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WISCONSIN ADMINISTRATIVE REGISTER

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Table of Contents

Emergency Rules Now in Effect.**Pages 3 to 6**

Agriculture, Trade and Consumer Protection:

Revise section ATCP 21.17 (1) (b) and to create section ATCP 21.17 (1) (c), relating to the quarantines of Rock County and Walworth County for emerald ash borer. **EmR1209**

Revise section ATCP 21.17 (1) (b) and to create section ATCP 21.17 (1) (c), relating to the quarantine of Trempealeau County for emerald ash borer. **EmR1211**

Revise Chapter ATCP 55, relating to allowing certain selected Wisconsin state–inspected meat establishments to sell meat and meat products in other states and thereby affecting small business. **EmR1213**

Children and Families:

Safety and Permanence, Chs. DCF 37–59

Create Chapter DCF 55, relating to subsidized guardianship. **EmR1212**

Early Care and Education, Chs. DCF 201–252

Create section DCF 201.04 (2j), relating to circumstances for a waiver to allow child care subsidy payments for a parent who is a child care provider and affecting small businesses. **EmR1216**

Health Services:

Health, Chs. DHS 110—

Create section DHS 115.05 (3), relating to fees for screening newborns for congenital and metabolic disorders and other services. **EmR1204**

Justice:

Repeal and re–create Chapter Jus 17 and Chapter Jus 18, relating to licenses authorizing persons to carry concealed weapons; concealed carry certification cards for qualified former federal law enforcement officers; and the certification of firearms safety and training instructors. **EmR1206**

Natural Resources:

Fish, Game, etc., Chs. NR 1—

Revise section NR 10.01 (3) (d) 1., relating to the bobcat hunting and trapping season. **EmR1207**

Revise Chapters NR 10, 12, and 19, relating to the wolf hunting and trapping season and regulations and a depredation program. **EmR1210**

Repeal and recreate sections NR 10.01 (1) (b), (g) and (u), 10.06 (9) (a) and 10.32, to amend section NR 10.01 (1) (v), and to create section NR 10.12 (3) (e), relating to hunting and the 2012 migratory game bird seasons and waterfowl hunting zones. **EmR1214**

Repeal and recreate section NR 10.01 (3) (h) 1., relating to the coyote hunting season. **EmR1215**

Scope Statements.**Page 7**

Safety and Professional Services — Board of Nursing:

Revise Chapter N 1, and sections N 2.02 and N 3.02, relating to school approval. **SS 092–12**

Submittal of Proposed Rules to Legislative Council Clearinghouse.**Pages 8 to 9**

Children and Families:

Early Care and Education, Chs. DCF 201–252

Revise Chapter DCF 201, relating to circumstances for a waiver to allow child care subsidy payments for a parent who is a child care provider and affecting small businesses. **CR 12–048**

Natural Resources:

Fish, Game, etc., Chs. NR 1—

Revise Chapters NR 10, 12, 17, and 19, relating to the wolf hunting and trapping season, regulations, a depredation program, training and hunting dogs, and coyote hunting. **CR 12–049**

Safety and Professional Services — Hearing and Speech Examining Board:

Revise Chapter HAS 6, relating to deceptive advertising. **CR 12–050**

Safety and Professional Services — Veterinary Examining Board:

Revise Chapter VE 1, relating to definitions of patient and prescription legend animal drugs. **CR 12–051**

Revise Chapters VE 7, 9, and 10, relating to continuing education and training in the use of pesticides by veterinarians and certified veterinary technicians. **CR 12–052**

Rule–Making Notices.**Pages 10 to 15**

Children and Families:

Early Care and Education, Chs. DCF 201–252

Create section DCF 201.04 (2j), relating to circumstances for a waiver to allow child care subsidy payments for a parent who is a child care provider and affecting small businesses. **CR 12–048, EmR1216**

Safety and Professional Services — Hearing and Speech Examining Board:

Revise section HAS 6.18 (1) (d) and to create section HAS 6.175 (6), relating to deceptive advertising. **CR 12–050**

Submittal of Proposed Rules to Legislature.**Page 16**

Agriculture, Trade and Consumer Protection:

Revise Chapter ATCP 75, relating to retail food establishments appendix, Wisconsin food code. **CR 12–033**

Employee Trust Funds:

Revise Chapter ETF 10, relating to relating to elections to Employee Trust Fund Board and Teachers Retirement Board. **CR 12–020**

Health Services:

Health, Chs. DHS 110—

Revise Chapter DHS 196, relating to restaurants and the Wisconsin food code. **CR 12–038**

Public Notices.**Pages 17 to 18**

Agriculture, Trade and Consumer Protection:

Notice of dollar amount adjustments for repair charges subject to mechanic's liens

Notice of dollar amount adjustments for liens on vehicles for towing and storage

Financial Institutions:

Notice of interest rate on required residential mortgage loan escrow accounts for 2013

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 (3)

1. EmR1209 — The state of Wisconsin department of agriculture, trade and consumer protection hereby adopts the following emergency rule to amend **section ATCP 21.17 (1) (b)** and to create **section ATCP 21.17 (1) (c)**, relating to the quarantines of Rock County and Walworth County for emerald ash borer.

This rule was approved by the governor on July 12, 2012.

The scope statement for this rule, SS 019–11, was approved by the governor on August 29, 2011, published in Register No. 669, on September 14, 2011, and approved by the Board of Agriculture, Trade and Consumer Protection on December 15, 2011.

Finding of Emergency

(1) On June 11, 2012, APHIS identified EAB in Walworth County, near the village of Walworth. Subsequently, APHIS also positively identified EAB in Rock County in the city of

Janesville on June 25, 2012. EAB is an exotic pest that poses a dire risk to the ash forest. When APHIS declares quarantine, DATCP has regulatory authority for import controls and quarantine for EAB under s. ATCP 21.17. It is anticipated that APHIS will declare quarantines for Rock County and Walworth County but that it will take six to eight weeks for APHIS to act. A six week delay until enactment of the federal quarantines leaves too much time for businesses or individuals to move potentially EAB infested material out of these counties to areas of Wisconsin or other states that are not infested with EAB.

(2) DATCP is adopting this rule as a temporary emergency rule, pending completion of federal quarantine regulations. DATCP does not anticipate completing a permanent rule.

