

# Wisconsin Administrative Register

No. 686



Publication Date: February 28, 2013

Effective Date: March 1, 2013



Legislative Reference Bureau  
<http://www.legis.state.wi.us/rsb/code.htm>



## WISCONSIN ADMINISTRATIVE REGISTER

The Wisconsin Administrative Register is published twice monthly by the Legislative Reference Bureau.

**NOTICE TO READERS: Beginning with the Mid-March Register, No. 675, the Administrative Register will be posted on the Internet upon completion of the pre-printing preparation of the Register, approximately 10 to 12 days prior to the stated publication date. Administrative Code chapters inserted into the Administrative Code in end-of-month registers will be accessible from the Internet Register upon posting from the Administrative Code Chapters Inserted and Removed by this Register link of the first page of the Register. Administrative Code chapters will be inserted into the Administrative Code on, or shortly before, the publication date.**

**(Print Register only) The Internet address for the Administrative Register is: <http://legis.wisconsin.gov/rsb/regindex.htm>**

Questions, comments, or corrections should be directed to:

Bruce Hoesly (608) 266-7590

email: [bruce.hoesly@legis.wisconsin.gov](mailto:bruce.hoesly@legis.wisconsin.gov)

The Wisconsin Administrative Register and Administrative Code may be obtained from the:

Department of Administration

Office of Document Sales

(608) 266-3358

and may be accessed on the internet at:

<http://www.legis.state.wi.us/rsb/code.htm>

---



---

## Table of Contents

---



---

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

## Agriculture, Trade and Consumer Protection:

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**

Create section 161.50 (3) (f) and subch VI of ch. ATCP 161, relating to the “grow Wisconsin dairy producer” grant and loan program. **EmR1301**

## 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**

## Justice:

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; the recognition by Wisconsin of concealed carry licenses issued by other states; and the certification of firearms safety and training instructors. **EmR1217**

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

## Safety and Professional Services:

***Professional Services, Chs. 1–299***

Amend Chapters SPS 60, 61, 62, and 65 and create Chapter SPS 205, relating to barbers and to barbering and cosmetology schools and instructors. **EmR1302**

**Scope Statements.****Pages 7 to 13**

## Agriculture, Trade and Consumer Protection

Revises Chapters ATCP 17, 21, 53, 60, 70, 80, and 88, relating to livestock premises registration, plant inspection and pest control, agricultural enterprise areas, dairy farms, food processing plants, dairy plants and egg grading, handling, an

d labeling. **SS 016–13**

Revises Chapters ATCP 10 and 12, relating to animal disease and movement and animal markets, truckers, and dealers. **SS 017–13**

Natural Resources:

*Environmental Protection—General, Chs. NR 100— and Environmental Protection—Water Supply, Chs. NR 800—* Revises Chapters NR 146 and NR 812, relating to geothermal licensing. **SS 014–13**

Safety and Professional Services—Dentistry Examining Board:

Revises Chapter DE 11, relating to sedation permits. **SS 015–13**

**Submittal of Proposed Rules to Legislative Council Clearinghouse.**

**Page 14**

Safety and Professional Services

Revises Chapter SPS 305, relating to trade credentials. **CR 13–014**

**Rule–Making Notices.**

**Pages 15 to 20**

Agriculture, Trade and Consumer Protection:

Hearing to consider rule revising Chapter ATCP 161, relating to the “grow Wisconsin dairy producer” grant and loan program. **EmR1301**

Safety and Professional Services:

Hearing to consider rule revising Chapters SPS 305 and SPS 345, relating to credentials for HVAC contractors, refrigerant handling technicians, master plumbers, and elevator mechanics. **EmR1301**

**Submittal of Proposed Rules to Legislature.**

**Page 21**

Natural Resources:

*Fish, Game, Etc., Chs. NR 1—* Revises Chapter NR 10, relating to the bobcat hunting and trapping season. **CR 12–031**

**Sections Affected.**

**Pages 22 to 23**

**Executive Orders.**

**Page 24**

---



---

## 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](http://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 (2)

**1. 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.

<b>Filed with LRB:</b>	<b>September 10, 2012</b>
<b>Publication Date:</b>	<b>September 13, 2012</b>
<b>Effective Dates:</b>	<b>September 13, 2012 through February 9, 2013</b>
<b>Extension Through:</b>	<b>April 10, 2013</b>
<b>Hearing Date:</b>	<b>October 15, 18, 19, 2012</b>

**2. EmR1301** (DATCP Docket # 12-R-10) — The Wisconsin department of agriculture, trade and consumer protection hereby adopts the following emergency rule to create **s. 161.50 (3) (f) and subch. VI of ch. ATCP 161,** relating to the "grow Wisconsin dairy producer" grant and loan program created under ss. 20.115 (4) (d) and 93.40 (1) (g), Stats.

This rule was approved by the governor on January 14, 2013.

The scope statement for this rule, SS 090-12, was approved by the governor on November 8, 2012, published in Register No. 683, on November 30, 2012, and approved by the Board of Agriculture, Trade and Consumer Protection on December 18, 2012.

**Finding of Emergency**

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

**Filed with LRB:** January 31, 2013  
**Publication Date:** February 1, 2013  
**Effective Dates:** February 1, 2013 through June 30, 2013

**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  
**Extension Through:** March 31, 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

**Justice**

**EmR1217** — The State of Wisconsin Department of Justice (“DOJ”) proposes an order to 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; the recognition by Wisconsin of concealed carry licenses issued by other states; and the certification of firearms safety and training instructors.

The statement of scope for these emergency rules 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.

These emergency rules were approved in writing by the governor on December 4, 2012, pursuant to Wis. Stat. s. 227.24 (1) (e) 1g.

**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. In order for DOJ to accomplish that goal and comply with all applicable statutory requirements, it is necessary to continuously have in effect administrative rules establishing the procedures and standards that govern the enforcement and administration of those requirements.

Emergency rules governing the licensing process were first adopted on October 25, 2011, and have been continuously in effect since November 1, 2011. The emergency rules were subsequently repealed and recreated with an effective date of March 21, 2012. Pursuant to s. 227.24 (2) (a), Stats., the Joint Committee for the Review of Administrative Rules has authorized the current emergency rules to remain in effect through December 15, 2012.

DOJ is in the process of promulgating permanent administrative rules which, when completed, will replace the emergency rules. On September 5, 2012, the final draft of the proposed permanent rules and accompanying reports were submitted for legislative review, pursuant to s. 227.19 (2), Stats. The permanent rulemaking process, however, will not be completed prior to the anticipated expiration of the existing emergency rules on December 15, 2012. Upon such expiration, DOJ would no longer have in effect administrative rules establishing the procedures and standards that govern the concealed carry licensing program. Any such lack of continuity in the operation of the licensing program would be confusing and disruptive both for license applicants and for DOJ staff administering the program.

The public welfare thus requires that additional emergency rules be promulgated, in order to ensure that there is no interruption in DOJ's ability to continue to carry out all of its statutory responsibilities in administering and enforcing the concealed carry licensing program. These rules will prevent such a discontinuity and ensure continuous and uniform operation of the concealed carry program through the time of completion of the permanent rulemaking process that is already under way. Only if DOJ utilizes the emergency rulemaking procedures of s. 227.24, Stats., can these 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:** December 10, 2012  
**Publication Date:** December 15, 2012  
**Effective Dates:** December 15, 2012 through May 13, 2013

---

### Natural Resources (3)

*Fish, Game, etc., Chs. NR 1—*

**1. EmR1207** (DNR # WM-03-12(E))— 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** (DNR # WM-09-12(E))— 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 the date on which the permanent rules take effect, as provided in 2011 Wisconsin Act 169, section 21.

