.

**Insurance
(CR 05-111)**

An order affecting chs. Ins 6, 26 and 28, relating to agent licensing procedures and requirements and affecting small business.
Effective 11-1-06.

Rules published with this register and final regulatory flexibility analyses

*The following administrative rule orders have been adopted and published in the **September 30, 2006**, 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 06-009)

An order affecting chs. ATPC 10, 11 and 12, relating to animal diseases and movement. Effective 10-1-06.

Summary of Final Regulatory Flexibility Analysis

This rule consolidates, reorganizes and clarifies Wisconsin's current animal health and disease control rules, so that the rules will be easier to read and understand. This rule does *not* significantly alter the substance of the current rules. However, the changes that are made do affect small business.

This rule affects the following businesses in the following ways (many of these businesses are "small businesses"):

Poultry producers. This rule will help small poultry operators, and will have little or no effect on large operators. Current rules prohibit the sale or distribution of poultry or eggs, for breeding, hatching or exhibition, unless they originate from flocks enrolled in the national poultry improvement plan and meet disease-free classification standards under that plan. However, the national poultry improvement plan is primarily designed for large poultry operators, and may not be cost-effective for small operators. This rule provides cost-effective disease monitoring options that will provide greater market access for small operators.

Dairy, cattle and goat producers. This rule will assist dairy, cattle and goat producers by expanding reimbursement of producers costs for voluntary Johne's disease herd testing, herd risk assessment, herd management plans, and vaccination (current rules provide for reimbursement of testing costs only). Participation in the Johne's disease program is voluntary. This rule removes some existing barriers to participation, and provides more testing and management options for producers. This may encourage participation, and may help to control a very serious disease threat to the Wisconsin dairy and livestock industry.

Fish farm operators. This rule will streamline fish import regulations, to make them more workable and effective. This rule will create a modest \$50 fee for a fish import permit, to facilitate better review of fish health certificates related to fish imports and fish stocking to waters of the state (the fee will affect only 2% of registered fish farms). This rule eliminates the current requirement for an annual health inspection of fish farms in this state, which will save every fish farm operator an average of \$200 per year.

Sheep and goat owners. This rule requires official individual identification of sheep and goats that are sold or moved in commerce, consistent with standards under the federal scrapie control program. This may increase costs for

some sheep and goat owners. However, it will facilitate interstate export of sheep and goats, and will provide better disease control and traceback. This rule allows for various forms of official individual identification, some of which can be easily applied by sheep and goat owners themselves at little or no cost.

Organizers and exhibitors at fairs and exhibitions. This rule clarifies and strengthens current animal health rules related to fairs and exhibitions, including events such as organized swap meets and trail rides. This rule clarifies the obligations of event organizers and exhibitors. Exhibitors must comply with current animal health rules related to fairs and exhibitions, and must document compliance to the event organizer. Organizers must keep a record of exhibited animals, and must review and keep a record of relevant animal health documentation. Events lasting over 24 hours must have an attending veterinarian. This rule will not have a significant impact on most fairs and exhibitions, except that it may affect certain events such as organized swap meets that may not be adhering to current rules related to fairs and exhibitions.

Farm-raised deer keepers. This rule makes minor technical changes to current rules related to farm-raised deer. The rule changes will have little if any impact on most farm-raised deer keepers.

Wisconsin certified veterinarians and their clients. This rule may affect veterinarians in the following ways:

It makes slight changes to current rules governing certificates of veterinary inspection (the changes should have little impact on veterinarians or their clients, but will improve animal health documentation).

It expands reimbursement of veterinary costs related to Johne's disease testing, herd management and vaccination, but only if the services are provided by specially trained veterinarians. The reimbursement will be very beneficial for veterinarians and their clients, but veterinarians must complete training to qualify. Any veterinarian may take the brief (less than one day) required training course offered by DATCP.

It eliminates annual fish farm health certification requirements. This will save each fish farm operator an average of \$200 per year. Veterinarians who perform certification inspections may experience some loss of income.

Persons who raise, ship and market animals. This rule consolidates, reorganizes and clarifies current animal health rules, so that the rules will be easier to read and understand. This will benefit everyone involved in raising, shipping and marketing animals. It will improve disease control, facilitate commerce, and promote efficient administration of animal health programs.

This rule will not have any significant adverse impact on small business, and is not subject to the delayed effective date under 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.

For the most part, this rule does not make special exceptions for “small businesses,” because disease is no respecter of business size. However, this rule does include provisions that are specifically designed to benefit small poultry producers (see above).