Filed with LRB: July 16, 2012
Publication Date: July 17, 2012
Effective Dates: July 17, 2012 through December 13, 2012
Hearing Date: August 28, 2012

2. EmR1211 — The state of Wisconsin department of agriculture, trade and consumer protection hereby adopts the following emergency rule to amend **section ATCP 21.17 (1) (b)** and to create **section ATCP 21.17 (1) (c)**, relating to the quarantine of Trempealeau County for emerald ash borer.

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

The scope statement for this rule, SS 042–11, was approved by the governor on November 8, 2011, published in Register No. 671 on November 30, 2011, and approved by the Board of Agriculture, Trade and Consumer Protection on December 15, 2011.

Finding of Emergency

(1) On August 16, 2012, APHIS identified Emerald Ash Borer (EAB) in Trempealeau County, at Perrot State Park. EAB is an exotic pest that poses a dire risk to the ash forest. When APHIS declares quarantine, DATCP has regulatory authority for import controls and quarantine for EAB under s. ATCP 21.17. It is anticipated that APHIS will declare quarantines for Trempealeau County but that it will take six to eight weeks for APHIS to act. A six week delay until enactment of the federal quarantines leaves too much time for businesses or individuals to move potentially EAB infested material out of the county to areas of Wisconsin or other states that are not infested with EAB.

(2) DATCP is adopting this rule as a temporary emergency rule, pending completion of federal quarantine regulations. DATCP does not anticipate completing a permanent rule.

Filed with LRB: September 6, 2012
Publication Date: September 7, 2012
Effective Dates: September 7, 2012 through February 3, 2013
Hearing Date: October 12, 2012

3. EmR1213 (DATCP Docket # 11–R–11) — The Wisconsin department of agriculture, trade and consumer protection hereby adopts the following emergency rule to amend **sections ATCP 55.04 (title), (2) (title), (a) and (b), and (6), 55.07 (1) (a), (2) (a) and (3) (a);** and to create **sections ATCP 55.02 (4m), 55.03 (2) (f), 55.04 (1m), 55.06 (5) (j), 55.07 (1) (c), (2) (d) and (3) (c),** relating to allowing certain selected Wisconsin state–inspected meat establishments to sell meat and meat products in other states and thereby affecting small business.

This rule was approved by the governor on September 6, 2012.

The statement of scope for this rule, SS 005–12, was approved by the governor on January 11, 2012, published in Register No. 673, on January 31, 2012, and approved by the Natural Resources Board on February 22, 2012.

Finding of Emergency

The department of agriculture, trade and consumer protection finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public welfare. Statements of the facts constituting the emergency are:

(1) Wisconsin has more than 270 small state–inspected meat establishments that contribute to the vitality of the state’s rural economy, producing many unique, specialty products. Wisconsin’s state–inspected meat and poultry establishments are inspected by Wisconsin’s Bureau of Meat Safety and Inspection under a cooperative agreement with the United States Department of Agriculture’s (USDA’s) Food Safety and Inspection Service (FSIS) program. Under the cooperative agreement, state meat inspection programs must provide inspection that is “at least equal to” federal inspection under the Federal Meat Inspection Act (FMIA) (21 USC 661) and the Poultry Products Inspection Act (PPIA) (21 USC 454). State–inspected meat and poultry establishments are prohibited from selling their products in other states.

(2) USDA recently established the new Cooperative Interstate Shipment (CIS) program, which will allow state–inspected meat and poultry establishments to sell their products in other states. To qualify for participation in the CIS program, state meat and poultry inspections programs must inspect establishments that volunteer to participate in the program using procedures that are the “same as”, rather than “at least equal to,” USDA’s federal inspections under FMIA and PPIA. This emergency rule incorporates certain federal regulations that Wisconsin’s state meat inspection program must adopt in order to establish a regulatory foundation deemed the “same as” the foundation for the federal program, and thereby allowing Wisconsin to participate in the CIS program.

(3) The department of agriculture, trade and consumer protection (DATCP) is adopting this emergency rule to prevent a potential hardship to Wisconsin’s state–inspected meat establishments selected to participate in the program; adoption of the emergency rule will ensure that these establishments are not prevented from selling their meat and poultry products in other states because the pending “permanent” rules cannot be adopted in time.

Filed with LRB: September 10, 2012
Publication Date: September 13, 2012
Effective Dates: September 13, 2012 through February 9, 2013
Hearing Date: October 15, 18, 19, 2012

Children and Families

Safety and Permanence, Chs. DCF 37–59

EmR1212 — The Wisconsin Department of Children and Families orders the creation of **Chapter DCF 55**, relating to subsidized guardianship.

This emergency rule was approved by the governor on August 28, 2012.

The statement of scope for this rule, SS 040–12, was approved by the governor on June 8, 2012, published in Register No. 678 on June 30, 2012, and approved by Secretary Eloise Anderson on July 16, 2012.

Finding of Emergency

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

Guardians who entered into subsidized guardianship agreements with an agency when the statewide subsidized guardianship program was implemented in August 2011 are now eligible for consideration of an amendment to increase the amount of the subsidized guardianship payments. The rule includes the process for determining eligibility for an amendment.

Filed with LRB: August 31, 2012
Publication Date: September 3, 2012
Effective Dates: September 3, 2012 through January 30, 2013
Hearing Date: November 30, 2012

Children and Families

Early Care and Education, Chs. DCF 201–252

EmR1216 — The Wisconsin Department of Children and Families orders the creation of **section DCF 201.04 (2j)**, relating to circumstances for a waiver to allow child care subsidy payments for a parent who is a child care provider and affecting small businesses.

This emergency rule was approved by the governor on October 19, 2012.

The statement of scope for this rule, SS 054–12, was approved by the governor on July 30, 2012, published in Register No. 680 on August 14, 2012, and approved by Secretary Eloise Anderson on August 27, 2012.

Finding of Emergency

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

Section 49.155 (3m) (d), Stats., as affected by 2011 Wisconsin Act 32, provides that no child care subsidy funds may be used for child care services that are provided for a child by a child care provider who is the parent of the child or who resides with the child. In addition, no child care subsidy funds may be used for child care services that are provided by another child care provider if the child’s parent is a child care provider. The prohibition on assistance does not apply if the child’s parent has applied for, and been granted, a waiver. Implementation of an emergency rule specifying the circumstances under which the department or an agency will grant a waiver is necessary to protect certain vulnerable children.