**3. 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

**Publication Date:** October 1, 2012  
**Effective Dates:** October 1, 2012 through  
 February 27, 2013

---

**Safety and Professional Services**  
*Professional Services, Chs. SPS 1—299*

**EmR1302** — The Wisconsin Department of Safety and Professional Services hereby adopts an order to amend **sections SPS 60.01; SPS 61.02 (1) (a), (2) (a), (3) (a), and (4) (a); 62.10 (title) and 62.10; 65.01; 65.02 (1); 65.07; and 65.12 (1) (h) and (i) 6.**; and to create **chapter SPS 205** relating to barbers and to barbering and cosmetology schools and instructors, and affecting small business.

This emergency rule was approved by the Governor on February 5, 2013.

The statement of scope for this rule, SS 063–12, was approved by the Governor on August 10, 2012, published in Register 680, on August 31, 2012, and approved by Secretary Dave Ross on October 15, 2012.

**Finding of Emergency**

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

On July 1, 2012, 2011 Wisconsin Act 190 transferred regulatory authority over barbers from the Barbering and Cosmetology Examining Board to the Department of Safety and Professional Services. Act 190 also changed the educational requirements for initial licensure of barbers, and the continuing–education requirements for renewal of barber licenses. Due to the transfer of authority and the changes in education requirements, immediate rulemaking by the Department is needed to implement corresponding rule changes prior to April 1, 2013, which is the renewal date mandated by section 440.08 (2) (a) of the Statutes for all barbering licenses.

**Filed with LRB:** February 14, 2013  
**Publication Date:** February 14, 2013  
**Effective Dates:** February 14, 2013 through  
 July 13, 2013



---



---

## Scope Statements

---



---

### Agriculture, Trade and Consumer Protection

SS 016-13

This statement of scope was approved by the governor on February 19, 2013.

#### Rule No.

Chapters ATCP 17, 21, 53, 60, 70, 80, and 88.

#### Relating to

Livestock premises registration, plant inspection and pest control, agricultural enterprise areas, dairy farms, food processing plants, dairy plants and egg grading, handling, and labeling.

#### Rule Type

Permanent.

#### Finding/Nature of Emergency (Emergency Rule Only)

N/A.

#### Detailed Description of the Objective of the Proposed Rule

This proposed rule will make technical changes (Non-substantive or minor substantive changes) to a number of administrative code chapters administered by DATCP. This rule may make the following technical changes to current rules:

- Update technical standards incorporated by reference in current rules (new editions of technical references cited in current rules).
- Correct erroneous and obsolete citations and cross-references.
- Correct typographical errors.
- Make non-substantive organizational and drafting changes.
- Make other minor changes to current rules to incorporate new statutory language.

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

##### 93.07 Department duties.

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

(12) PLANT PESTS. To conduct surveys and inspections for the detection and control of pests injurious to plants, make, modify, and enforce reasonable rules needed to prevent the dissemination of pests, declare and manage emergencies relating to the detection and control of pests injurious to plants, provided that such declaration does not supersede the authority of the chief state forester under s. 23.114 or the

department of natural resources under s. 26.30, and suggest methods of control.

(24) ENFORCEMENT OF LAWS. To enforce chs. 88 and 93 to 100 and all other laws entrusted to its administration, and especially:

(a) To enforce the laws regarding the production, manufacture and sale, offering or exposing for sale or having in possession with intent to sell, of any dairy, food or drug product.

(b) To enforce the laws regarding the adulteration or misbranding of any articles of food, drink, condiment or drug.

(c) To inspect any milk, butter, cheese, lard, syrup, coffee, tea or other article of food, drink, condiment or drug made or offered for sale within this state which it may suspect or have reason to believe to be impure, unhealthful, misbranded, adulterated or counterfeit, or in any way unlawful.

(d) To prosecute or cause to be prosecuted any person engaged in the manufacture or sale, offering or exposing for sale or having in possession with intent to sell, of any adulterated dairy product or of any adulterated, misbranded, counterfeit, or otherwise unlawful article or articles of food, drink, condiment or drug.

**95.51 Livestock Premises Registration (7) RULES.** The department may promulgate rules for the administration of this section. The department shall promulgate rules to govern the release of aggregate information under this section by the department.

**97.09 Rules. (4)** The department may, by rule, establish and enforce standards governing the production, processing, packaging, labeling, transportation, storage, handling, display, sale, including retail sale, and distribution of foods that are needed to protect the public from the sale of adulterated or misbranded foods.

**97.20 Dairy Plants. (4) RULE MAKING.** The department may promulgate rules to establish amounts of fees required under subs. (2c) to (2w) or to govern the operation of dairy plants. The rules may include standards for the safety, wholesomeness and quality of dairy products; the construction, maintenance and sanitary operation of dairy plants; the design, installation, cleaning and maintenance of equipment and utensils; personnel sanitation; storage and handling of milk and fluid milk products; pasteurization and processing procedures; sampling and testing; and reports and record keeping. The rules may also set forth the duties of dairy plants to inspect dairy farms, collect and test producer milk samples and make reports to the department.

**97.22 Milk producers. (8) RULE MAKING.** The department may promulgate rules to establish the fees required under sub. (2) (b) or (4) (a) or to govern the operation of dairy farms by milk producers. The rules may include standards for any of the following:

- (a) The safety, wholesomeness and quality of milk.
- (b) The sanitary construction and maintenance of dairy farm facilities used in milk production.
- (c) The availability of safe and adequate water supplies for milk production.
- (d) The sanitary construction, maintenance and cleaning of equipment and utensils used in milk production.

(e) Personnel sanitation related to milk production.

(f) Sanitary procedures for the production of milk, including but not limited to the handling, transfer and storage of milk on a dairy farm.

**97.29 Food Processing Plants (5) RULE MAKING.** The department may promulgate rules to establish the fees required under sub. (3) (a) or (c) or to govern the operation of food processing plants. Rules may include standards for the construction and maintenance of facilities; the design, installation, cleaning and maintenance of equipment and utensils; personnel sanitation; food handling and storage; sanitary production and processing; and food sources and food labeling.

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

The department estimates that it will use approximately 0.20 FTE staff to develop this rule. That includes time required for investigation and analysis, rule drafting, preparing related documents, coordinating advisory committee meetings, holding public hearings and communicating with affected persons and groups. The department will use existing staff to develop this rule.

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

The proposed technical changes to current rules will not have any impact on persons covered by those rules. There will be no adverse impact on business or local government.

**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**

Not applicable.

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

None.

**Contact Person**

Karen Schultz, Executive Staff Assistant, (608) 224-5023.

**Agriculture, Trade and Consumer Protection**

SS 017-13

This statement of scope was approved by the governor on February 18, 2013.

**Rule No.**

Chapters ATCP 10 and 12.

**Relating to**

Animal disease and movement and animal markets, truckers, and dealers.

**Rule Type**

Permanent.

**Finding/Nature of Emergency (Emergency Rule Only)**

N/A.

**Detailed Description of the Objective of the Proposed Rule**

This proposed rule will modify current animal health rules to align with federal regulations, state statutory requirements, and previous rule modifications. The proposed rule will also make various modifications to provide for flexibility and consistency. These changes may include, but are not limited to, the following:

*Federal regulations.* Changes made as a result of federal regulations include the following:

- Modifying the definition of “official individual identification” to align with federal traceability rules.
- Establishing chronic wasting disease (CWD) herd status program requirements and deadlines to align rules with United States Department of Agriculture (USDA) rules that establish a Herd Certification Program (HCP) for CWD in farm-raised or captive cervids in the United States.

*State statutory requirements.* Changes made as a result of state statutory requirements include the following:

- Repealing various rule requirements due to statutory repeals.
- Establishing veteran fee waivers for certain registrations pursuant to 2011 Wisconsin Act 209.
- Eliminating certain record keeping requirements pursuant to 2011 Wisconsin Act 207.
- Modifying various import permit requirements for fish or fish eggs pursuant to 2011 Wisconsin Act 207.

