

Wisconsin Administrative Register

No. 689



Publication Date: May 31, 2013

Effective Date: June 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

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 5 to 8**

Administration:

Revises Chapter Adm 2, relating to facility use. **EmR1305**

Agriculture, Trade and Consumer Protection:

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

Children and Families:

Early Care and Education, Chs. DCF 201–252Creates 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**

Natural Resources:

Fish, Game, etc., Chs. NR 1—Revises Chapters NR 10, 12, and 19, relating to the wolf hunting and trapping season and regulations and a depredation program. **EmR1210*****Fish, Game, etc., Chs. NR 1—***Revises Chapters NR 20 and 25, relating to lake trout harvest limits in Lake Superior. **EmR1304**

Public Instruction:

Re-creates Chapter PI 47, relating to the equivalency process for approving alternative models to evaluate educator practice. **EmR1303**

Safety and Professional Services:

Professional Services, Chs. 1–299Amends Chapters SPS 60, 61, 62, and 65 and creates Chapter SPS 205, relating to barbers and to barbering and cosmetology schools and instructors. **EmR1302****Scope Statements.****Pages 9 to 13**

Natural Resources:

Fish, Game, etc., Chs. 1—Revises section NR 20.40, relating to fishing tournaments. **SS 052–13*****Environmental Protection — Air Pollution Control, Chs. 400—***Revises Chapters NR 422, 423, 439, and 484, relating to volatile organic compound control regulations for lithographic printing in. **SS 051–13*****Environmental Protection — Water Supply, Chs. 800—***Revises Chapter NR 809, relating to safe drinking water. **SS 054–13**

Public Instruction:

Revises Chapter PI 34, relating to the definition of immoral conduct. **SS 053–13**

Submittal of Proposed Rules to Legislative Council Clearinghouse.**Pages 14 to 15**

Corrections:

Repeals and recreates Chapter DOC 350, relating to jails. **CR 13-038**

Revenue:

Revises Chapter Tax 61, relating to lottery retailers. **CR 13-034**Revises Chapters Tax 16 and 19, relating to local financial reporting and expenditure restraint payments. **CR 13-035**Revises Chapters Tax 12 and 18, relating to property tax and assessment of agricultural property. **CR 13-036**Revises Chapters Tax 6, 13, and 15, relating to public utility taxation, investment and local impact fund, and real estate transfer fee. **CR 13-037****Rule-Making Notices.****Pages 16 to 25**

Corrections:

Hearing to consider rule repealing and recreating Chapter DOC 350, relating to jails. **CR 13-038****Submittal of Proposed Rules to Legislature.****Page 26**

Safety and Professional Services:

General Part I, Chs. 301—319Revises Chapter SPS 305, relating to credentials for HVAC contractors, refrigerant handling technicians, master plumbers, and elevator mechanics. **CR 13-014**

Safety and Professional Services — Physical Therapy Examining Board:

Revises Chapter PT 7, relating to unprofessional conduct. **CR 13-007****Rule Orders Filed with the Legislative Reference Bureau.****Page 27**

Children and Families:

Safety and Permanence, Chs. 35—59Creates Chapter DCF 55, relating to subsidized guardianship. **CR 12-045**

Corrections:

Repeals and recreates Chapter DOC 331, relating to the revocation of probation, parole, or extended supervision. **CR 10-125**Repeals and recreates Chapter DOC 328, relating to offender field supervision, and amends section DOC 332.18 (3) (b). **CR 10-126**

Natural Resources:

Fish, Game, etc., Chs. 1—Revises Chapter NR 47, relating to the administration of the Wisconsin Forest Landowner Grant Program, and creates Chapter NR 47, subchapter XIII, relating to the administration of the Weed Management Area Private Forest Grant Program. **CR 12-029**

Safety and Professional Services:

Plumbing, Chs. 381—387Revises Chapters SPS 381, 382, 383, 383 Appendix, and 384, relating to private onsite wastewater treatment systems (POWTS). **CR 11-031**

**Rules Published with this Register and Final
Regulatory Flexibility Analyses.**

Pages 28 to 32

Agriculture, Trade and Consumer Protection:

Revises Chapter ATCP 29, relating to pesticide use and control and affecting small business. **CR 12-003**

Revises Chapter ATCP 17, relating to livestock premises registration. **CR 12-024**

Creates section ATCP 161.50 (3) (f) and subchapter VI of Chapter ATCP 161, relating to the “grow Wisconsin dairy producer” grant and loan program. **CR 12-028**

Revises Chapter ATCP 127, relating to telephone solicitations; no-call and no-text list. **CR 12-036**

Revises Chapter ATCP 70, relating to regulation of Wisconsin’s food processing plants and shellfish shippers and processors and affecting small business. **CR 12-037**

Revises Chapter ATCP 55, relating to allowing certain selected Wisconsin state-inspected meat establishments to sell meat and meat products in other states and affecting small business. **CR 12-040**

Revises Chapter ATCP 1, relating to discretion in enforcement of rule violations by small businesses and affecting small business. **CR 12-043**

Children and Families:

Safety and Permanence, Chs. 35—59

Creates Chapter DCF 55, relating to subsidized guardianship. **CR 12-045**

Employee Trust Funds:

Revises section ETF 10.10, relating to elections to the Employee Trust Funds and Teachers Retirement Board. **CR 12-020**

Financial Institutions, Division of Banking:

Creates Chapter DFI-Bkg 78, relating to auto title loans. **CR 12-034**

Revises Chapter DFI-Bkg 75, relating to payday lending. **CR 12-035**

Health Services:

Health, Chs. 110—199

Creates section DHS 115.05 (3), relating to a fee for screening newborns for congenital and metabolic disorders and other services. **CR 12-025**

Justice:

Creates Chapters Jus 17 and 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. **CR 12-030**

Natural Resources:

Fish, Game, etc., Chs. 1—

Creates section NR 19.058, relating to requiring access to wire cutters when trolling in outlying waters. **CR 12-022**

Transportation:

Amends section Trans 100.02 (11m), (12m), and (13m), relating to mandatory minimum liability limits for insurance policies under safety responsibility, damage judgment, and mandatory insurance laws. **CR 11-043**

Sections Affected.

Pages 33 to 35

Executive Orders.

Page 36

Public Notices.

Page 37

Safety and Professional Services — Board of Nursing:

Informational public hearing relating to nursing program approval.