Filed with LRB: November 13, 2012
Publication Date: November 15, 2012
Effective Dates: November 15, 2012 through April 13, 2013
Hearing Date: January 14, 2013

(See the Notice in this Register)

Health Services

Health, Chs. DHS 110—

EmR1204 — The Wisconsin Department of Health Services hereby adopts emergency rules to create **section DHS 115.05 (3)**, relating to fees for screening newborns for congenital and metabolic disorders and other services.

This emergency rule was approved by the governor on April 19, 2012.

The statement of scope for this rule, SS 033–11, was approved by the governor on October 25, 2011, published in Register No. 671, on November 14, 2011, and approved by the Department of Health Services Secretary, Dennis G. Smith, effective November 25, 2011.

Exemption from Finding of Emergency

The legislature by 2011 Wisconsin Act 32, SECTION 9121 (9) provides an exemption from a finding of emergency to adopt these emergency rules. The exemption is as follows:

2011 Wisconsin Act 32, SECTION 9121 (9) CONGENITAL DISORDER TESTING FEES; RULES. Using the procedure under section 227.24 of the statutes, the department of health services shall promulgate rules required under section 253.13 (2) of the statutes, as affected by this act, for the period before the effective date of the permanent rules promulgated under section 253.13 (2) of the statutes, as affected by this act, but not to exceed the period authorized under section 227.24 (1) (c) of the statutes, subject to extension under section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of health services is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

Filed with LRB: May 1, 2012
Publication Date: May 4, 2012
Effective Dates: May 4, 2012 through September 30, 2012
Hearing Date: May 25, 2012
Extension Through: January 28, 2013

Justice

EmR1206 — The State of Wisconsin Department of Justice (“DOJ”) proposes an order to repeal and re–create **Chapter Jus 17** and **Chapter Jus 18**, relating to licenses authorizing persons to carry concealed weapons; concealed carry certification cards for qualified former federal law enforcement officers; and the certification of firearms safety and training instructors.

Governor Walker approved the final draft emergency rules on March 15, 2012. Attorney General Van Hollen signed an order approving the final emergency rules on March 15, 2012,

and the emergency rules were published in the Wisconsin State Journal on March 21, 2012.

The statement of scope for these emergency rules, SS 010–12, was approved by Governor Walker on February 15, 2012, published in Administrative Register No. 674, on February 29, 2012, and approved by Attorney General J.B. Van Hollen on March 12, 2012.

Finding of Emergency

Under section 101 of 2011 Wis. Act 35, DOJ has been statutorily required to receive and process concealed carry license applications and to issue or deny licenses since November 1, 2011. The Legislature has thus determined that the public welfare requires the licensing system commenced on that date to remain continuously in effect. Emergency rules governing the licensing process were adopted on October 25, 2011, and have been in effect since November 1, 2011.

On November 7, 2011, JCRAR suspended certain portions of the emergency rules adopted on October 25, 2011. Since that time, DOJ has implemented concealed carry licensing without enforcing the suspended provisions. DOJ is also in the process of developing proposed permanent rules that do not include the substance of any of the provisions in the emergency rules that were suspended by JCRAR.

Under Wis. Stat. s. 227.26 (2) (i), if a bill supporting JCRAR’s suspension action of November 7, 2011, is not enacted into law by the end of the current legislative session on March 15, 2012, then the suspension would be lifted and the original version of the emergency rules — including the previously suspended portions — would go back into legal effect. At that point, the emergency rules in effect would be inconsistent both with the emergency rules as they have been administered by DOJ since November 7, 2011, and with the proposed permanent rules, the scope of which has already been approved by the Governor and the Attorney General. Any such lack of continuity in the operation of DOJ’s concealed carry rules would be confusing and disruptive both for permit applicants and for DOJ staff administering the concealed carry permit program.

In order to prevent such a discontinuity in the operation of the concealed carry rules, it is necessary to re–promulgate the existing emergency rules in their entirety, with the exception of the portions that were suspended by JCRAR on November 7, 2011. Only if DOJ utilizes the emergency rulemaking procedures of s. 227.24, Stats., can the revised emergency rules be promulgated and in effect in time to prevent discontinuity in the operation of the existing rules. The public welfare thus necessitates that the rules proposed here be promulgated as emergency rules under s. 227.24, Stats.

Filed with LRB: May 24, 2012
Publication Date: March 21, 2012
Effective Dates: March 21, 2012 through August 17, 2012
Hearing Date: July 16, 24, 25, 2012
Extension Through: December 15, 2012

Natural Resources (4)

Fish, Game, etc., Chs. NR 1—

1. EmR1207 — The Wisconsin Natural Resources Board proposes an order to amend **section NR 10.01 (3) (d) 1.**, relating to the bobcat hunting and trapping season.

This emergency rule was approved by the governor on May 4, 2012. This emergency rule, modified to reflect the correct

effective date, was approved by the governor on May 25, 2012.

The statement of scope for this rule, SS 009–12, was approved by the governor on February 15, 2012, published in Register No. 674, on February 29, 2012, and approved by the Natural Resources Board on March 28, 2012.

This rule was approved and adopted by the State of Wisconsin Natural Resources Board on April 25, 2012.

Finding of Emergency

Pursuant to s. 227.24, Stats., the Department of Natural Resources finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety, or welfare.

If emergency rules are not promulgated, the season automatically reverts back to a single permit period beginning on the Saturday nearest October 17 and continuing through December 31 in 2012. Frequent change of season dates and regulations for hunting and trapping can be confusing and disruptive to the public, can result in citations being issued, and is not necessary for protection of the bobcat population in this situation. Some people will view a reversion to the single season framework as a reduction of opportunity that is not socially acceptable. Therefore, this emergency rule is needed to preserve the public welfare.

Filed with LRB: May 30, 2012
Publication Date: June 10, 2012
Effective Dates: October 1, 2012 through February 27, 2013
Hearing Date: August 27, 2012

2. EmR1210 — The Wisconsin Natural Resources Board proposes an order to amend sections NR 10.001 (25c), 10.02 (1), 10.06 (5) and (8) (intro.), 10.07 (2) (b) 2., 10.07 (2m) (intro.) and (e) (intro.), 10.07 (2m) (f) (intro.), 10.09 (1), 10.13 (1) (b) 9., 10.13 (1) (b) 15., 10.13 (1) (b) 16., 10.145 (intro), 10.145 (3) to (8), 12.10 (intro.), 12.10 (1) (a) 4., 12.10 (1) (b) 2., 12.15 (13) and 19.25 and to create sections NR 10.001 (22q), 10.001 (23a), 10.001 (23am), 10.001 (23b), 10.001 (26g), 10.001 (33), 10.01 (3) (j), 10.07 (1) (m), 10.07 (2m) (em), 10.07 (2m) (g) 3., NR 10.07 (4), 10.13 (1) (b) 15m., 10.13 (1) (b) 18., 10.145 (1m), (1u) and Note, sections NR 10.16 (5), 10.295, 12.15 (11) (e), 12.60 to 12.63, 12.64 (1) (a) and (b) (intro.) 1., 12.64 (1) (b) 2. and 3., 12.64 (1) (b) 4. and 5., 12.64 (2) (a) to (c), 12.64 (2) (d), 12.64 (3) and 12.65, relating to the wolf hunting and trapping season and regulations and a depredation program.