*Flexibility and consistency.* Changes made to provide for flexibility and consistency include the following:

- Eliminating cross references to requirements that no longer exist in rule.
- Eliminating turkey commingling prohibitions to benefit small poultry farmers.
- Establishing training requirements for individuals approved by the department to collect CWD test samples.
- Clarifying when a valid health certificate must accompany any fish and fish eggs.
- Eliminating certain record keeping requirements.
- Modifying various import requirements.

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

**Current policies to accommodate federal CWD regulations.**

Under 9 CFR ss. 55.23 (b) (4) and 55.25, in order to have an approved CWD herd certification program, a state program must require all of the following:

- A complete physical herd inventory must be performed for all herds enrolled in the CWD herd status program no more than 3 years after the last complete physical herd inventory for the herd.
- Each deer in an enrolled CWD herd status program must have at least two forms of identification attached to the animal.

The department developed the following policies relating to these federal requirements:

- Physical herd inventory: The first complete physical herd inventory by an APHIS employee, state representative or accredited veterinarian of farm-raised deer currently enrolled in the Wisconsin

CWD herd status program must be completed by December 31, 2015, and no later than every third year thereafter.

- Currently enrolled herds: Deer in herds currently enrolled in the Wisconsin CWD herd status program must have two forms of identification applied as follows:
  - By December 31, 2015, to all deer that are 12 months of age or older.
  - Effective December 10, 2012, to any live deer, regardless of age, that is moved from the herd.
- Herds planning to enroll: Effective December 10, 2012, any herds planning to enroll in the Wisconsin CWD herd status program must have two forms of identification attached to each deer prior to enrollment.
- Deer added to an enrolled herd: Effective December 10, 2012, any deer added to a Wisconsin enrolled herd must have two forms of identification:
  - For natural additions, by 12 months of age.
  - For non-natural additions, by the date of entering the herd, regardless of age.
- Reporting deer identification: Effective December 10, 2012, once two forms of identification have been applied to a deer in the Wisconsin CWD herd status program, both forms of identification must be reported on the annual herd census submitted to the department.

#### ***Current rule waivers.***

The department issued a waiver, effective November 1, 2012, from the prohibition of commingling turkey breeding flocks with other species of fowl or farm-raised game birds, and commingling turkey hatchery eggs with eggs of other species of fowl.

The policies and waiver described above will be reflected in the proposed rules.

#### ***Policy alternatives.***

- Update rules to accommodate federal CWD regulations. If the department takes no action, current rules will remain in effect. Failure to update the rules may jeopardize Wisconsin's approval from USDA to implement its HCP which allows keepers of farm-raised deer enrolled in the CWD herd status program to move deer interstate.
- Update rules to implement the waiver from the prohibition of commingling turkey breeding flocks/eggs with other species of fowl. If the department takes no action, current rules will remain in effect. The current rule prohibits turkey breeding flocks/eggs from being commingled with other species of fowl. The waiver lifts this prohibition. If the waiver isn't codified in the rule, the rule language prohibiting the commingling of turkey breeding flocks/eggs will remain and conflict with the actual practice allowed under the waiver. The waiver benefits most small poultry farmers who do not have multiple hatchery buildings to meet the requirements of the commingling prohibition under the current rule.

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

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

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

(10) ANIMAL HEALTH; QUARANTINE. To protect the health of animals located in this state and of humans residing in this state and to determine and employ the most efficient and practical means for these purposes, the department may establish, maintain, enforce, and regulate such quarantine and such other measures relating to the importation movement, and care of animals and their products, the disinfection of suspected localities and articles, and the disposition of animals, as the department determines are necessary. The definition of "communicable disease" in s. 990.01 (5g) does not apply to this subsection.

#### **Section 95.45 Certificates of veterinary inspection; tests for interstate shipment.**

(4) (c) The department may promulgate rules to impose requirements on the form, issuance, and filing of certificates of veterinary inspection.

(5) Any certificate of veterinary inspection prepared under this chapter or ch. 169 shall comply with any rules that are promulgated by the department.

#### **Section 95.55 Farm-raised deer.**

(1) REGISTRATION. (c) The department shall register a person to keep farm-raised deer in a fenced area that is located in this state and another state without having the entire area in this state enclosed with a fence if all of the following apply:

3. The person complies with all of the rules promulgated under this section for the prevention of disease in farm-raised deer or all such laws of the adjoin state, whichever are more stringent, as determined by the department of agriculture, trade and consumer protection.

(6) RULES. (a) The department shall promulgate rules to regulate persons who keep farm-raised deer. The rules shall establish disease testing requirements for bovine tuberculosis and chronic wasting disease and may establish testing requirements for other diseases.

(b) The rules promulgated under this subsection may include any of the following:

1. Standards to be followed by persons keeping farm-raised deer to prevent the spread of disease.

2. Provisions requiring that registration under this section be on an annual basis.

#### **Section 95.60 Importing fish; fish farms.**

(2) (e) A person bringing fish or fish eggs from a fish farm in another state to a fish farm in this state is not required to have a permit under par. (a) if the person has a fish health certificate that covers the fish or fish eggs and that complies with the requirements for fish health certificates specified by the department by rule.

(3) The department may promulgate rules, applicable to persons who operate fish farms, that require any evidence of fish health that the department determines is necessary.

(4) (c) Except as provided in par. (d), a person who operates a fish farm shall keep records on purchases, sales and

production of fish and fish eggs and any other records required by the department by rule. The department may inspect these records upon request.

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

The department estimates that it will use approximately 0.80 FTE staff to develop this rule. That includes time required for investigation and analysis, rule drafting, preparing related documents, coordinating advisory committee meetings, holding public hearings and communicating with affected persons and groups. The department will use existing staff to develop this rule.

#### **List with Description of all Entities that may be Affected by the Proposed Rule**

The proposed rule will have a direct impact on owners of bovines moved interstate (including rodeo and exhibition cattle), keepers of farm-raised deer, fish farmers, poultry farmers, military veterans and persons who import animals.

#### **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**

- Effective December 10, 2012, United States Department of Agriculture (USDA) rules, under 9 CFR ss. 55.23 (b) (4) and 55.25, established requirements for a Herd Certification Program (HCP) for Chronic Wasting Disease (CWD) in farm-raised or captive cervids in the United States. Wisconsin received contingent approval to implement the HCP for CWD in farmed or captive deer. This approval will allow owners of cervids who choose to participate in the CWD HCP to move deer interstate, provided the following requirements are met:

- (1) Any enrolled deer that is 12, rather than 16, months of age or older must be tested for CWD upon death.
- (2) A complete physical herd inventory must be performed for all enrolled herds, the first of which must be completed by December 31, 2015.
- (3) Each deer in an enrolled herd must have at least two forms of identification unique to the animal and securely attached by December 31, 2015 or as soon as a new deer is added to the herd from an outside source.

Wisconsin's program approval is contingent on aligning administrative rules with these requirements.

- On December 20, 2012, USDA announced a final rule establishing general regulations for improving the traceability of U.S. livestock moving interstate. Under the final rule, unless specifically exempted, livestock moved interstate must be officially identified and accompanied by an interstate certification of veterinary inspection or other documentation, such as owner-shipper statements of brand certificates.

The definition of "official individual identification" in Wisconsin's administrative rules must be amended to align to the new federal traceability regulations.

#### **Anticipated Economic Impact of Implementing the Rule (Note if the Rule Is Likely to Have a Significant Economic Impact on Small Businesses)**

The majority of these rule modifications will ease program requirements or are technical and will have no fiscal effect.

Modifications required to align with federal USDA regulations may have an economic impact on small business and include:

- Owners of rodeo and exhibition cattle must apply eartags to their cattle to improve traceability. However, because these eartags are free, the fiscal impact will be minimal.
- Keepers of farm-raised deer enrolled in the CWD herd status program will have to apply two forms of identification to each deer that is 12 months of age or older and provide a complete herd inventory every three years. This rule will have a greater fiscal impact on keepers of farm-raised deer that do not currently have facilities to catch deer, in order to apply the required identification to deer or to complete a herd inventory.