Emergency Rules Now in Effect

Under s. 227.24, Stats., state agencies may promulgate rules without complying with the usual rule-making procedures. Using this special procedure to issue emergency rules, an agency must find that either the preservation of the public peace, health, safety or welfare necessitates its action in bypassing normal rule-making procedures.

Emergency rules are published in the official state newspaper, which is currently the Wisconsin State Journal. Emergency rules are in effect for 150 days and can be extended up to an additional 120 days with no single extension to exceed 60 days.

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

Extension of the effective period of an emergency rule is granted at the discretion of the Joint Committee for Review of Administrative Rules under s. 227.24 (2), Stats.

Notice of all emergency rules which are in effect must be printed in the Wisconsin Administrative Register. This notice will contain a brief description of the emergency rule, the agency finding of emergency or a statement of exemption from a finding of emergency, date of publication, the effective and expiration dates, any extension of the effective period of the emergency rule and information regarding public hearings on the emergency rule.

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

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

Administration

EmR1305 — The Department of Administration hereby adopts an order to repeal Adm 2.14 (2) (vr) c.; to renumber and amend Adm 2.14 (2) (vr) a. and b.; to amend Adm 2.02 (1) (a), 2.04 (1), 2.04 (2), (3), (5), and (7), 2.07 (2), 2.08 (1) and (1) (d), 2.11, 2.14 (2), (2) (v), (2) (vm) and (2) (vm) 5.; and to create Adm 2.03 (3m), (3r), and (6m), 2.04 (1m) and (1r), relating to facility use.

The statement of scope for this rule, SS 028–13, was approved by the Governor on March 15, 2013, and published in Register No. 687 on March 31, 2013. This emergency rule was approved by the Governor on April 11, 2013.

Finding of Emergency

The Legislature has vested management authority over various state buildings and grounds, including those of the Wisconsin State Capitol, in the Department of Administration since 1979. Section 16.84 (1), Wis. Stats. Since 1979 the Department has permitted the use of these buildings and grounds for the free discussion of public questions and other purposes, so long as such uses did not interfere with the prime uses of these facilities, or otherwise infringe on interests of the

state. Section 16.845, Wis. Stats., and s. Adm 2.04, Wis. Adm Code.

Beginning February 2011, groups of persons began to occupy the Wisconsin State Capitol Building without permits. This included appropriating rooms and hallways in the Capitol building for purposes such as camping and storage of bulk supplies. To restore order to the building and return the building to a point where the work of the Wisconsin State Legislature and the Supreme Court of Wisconsin could perform their constitutionally authorized functions without undue disruption, the Department expended funds in excess of \$7,400,000 for law enforcement personnel. The continuous occupation of the State Capitol was formally terminated in March of 2011.

Groups of persons continue to occupy rooms in the Wisconsin State Capitol building without permits, including the Capitol rotunda. These groups constitute an exception to the norm.

The Wisconsin State Capitol Police (WSCP) issue more than 400 permits annually for the use of various state facilities. Permits are used for a variety of purposes, whether political, non-political, charitable or commercial. Permits are issued regardless of political party, affiliation or content.

Occupation of the Capitol rotunda and other areas has caused disruptions to the properly permitted events and normal government activities, including but not limited to, a Red Cross blood drive, a high school science exhibit, school group tours, general public tours, and legislative committee meetings and sessions. The State does not refuse permits for the lawful and safe use of State facilities by any group or groups. Neither can the State allow any group to occupy the Capitol in disregard of the rights of permit holders, public employees or visitors. It is imperative that the Department continue to gain greater compliance from user groups in order to protect the public safety and welfare.

Filed with LRB:	April 15, 2013
Publication Date:	April 16, 2013
Effective Dates:	April 16, 2013 through September 12, 2013

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.

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

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

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
Extension Through: June 12, 2013
Hearing Date: January 14, 2013

Natural Resources (2)

Fish, Game, etc., Chs. NR 1-

1. 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.

2. EmR1304 (DNR # FH–23–12(E)) — The Wisconsin Natural Resources Board proposes an order to amend **sections NR 20.20 (73) (n) 4., 25.06 (1) (a), and 25.09 (1) (am) 3. e.**, relating to lake trout harvest limits in Lake Superior.

The statement of scope for this rule, SS 097–12, was approved by the Governor on December 14, 2012, published in Register No. 684 on December 31, 2012, and approved by the Natural Resources Board on January 23, 2013.

Finding of Emergency

Pursuant to s. 227.24, Stats., the department finds that an emergency exists and that this rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. The welfare of state–licensed commercial fishers, tribal commercial fishers, recreational anglers, and associated businesses is threatened by a decline in the lake trout population in the Apostle Islands vicinity of Lake Superior. The continued, persistent decline in lake trout population abundances and predicted further declines necessitate the current reductions in order to ensure a sustainable lake trout fishery over the long–term. Lake trout harvest limits were negotiated in October 2012 among the Department of Natural Resources and the Red Cliff and Bad River Bands of Lake Superior Chippewa and those changes must be ordered through administrative code. This emergency rule is needed to preserve the public welfare.

Filed with LRB: March 9, 2013

Publication Date: March 27, 2013

Effective Dates: March 27, 2013 through August 23, 2013

Hearing Date: April 11, 2013

Public Instruction

EmR1303 — The state superintendent of public instruction hereby creates **ch. PI 47**, relating to the equivalency process for approving alternative models to evaluate educator practice.

The scope statement for this rule, SS 013–13, was published in Register No. 686, on February 14, 2013, and approved by Superintendent Evers, on February 25, 2013. Per the Dane County Circuit Court order issued in *Coyne, et al. v. Walker, et al.*, Case No. 11–CV–4573, the Department of Public Instruction is not required to get the Governor’s approval for the statement of scope or this rule.

Finding of Emergency

The Department of Public Instruction 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 the facts constituting the emergency is:

Section 115.415 (3), Stats., requires the department to establish an equivalency process for reviewing alternative educator effectiveness systems. The statute also specifies criteria on which the process shall be based, including alignment to the 2011 Interstate Teacher Assessment and Support Consortium and the 2008 Interstate School Leaders Licensure Consortium Educational Leadership Policy Standards. Additionally, the statute explains certain approval requirements.

The Educator Effectiveness System will be fully implemented and mandatory throughout the entire state by the 2014–15 school year. The pilot, which allows schools and districts to implement the system and inform modifications, will go into effect during the 2013–14 school year.