This emergency rule was approved by the governor on August 10, 2010.

The statement of scope for this rule, SS 023–12, was approved by the governor on April 12, 2012, published in Register No. 676, on April 30, 2012, and approved by the Natural Resources Board on May 23, 2012.

Finding of Emergency

A non–statutory provision, SECTION 21, of 2011 ACT 169 requires the department to submit rules necessary for implementation or interpretation and establishes that the department is not required to make a finding of emergency.

Filed with LRB: August 15, 2012
Publication Date: August 18, 2012
Effective Dates: August 18, 2012 through January 14, 2013

3. EmR1214 (DNR # WM–02–12(E)) — The Wisconsin Natural Resources Board proposes an order to repeal and recreate sections NR 10.01 (1) (b), (g) and (u), 10.06 (9) (a) and 10.32, to amend section NR 10.01 (1) (v), and to create section NR 10.12 (3) (e), relating to hunting and the 2012 migratory game bird seasons and waterfowl hunting zones.

This emergency rule was approved by the governor on September 6, 2012.

The statement of scope for this rule, SS 011–12, was approved by the governor on February 15, 2012, published in Register No. 674, on February 29, 2012, and approved by the Natural Resources Board on May 23, 2012.

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 late July of each year. This order is designed to bring the state hunting regulations into 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.

Filed with LRB: September 10, 2012
Publication Date: September 12, 2012
Effective Dates: September 13, 2012 through February 9, 2013

4. EmR1215 (DNR # WM–16–12(E)) — The Wisconsin Natural Resources Board proposes an order to repeal and recreate section NR 10.01 (3) (h) 1., relating to the coyote hunting season.

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

The statement of scope for this rule, SS 038–12, was approved by the governor on May 29, 2012, published in Register No. 678, on June 14, 2012, and approved by the Natural Resources Board on June 27, 2012.

Finding of Emergency

A non–statutory provision, Section 21, of 2011 ACT 169 requires the department to submit rules necessary for implementation or interpretation and establishes that the department is not required to make a finding of emergency.

Filed with LRB: September 14, 2012
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Scope Statements

Safety and Professional Services — Board of Nursing

SS 092-12

The statement of scope was approved by the governor on December 4, 2012.

Rule No.

Chapter N 1, sections N 2.02 and N 3.02.

Relating to

School approval.

Rule Type

Permanent.

Finding/Nature of Emergency (Emergency Rule Only)

N/A.

Detailed Description of the Objective of the Proposed Rule

The objective of the proposed rule is to update the approval process for the approval of schools of nursing. Chapter N 1 has not been updated since 1989. The process of school approvals have evolved since that time and this chapter requires an update to bring Wisconsin in line with other states.

The rule would also update the definition sections of sections N 2.02 and N 3.02 to accurately address the definition of an approved school.

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

Chapter N 1 does not adequately address current education standards for schools of nursing nor does it address current technologies in providing education. In addition there is lack of clarity in the current rules. A new rule would address each aspect of the board approval process and the process of continuation of the approval of the school. It would also update the standards which trigger a review of the school's approvals, the steps for a review, the standards for placement on probationary status as well as how a school is removed for probationary status, the process for withdrawing approval of the school and the requirements for voluntary or involuntary closure of a school of nursing.

In updating Chapter N 1, the Board of Nursing will consider the model practice rules for school approval and the process used by our neighboring state.

The definitions in sections N 2.02 and N 3.02 of board approved school do not adequately address the situations of

graduates of out of state schools nor graduates of schools which the Wisconsin Board of Nursing have authorized to admit students but have not been fully approved. This creates unnecessary anxiety for new applicants in Wisconsin. A strict interpretation of the current rule would unintentionally deny qualified nurses from practicing in our state.

The alternative to this rule is to continue to create confusion. The rules should reflect a clear and precise process rather than the attempting to interpret the rules to fit situations which did not exist in 1989.

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

Section 15.08 (5) (b), Wis. stats. Each examining board: shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

Section 441.01 (3), Wis. stats. The board may establish minimum standards for schools for professional nurses and schools for licensed practical nurses, including all related clinical units and facilities, and make and provide periodic surveys and consultations to such schools. It may also establish rules to prevent unauthorized persons from practicing professional nursing. It shall approve all rules for the administration of this chapter in accordance with Ch. 227, Wis. Stats.

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

50 hours.

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

Schools of nursing, applicants.

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

None.

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

None or minimal.

Contact Person

Sharon Henes, Paralegal, (608) 261-2377

Submittal of Proposed Rules to Legislative Council Clearinghouse

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

Children and Families

Early Care and Education, Chs. DCF 201–252

CR 12–048

The Department of Children and Families submitted proposed rules to the Legislative Council Rules Clearinghouse on November 27, 2012.

The statement of scope for this rule, SS 025–11, was approved by the governor on September 26, 2011; published in Register No. 670 on October 14, 2011; and approved by Secretary Eloise Anderson on October 28, 2011.

Analysis

The proposed rules affect Chapter DCF 201, relating to circumstances for a waiver to allow child care subsidy payments for a parent who is a child care provider and affecting small businesses.

Agency Procedure for Promulgation

A public hearing is required and will be held in Madison on January 14, 2013. The organizational unit responsible for the promulgation of the proposed rules is the Division of Early Care and Education.

Contact Information

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Email: elaine.pridgen@wisconsin.gov

Natural Resources

Fish, Game, etc., Chs. NR 1–

CR 12–049

(DNR # WM–08–12)

The Department of Natural Resources submitted proposed rules to the Legislative Council Rules Clearinghouse on November 30, 2012.