If these rule modifications are not promulgated, Wisconsin may jeopardize its approval from USDA to implement its HCP which allows keepers of farm-raised deer enrolled in the CWD herd status program to move deer interstate.

The rule may also establish training requirements for individuals approved by the department to collect CWD test samples. This will allow individuals, other than certified veterinarians, to collect CWD test samples and could save keepers of farm-raised deer a significant amount of money in collecting CWD test samples.

#### **Contact Person**

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

### **Natural Resources**

*Environmental Protection—General, Chs. NR 100— and Environmental Protection—Water Supply, Chs. NR 800—*  
SS 014-13

This statement of scope was approved by the governor on February 4, 2013.

#### **Rule No.**

Chapters NR 146 and 812.

#### **Relating to**

Geothermal licensing.

#### **Rule Type**

Permanent.

#### **Finding/Nature of Emergency (Emergency Rule Only)**

These will be permanent rules.

#### **Detailed Description of the Objective of the Proposed Rule**

The proposed rule would create the specific requirement for heat exchange drilling to help protect sources of drinking water as well as consumers while enhancing the availability of alternate sources of energy for heating and cooling. Rules are necessary to interpret the provisions regarding heat exchange drilling, which is now regulated as a result of passage of 2011 Wisconsin Act 150. Wisconsin Act 150 will become effective 36 months after publication, or April 1, 2015, at which time heat exchange drilling cannot be done without a license.

The Department proposes to issue a single drilling license with authorizations available for either water well or heat

exchange drilling or both. Construction requirements for heat exchange drilling will be proposed in the rule.

Construction of drillholes creates a connection from the land surface through layers of soil and rock to groundwater. Improper heat exchange drillhole construction can potentially result not only in contamination of groundwater used for drinking water supply but also in reduced energy efficiency and unnecessary business and consumer costs.

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

Existing rules set license and construction requirements for water well drilling. New rules will set license and construction requirements for heat exchange drillhole drilling.

Current rules include:

Chapter 280 – Pure Drinking Water, provides definitions for terms, defines the powers of the department, and lays out well drilling registration, licensing and qualification requirements and fees for such. It also defines certain prohibitions and exceptions, local authority and defines penalties and citations.

Chapter NR 146 – Well Driller and Pump Installer Registration, provides definitions, registration requirements, defines the requirements for the initial application and registration conditions. It also defines requirements for out-of-state drillers, renewals and the registrant responsibilities, as well as license suspension and revocation criteria.

Chapter NR 812 – Well Construction and Pump Installation, provides a general section covering purpose, applicability, cooperation with the department, contracts for noncomplying installations, disposal of pollutants and injection prohibition, drinking water standards, definitions and location criteria, and additional sections on new well construction and reconstruction requirements, requirements of new pump installations and water treatment, standards for existing installations, and variance conditions.

2011 Wisconsin Act 150 was prompted by concerns in the drilling industry that current regulation and licensing did not adequately cover the installation of heat-exchange drillholes and that inexperienced or even unqualified drillers were doing installations in Wisconsin. The Wisconsin Water Well Association took the lead in working with the legislature, other industry representatives, and the department, to promote passage of Wisconsin Act 150.

2011 Wisconsin Act 150 created new definitions in Chapter 280, Stats., for heat exchange drillhole and heat exchange drilling, and modified the individual and business license for drillers to create a more generic drilling license, with specific authorization to do well drilling or heat exchange drilling. Wisconsin Act 150 requires that the department establish new criteria and requirements for evaluating existing heat exchange drilling experience, and establish training and continuing education requirements for attaining and maintaining a heat exchange drilling license under the new definitions. As a part of implementing the requirements for the new category of heat exchange driller, ch. NR 146 – license registration, and ch. NR 812 – construction requirements – will need to be amended to address heat exchange drilling.

Currently drilling-related aspects of all vertical heat exchange systems must receive department approval. Development of construction standards for vertical heat exchange systems will allow the department to streamline the approval process. Establishing construction standards for heat exchange drillholes by rule will allow the typical low-risk systems to proceed with installation more quickly by no longer requiring the owners to wait for DNR approval.

The new licensing requirement continues the state policy to protect groundwater and ensure safe drinking water as well as protect consumers and enhance the availability of alternate sources of energy for heating and cooling by proper construction of heat exchange drillholes by licensed and trained professionals.

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

Section 280.11(1), Stats.: “The department shall, after a public hearing, prescribe, publish and enforce minimum reasonable standards and rules and regulations for methods to be pursued in the obtaining of pure drinking water for human consumption and the establishing of all safeguards deemed necessary in protecting the public health against the hazards of polluted sources of impure water supplies intended or used for human consumption, including minimum reasonable standards for the construction of well pits. It shall have general supervision and control of all methods of obtaining groundwater for human consumption including sanitary conditions surrounding the same, the construction or reconstruction of wells and generally to prescribe, amend, modify or repeal any rule or regulation theretofore prescribed and shall do and perform any act deemed necessary for the safeguarding of public health.”

Section 280.13 (1) (intro.) states: “The department may exercise such powers as are reasonably necessary to carry out and enforce the provisions of this chapter. It may, among other things:”

Section 227.11 (2) (a) states: “Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation. All of the following apply to the promulgation of a rule interpreting the provisions of a statute enforced or administered by an agency:”

Section 280.15 (2m) (b) 2. States: “In order to retain his or her license as a well driller or pump installer an individual shall comply with requirements for continuing education promulgated by the department by rule and shall apply for license renewal and pay the required license fees under par. (c) annually on or before January 1.”

Section 280.15 (2m) (f) 2m. b. states: “Except as provided in par. (g), the applicant has been a registered drilling rig operator for at least 2 years within the 5 years before applying, has complied with training and continuing education requirements under sub. (3g), and has the heat exchange drilling experience required by the department by rule.”

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

It is estimated state employees may spend up to 500 hours in stakeholder meetings, drafting, hearings and other steps in promulgations of the proposed rules.

### Description of all Entities that may be Impacted by the Rule

The rule revisions will affect people and businesses involved with drillhole construction, as follows:

1. All drillers who construct heat exchange drillholes will benefit from procedures promulgated by rule rather than individual review of standard-construction heat exchange drillholes.
2. Wisconsin-licensed water well drillers who currently install or want to begin installing heat exchange drillholes will need to follow licensing and training requirements for heat exchange drilling.
3. Wisconsin based drillers installing heat exchange drillholes, who do not hold a water well drilling license, will need to obtain a Wisconsin driller license with heat exchange drilling authorization.
4. Non-Wisconsin drillers licensed in another state who currently install or want to install heat exchange drillholes in Wisconsin will need to obtain a Wisconsin driller license with heat exchange drilling authorization.
5. People with no drilling experience who want a heat exchange driller license will need to be trained and obtain the required level of experience in order to obtain a heat exchange drilling license.
6. Consumers will benefit by reduced risk of drinking water contamination and reduced risk of costly repair of improper drilling.

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

No federal regulations currently apply to private firms engaged in drilling and installation of heat exchange boreholes.

### Anticipated Economic Impact of Implementing the Rule (Note if the Rule Is Likely to Have a Significant Economic Impact on Small Business)

Economic impacts of this rule will be minimal. Actual costs to drillers are small and unlikely to affect decisions to offer a service or enter a business sector. The current water well drilling license is \$50.00 per year for an individual drilling license and/or \$50.00 for the drilling firm business license. The cost is anticipated to be the same to add certification for heat exchange drilling, so a licensed driller with both certifications would pay a total of \$100. Administration of the driller license exam is currently done at no cost to the driller.

As a result, actual costs to consumers to use geothermal energy are unlikely to be affected by the licensing and construction requirements.