In order to have possible alternative models available for pilot use in 2013–14, there is an urgent need to get the equivalency process in place to approve other evaluation models. Districts intending on applying for an equivalency review of an alternative model must alert the department in writing by March 15, 2013, and January 15 each subsequent year. They must submit their application by April 15 of this year and March 15 each subsequent year in order to be approved.

Filed with LRB: March 4, 2013

Publication Date: March 8, 2013

Effective Dates: March 8, 2013 through August 4, 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

Natural Resources

Fish, Game, etc., Chs. 1—

SS 052–13

(Revises SS 006–12)

(DNR # FH–01–12)

This statement of scope was approved by the governor on April 8, 2013.

The original statement of scope, SS 006–12, was approved by the governor on January 13, 2012, and published in the Admin Register 674 on February 14, 2012. The scope of this rule has expanded to include improved customer service and staff efficiencies and are in response to 2011 Wisconsin Act 24, which allowed culling during permitted bass fishing tournaments.

Rule No.

Revises section NR 20.40.

Relating to

Fishing tournaments.

Rule Type

Permanent.

1. Finding/Nature of Emergency (Emergency Rule Only)

N/A.

2. Detailed Description of the Objective of the Proposed Rule

To simplify and create more effective fishing tournament rules that increase user satisfaction while still addressing concerns about crowding, tournament associated fish mortality, and the spread of invasive species.

Proposed changes are in response to 2011 Wisconsin Act 24, which allowed culling during permitted bass fishing tournaments, and efforts to improve customer service and staff efficiencies.

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

The current fishing tournament rule has been in effect for over three years and the Fisheries Management Bureau has taken a critical look at the rule to identify areas for improvement. The Tournament Rule Review Task Force, which includes DNR Fisheries Management and Law Enforcement staff and public tournament organizers from Wisconsin BASS and the Midwest Walleye Series, has and will discuss suggestions for fishing tournament rule changes.

Current fishing tournament rules establish maximum amount of tournament fishing pressure that can occur on individual waterbodies, a process for applying for tournament permits, established fees to recover the costs associated with processing and issuing tournament permits, and outline conditions that may be added to the fishing tournament permit

by the department to reduce unwanted mortality and prevent the spread of aquatic invasive species. These conditions are explicitly stated at the time of permit issuance.

After several years of issuing tournament permits and evaluating both angler and program management needs, the department is proposing more efficient and effective tournament rules. New policies may include:

- defining “culling”
- determining certain permit exceptions and participant limits
- streamlining tournament permit application procedures
- specifying boat and live well requirements
- clarifying rules on border waters
- clarifying use of tournament specific conditions for catch–hold–release bass and walleye tournaments

The rule may include additional policies and proposals discussed and proposed by the Tournament Rule Review Task Force.

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

Section 29.014 (1), Stats., directs the department to establish and maintain conditions governing the taking of fish that will conserve the fish supply and ensure the citizens of this state continued opportunities for good fishing.

Section 29.041, Stats., provides that the department may regulate fishing on and in all interstate boundary waters and outlying waters.

Section 29.403 (1g) and (3), Stats., authorizes the department to promulgate rules to establish a program to authorize and regulate fishing tournaments and establish the scope and applicability of the program.

Section 29.403 (2), Stats., provides that the department may require a permit to conduct a fishing tournament and may impose terms and conditions that apply to a specific permit.

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

Approximately 200 hours.

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

The proposed rule change would positively impact fishing tournament organizers and sport anglers who participate in fishing tournaments. No negative impact is expected for businesses, business associations, public utility rate payers, or local governmental units.

7. 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

The department is not aware of any existing or proposed federal regulation that would govern fishing tournaments in Wisconsin.

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

The department anticipates that the proposed rule will have minimal or no economic impact locally or statewide (Level 3). The proposed rule change would impact fishing tournament organizers and sport anglers who participate in fishing tournaments. No negative impact is expected for businesses or business associations. No additional compliance or reporting requirements will be imposed on small businesses as a result of these rule changes.

Contact Person

Jon Hansen, Fishing Tournament Program Coordinator, (608) 266-6883, jonathan.hansen@wisconsin.gov.

Natural Resources

Environmental Protection — Air Pollution Control, Chs. 400—

SS 051-13

(DNR # AM-18-13)

This statement of scope was approved by the governor on May 8, 2013.

Rule No.

Revises Chapters NR 422, 423, 439, and 484.

Relating to

Volatile organic compound control regulations for lithographic printing in.

Rule Type

Permanent.

Detailed Description of the Objective of the Proposed Rule

The United States Environmental Protection Agency (EPA) revised control techniques guidelines (CTG) for volatile organic compound (VOC) emissions from lithographic printing in September 2006¹. This CTG serves as the basis for states with ozone nonattainment areas to promulgate and implement rules to control VOC emissions from the lithographic printing industry sector. The Department is required under s. 182 (b) (2) of the Clean Air Act (42 U.S.C. § 7511a(b)(2)) to submit a revision to the state implementation plan (SIP) that requires reasonably available control technology (RACT) for VOC emissions. In addition, the Department is required to keep RACT rules, such as those for lithographic printing, in place even after nonattainment areas are reclassified to attainment to ensure compliance with national air quality standards is maintained. This is commonly referred to the “anti-backsliding” provision of the Clean Air Act.

With the intent to satisfy this requirement, the Department proposed revised state rules for VOC emissions from lithographic printing operations that became effective on August 1, 2009. However, when the Department submitted the rules to EPA for approval as a revision to Wisconsin’s SIP, EPA identified deficiencies in the rules and declined to approve them. The Department subsequently proposed amendments to the state rules to correct all of the EPA-identified deficiencies. These amended state rules, found under chs. NR 422 and NR 423, Wis. Adm. Code, became effective on February 1, 2012, and were subsequently

approved by EPA as a revision to the SIP on August 7, 2012 [77 FR 46961].

The final version of the lithographic printing rules approved by EPA is in two separate parts within the state rules, with part I containing the older regulation (i.e., pre-2006 CTG) and part II, the requirements based on the 2006 CTG. While technically sufficient, the Department received feedback that the two part organizational structure causes confusion that could lead to inconsistent interpretation and application of the rules. The Department is therefore proposing changes to simplify and streamline these rules to facilitate implementation and to enhance consistency and clarity. Additionally, in order to provide flexibility for small businesses, the Department may propose changes to compliance demonstration methods for a limited number of low emitting lithographic printing sources, which may include small businesses.