The statements of scope for this rule, SS 023–12 generally, SS 038–12 related to coyote hunting, and SS 062–12 related to dog training were approved by the governor on April 12, May 29, and August 14, 2012 respectively. The statements of scope were published in Register No. 676 on April 30, 2012, Register No. 678 on June 14, 2012, and Register No. 680 on August 31, 2012. The statements of scope were approved by the Natural Resources Board on May 23, June 27, and September 26, 2012 respectively.

Analysis

The proposed rule revises Chapters NR 10, 12, 17, and 19, relating to the wolf hunting and trapping season, regulations, a depredation program, training and hunting dogs, and coyote hunting.

Agency Procedure for Promulgation

Public hearings will be held in a number of locations around the state. At this time, the department has not selected specific locations or a date.

Contact Information

Scott Loomans, Bureau of Wildlife Management, (608) 267–2452.

Safety and Professional Services — Hearing and Speech Examining Board CR 12–050

On November 30, 2012, the Hearing and Speech Examining Board submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

Statutory Authority: Sections 15.08 (5) (b) and 227.11 (2), Wis. Stat.

This proposed rule–making order revises Chapter HAS 6, relating to deceptive advertising.

Scope

The scope statement for this rule, SS 045–12, was approved by the governor on May 4, 2012, published in Register No. 678 on June 30, 2012 and approved by the Hearing and Speech Examining Board on July 12, 2012.

Agency Procedure for Promulgation

A public hearing is required and will be held on January 7, 2012 at 1400 East Washington Avenue, Room 121, Madison, Wisconsin (enter at 55 North Dickinson Street).

Contact Person

Sharon Henes, Paralegal, Department of Safety and Professional Services, Division of Board Services, (608) 261–2377, Sharon.henes@wisconsin.gov.

Safety and Professional Services — Veterinary Examining Board CR 12–051

On November 30, 2012, the Veterinary Examining Board submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

Statutory Authority: Sections 15.08 (5) (b) and 453.03 (1), Wis. Stat.

This proposed rule–making order revises Chapter VE 1, relating to definitions of patient and prescription legend animal drugs.

Scope

The scope statement for this rule, SS 025–12, was approved by the governor on April 19, 2012, published in Register No. 677 on May 14, 2012, and approved by the Veterinary Examining Board on June 1, 2012.

Agency Procedure for Promulgation

A public hearing is required and will be held on January 30, 2012 at 1400 East Washington Avenue, Room 121, Madison, Wisconsin (enter at 55 North Dickinson Street). The Notice of Hearing specifying the time will published at a later date.

Contact Person

Sharon Henes, Paralegal, Department of Safety and Professional Services, Division of Board Services, (608) 261–2377, Sharon.henes@wisconsin.gov.

**Safety and Professional Services —
Veterinary Examining Board
CR 12–052**

On November 30, 2012, the Veterinary Examining Board submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

Statutory Authority: Sections 15.08 (5) (b) and 453.03 (2), Wis. Stats.

This proposed rule–making order revises Chapters VE 7, 9, and 10, relating to continuing education and training in the use of pesticides by veterinarians and certified veterinary technicians.

Scope

The scope statement for this rule, SS 028–12, was approved by the governor on April 19, 2012, published in Register No. 677 on May 14, 2012, and approved by the Veterinary Examining Board on June 1, 2012.

Agency Procedure for Promulgation

A public hearing is required and will be held on January 30, 2012 at 1400 East Washington Avenue, Room 121, Madison, Wisconsin (enter at 55 North Dickinson Street). The Notice of Hearing specifying the time will published at a later date.

Contact Person

Sharon Henes, Paralegal, Department of Safety and Professional Services, Division of Board Services, (608) 261–2377, Sharon.henes@wisconsin.gov.

Rule–Making Notices

Notice of Hearing
Children and Families
Early Care and Education, Chs. DCF 201–252
CR 12–048, EmR1216

NOTICE IS HEREBY GIVEN that pursuant to section 49.155 (3m) (d) 4., Stats., the Department of Children and Families proposes to hold a public hearing to consider emergency rules and proposed permanent rules to create section DCF 201.04 (2j), relating to circumstances for a waiver to allow child care subsidy payments for a parent who is a child care provider and affecting small businesses.

Hearing Information

Date: Monday, January 14, 2012
Time: 1:30 p.m.
Location: GEF 1 Building, Room H206
 201 East Washington Avenue
 Madison, WI 53703

Appearances at the Hearing

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

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

Copies and Place Where Comments Are to be Submitted and Deadline for Submission

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

Elaine Pridgen
 Department of Children and Families
 201 E. Washington Avenue
 Madison, WI 53707
 (608) 267–9403
dcfpublichearing@wisconsin.gov

Written comments on the rules received at the above address, email, or through the <http://adminrules.wisconsin.gov> website no later than **January 15, 2013**, will be given the same consideration as testimony presented at the hearing.

Analysis Prepared by the Department of Children and Families

Statutory authority

Section 49.155 (3m) (d) 4., Stats.

Statutes interpreted

Section 49.155, Stats.

Related statute or rule

NA.

Explanation of agency authority

Section 49.155 (3m) (d), Stats., as affected by 2011 Wisconsin Act 32, provides that no child care subsidy funds may be used for child care services that are provided for a child by a child care provider who is the parent of the child or who resides with the child. In addition, no child care subsidy funds may be used for child care services that are provided by another child care provider if the child’s parent is a child care provider.

These prohibitions do not apply if the child’s parent has applied for, and been granted, a waiver by the county department, agency, or by the department. Section 49.155 (3m) (d) 4., Stats., directs the department to promulgate rules that specify the circumstances, or standards for determining the circumstances, under which the local agency or the department will grant a waiver.

Summary of the emergency and proposed permanent rules

A parent who is a child care provider may apply to the child care administrative agency for a waiver requesting assistance for child care services provided for the provider’s child by another child care provider. Both the emergency rule and proposed permanent rule provide that the department or agency may grant a waiver if any of the following apply:

- The department or agency determines that assistance is appropriate because the child has a special need.
- The parent is the child’s foster parent.
- The parent is the child’s guardian or interim caretaker and is receiving subsidized guardianship payments for the care and maintenance of the child.
- The parent is the child’s kinship care relative, the child has been placed with the relative under a court order, and the relative is receiving kinship care payments for the care and maintenance of the child.
- Both of the following apply:
 - The child’s biological parent is a dependent minor child under the age of 18 who attends high school or participates in a course of study meeting the standards established by the state superintendent of public instruction for the granting of a declaration of equivalency of high school graduation.
 - The dependent minor parent and the child reside with a person who is considered the parent for purposes of the child care subsidy program and who may be the dependent minor parent’s custodial parent, kinship care relative, foster parent, or guardian or interim caretaker receiving subsidized guardianship payments

for the care and maintenance of the dependent minor parent.