Overall economic impacts are uncertain. Additional protection of groundwater through better drilling practices may reduce future costs of drinking water treatment or groundwater clean-up.

### Contact Person

Randell Clark, Hydrogeologist, 608-276-7895, [Randell.Clark@wisconsin.gov](mailto:Randell.Clark@wisconsin.gov).

### Safety and Professional Services — Dentistry Examining Board

SS 015-13

This statement of scope was approved by the governor on February 4, 2013.

#### Rule No.

Chapter DE 11.

#### Relating to

Sedation permits.

#### 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 allow the Board to use discretion in granting sedation permits to a dentist who is currently being investigated or has had disciplinary action relating to general anesthesia or conscious sedation.

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

Currently the rule states the Board shall grant a class 1, class 2 or class 3 permit based upon meeting specific requirements. The requirements do not allow the consideration of a pending investigation or disciplinary action relating to a previously granted permit, particularly a permit at a higher level when there is a concern on a lower permit. The proposed rule change will allow the Board to consider discipline relating to sedation and use its discretion in issuing a permit.

The alternative is to grant a permit if the requirements are met irrespective of discipline which may not be in the best interest of public safety.

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

Section 15.08 (5) (b), 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 447.02 (2) (b), Stats. The examining board shall promulgate rules specifying the standards, conditions and any educational requirements that are in addition to the requirements specified in s. 447.04 (1) that must be met by a dentist to be permitted to induce general anesthesia or conscious sedation in connection with the practice of dentistry.

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

100 hours.

#### List with Description of all Entities that may be Affected by the Proposed Rule

Dentists.

**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**

Minimal or none.

**Contact Person**

Sharon Henes, (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.*

### **Safety and Professional Services CR 13-014**

On February 5, 2013, the Department of Safety and Professional Services submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

The scope statement for this rule, SS 050-12, was approved by the Governor on June 29, 2012, published in Register No. 679 on July 31, 2012, and approved by the Department on August 13, 2012.

#### **Analysis**

The proposed rule-making order amends ch. SPS 305,

relating to trade credentials.

#### **Agency Procedure for Promulgation**

A public hearing is required and will be held on March 11, 2013, at 9:00 a.m., 1400 East Washington Avenue, Room 121, Madison, Wisconsin (enter at 55 North Dickinson Street).

#### **Contact Person**

If you have any questions please contact Shawn Leatherwood, Department of Safety and Professional Services, Division of Policy Development, at 608-261-4438 or [Shancethea.Leatherwood@wisconsin.gov](mailto:Shancethea.Leatherwood@wisconsin.gov).



---

---

## Rule-Making Notices

---

---

### Notice of Hearing

#### Agriculture, Trade and Consumer Protection

##### EmR1301

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) announces that it will hold public hearings on an emergency rule relating to ch. ATCP 161, the “grow Wisconsin dairy producer” grant and loan program.

DATCP will hold one public hearing at the time and place shown below.

#### Hearing Information

**Date:** Tuesday, March 12, 2013  
**Time:** 10:00 a.m. to 12:00 p.m.  
**Location:** Board Room (1st Floor)  
Department of Agriculture, Trade and  
Consumer Protection  
2811 Agriculture Drive  
Madison, WI, 53718-6777

DATCP invites the public to attend the hearing and comment on the emergency rule.

Hearing impaired persons may request an interpreter for this hearing. Please make reservations for a hearing interpreter by March 1, 2013, by writing to Marty Grosse, Division of Agriculture Development, P.O. Box 8911, Madison, WI 53708-8911; by emailing [marty.grosse@wisconsin.gov](mailto:marty.grosse@wisconsin.gov) or by telephone at (608) 224-5051. Alternatively, you may contact the DATCP TDD at (608) 224-5058. The hearing facility is handicap accessible.

#### Availability of Rules and Submitting Comments

Following the public hearings, the hearing record will remain open until March 19, 2013, for additional written comments. Comments may be sent to the Division of Agricultural Development at the address below, or to [marty.grosse@wisconsin.gov](mailto:marty.grosse@wisconsin.gov) or to <http://adminrules.wisconsin.gov>.

Comments or concerns relating to small business may also be addressed to DATCP's small business regulatory coordinator Keeley Moll at the address above, by email to [keeley.moll@wisconsin.gov](mailto:keeley.moll@wisconsin.gov) or by telephone at (608) 224-5039.

You can obtain a free copy of the emergency rule and related documents by contacting the Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Agriculture Development, 2811 Agriculture Drive, P.O. Box 8911, Madison, WI 53708. You can also obtain a copy by calling (608) 224-5051 or by emailing [marty.grosse@wisconsin.gov](mailto:marty.grosse@wisconsin.gov). Copies will also be available at the hearing. To view the emergency rule online, go to: <http://adminrules.wisconsin.gov>.

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

This emergency rule implements the “grow Wisconsin dairy producer” grant and loan program created under s. 20.115 (4) (d) and 93.40 (1) (g), Stats., by 2011 Wisconsin Act 32 (biennial budget act). Under s. 93.40 (1) (g), Stats., the Department of Agriculture, Trade and Consumer Protection (“DATCP”) is authorized to award grants and loans to dairy producers for projects designed to promote the growth of the dairy industry. The budget act transferred an annual appropriation of \$200,000 for each year of the biennium from the then Department of Commerce to DATCP. (See s. 20.115 (4) (d), Stats.)

This emergency rule does all of the following:

- Authorizes DATCP to make grant and loan awards and distribute grant and loan funds appropriated for the “grow Wisconsin dairy producer” grant and loan program.
- Specifies the procedures and criteria that DATCP will use to evaluate grant and loan proposals, make grant and loan awards and distribute grant and loan payments.
- Specifies the purposes for which grant and loan funds may be used, subject to the terms of the grant or loan contract.

#### Statutes interpreted

Sections 20.115 (4) (d) and 93.40 (1) (g), Stats.

#### Statutory authority

Sections 20.115 (4) (d), 93.40 (1) (g) and 93.07 (1), Stats.

#### Explanation of statutory authority

Section 93.07 (1), Stats., directs DATCP to make such regulations as are necessary for the discharge of all the powers and duties of the department. While granting the authority to make grants and loans to dairy producers, the budget language does not specify the bases for grant and loan determinations. The agency considers it necessary to adopt rules to establish the bases for grant and loan determinations in order to effectuate the purposes of s. 20.114 (4) (d) and 93.40 (1) (g), Stats. This temporary emergency rule implements the “grow Wisconsin dairy producer” grant and loan program on an interim basis, pending the adoption of “permanent” rules.

#### Related rules or statutes

There are no directly related rules or statutes, other than those cited above. DATCP rules for the “grow Wisconsin dairy producer” grant and loan program will be incorporated as a subchapter of ch. ATCP 161, Wis. Adm. Code (agricultural development and market promotion).

#### Plain language analysis

The “grow Wisconsin dairy producer” grant and loan program is designed to promote the growth of the dairy industry by providing grants and loans to dairy producers. The biennial budget act transferred \$200,000 in grant funding for each year of the FY 2011-13 fiscal biennium. This emergency rule spells out grant and loan procedures and criteria. Under this emergency rule, the “grow Wisconsin

dairy producer” grant and loan program will support projects proposed by dairy producers intended to expand and diversify the dairy industry.

#### *Grant and Loan Purposes*

Under this emergency rule, DATCP may award grants and loans for projects that create, expand, diversify or promote any of the following:

- New capital investment in the dairy industry.
- New technologies or practices related to dairy production.
- Improvement of the competitive position of the Wisconsin dairy industry.
- Efficient use of farmland and other agricultural resources for dairy production.
- Employment in the dairy industry.

#### *Grant and Loan Limits*

Under this emergency rule, DATCP may award no more than \$50,000 of grant funding nor more than \$200,000 in loans to any person or entity in any state fiscal biennium. Once DATCP makes a grant award, DATCP may make the actual grant payments over an original contract term of up to 3 years. Loan awards may be for a term of up to 7 years.