¹EPA included both Lithographic and Letterpress Printing in its CTG, *Control Techniques Guidelines for Offset Lithographic Printing and Letterpress Printing*, but the proposed rule covers Lithographic Printing only. Text of the CTG is available at: http://www.epa.gov/airquality/ozonpollution/SIPToolkit/ctg_act/200609_voc-epa453_r-06-002_litho-letterpress_printing.pdf.

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

The Department’s policy to require control of VOC emissions as a precursor to ozone formation, consistent with U.S. EPA requirements, is not being changed. The Department is clarifying and streamlining existing requirements as part of the proposed rules, not proposing any new policies. An alternative to this proposed rule action is to keep the rules as they are and to issue guidance memorandums, as necessary, to clarify specific issues. However, the Department believes this alternative would not bring the same degree of clarity nor long-term certainty to regulated sources and therefore would not be as effective as the proposed clarification and streamlining of the rules.

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

The legislature granted authority to the Department for the proposed rule-making in s. 285.11 (6), Stats., which states in part that the Department shall “Prepare and develop one or more comprehensive plans for the prevention, abatement and control of air pollution in this state. The department thereafter shall be responsible for the revision and implementation of the plans. The rules or control strategies submitted to the federal environmental protection agency under the federal clean air act for control of atmospheric ozone shall conform to the federal clean air act ...”

Two provisions of the Clean Air Act relate to the statutory authority granted to the Department to revise the state implementation plan for ozone and to ensure that rules submitted to the EPA conform to the Clean Air Act. First, section 183 (a) and (b) (1) of the Clean Air Act (42 U.S.C. § 7511b(a) and (b)(1)), require that the administrator of the EPA issue CTG for new stationary source categories, and periodically review and, if necessary, update CTG that were issued before the date of the enactment of the Clean Air Act amendments of 1990. Secondly, under section 182(b)(2) of the federal act (42 U.S.C. § 7511a(b)(2)), the state must submit to EPA a proposed revision of its ozone SIP that would require the implementation of reasonably available control technology (RACT) with respect to each category of VOC sources in the area covered by a CTG issued by the

administrator between the date of the enactment of the clean air act amendments of 1990 and the date of attainment.

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

Approximately 432 hours will be spent by Department staff.

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

Affected parties that will benefit from the proposed rule streamlining include small to medium-sized industrial sources based on air emissions in the category of lithographic printing. There are several organizations that may not be directly affected by the rule, but are likely to have an interest in rule development including Wisconsin Manufacturers and Commerce (WMC), Great Lakes Graphics Association, environmental organizations such as Clean Wisconsin and Sierra Club, and public health organizations.

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

The proposed rule will include streamlining modifications to rules affecting lithographic printing and may contain changes to compliance demonstration requirements now in effect, while continuing to meet the Clean Air Act requirements for our ozone SIP. There are no federal rules in effect that address the activities which would be regulated by the proposed rule.

Anticipated Economic Impact of Implementing the Rule (Note if the Rule is likely to Have an Economic Impact on Small Businesses)

Considering the rules are already in effect and the proposed changes are only intended to streamline, clarify, and potentially add flexibility, the overall economic impact, including impact on small business is expected to create a minimal to moderate reduction in the implementation and compliance costs compared to the existing rules.

Contact Person

Joseph Hoch, joseph.hoch@wisconsin.gov, (608) 267-7543, Wisconsin Department of Natural Resources, 101 S Webster St (AM/7), Madison, WI 53703.

Natural Resources

Environmental Protection — Water Supply, Chs. 800—

SS 054-13

(DNR # DG-15-13)

This statement of scope was approved by the governor on May 17, 2013.

Rule No.

Revises Chapter NR 809.

Relating to

Safe drinking water.

Rule Type

Permanent.

1. Finding/Nature of Emergency (Emergency Rule Only)

NA

2. Detailed Description of the Objective of the Proposed Rule

The proposed revisions to Chapter NR 809 seek to incorporate recently promulgated amendments made by the Environmental Protection Agency (EPA) to the Total Coliform Rule (TCR), adopt changes to other rules made by EPA that were not addressed during the last revision of the Chapter, and make corrections that will improve its utility and concordance with counterpart federal regulations.

The Department needs to update Chapter NR 809 to promote greater public health protection and by doing that, maintain the primacy that EPA grants Wisconsin to administer the provisions of the Safe Drinking Water Act (SDWA).

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

The revised TCR requires public water systems that are vulnerable to microbial contamination to identify and fix conditions causing that vulnerability, and establishes criteria for systems to qualify and remain on a reduced monitoring frequency that will lessen their regulatory burden. The rule establishes compliance based on the presence of *E. coli* and eliminates the existing maximum contaminant level (MCL) for total coliforms. This change is more protective of public health because *E. coli* is a more specific indicator of fecal contamination and potential harmful pathogens than total coliforms. Under the revised TCR, systems that exceed a specified frequency of total coliform detection must conduct sanitary assessments and correct any deficiencies found. By establishing a more precise indicator of pathogenic contamination, requiring more frequent monitoring, and requiring rigorous assessment of the sanitary integrity of a supply system when any coliforms are detected, the revised TCR enhances public health directly and addresses conditions that may lead to potential public health risks.

Other revisions to Chapter NR 809 covered under this scope do not encompass changes to existing policies and only change the chapter to update it with revisions made by EPA since the last chapter's revision or to make minor corrections needed to make Chapter NR 809 more accurate.

The Department needs to amend Chapter NR 809 to maintain its primacy to administer the SDWA. Alternative policies are not applicable since those would jeopardize the Department's delegated authority to implement the SDWA.

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

Section 281.17 (8) (a), Stats:

"The department may establish, administer and maintain a safe drinking water program no less stringent than the requirements of the safe drinking water act, 42 USC 300f to 300j-26."

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

This rule effort will require approximately 700 hours of state employees' time. Of that estimate, approximately 500 hours will be spent by the principal drafter of the TCR and the section's rule coordinator. The remaining hours are those projected to be spent by other participants of this rule revision team and our legal counsel.

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

All public water supply systems in Wisconsin:

- Municipal
- Other than Municipal (OTM)
- Transient, non-community (TN)
- Non transient, non-community (NN)

Laboratories providing analyses to public water systems

Consultants providing services to public water systems

Department of Agriculture, Trade, and Consumer Protection (DATCP)

Department of Health Services (DHS)

Consumers of potable water

7. 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

This scope does not specifically address rule development; it only seeks authorization to initiate rule development. The Department will strive to propose regulatory language that mirrors relevant existing federal regulations and will offer a comparison addressing this item at the time the rule language is developed.