This rule includes many provisions that will benefit large and small businesses alike. For example, this rule:

- Expands current reimbursement of Johne’s disease testing and herd management costs (dairy, beef and goat herds), and makes program participation more attractive.
- Eliminates current annual fish harm health inspection requirement (this will save fish farms approximately \$200 per year).
- Makes fish import permits more workable and flexible.
- Provides cost-effective disease monitoring options for poultry producers, so that more producers (especially small producers) can get more market access.

Reorganizes and redrafts current rules, to make them easier to read and understand. The changes also make the rules more consistent and transparent.

Summary of Comments by Legislative Review Committees

On June 6, 2006, DATCP transmitted the above rule for legislative review. The rule was assigned to the Senate Committee on Agriculture, Environmental Resources and Campaign Finance Reform and to the Assembly Committee on Agriculture. No hearings were held on the rule and no modifications were requested.

Commerce (CR 06-040)

An order affecting ch. Comm 62, relating to automatic fire suppression systems for student housing serving colleges and universities. Effective 10-1-06.

Summary of Final Regulatory Flexibility Analysis

The rules reflect the mandates of 2005 Wisconsin Act 78 and s. 101.14 (4) (b), Stats. The act specifies that department rules are to require the installation of automatic fire sprinkler systems in various types of student housing facilities serving institutions of higher education that are not owned or operated by the University of Wisconsin System. The rules as part of the Commercial Building Code, chapters Comm 61 to 65, established minimum standards to fulfill the statutory objectives of protecting health, safety and welfare for employees and frequenters of public buildings and places of employment.

Summary of Comments by Legislative Review Committees

No comments were received.

Employee Trust Funds (CR 05-114)

An order affecting ch. ETF 10, relating to separate retirement system investments in the fixed and variable retirement investment trusts. Effective 10-1-06.

Summary of Final Regulatory Flexibility Analysis

the proposed rule has no direct effect on small businesses because it involves only the optional investment of the funds of retirement systems created by the state or a political subdivision of the state into the Public Employee Trust Fund created by Wis. Stats., s. 40.01 (2), fulfill the benefit commitments to employees of state and local governments participating in the pension and benefit programs of ch. 40 of the statutes.

Summary of Comments by Legislative Review Committees

No comments were received.

Financial Institutions – Banking (CR 06-045)

An order affecting ch. DFI-Bkg 74, relating to collection agencies. Effective 10-1-06.

Summary of Final Regulatory Flexibility Analysis

this proposed rule will have no adverse impact on small businesses.

Summary of Comments by Legislative Review Committees

No comments were received.

Marriage and Family Therapy, Professional Counseling and Social Work Examining Board (CR 05-098)

An order affecting ch. MPSW 3, relating to human services internship requirements for a social worker training certificate. Effective 10-1-06.

Summary of Final Regulatory Flexibility Analysis

These proposed rules will have no 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 larry.martin@drl.state.wi.us, or by calling (608) 266-8608.

Summary of Comments by Legislative Review Committees

No comments were received.

Marriage and Family Therapy, Professional Counseling and Social Work Examining Board (CR 05-119)

An order affecting ch. MPSW 14, relating to continuing education credits for professional counselors. Effective 10-1-06.

Summary of Final Regulatory Flexibility Analysis

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1), Stats. The department’s Regulatory Review Coordinator may be contacted by email at larry.martin@drl.state.wi.us, or by calling (608) 266-8608.

Summary of Comments by Legislative Review Committees

No comments were received.

**Marriage and Family Therapy, Professional
Counseling and Social Work Examining Board
(CR 05-120)**

An order affecting ch. MPSW 8, relating to continuing education credits for social workers. Effective 10-1-06.

Summary of Final Regulatory Flexibility Analysis

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1), Stats. The department's Regulatory Review Coordinator may be contacted by email at larry.martin@drl.state.wi.us, or by calling (608) 266-8608.

**Summary of Comments by Legislative Review
Committees**

No comments were received.

**Marriage and Family Therapy, Professional
Counseling and Social Work Examining Board
(CR 05-122)**

An order affecting ch. MPSW 19, relating to continuing education credits for marriage and family therapists. Effective 10-1-06.

Summary of Final Regulatory Flexibility Analysis

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1), Stats. The department's Regulatory Review Coordinator may be contacted by email at larry.martin@drl.state.wi.us, or by calling (608) 266-8608.

**Summary of Comments by Legislative Review
Committees**

No comments were received.