#### *Matching Contribution*

DATCP may give preference to applicants providing matching funds which may be in the form of capital, land, labor, equipment or cash related to the grant or loan project.

#### *Use of Grant and Loan Funds*

Under this emergency rule, grant funds may be used to reimburse any of the following expenses if those expenses are a reasonable and necessary part of the grant project:

- Operating expenses, including expenses for salaries and wages, contract and consulting services, travel, supplies and public information.
- Equipment rental.
- The purchase of equipment whose full value is ordinarily depreciable within one year.

Grant funds may not reimburse any of the following expenses:

- Real estate purchases.
- Repayment of loans or mortgages.
- Rent or contract payments for time periods extending beyond the term of the grant contract.
- Equipment purchases, except for certain equipment purchases and depreciation expenses specifically authorized by this rule.
- Administrative or overhead costs that are not direct costs of the grant project.

Loan funds are subject to the same use limitations as grant funds except that loan funds may be used for purchase of land and equipment without restriction so long as the purchase is related to the loan project.

#### *Grant and Loan Proposals*

Under this emergency rule, DATCP must issue at least one request for grant and loan proposals in each state fiscal biennium (DATCP may issue more frequent requests, if it chooses to do so). The request for proposals must describe the required form and content of grant and loan proposals, and must specify a deadline for submitting grant and loan proposals. Applicants must submit grant and loan proposals

to DATCP, in the manner prescribed by DATCP’s request for proposals.

#### *Grant and Loan Awards*

Under this emergency rule, DATCP must evaluate grant and loan proposals and issue its grant awards within 90 days after receipt of a complete proposal. DATCP must clearly identify each award recipient, the amount of the award, and the purposes for which the award is given. DATCP must consider all of the following criteria when evaluating grant proposals and making grant and loan awards:

- The extent to which a proposed project will benefit the dairy industry.
- Whether the proposal complies with DATCP’s request for proposals.
- Whether the proposed project meets the standards prescribed in this emergency rule.
- The viability of the proposed project.
- The management and technical qualifications of the grant applicant.
- The qualifications of the persons who will carry out the project.
- The financial capacity of the grant applicant to complete the project as proposed.
- The adequacy of the project plan and budget.
- Whether the grant proposal adequately identifies the nature of project expenses to be reimbursed under the proposed grant.

#### *Grant Contracts*

Under this emergency rule, DATCP must enter into a contract with a grant or loan recipient before distributing any funds to that recipient. The contract must spell out grant or loan terms and conditions, including performance requirements, reporting requirements and payment terms.

#### *Grant Payments*

Under this emergency rule, DATCP may distribute grant funds in one or more payments, based on documented progress toward completion of the grant project. Loan funds may be distributed upon execution of the loan contract. The contract must describe payment terms and conditions. DATCP may require a grant and loan recipient to file progress reports and require grant recipients to submit expense documentation as necessary to support grant payments.

#### *Fiscal Impact*

This emergency rule will have a fiscal impact on DATCP operations. Under this emergency rule, DATCP must issue at least one request for grant proposals in each state fiscal biennium. DATCP staff must review grant applications, recommend grant awards, administer grants, and ensure compliance with applicable requirements. DATCP staff will also provide technical assistance to grant and loan applicants and recipients, as appropriate.

Program administration will occupy at least .5 FTE staff in DATCP’s Division of Agricultural Development (this does not include legal, managerial, DATCP central accounting, or other indirect staff support). The cost for the .5 FTE staff will be \$50,000 per year, including salary, fringe benefits and support costs (there will be a smaller proportionate cost for the remainder of the current fiscal year). DATCP will try to fill program staffing needs by shifting current staff from other agricultural development programs.

***Analysis and supporting documents used to determine effect on small businesses***

DATCP worked with representatives of various dairy producer groups to develop standards for grant and loan determinations that most effectively assist dairy producers, which are mostly small businesses.

***Business impact***

The “grow Wisconsin dairy producer” grant and loan program is voluntary and thus imposes no cost on businesses. By providing \$200,000 in grant and loan funding to dairy producers, the “grow Wisconsin dairy producer” grant and loan program will benefit dairy farms, other dairy businesses and communities that participate in production, distribution or marketing of dairy products. Grant and loan recipients will benefit directly, while others will benefit indirectly from the creation of a stronger dairy industry. DATCP plans to use application procedures that will make the cost of applying insignificant and particularly make it possible for small businesses to apply for funding without hiring consulting services.

***Federal and surrounding state programs***

***Federal Programs***

There are currently no similar federal programs.

***Surrounding State Programs***

The Minnesota Dairy Development and Profitability Enhancement program awards \$200,000 annually in grants of up to \$5,000 per dairy producer to cover half the cost of a comprehensive business plan to evaluate farm start-up, modernization and expansion.

In 2009–2010, 50 Minnesota producers were selected to share \$1 million in grants aimed at boosting the state’s livestock sector with projects that include renovation of milking facilities, barn upgrades, technology modernization, improved waste management systems and business transitions.

There are no similar programs in Illinois, Indiana, Iowa, or Michigan.

***Data and analytical methodologies***

DATCP worked with representatives of various dairy producer groups to develop standards for grant and loan determinations contained in this emergency rule.

**DATCP Contact**

Questions and comments related to this rule may be directed to Marty Grosse, Department of Agriculture, Trade and Consumer Protection, P.O. Box 8911, Madison, WI 53708–8911, (608) 224–5051, [marty.grosse@wisconsin.gov](mailto:marty.grosse@wisconsin.gov).

**Notice of Hearing**

**Safety and Professional Services**

**CR 13–014**

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Department in ss. 102.02 (1), 101.985, 145.02 (4) (a), 227.10 (1) and 227.11 (2) (a), Stats., and interpreting ss. 101.02 (1), 101.985, 145.02 (4) (a), 227.10 (1) and 227.11 (2) (a), Stats., the Department will hold a public hearing at the time and place indicated below to consider an order to order

to repeal ss. SPS 305.003 (62), SPS 305.02 Table 305.02 line 50, SPS 305.06 Table 305.06 line 45, SPS 305.72, SPS 305.993 (1) (c), and SPS 345.70 (1); to renumber SPS 345.70 (2) to (5); to amend SPS 305.325 (4) Note, SPS 305.91 (3) (a), and SPS 305.92 (3); to repeal and recreate ss. SPS 305.003 (15), SPS 305.70 (1), SPS 305.992 (1) (c), and SPS 345.10 (2) Note 1.; and to create s. SPS 305.70 (1) Note, relating to credentials for HVAC contractors, refrigerant handling technicians, master plumbers, and elevator mechanics.

**Hearing Information**

**Date:** Monday, March 11, 2013  
**Time:** 9:00 a.m.  
**Location:** 1400 East Washington Avenue  
 Room 121A  
 Madison, WI

**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 March 21, 2013 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 James Quast, Program Manager, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708–8935, or by email to [Jim.Quast@wisconsin.gov](mailto:Jim.Quast@wisconsin.gov). Comments must be received at or before March 21, 2013 to be included in the record of rule-making proceedings.

**Copies of Rule**

Copies of this proposed rule are available upon request to Shawn Leatherwood, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, or by email at [Shancethea.L Leatherwood@wisconsin.gov](mailto:Shancethea.L Leatherwood@wisconsin.gov).

**Analysis Prepared by the Department of Safety and Professional Services**

***Statutes interpreted***

Sections 101.02 (1), 101.17, 101.985, 145.07, 227.10 (1) and 227.11 (2) (a), Stats.

***Statutory authority***

Sections 101.02 (1), 101.985, 145.02 (4) (a), 227.10 (1) and 227.11 (2) (a), Stats.