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

The projections offered here are solely related to this proposed revision to the TCR and do not represent the total costs of implementing the complete TCR.

The anticipated economic impact of implementing the revised TCR will be borne by stakeholders and the Department. The exact distribution of the economic impacts will depend on which option, among those available in the TCR, the Department proposes for final implementation.

The proposed rule will have a moderate (Level 2) economic impact. The anticipated economic impact is provided as a range of cost estimates that bracket the implementation options available. For the first cost option the cost will be borne largely by the Department in the form of additional site visits. It is anticipated that this option will involve adding staff, or contracting for additional staff services, at a cost of approximately \$1,200,000 per year. For the second cost option, the cost will be borne largely by water systems in the form of increased cost for sample analysis and shipping. It is anticipated that these costs will be approximately \$5,700,000 per year. These cost estimates represent the minimum and maximum costs; other available options could balance the costs between the Department and the water systems but would not result in overall costs of less than \$1,200,000 per year.

The rule is not likely to have a significant economic impact on small businesses. However, if an implementation option is chosen, where costs are largely borne by the water system, small businesses may see additional costs of \$600 per year. Purveyors of analytical services may see a beneficial positive increase in demand, while a small percentage of OTM, TN, and NN systems may experience operational cost reductions that offset the systems' potential increase in monitoring costs.

9. Contact Person

Lee Boushon; 608-266-0857

Public Instruction

SS 053-13

Per the Dane County Circuit Court order issued in Coyne, et al. v. Walker, et al., Case No. 11-CV-4573, the Department of Public Instruction is not required to obtain the Governor's approval for this statement of scope.

Rule No.

Revises Chapter PI 34.

Relating to

The definition of immoral conduct.

Rule Type

Permanent.

1. Finding/Nature of the Emergency (Emergency Rule Only)

N/A.

2. Detailed Description of the Objective of the Proposed Rule

The proposed rule change will expand the ch. PI 34 definition of "immoral conduct" to align that definition with the statutory definition. The statutory definition of "immoral conduct" was expanded in 2011 Wisconsin Act 84 to include the intentional use of an educational agency's equipment to download, view, solicit, seek, display, or distribute pornographic material.

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

This proposed rule change is a technical change that would modify the ch. PI 34 definition of "immoral conduct" to reflect the statutory definition.

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

115.31 License or permit revocation; reports; investigation.

115.31 (1) In this section:

115.31 (1) (c) "Immoral conduct" means conduct or behavior that is contrary to commonly accepted moral or ethical standards and that endangers the health, safety, welfare or education of any pupil. "Immoral conduct" includes the intentional use of an educational agency's equipment to download, view, solicit, seek, display, or distribute pornographic material.

115.31 (8) The state superintendent shall promulgate rules to implement and administer this section.

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

The amount of time needed for rule development by department staff and the amount of other resources necessary are indeterminable. The time needed to create the rule language itself will be minimal. However, the time involved with developing a process to implement the rule will be fairly significant.

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

This rule change should not affect any entity since this is only a technical change to align the rule with statutes.

7. 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

N/A.

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

The proposed rules will have no significant economic

impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

Contact Person

Katie Schumacher, Budget and Policy Analyst and Administrative Rules Coordinator, Wisconsin Department of Public Instruction, (608) 267-9127, katie.schumacher@dpi.wi.gov.

Submittal of Proposed Rules to Legislative Council Clearinghouse

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

Corrections CR 13–038

On May 14, 2013, the Department of Corrections submitted a proposed rule to the Wisconsin Legislative Council, pursuant to s. 227.15, Wis. Stats.

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. 655, on July 31, 2010, was sent to LRB prior to June 8, 2011.

Analysis

The proposed rule repeals and recreates Chapter DOC 350, relating to jails.

Subject Matter of the Proposed Rule

The Department of Corrections is authorized under s. 301.37, Stats., to develop “reasonable standards and regulations” for facilities, including county jails and houses of correction. The last comprehensive review and revision of the current rule was in 1990. Subsequent changes in the law and accepted correctional practices necessitate revisions to ch. DOC 350, including new standards.

The rule addresses two primary needs:

1. Repeal and recreate ch. DOC 350 to update, renumber, and reorder for clarity. The Department is seeking revision of ch. DOC 350, which not only reflects changes in law and correctional practice, but also clarifies existing standards. Since the last revision, it became apparent that clarification of many sections was necessary.
2. Clarify and update standards for the physical plant of a jail and jail operations. The department is responsible for establishing standards for the construction and operation of county jails and houses of correction. The department is also responsible for inspecting the facilities on an annual basis and as necessary. The current rule which was last reviewed and amended in 1992 establishes minimum standards in jail operations. The issues addressed in the rule include: the review and approval of construction plans, physical plant requirements, occupancy limitations and requirements for single and double ceiling, health care, including health screening upon admission, medication administration, suicide prevention, and crisis intervention, fire safety, security, administrative confinement, discipline, programming, mail, visitation, canteen, religious programming, recreation, reading materials, records and reporting, and variances.

Agency Procedure for Promulgation

A public hearing is required under s. 227.16 (1), Wis. Stats., and will be scheduled at a later date.

The Department of Corrections, Office of Detention Facilities, is primarily responsible for the promulgation of the proposed rule.

Contact Person

Kathryn R. Anderson, Chief Legal Counsel
Department of Corrections
3099 East Washington Avenue
P.O. Box 7925
Madison, WI 53707–7925
Telephone: (608) 240–5049
FAX: (608) 240–3306
Email: kathryn.anderson@wisconsin.gov

Revenue CR 13–034

On May 3, 2013, the Wisconsin Department of Revenue submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

The scope statement for this rule, SS 001–13, was approved by the Governor on December 27, 2012, published in Register No. 685 on January 31, 2013, and approved by the Secretary of Revenue on February 11, 2013.

Analysis

The proposed rule order revises Chapter Tax 61, relating to lottery retailers.

Agency Procedure for Promulgation

A public hearing on the proposed rule is required.

The Office of the Secretary is primarily responsible for the promulgation of the proposed rule.

Contact Person

If you have questions, please contact:
Dale Kleven
Income, Sales and Excise Tax Division
Telephone: (608) 266–8253
Email: dale.kleven@revenue.wi.gov

Revenue CR 13–035

On May 3, 2013, the Wisconsin Department of Revenue submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

The scope statement for this rule, SS 007–13, was approved by the Governor on January 17, 2013, published in Register No. 686 on February 14, 2013, and approved by the Secretary of Revenue on February 25, 2013.