**Natural Resources
(CR 06-011)**

An order affecting chs. NR 20, 21, 23 and 24, relating to fishing on the inland, outlying, and boundary waters of Wisconsin. Effective 10-1-06 and 4-1-07.

Summary of Final Regulatory Flexibility Analysis

The proposed rule will not directly affect any small businesses; therefore, a final regulatory flexibility analysis is not required.

**Summary of Comments by Legislative Review
Committees**

The rules were reviewed by the Senate Committee on Natural Resources and Transportation and the Assembly Committee on Natural Resources. The Assembly Committee on Natural Resources held a public hearing on July 20, 2006. No comments or recommendations were received by the department as a result of the hearing.

**Regulation and Licensing
(CR 06-014)**

An order affecting ch. RL 128, relating to educational programs for auctioneers. Effective 10-1-06.

Summary of Final Regulatory Flexibility Analysis

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1), Stats. The department's Regulatory Review Coordinator may be contacted by email at larry.martin@drl.state.wi.us, or by calling (608) 266-8608.

**Summary of Comments by Legislative Review
Committees**

No comments were received.

**Revenue
(CR 06-030)**

An order affecting ch. Tax 8, relating to liquor wholesaler warehouse facilities. Effective 10-1-06.

Summary of Final Regulatory Flexibility Analysis

the proposed rule order does not have a significant economic impact on a substantial number of small businesses.

**Summary of Comments by Legislative Review
Committees**

No comments were received.

**Transportation
(CR 06-048)**

An order affecting ch. Trans 276, relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways. Effective 10-1-06.

Summary of Final Regulatory Flexibility Analysis

The provisions of this rule adding a highway segment to the designated system have no direct adverse effect on small businesses and may have a favorable effect on those small businesses that are shippers or carriers using the newly-designated routes.

**Summary of Comments by Legislative Review
Committees**

No comments were received.

**Transportation
(CR 06-064)**

An order affecting ch. Trans 102, relating to CDL exemptions. Effective 10-1-06.

Summary of Final Regulatory Flexibility Analysis

This rule making has no effect on small business. This affects only drivers operating fire fighting type commercial vehicles necessary for the preservation of life or property.

**Summary of Comments by Legislative Review
Committees**

No comments were received.

Sections affected by rule revisions and corrections

The following administrative rule revisions and corrections have taken place in **September 2006**, and will be effective as indicated in the history note for each particular section. For additional information, contact the Revisor of Statutes Bureau at (608) 266-7275.

Revisions

Agriculture, Trade & Consumer Protection

Ch. ATCP 1

S. ATCP 1.03 (1) (a)

Ch. ATCP 10 (Entire chapter)

Ch. ATCP 11 (Entire chapter)

Ch. ATCP 12

S. ATCP 12.01 (1m), (1w), (3), (8x), (18), (19), (20), (27)

S. ATCP 12.02 (4) (a), (c), (7) (a), (10)

S. ATCP 12.03 (5) (a), (c), (8) (a)

S. ATCP 12.04 (2) (c), (4) (a), (c), (7) (a)

S. ATCP 12.045 (3) (c), (4)

S. ATCP 12.05 (4)

S. ATCP 12.06 (1) (intro.), (bc), (h)

S. ATCP 12.08 (2), (4), (10), (19) (intro.), (25), (26)

Ch. ATCP 17

S. ATCP 17.01 (19) and (20)

S. ATCP 17.02 (2) (c)

Commerce

Ch. Comm 62

S. Comm 62.0903 (6) (intro.), (a), (b) and (7)

Employee Trust Funds

Ch. ETF 10

S. ETF 10.12 (1) (a), (b) and (c), (1g), (1r) (a), (b), (c) and (d), (2), (4) (c) and (d), (5) and (6)

Financial Institutions—Banking

Ch. DFI—Bkg 74 (Entire chapter)

Marriage and Family Therapy, Professional Counseling and Social Work Examining Board

Ch. MPSW 3

S. MPSW 3.13 (3) (a)

Ch. MPSW 8

S. MPSW 8.02 (1)

S. MPSW 8.03 (1m), (d) to (f), (2) (e) and (f)

Ch. MPSW 14

S. MPSW 14.03 (4m) and (5) (c)

S. MPSW 14.04 (6) to (9)

Ch. MPSW 19

S. MPSW 19.01 (4) (m) and (5) (c)

S. MPSW 19.02 (4) to (8)

Natural Resources

Ch. NR 19

S. 19.275 (3)

Ch. NR 20

S. NR 20.03 (37t)

S. NR 20.05 (16)

S. NR 20.11 (1) (d) and (e)

S. NR 20.20 (1) (h), (4) (c), (5) (bm), (11) (k), (14) (f), (15) (d), (29) (h), (35) (b) and (g), (37) (i), (44) (b), (c), (cm), (49) (am), (50) (h), (56) (j), (57) (d), (dm) and (f), (64) (c), (70) (c), (d) and (f), (71), (72) (h), (73) (c), (g) and (o)