***Explanation of agency authority***

Under various provisions of chapters 101 and 145, Stats., the department establishes credentialing qualifications and standards for entities and individuals involved with the construction trades. 2011 Wisconsin Act 146 revised statutory provisions relating to individuals seeking to take a master plumber licensing exam and qualifying for an elevator mechanic license. The Act also repeals the provisions relating to ozone-depleting refrigerants and the authority to credential refrigerant handling technicians.

**Related statute or rule**

Sections 101.177 and 145.07 (3) (a), Stats., as affected by 2011 Wisconsin Act 146 Chapter SPS 318, Elevators, Escalators and Lift Devices.

Chapter SPS 345, Mechanical Refrigeration.

**Plain language analysis**

The proposed rules repeal credentialing provisions established for entities and individuals that handle ozone-depleting refrigerants with the installation and servicing of air conditioning and refrigerant equipment and systems. The proposed rules eliminate the state credentialing provisions for refrigerant handling technicians under s. SPS 305.72 and revise provisions s. SPS 305.70 eliminating the need for HVAC contractor registration with respect to ozone-depleting refrigerants. Corresponding rule revisions are also proposed under chapter SPS 345, Mechanical Refrigeration. Individuals and entities dealing with ozone-depleting refrigerants still must comply with federal obligations including certification.

Reflecting the provisions of 2011 Wisconsin Act 146, the proposed rules create another avenue to qualify for an elevator mechanic license, and revise the experience qualifications for a master plumber's exam from consecutive years to overall years.

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

Federal regulations, under section 608 of the federal Clean Air Act and title 40 CFR part 82, subpart F, require individuals who install or service HVAC equipment involving ozone-depleting refrigerants to hold a Type I, II, III or Universal technician certification.

An internet search on U.S. federal regulations and U.S. federal register yielded no results regarding the licensing of plumbers and elevator mechanics.

**Comparison with rules in adjacent states**

An internet search of the respective states' web sites indicate:

**Illinois:**

The state does not require a specific license or certification to perform installation or service work pertaining to cooling or refrigeration equipment and systems including working with ozone-depleting refrigerants.

The state does not have a master plumber license category; only a general plumber's license. The state's qualifying provisions for plumber's license applicants indicate just overall years of experience.

Elevator mechanic licensing is under the Office of the Illinois State Fire Marshall. Under the Elevator Safety and Regulation Act there are currently four avenues to obtain the license including completion of the mechanic examination of a nationally recognized training program for the elevator industry, such as the National Elevator Industry Educational Program or its equivalent.

**Iowa:**

The state has a single board licensing category that covers plumbing, HVAC refrigeration and hydronic systems. A "licensed master" is to be responsible for the work. Applicants for a "master" license must pass an exam. The licensing provisions are not specific to ozone-depleting refrigerants nor are individual state certifications necessary.

The state does not administer a licensing program for elevator work.

**Michigan:**

The state requires a mechanical contractor license to perform alterations, repairs or installation of heating/cooling/ventilating/ or refrigerating equipment/systems. The licensing provisions are not specific to ozone-depleting refrigerants.

The state's qualifying provisions for master plumber license applicants indicate just overall years of experience as a journeyman plumber.

In order to take the state's elevator journeyman license exam an applicant must have 3 continuous years of experience which may include employment as a supervisor of elevator construction or service.

**Minnesota:**

The state's stratospheric ozone protection rules under Chapter 7027 refer to the federal certification standards under the Clean Air Act and title 40 CFR part 82.

The state's qualifying provisions for master plumber license applicants indicate just overall years of experience.

The state does not issue a specific license for individuals who install or service conveyances; electrical aspects are covered by electrical licensing provisions.

**Summary of factual data and analytical methodologies**

The proposed rules were developed in light of 2011 Wisconsin Act 146 which repealed s. 101.177, Stats., relating to ozone-depleting refrigerants. The Act also revised statutory provisions relating to plumbing licenses and elevator mechanic licenses. The Act was compared with the corresponding provisions of chapter SPS 305.

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

The proposed rule action follows the direction provided by 2011 Wisconsin Act 146 in repealing s. 101.177, Stats., that eliminates the state certification mandate for refrigerant handling technicians.

**Effect on Small Business**

Pursuant to Executive Order 50, the proposed rules were posted on both the state's and department's administrative rule websites for 14 days to solicit comments regarding potential economic impacts on businesses, business sectors, professional associations, local governmental units, or interested parties. No comments were received as a result of the solicitations.

The proposed rules implement the direction of 2011 Wisconsin Act 146 regarding the credentialing of refrigerant handling technicians, HVAC contractors, plumbers and elevator mechanics. The Act and the proposed rules eliminate the state mandate for credentials relating to ozone-depleting refrigerants. The current credential fees are: refrigerant handling technician \$20 for a 4-year certification, and HVAC contractor \$160 for a 4-year registration.

The department does not believe that the proposed rules will create an impact on small businesses any differently than the mandates of the Act.

The Department's Regulatory Review Coordinator may be contacted by email at [Greg.Gasper@wisconsin.gov](mailto:Greg.Gasper@wisconsin.gov), or by calling (608) 266-8608.

**Initial Regulatory Flexibility Analysis or Summary**

None.

**Fiscal estimate and Economic Impact Analysis**

The Fiscal Estimate and Economic Impact Analysis is attached.

**Environmental Assessment/Statement**

None.

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

**Agency Contact Person**

James Quast, Program Manager, Department of Regulation and Licensing, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone (608) 266-9292; email at [jim.quast@wisconsin.gov](mailto:jim.quast@wisconsin.gov).

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

Original       Updated       Corrected

## 2. Administrative Rule Chapter, Title and Number

Chapter SPS 305, Licenses, Certifications and Registrations.

## 3. Subject

Trade Credentials, master plumbers, elevator mechanics, and refrigerant handling technicians.

## 4. Fund Sources Affected

GPR    FED    PRO    PRS    SEG    SEG-S

## 5. Chapter 20, Stats. Appropriations Affected

## 6. Fiscal Effect of Implementing the Rule

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  
 Local Government Units       Public Utility Rate Payers  
 Small Businesses (if checked, complete Attachment A)

## 8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes    No

## 9. Policy Problem Addressed by the Rule

The proposal revises rules to be consistent with provisions under 2011 Wisconsin Act 146 relating to the licensing of several trade credentials, plumbers, elevator mechanics and refrigerant handling technicians.

## 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.

The proposed rule revisions would affect applicants for master plumber licenses and for elevator mechanic licenses. The rules would also eliminated the credentials needed for individuals and entities working with ozone-depleting refrigerants; those being refrigerant handling technicians and HVAC contractors.

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

The credentials and their processing are a state function and do not involve local government administration. The Department did not receive any comments or information from any source during the EIA solicitation period.

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 department does not believe that the proposed rules will create an impact on small businesses any differently than the mandates of the Act.

The Department will realize an annual average loss \$52,000 with the elimination of the refrigerant handling technician certification credential.

---

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

The proposed rules provide consistency with statutory provisions as affected by 2011 Wisconsin Act 146.

---

14. Long Range Implications of Implementing the Rule

No long range implications of implementing the rules are anticipated.

---

15. Compare With Approaches Being Used by Federal Government

Federal regulations, under section 608 of the federal Clean Air Act and title 40 CFR part 82, subpart F, require individuals who install or service HVAC equipment involving ozone-depleting refrigerants are required to hold a Type I, II, III or Universal technician certification.

An internet search on U.S. federal regulations and U.S. federal register yielded no results regarding the licensing of plumbers and elevator mechanics.

---

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

An internet search of the respective states' web sites indicate:

**Illinois:** The state does not require a specific license or certification to perform installation or service work pertaining to cooling or refrigeration equipment and systems including working with ozone-depleting refrigerants.

The state does not have a master plumber license category; only a general plumber's license. The state's qualifying provisions for plumber license applicants indicate just overall years of experience.