Analysis

The proposed rule order revises Chapters Tax 16 and 19, relating to local financial reporting and expenditure restraint payments.

Agency Procedure for Promulgation

A public hearing on the proposed rule is required.

The Office of the Secretary is primarily responsible for the promulgation of the proposed rule.

Contact Person

If you have questions, please contact:

Dale Kleven

Income, Sales and Excise Tax Division

Telephone: (608) 266-8253

Email: dale.kleven@revenue.wi.gov.

**Revenue
CR 13-036**

On May 3, 2013, the Wisconsin Department of Revenue submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

The scope statement for this rule, SS 006-13, was approved by the Governor on January 17, 2013, published in Register No. 686 on February 14, 2013, and approved by the Secretary of Revenue on February 25, 2013.

Analysis

The proposed rule order revises Chapters Tax 12 and 18, relating to property tax and assessment of agricultural property.

Agency Procedure for Promulgation

A public hearing on the proposed rule is required.

The Office of the Secretary is primarily responsible for the promulgation of the proposed rule.

Contact Person

If you have questions, please contact:

Dale Kleven

Income, Sales and Excise Tax Division

Telephone: (608) 266-8253

Email: dale.kleven@revenue.wi.gov.

**Revenue
CR 13-037**

On May 3, 2013, the Wisconsin Department of Revenue submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

The scope statement for this rule, SS 005-13, was approved by the Governor on January 17, 2013, published in Register No. 686 on February 14, 2013, and approved by the Secretary of Revenue on February 25, 2013.

Analysis

The proposed rule order revises Chapters Tax 6, 13, and 15, relating to public utility taxation, investment and local impact fund, and real estate transfer fee.

Agency Procedure for Promulgation

A public hearing on the proposed rule is required.

The Office of the Secretary is primarily responsible for the promulgation of the proposed rule.

Contact Person

If you have questions, please contact:

Dale Kleven

Income, Sales and Excise Tax Division

Telephone: (608) 266-8253

Email: dale.kleven@revenue.wi.gov.

Rule–Making Notices

Notice of Hearing

Corrections

CR 13–038

NOTICE IS HEREBY GIVEN that pursuant to section 227.11 (2), Stats., and interpreting sections 301.03 (5), 301.33, 301.36, 301.37, 302.30, 302.31, 302.315, 302.36, 302.365, 302.37, 302.38, 302.383, 302.388, 302.39, 302.40, 302.41, and 302.42, Stats., the Department of Corrections will hold public hearings to consider the repeal and recreation of Chapter DOC 350, relating to jails.

Hearing Information

Date: Tuesday, June 25, 2013

Time: 10:00 a.m.

Location: Conference Room 45
State Office Building
819 North 6th Street
Milwaukee, Wisconsin

Date: Wednesday, June 26, 2013

Time: 10:00 a.m.

Location: Portage County Courthouse Annex
1462 Strongs Avenue
Stevens Point, Wisconsin

The public hearing sites are accessible to people with disabilities. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please contact Kathryn Anderson, DOC, P.O. Box 7925, Madison, WI 53707–7925, email kathryn.anderson@wisconsin.gov, telephone (608) 240–5049 by June 21, 2013.

Availability of Rules and Submitting Comments

Interested persons are invited to appear at the hearing and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing. Written comments on the proposed rule will be accepted into the record and receive the same consideration as testimony presented at the hearing if they are received by Friday, July 5, 2013. Written comments should be addressed to: Kathryn R. Anderson, DOC, P.O. Box 7925, Madison, WI 53707–7925, or by email kathryn.anderson@wisconsin.gov.

The proposed rule and an analysis of the proposed rule are available on the Internet at the Department of Corrections Web site at <http://doc.wi.gov>. Paper copies may be obtained without cost from Kathryn R. Anderson, at the Department of Corrections, P.O. Box 7925, Madison, WI 53707–7925, or by email at kathryn.anderson@wisconsin.gov, or by telephone (608) 240–5049. Copies will also be available at the public hearing.

Rule Summary Prepared by the Department of Corrections

Statutes interpreted

Sections 301.03 (5), 301.33, 301.36, 301.37, 302.30, 302.31, 302.315, 302.36, 302.365, 302.37, 302.38, 302.383, 302.388, 302.39, 302.40, 302.41, and 302.42, Stats.

Statutory authority to promulgate the rule

Sections 227.11 (2), 301.03 (5), 301.36, 301.37, and 302.365 (1), Stats.

Explanation of agency authority

The Department of Corrections is responsible for establishing standards for and inspecting jails.

Related statute or rule

Chapter DOC 346, secure detention for juveniles, and ch. DOC 348, Huber facilities, Wis. Adm. Code.

Plain language analysis

The rule:

1. Reorganizes and renumbers the existing ch. DOC 350. Specifically, creates administrative rule provisions for the following: Food service, Inmate classification, Use of restraints, Grievance process, Legal access, Indigence, and Programs and services.
2. Expands existing inmate health care provisions listed in current code as “Health care” and is now listed in three sections: “Inmate health screening”, Inmate health care” and “Health care policy.”
3. Changes the title of “Physical environment for new or substantially remodeled jails” in current code to “Physical environment for new or substantially remodeled jails on or after March 1, 1990, to (date of new rule).”
4. Changes the title “Physical environment of existing jails” in current code to “Physical environment of jails constructed before March 1, 1990.”
5. Section DOC 350.01 Purpose and authority — Amends the statement to include operation of jails and houses of correction.
6. Section DOC 350.03 Definitions — Creates definitions for “court holding”, “exercise space”, “natural lighting”, and “unencumbered space”.
7. Removes the definitions for “division” and “special needs inmates” since they are no longer used. “Division” referred to the division of probation and parole, and has been replaced with “Department.”
8. Amends the definitions for “dayroom”, “health screening form”, “holding room”, “multipurpose room”, and “privileged mail.”
9. Section DOC 350.04 Construction plans — Clarifies the procedure for the submission and approval of construction plans.
10. Section DOC 350.05 Physical environment for new or substantially remodeled jails — Alphabetizes the equipment and materials list, adds “skylights” and “sprinkler heads” to the list, and changes “contraband proof sills” to “contraband proof threshold.”
11. Changes the minimum floor area of cells used for single occupancy to at least 35 sq. ft. of unencumbered space. The current rule specifies that a single occupancy cell shall have a minimum floor area of at least 54 sq. ft.
12. Adds the requirement that, from the effective date of the updated ch. DOC 350, double cells have a floor area of at least 25 sq. ft. of unencumbered space per