In addition, the proposed permanent rule will allow for a waiver if the parent is requesting child care assistance to do an activity in s. 49.155 (1m) (a), Stats., other than an activity related to child care.

No waiver of the prohibition on using subsidy funds for child care services that are provided for a child by a child care provider who is the parent of the child or who resides with the child is permitted.

Summary of factual data and analytical methodologies

The analytical methodologies for the rules include the following:

- Not discouraging child care providers from becoming out-of-home care providers for children in the child welfare system.
- Supporting the efforts of teen parents to graduate from high school.
- Not creating a situation in which a child care provider caring for his or her own child with special needs is not able to provide appropriate care for the children attending the provider’s child care center.

No data was used.

Summary of related federal requirements

None.

Comparison to rules in adjacent states

The department is not aware of any statutes or rules in adjacent states that prohibit low-income parents who are child care providers from receiving assistance to send their own children to another child care provider.

Analysis used to determine effect on small business or in preparation of economic impact analysis

The implementation of s. 49.155 (3m) (d), Stats., affects parents who are child care providers and who have been previously eligible for Wisconsin Shares assistance to send their own children to another child provider. Under the rules, parents who are child care providers are not be affected by the statutory prohibition on assistance if they are granted a waiver. The rules will have a positive economic impact on the providers who receive a waiver.

Effect on Small Business

The rules will have a positive effect on small businesses. Most child care providers are small businesses. Exempting small businesses would be contrary to the statutory objective. There are no compliance or reporting requirements or design or operational standards in the proposed rule. The Department’s Small Business Regulatory Coordinator is Elaine Pridgen, (608) 267–9403, elaine.pridgen@wisconsin.gov.

Agency Contact Person

Erik Hayko, Division of Early Care and Education, (608) 266–9045, erik.hayko@wisconsin.gov.

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA–2049 (R03/2012)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707–7864
FAX: (608) 267–0372

**ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis**

1. Type of Estimate and Analysis						
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Original	Updated	Corrected				
2. Administrative Rule Chapter, Title and Number						
DCF 201, Administration of Child Care Funds						
3. Subject						
Circumstances for a Waiver to Allow Child Care Subsidy Payments for a Parent Who is a Child Care Provider						
4. Fund Sources Affected					5. Chapter 20, Stats. Appropriations Affected	
GPR	FED	PRO	PRS	SEG	SEG–S	
6. Fiscal Effect of Implementing the Rule						
<input checked="" type="checkbox"/> No Fiscal Effect		Increase Existing Revenues			Increase Costs	
Indeterminate		Decrease Existing Revenues			Could Absorb Within Agency’s Budget	
					Decrease Cost	
7. The Rule Will Impact the Following (Check All That Apply)						
State’s Economy			Specific Businesses/Sectors			
<input checked="" type="checkbox"/> Local Government Units			Public Utility Rate Payers			
			<input checked="" type="checkbox"/> Small Businesses (if checked, complete Attachment A)			
8. Would Implementation and Compliance Costs Be Greater Than \$20 million?						
Yes		<input checked="" type="checkbox"/> No				

9. Policy Problem Addressed by the Rule

The determination to provide a waiver process is in statute. The policy issues considered in developing the criteria for the waiver include the following:

- Not discouraging child care providers from becoming out-of-home care providers for children in the child welfare system.
- Supporting the efforts of teen parents to graduate from high school.
- Not creating a situation in which a child care provider caring for his or her own child with special needs is not able to provide appropriate care for the children attending the provider’s child care center.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

Wisconsin Child Care Administrators Association, Wisconsin Family Child Care Association, Wisconsin Early Childhood Association, Wisconsin County Human Service Association.

11. Identify the local governmental units that participated in the development of this EIA.

None.

12. Summary of Rule’s Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State’s Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

The rule has a positive economic impact on child care providers who are parents and are granted a waiver to allow assistance to send their own children to another child care provider.

The department received a comment from Paul Hoffman with Crossroads Community Church, a licensed group child care center. He commented that he does not think it is right for a parent who works at a childcare facility to not be eligible for child care assistance if the parent would be eligible if he or she worked anywhere else.

Department response: The statute prohibits child care licensees and certified child care operators from receiving child care assistance unless they qualify for a waiver. The criteria to determine eligibility for a waiver are in the emergency and proposed permanent rules. Neither the statute nor rules apply to employees.

There are some costs to child care administrative agencies that must determine whether a parent is eligible for a waiver as provided in s. 49.155 (3m) (d), Stats., but there are no costs associated with the specific criteria in the proposed rules.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Section 49.155 (3m) (d) 4., Stats., directs the department to promulgate the rule. Also, see policy considerations above.

14. Long Range Implications of Implementing the Rule

None.

15. Compare With Approaches Being Used by Federal Government

NA

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

The department is not aware of any statutes or rules in adjacent states that prohibit otherwise eligible parents who are child care providers from receiving assistance to send their own children to another child care provider.

17. Contact Name

Erik Hayko

18. Contact Phone Number

(608) 266–9045

ATTACHMENT A

1. Summary of Rule’s Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

The rule has a positive economic impact on child care providers who are low-income parents and are eligible for a waiver to allow assistance to send their own children to another child care provider.

2. Summary of the data sources used to measure the Rule’s impact on Small Businesses

None.

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

Less Stringent Compliance or Reporting Requirements

Less Stringent Schedules or Deadlines for Compliance or Reporting

Consolidation or Simplification of Reporting Requirements

Establishment of performance standards in lieu of Design or Operational Standards

Exemption of Small Businesses from some or all requirements

Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

The rule benefits small businesses.

5. Describe the Rule's Enforcement Provisions

None. There are no compliance requirements in the rule.

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

Yes No

Notice of Hearing
Safety and Professional Services —
Hearing and Speech Examining Board
CR 12–050

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Hearing and Speech Examining Board in sections 15.08 (5) (b), and 227.11 (2), Stats., and interpreting sections 459.01 (1d) and 459.34 (2) (d), Stats., the Hearing and Speech Examining Board will hold a public hearing at the time and place indicated below to consider an order to revise section HAS 6.18 (1) (d) and to create section HAS 6.175 (6), relating to deceptive advertising.

Hearing Information

Date: Monday, January 7, 2012

Time: 1:15 p.m.