Ch. NR 21

S. NR 21.04 (2) (a), (d) and (3) (a)

Ch. NR 23

S. NR 23.05 (5) (c)

Ch. NR 24

S. NR 24.10

Regulation and Licensing

Ch. RL 128

S. RL 128.03 (1)

Revenue

Ch. Tax 8

S. Tax 8.63

Transportation

Ch. Trans 102

S. Trans 102.20 (1) and (8) (f)

S. Trans 102.22

S. Trans 102.23 (1), (2), (3) (a) to (d), (5) to (7) (a) to (d) (intro.)

Ch. Trans 276

S. Trans 276.07 (8)

Editorial corrections

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

Employee Trust Funds

Ch. ETF 10

- S. ETF 10.01 (3d)
- S. ETF 10.70 (3) (a)
- S. ETF 10.78 (1)
- S. ETF 10.82 (2) (f)

- S. Tax 13.07 (2) (c)
- S. Tax 13.075 (1), (2) (a), (b) and (3) (a)
- S. Tax 13.08 (1) (h), (L) and (2) (intro.)
- S. Tax 13.09 (1) (intro.)

Ch. Tax 14

- S. Tax 14.04 (2), (3) (c), (e) and (4) (c)
- S. Tax 14.05 (3) (c), (8) (a), (b) and (c)

Ch. Tax 19

- S. Tax 19.03 (1) (f) and (4) (b)

Ch. Tax 20

- S. Tax 20.11 (4)
- S. Tax 20.12 (2)

Ch. Tax 21

- S. Tax 21.01
- S. Tax 21.03 (1)

Revenue

Ch. Tax 9

- S. Tax 9.69 (2) (a) to (e), (4) (a) and (6)

Ch. Tax 13

- S. Tax 13.03 (3), (4m), (5), (11) (a) and (b)
- S. Tax 13.05 (4) (a), (b) and (d)
- S. Tax 13.06 (2) (a), (3) (b) and (4) (c)

Errata

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

Agriculture, Trade and Consumer Protection

Chs. ATCP 99 to 101 (corrected address information)

Insurance

Ch. Ins 9 (dropped copy)

Executive orders

The following are recent Executive Orders issued by the Governor.

Executive Order 166. 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 Lieutenant Arnie Wolff of the Green Bay Fire Department.

Executive Order 167. 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 Senior Airman Adam Servais of the United States Air Force who lost his life during Operation Enduring Freedom.

Executive Order 168. 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 Corporal Kenneth Cross of the United States Army who lost his life during Operation Iraqi Freedom.

Executive Order 169. 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 Specialist Shaun Novak of the United States Army who lost his life during Operation Iraqi Freedom.

Executive Order 170. Relating to a proclamation that the flag of the United States and the flag of the State of Wisconsin be flown at half-staff to commemorate the fifth anniversary of the terrorist attacks on the United States.

Public notices

Natural Resources

Notice of Availability of a Legislative Report Relating to Wisconsin's Air State Implementation Plan

All interested persons are advised that the Department of Natural Resources (DNR) intends to submit proposed rules as contained in Natural Resources Board Order AM-09-06 (Clearinghouse Rule No. 06-047) to the United States Environmental Protection Agency (USEPA) for incorporation into Wisconsin's air state implementation plan to meet requirements contained in the Federal Clean Air Act 42 USC 7401, et seq. DNR has submitted these proposed rules, which amend certain sections in chs. NR 406, 407 and 410, Wis. Adm. Code, to exempt certain minor sources from requirements to obtain construction and operation permits, as a report to the legislative standing committees for environmental matters as required under s. 285.14(2), Stats. Information on AM-09-06 can be viewed on the following website: <https://apps4.dhfs.state.wi.us/admrules/public/Rmo?nRmoId=743>

If you are unable to make copies of this information from the website and would like copies of the information supplied to the Wisconsin legislative committees, please call Ralph Patterson, DNR, at 608-267-7546 or send a request via email to Ralph.Patterson@dnr.state.wi.us.

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