- occupant, that the distance between the floor and ceiling may not be less than 8 ft., and the distance between opposite walls may not be less than 6 ft. The current code requires that for jails constructed or substantially remodeled on or after March 1, 1990 to be used for double occupancy, a cell shall have a floor area of at least 70 square feet.
13. Adds the requirement to provide occupants of dayrooms, dormitories and cellblocks access to natural light.
 14. Adds the requirement that dayrooms provide a minimum of 35 sq. ft. per inmate and that dayrooms may not be used for sleeping purposes.
 15. Removes the reference to dormitory dayrooms under s. DOC 350.05 (4) since they are referenced in s. DOC 350.05 (6) (b).
 16. Clarifies that receiving cells shall have a minimum floor area of at least 35 sq. ft. of unencumbered space. The current rule specifies that a receiving cell shall have a minimum floor area of at least 54 sq. ft.
 17. Removes the wording “and properly segregated as required under s. 302.36, Stats., from s. DOC 350.05 (6) (a).
 18. Amends the requirement that each dormitory shall have a minimum floor area of 35 sq. ft. per occupant, excluding the toilet and shower area to state that each dormitory shall have a minimum floor area of 35 sq. ft. of unencumbered space per occupant for sleeping purposes.
 19. Adds the requirement that each dormitory shall have a minimum floor area of 35 sq. ft. for the purpose of a dayroom and that each dayroom shall have detention strength tables and seating for the number of occupants.
 20. Removes the wording “A secured area” for personal property shall be provided for each occupant of each dormitory to read “An area” for personal property shall be provided for each occupant of a dormitory.
 21. Adds the requirement that washbasins in holding rooms have hot and cold running water.
 22. Creates a provision for court holding, s. DOC 350.05 (8), which requires that court holding rooms: shall only be used for courtroom purposes, may not be used as a cell, dormitory or receiving cell, supervision is subject to the requirements of s. DOC 350.18 and ss. 302.41 and 302.42, Stats., may be designed and used for multiple occupancy for inmates who are properly segregated under ss. 938.209 and 302.36, Stats., shall contain detention strength, rigidly constructed seats or benches bracketed to the wall or bolted to the floor or seats of masonry construction of a similar strength, shall be provided a detention strength, institution-type washbasin and toilet, and shall have a floor area of at least 50 sq. ft. with an additional 10 sq. ft. for each occupancy above five.
 23. Amends the provision for a “multipurpose room for recreation, physical exercise and congregate assembly other than visiting” to read “multipurpose rooms for programming, education or congregate assembly other than visiting”. Requires that “there shall be a minimum of one multipurpose room per 100 inmates based upon approved rated capacity and that each multipurpose room shall have a minimum floor area of 300 sq. ft.” The current code only states that “the multipurpose room shall have a minimum floor area of 300 sq. ft.”
 24. Creates the requirement for exercise space.
 25. Creates the requirement that “interior walls between cells and housing units are to be constructed tight to the structure.”
 26. Clarifies ceiling construction requirements regarding detention strength materials.
 27. Changes the word “sill” to “detention strength framing and a threshold” in relation to exterior exit doors in s. DOC 350.05 (15) (a).
 28. Clarifies s. DOC 350.05 (15) (c) by changing “except for” to “other than” and separating into (c) and (d).
 29. Section DOC 350.06 Physical environment for new or substantially remodeled jails on or after March 1, 1990 to (date of new rule) — Lists the provision for a cell used for double occupancy in (3) (d). (Moved to this section from s. DOC 350.07 Double Ceiling in current code.)
 30. Section DOC 350.07 “Physical environment of existing jails” in current code amended to read “Physical environment of jails constructed before March 1, 1990” to specify code requirements jails constructed before March 1, 1990.
 31. Section DOC 350.08 Variance — Changes section title from “Exceptions” to “Variance. Adds that any variance granted shall not set automatic precedent.
 32. Section DOC 350.09 Policy and procedure manual — Removes requirement to consult with outside sources to create the policies and that the policies should reference provider agreements.
 33. Section DOC 350.10 Records and Reporting — Removes reference to “Jail Log”. Changes the wording “records of inmates 18 years of age or older” to “adult records.” Adds to the reporting requirements under sub. (3).
 34. DOC 350.11 Food service is a new section — Creates the requirement that the jail shall have policies and procedures relating to food service.
 35. Creates provisions for food service requirements: nutritious and quality food provided for all inmates, three provided daily, two of which are hot (variations may be allowed based on weekend and holiday food service demands provided basic nutritional goals are met); annual menu review by a qualified nutritionist or dietician; annual inspection of all full-production and service kitchens by a qualified, independent outside source documenting food service facility meets health and safety codes; internal monthly inspection of food service area; maintenance and inspection of kitchen area and all equipment; maintenance of food temperatures; storage of food items; special diets; religious diets; attire and hygiene requirements for food service area workers; persons known to be infected with a communicable disease may not be employed or work as a food handler in a facility; orientation, training and supervision of inmate kitchen workers; meals are covered during transit to and/or within the facility; kitchen food storage and dishwashing equipment temperatures; covered garbage containers are emptied daily and kept clean; cleaning agents are stored separately from food service items; and a sharps/utensil/tool control procedure.