Elevator mechanic licensing is under the Office of the Illinois State Fire Marshall. Under the Elevator Safety and Regulation Act there are currently four avenues to obtain the license including completion of the mechanic examination of a nationally recognized training program for the elevator industry, such as the National Elevator Industry Educational Program or its equivalent.

**Iowa:** The state has a single board licensing category that covers plumbing, HVAC refrigeration and hydronic systems. A "licensed master" is to be responsible for the work. Applicants for a "master" license must pass an exam. The licensing provisions are not specific to ozone-depleting refrigerants nor are individual state certifications necessary.

The state does not administer a licensing program for elevator work.

**Michigan:** The state requires a mechanical contractor license to perform alterations, repairs or installation of heating/cooling/ventilating/ or refrigerating equipment/systems. The licensing provisions are not specific to ozone-depleting refrigerants.

The state's qualifying provisions for master plumber license applicants indicate just overall years of experience as a journeyman plumber.

In order to take the state's elevator journeyman license exam an applicant must have 3 continuous years of experience which may include employment as a supervisor of elevator construction or service.

**Minnesota:** The state's stratospheric ozone protection rules under Chapter 7027 refer to the federal certification standards under the Clean Air Act and title 40 CFR part 82.

The state's qualifying provisions for master plumber license applicants indicate just overall years of experience.

The state does not issue a specific license for individuals who install or service conveyances; electrical aspects are covered by electrical licensing provisions.

---

17. Contact Name

James Quast

---

18. Contact Phone Number

(608) 266-9292

---

This document can be made available in alternate formats to individuals with disabilities upon request.

---

---

## Submittal of Proposed Rules to Legislature

---

---

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

**Natural Resources**  
***Fish, Game, Etc., Chs. 1—***  
**CR 12-031**

**(DNR # WM-09-11)**

Modifies ch. NR 10 Wis. Admin. Code, relating to the bobcat hunting and trapping season.

This rule is not subject to s. 227.135 (2), Stats., as affected by 2011 Wis. Act 21. The scope statement for this rule, published in Register No. 663 on March 31, 2011, was sent to LRB prior to June 8, 2011, the effective date of Act 21.

---



---

## Sections Affected by Rule Revisions and Corrections

---



---

The following administrative code sections had rule revisions and corrections take place in **February 2013**, and will be effective as indicated in the history note for each particular section. For additional information, contact the Legislative Reference Bureau at (608) 266-7590.

### Revisions

#### Editorial Corrections

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

#### Barbering and Cosmetology

Entire Code

#### Cosmetology Examining Board

Chs. Cos 1 to 11

All chapters

#### Gaming

Ch. Game 4

Game 4.06 (4)

#### Hearings and Appeals

Ch. HA 3

HA 3.01 (2)

HA 3.02 (5), (10) to (12), (17)

HA 3.12 (1)

#### Higher Educational Aids

Ch. HEA 9

HEA 9.02 (3), (5)

HEA 9.03 (2)

Ch. HEA 10

HEA 10.04 (4)

#### Insurance Commissioner

Ch. Ins 4

Ins 4.01 (2) (c)

Ch. Ins 9

Ins 9.01 (9)

Appendix C

Ch. Ins 52

Ins 52.07 (3)

Ch. Ins 55

Ins 55.05 (2) (note)

#### Merit Recruitment & Selection

Ch. ER-MRS 24

ER-MRS 24.05 (4)

#### Public Service Commission

Ch. PSC 136

PSC 136.05 (4) (note)

Ch. PSC 160

PSC 160.05 (1) (s)

PSC 160.125 (2) (a), (c)

Ch. PSC 162

PSC 162 (note)

Ch. PSC 163

PSC 163 (note)

Ch. PSC 164

PSC 164 (note)

Ch. PSC 174

PSC 174 (note)

#### Transportation Department

Ch. Trans 2

Trans 2.05 (3)

Ch. Trans 5

Trans 5.05 (1), (2)

Ch. Trans 6

Trans 6.07 (5), (6)

Ch. Trans 29

Trans 29.04 (5) (c) (note)

Ch. Trans 30

Trans 30.04 (1), (2)

Ch. Trans 100

Trans 100.02 (11m) (note), (12m) (note), (13m) (note)

Trans 100.16 (4) (a) (note)

Trans 100.18 (1) (i) (note)

Ch. Trans 101

Trans 101.04 (3m) (note)

Trans 101.10 (2) (c) (note)

Ch. Trans 102

Trans 102.15 (3m) (a)



Trans 102.20 (7) (a) (note)

**Ch. Trans 103**

Trans 103.02 (5) (note)

**Ch. Trans 113**

Trans 113.02 (3)

Trans 113.03 (3)

**Ch. Trans 117**

Trans 117.03 (2) (note)

**Ch. Trans 200**

Trans 200.015 (2) (e)

Trans 200.06 (2) (g) (note), (r) (e) (note), (3) (a), (c)

Trans 200.08 (4) (a), (c), (5) (d)

**Ch. Trans 201**

Trans 201.10 (2) (f)

Trans 201.14 (2) (b)

**Ch. Trans 205**

Trans 205.02 (4)

Trans 205.035 (1) to (5)

Trans 205.04 (1), (3)

Trans 205.05 (1), (2)

**Ch. Trans 208**

Trans 208.03 (1)

Trans 208.05 (4)

**Ch. Trans 209**

Trans 209.03 (18)

Trans 209.07 (2), (5)

Trans 209.08 (intro.)

Trans 209.09 (4), (5) (b), (c), (6) (intro.)

**Ch. Trans 215**

Trans 215.02 (5) (note)

Trans 215.04 (note)

**Ch. Trans 231**

Trans 231.01 (9)

**Ch. Trans 250**

Trans 250.02 (2) (a), (b)

Trans 250.03

Trans 250.05 (1) (a)

Trans 250.11 (title), (intro.)

**Ch. Trans 254**

Trans 254.03 (2) (a)

**Ch. Trans 255**

Trans 2255.03 (2) (a)

**Ch. Trans 256**

Trans 256.03 (2) (a)

**Ch. Trans 257**

Trans 257.01

Trans 257.02 (2) (b)

Trans 257.03 (1), (2) (a)

**Ch. Trans 259**

Trans 259.03 (2) (a)

**Ch. Trans 260**

Trans 260.03 (2) (a)

**Ch. Trans 261**

Trans 261.03 (2) (a)

**Ch. Trans 262**

Trans 262.03 (2) (a)

**Ch. Trans 269**

Trans 269.03 (2) (a)

**Ch. Trans 276**

Trans 276.07 (intro.)

Trans 276.08

Trans 276.09 (1)

**Ch. Trans 280**

Trans 280.05 (2)

**Ch. Trans 309**

Trans 309.01 (1) (note)

**Ch. Trans 310**

Trans 310.04 (2) (note)

**Ch. Trans 320**

Trans 320.02 (2)

Trans 320.03 (1), (8) (intro.), (9), (10), (14) to (16)

Trans 320.04 (2)

Trans 320.05 (2)

Trans 320.06 (2)

**Ch. Trans 400**

Trans 400.11 (1) (a), (5) (a), (7)

**Ch. Trans 401**

Trans 401.08 (1) (a), (ar)

---

---

## Executive Orders

---

---

**The following are recent Executive Orders issued by the Governor.**

**Executive Order 96.** Relating to a Proclamation Declaring a State of Emergency in Response to an Energy Emergency. **(January 23, 2013)**

**Executive Order 97.** Relating to Postsecondary Educational Institution Compliance with the U.S. Department of Education Program Integrity Rule. **(February 1, 2013)**

The State of Wisconsin  
Department of Administration  
Bureau of Document Services  
Document Sales and Distribution Section  
4622 University Avenue  
Madison, Wisconsin 53705-2156



**First Class Mail**

**Dated Material. Please Do Not Delay!**