Location: Room 121A
 1400 East Washington Avenue
 Madison, WI 53703

Appearances at the Hearing

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received at or before the public hearing to be included in the record of rule-making proceedings.

Place Where Comments Are to be Submitted and Deadline for Submission

Comments may be submitted to Sharon Henes, Paralegal, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708–8935, or by email to Sharon.Henes@wisconsin.gov. Comments must be

received at or before the public hearing to be held on **January 7, 2012 at 1:15 p.m.** to be included in the record of rule-making proceedings.

Copies of the Rule

Copies of this proposed rule are available upon request to Sharon Henes, Paralegal, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, or by email at Sharon.Henes@wisconsin.gov.

Analysis Prepared by the Department of Safety and Professional Services

Statutes interpreted

Sections 459.01 (1d) and 459.34 (2) (d), Stats.

Statutory authority

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

Explanation of agency authority

2009 Act 356 amended s. 459.34 (2) (d), Stats., to expand and further clarify the definition of deceptive practices.

Related statute or rule

Sections 459.01 (1d) and 459.34 (2) (d), Stats.

Plain language analysis

The passage of 2009 Wisconsin Act 356 created a definition for deceptive practices which further clarifies what constitutes deceptive advertising. The new definition includes a list of specified types of representation or materials which are considered deceptive advertising if they are misleading, false or untruthful.

The Act also amends deceptive practices as a basis for professional discipline by eliminating the words false and misleading which are now included in the new definition.

This rule is amended to be consistent with the statutory changes.

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

None.

Comparison with similar rules in adjacent states

Iowa:

645 Iowa Admin. Code 304.2(4) defines professional incompetency as including but not limited to the use of untruthful or improbable statements in advertisements and actions by a licensee in making information or intention known to the public which is false, deceptive, misleading or promoted through fraud or misrepresentation. <http://www.legis.state.ia.us/asp/ACODOCS/DOCS/304.2.pdf>

Illinois:

68 Illinois Admin. Code 1465.95(j) provides that the licensing authority may take disciplinary action against a speech–language pathology and audiology license based upon its finding of unethical, unauthorized or unprofessional conduct which includes “deceptive, misleading, false representation.” <http://www.ilga.gov/commission/jcar/admincode/068/06801465sections.html>

Minnesota:

Chapter 148.5195(10), of the Minnesota Statutes, provides that disciplinary action may be taken against an audiologist for advertising in a manner that is false or misleading or engaging in conduct that is likely to deceive, defraud or harm the public. <http://www.revisor.mn.gov/statutes/?id=148.5195>

Michigan:

The State of Michigan does not have administrative rules governing advertising by audiologists. http://www.michigan.gov/lara/0,1607,7-154-27417_2529_31491---,00.html

The comparison of the proposed rules to the adjacent states demonstrates that the proposed rules are relatively comparable to those in adjacent states.

Summary of factual data and analytical methodologies

No additional factual data or analytical methodologies used. The modifications were prescribed by 2009 Act 356.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis

This rule creates a change in a definition to match the statutory definition created by 2009 Act 356 which does not impact small businesses. This rule was posted for public comment on the economic impact of the proposed rule, including how this proposed rule may affect businesses, local government units and individuals, for a period of 14 days. No comments were received relating to the economic impact of the rule.

Fiscal estimate and Economic Impact Analysis

The Fiscal Estimate and Economic Impact Analysis is attached.

Initial Regulatory Flexibility Analysis or Summary

There is no effect on small businesses.

Agency contact person

Sharon Henes, Paralegal, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608–261–2377; email at Sharon.Henes@wisconsin.gov.

STATE OF WISCONSIN DEPARTMENT OF ADMINISTRATION DOA 2049 (R 07/2011)		ADMINISTRATIVE RULES FISCAL ESTIMATE AND ECONOMIC IMPACT ANALYSIS	
Type of Estimate and Analysis			
<input checked="" type="checkbox"/> Original Updated Corrected			
Administrative Rule Chapter, Title and Number			
Sections HAS 6.18 (1) (d) and 6.175 (6)			
Subject			
Deceptive Advertising			
Fund Sources Affected		Chapter 20 , Stats. Appropriations Affected	
GPR FED PRO PRS SEG SEG–S		None	
Fiscal Effect of Implementing the Rule			
<input checked="" type="checkbox"/> No Fiscal Effect Indeterminate	Increase Existing Revenues Decrease Existing Revenues	Increase Costs Could Absorb Within Agency’s Budget Decrease Costs	
The Rule Will Impact the Following (Check All That Apply)			
State’s Economy Local Government Units		Specific Businesses/Sectors Public Utility Rate Payers	
Would Implementation and Compliance Costs Be Greater Than \$20 million?			
Yes <input checked="" type="checkbox"/> No			

Policy Problem Addressed by the Rule
2009 Act 356 created a definition for deceptive practices which further clarifies what constitutes deceptive advertising. The new definition includes a list of specified types of representation or materials which are considered deceptive advertising if they are misleading, false or untruthful. The Act also amends deceptive practices as a basis for professional discipline by eliminating the words false and misleading which are now included in the new definition. This rule is amended to be consistent with the statutory change.
Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)
No economic or fiscal impact to business, organization or the economy as a whole.
Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule
The benefit of implementing the rule is to bring the rule into compliance with the statutory changes.
Long Range Implications of Implementing the Rule
The long range implication is clarity between the statutes and the rule.
Compare With Approaches Being Used by Federal Government
None.
Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)
The comparison of the proposed rules to the adjacent states demonstrates that the proposed rules are relatively comparable to those in adjacent states.
Name and Phone Number of Contact Person
Sharon Henes (608) 261-2377

Submittal of Proposed Rules to Legislature

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

Agriculture, Trade and Consumer Protection **CR 12-033**

(DATCP Docket # 09-R-01)

The Department of Agriculture, Trade and Consumer Protection announces that it is submitting a rule for legislative committee review, pursuant to s. 227.19, Stats. The proposed rule revises Chapter ATCP 75, relating to retail food establishments appendix, Wisconsin food code.

This rule is not subject to s. 227.185, Stats. The statement of scope for this rule was published in Wisconsin Administrative Register No. 637 on January 1, 2009, prior to the effective date of 2011 Wis. Act 21.

Employee Trust Funds **CR 12-020**

The Department of Employee Trust Funds submits a proposed rule to the legislature for committee review. The proposed rule revises Chapter ETF 10, relating to relating to elections to Employee Trust Fund Board and Teachers Retirement Board.

This rule is not subject to s. 227.135 (2), as affected by 2011 Wis. Act 21. The statement of scope for this rule, submitted to the Legislative Reference Bureau on March 16, 2010 and published in Register No. 651 on March 31, 2010, was sent to the Legislative Reference Bureau prior to June 8, 2011, the effective date of 2011 Wis. Act 21.

Health Services ***Health, Chs. DHS 110—*** **CR 12-038**

In accordance with the provisions of s. 227.19 (2), Stats., the Department of Health Services submits a proposed rule to the legislature for committee review. The proposed rule revises Chapter DHS 196, relating to restaurants and the Wisconsin food code.

This rule is not subject to s. 227.185, Stats. The statement of scope for Clearinghouse Rule 12-038, published in Register No. 644, on August 14, 2009, was sent to the Legislative Reference Bureau prior to June 8, 2011.

Public Notices

Public Notice Department of Agriculture, Trade and Consumer Protection Notice of Dollar Amount Adjustments for Repair Charges Subject to Mechanic's Liens

Under Wis. Stat. s. 779.41 (1m), the department is required to annually adjust the dollar amounts identified under ss. 779.41 sub. (1) (intro), (a), (b) and (c) 1. to 4. by the annual change in the consumer price index, all items, U.S. city average, as determined by the Bureau of Labor Statistics of the U.S. Department of Labor, and publish the adjusted figures.

The department has determined that current dollar amounts specified under Wis. Stats. ss. 779.41 sub. (1) (intro), (a), (b) and (c) 1. to 4. shall be increased by 3.2%, according to the prior year annual change in the consumer price index.

The dollar amount contained in Wis. Stats. s. 779.41 (1) (intro), is adjusted to \$2,190. The dollar amounts contained in Wis. Stats. ss. 779.41 (1) (a) (b), and (c) 1. to 4. are adjusted to the following dollar amounts:

- (a) A trailer or semitrailer designed for use with a road tractor for charges in excess of \$6,565.
- (b) Road machinery, including mobile cranes and trench hoes, farm tractors, machines of husbandry, or off–highway construction vehicles and equipment for charges in excess of \$10,925.
- (c) A motor vehicle not included under par. (a) or (b) with a manufacturer's gross weight rating, including, with respect to road tractors, a manufacturer's gross weight rating for the combined carrying capacity of the tractor and trailer, of:
 1. More than 10,000 and less than 20,000 pounds, for charges in excess of \$4,370.
 2. 20,000 pounds or more, but less than 40,000 pounds, for charges in excess of \$8,620.
 3. 40,000 pounds or more, but less than 60,000 pounds, for charges in excess of \$14,100.
 4. 60,000 pounds or more, for charges in excess of \$16,970.

These revised dollar amounts under the mechanic's lien law shall apply to work commenced on or after January 1, 2013 for which a lien is claimed. These revised dollar amounts shall remain in effect until the first day of the first month following publication of new adjusted dollar amounts in the *Wisconsin Administrative Register*.

Contact Information:

Paul Dingee, Section Chief
Trade Practices Bureau
Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive
P.O. Box 8911
Madison, WI 53708–8911
Telephone: (608) 224–4925
paul.dingee@wisconsin.gov

Public Notice Department of Agriculture, Trade and Consumer Protection Notice of Dollar Amount Adjustments for Liens on Vehicles for Towing and Storage

Under Wis. Stat. s. 779.415 (1g) (c), the department is required to annually adjust the dollar amounts that may be charged for towing or storing a vehicle identified under Wis. Stat. s. 779.415 (1g) par. (a). Under this law, the department shall adjust the dollar amounts by the annual change in the consumer price index, all items, U.S. city average, as determined by the Bureau of Labor Statistics of the U.S. Department of Labor.

The department has determined that current dollar amounts specified under Wis. Stat. s. 779.415 (1g) (a) shall be increased by 3.2%, according to the prior year annual change in the consumer price index. The dollar amounts contained in Wis. Stat. s. 779.415 (1g) (a) are adjusted to the following dollar amounts:

If the vehicle is subject to a lien perfected under Wis. Stat. Ch. 342, a towing lien shall have priority only to the extent of \$105 for a vehicle having a manufacturer's gross weight rating of 20,000 pounds or less and \$367 for a vehicle having a manufacturer's gross weight rating of more than 20,000 pounds. A storage lien shall have priority only to the extent of \$10 per day but for a total amount of not more than \$630 for a vehicle having a manufacturer's gross weight rating of 20,000 pounds or less and \$26 per day but for a total amount of not more than \$1,573 for a vehicle having a manufacturer's gross weight rating of more than 20,000 pounds. If the value of the vehicle exceeds \$786, the lien may be enforced under Wis. Stat. s. 779.48(2). If the value of the vehicle does not exceed \$786, the lien may be enforced by sale or junking as provided in sub. (2).

These revised dollar amounts for liens on vehicles for towing and storage shall apply to services commenced on or after January 1, 2013 for which a lien is claimed. These revised dollar amounts shall remain in effect until the first day of the first month following publication of new adjusted dollar amounts in the *Wisconsin Administrative Register*.

Contact Information:

Paul Dingee, Section Chief
Trade Practices Bureau
Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive
P.O. Box 8911
Madison, WI 53708–8911
Telephone: (608) 224–4925
paul.dingee@wisconsin.gov

Public Notice
Department of Financial Institutions
Division of Banking

Notice of Interest Rate on Required Residential Mortgage Loan Escrow Accounts For 2013

Under section 138.052 (5) (a), Stats., with some exceptions, a bank, credit union, savings bank, savings and loan association, or mortgage banker, which originates a residential mortgage loan requiring an escrow account to assure the payment of taxes or insurance, shall pay interest on the outstanding principal of the escrow.

Section 138.052 (5) (am) 2., Stats., directs the division of banking to determine annually the required interest rate. The rate is based on the average of interest rates paid on regular passbook deposit accounts by institutions under the division of banking or office of credit unions' jurisdiction.

The Department of Financial Institutions, Division of Banking, has calculated the interest rate required to be paid on escrow accounts under section 138.052 (5), Stats., to be **0.20%** for 2013. This interest rate shall remain in effect through December 31, 2013.

Contact Person:

Mr. Michael J. Mach, Administrator
Department of Financial Institutions
Division of Banking
Telephone (608) 261–7578

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Department of Administration
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