36. Section DOC 350.12 Sanitation and hygiene — Creates the requirement that the jail shall have policies and procedures relating to sanitation and hygiene.
37. Removes statement that jails shall meet the requirements of ch. DHS 190.
38. Adds that a facility is required to be clean and in good repair.
39. Adds the requirement that blankets be laundered monthly as well as before reissue. Removes language regarding timeframe for blankets to be laundered when used with or without sheets.
40. Adds the requirement for mattresses to be cleaned and sanitized before reissue.
41. Removes requirement for mattresses to be at least 3 inches thick and now states “mattresses shall be of proper size to fit the bed”.
42. Adds the requirement that footwear shall be cleaned and sanitized before reissue.
43. Adds the requirement to establish a laundry schedule to meet daily needs and that all issued and allowed clothing items are laundered twice weekly.
44. Adds the requirement that vermin and pests are controlled with an effective, documented program.
45. Removes the wording that inmates “upon request” will be provided towels and toilet articles after 24 hours. Language now reads that “after 24 hours, inmates shall be provided with toilet articles.”
46. Clarifies that basic feminine hygiene materials shall be provided “for females”.
47. Adds the requirement that inmates are provided cleaning materials daily.
48. Adds the requirements that tables for common use and meals, and door traps for passing meals or other items, shall be kept sanitized.
49. Adds the requirement that safety and sanitation inspections of the jail are completed and documented at a minimum of once monthly.
50. Adds the requirement that common use grooming tools are disinfected and cleaned before reissue and are stored in a secure area.
51. Adds the requirement that property storage containers shall be sanitized before reuse.
52. Adds the requirement that trash is removed daily from all dayrooms.
53. Adds the requirement for a provision to dispose of hazardous waste per government regulations.
54. Section DOC 350.13 Inmate health screening — Adds requirements for referrals to medical, mental or supervisory staff, review of the health screening form, and completion of a health appraisal.
55. Section DOC 350.14 Inmate health care — Adds the requirement that there “be sufficient equipment, material, space and supplies for the performance of health care services in a confidential manner.”
56. Adds the requirement that “nursing care shall be provided in accordance with the standards of practice established by the board of nursing, Ch. N 6” and that “health care staff shall be in compliance with state and federal licensure certification and registration.”
57. Adds the requirement that “officers shall receive documented annual training on health care policies and procedures, medications, and health screening at the time of admission”.
58. Section DOC 350.15 Health care policy — Clarifies the policy and procedure requirement to list names, addresses and telephone numbers of health care providers.
59. Adds the requirement for provision for inmates with chronic medical conditions.
60. Amends the policy and procedure requirement for the procedure for processing inmate medical requests to include “on a daily basis” and removes “including written disposition”.
61. Clarifies provision of special diet — now states “if ordered by a qualified health care professional”. Current code states “if ordered by a physician.”
62. Adds the requirement to include pregnancy management.
63. Adds the requirement to include use of the Health Transfer Summary form as stipulated in s. 302.388 (2), Stats.
64. Adds that the policy and procedure requirement for communicable disease control also include infection control.
65. Adds the requirement to include a provision for handling bio hazardous waste and decontaminating medical and dental equipment.
66. Adds the requirement to include a provision for detoxification and management of intoxicated inmates.
67. Section DOC 350.16 Control and administration of medications — Adds the requirement that a qualified health care professional shall prescribe medications and order treatments.
68. Clarifies the requirement that jail staff that deliver medications be trained and receive annual documented training.
69. Added the requirement that a health care professional monitor the inmate in accordance with requirements of s. 302.384, Stats., when medication is refused.
70. Under s. DOC 350.17 Suicide prevention — Adds requirements to obtain documented information from the arresting or transporting agency to assess an inmate’s potential for suicide or self-harm and screening of inmates that includes interview items and staff observation related to potential suicide risk.
71. Creates the requirement for the provision of immediate notification to designated supervisory staff if an inmate is identified as a suicide risk.
72. Clarifies the requirement for “identification of housing areas for inmates who are suicide risks.” New language states “Designation of housing areas and security precautions for inmates who are placed on suicide watch.” Changes all wording of “suicide risk” to “suicide watch.”
73. Clarifies language regarding supervision of inmates on suicide watch to include a description of monitoring procedures.
74. Clarifies language regarding persons who may assess an inmate’s level of suicide risk to reflect that they must be trained and identified.
75. Creates the requirement for provision to notify qualified mental health professionals of potentially suicidal inmates within 12 hours of placement on suicide watch and provision for an assessment by a

- qualified mental health professional to be completed as soon as practicable.
76. Creates the requirement to identify qualified mental health professionals who are authorized to remove an inmate from a suicide watch status after an on-site face-to-face assessment.
77. Clarifies the requirement for communication between health care and jail personnel regarding the status of an inmate who is on suicide watch to include the frequency of the communication.
78. Clarifies the language “intervention of a suicide in progress, including first aid measures” that now reads “intervention protocol during an apparent suicide attempt, including life-sustaining measures.”
79. Adds to the requirement of documentation of actions and decisions regarding inmates who are suicide risks which now includes: individual initiating the suicide watch; date and time watch was initiated; reason watch was initiated; name of supervisor contacted; date and time supervisor contacted; name, date and time of referral to mental health professional; and name, date, time and signature of mental health professional removing inmate from a suicide watch.
80. Creates the requirement for implementation of 2 hours of annual documented staff training regarding suicide prevention and identification of risk factors.
81. Creates the requirement for provision of access to debriefing and support services.
82. Creates the requirement for provision of an implementation of an operational review following a suicide or significant suicide attempt.
83. Section DOC 350.18 Security — Adds the requirement for a jail to have policies and procedures relating to jail security.
84. Creates timeframes for inmate supervision at frequent and irregular intervals — not to exceed 60 minutes for inmates housed in general population and 15 minutes for inmates housed on suicide watch.
85. Adds that a video monitoring system may be used to supplement but not replace physical observations.
86. Creates the requirement to include a description of procedures for conducting and documenting facility and area searches, inmate pat down, strip, and body cavity searches.
87. Clarifies monthly inspections of locks and doors. Current rule states “the sheriff shall ensure that monthly inspections are made to determine if cell and fire escape locks and doors are in good working order.” The updated rule states “Monthly inspections shall be made to determine if all jail doors and locks within and including the secure perimeter of the facility are in good working order.”
88. Amends the key control provision to include: “all issued keys are inventoried and accounted for at shift change, all keys must be stored in a secure area and accessible in the event of any emergency, inmates are not permitted to handle or utilize jail keys.” Removes the requirement that “there shall be at least 3 complete sets of jail and fire escape keys, one set in use, one set stored in a safe place which is accessible only to jail personnel for use in an emergency, and one set stored in a secure place outside the jail.”
89. Creates the requirement for weapons control that includes: “introduction, availability, control, inventory, storage and use of firearms, chemical agents, electronic control devices, or other related security devices and specification of the level of authority required for their access and use.”
90. Creates the requirement for tool/sharps control that includes: “introduction, availability, control, inventory, storage and use of tools/sharps within the facility”.
91. Section DOC 350.19 Fire safety — Adds the requirement that the jail shall have policies and procedures relating to fire safety that also include local fire department recommendations.
92. Adds the requirement that the facility conforms to applicable federal, state, and/or local fire safety codes.
93. Creates the requirement that documented fire safety training shall be practiced or simulated by all jail staff at least once every 12 months and be documented.
94. Amends requirement for facility inspection by the local fire department “at least once every 6 months” to “at least once every 12 months, and a record thereof shall be maintained.”
95. Creates the requirement to complete and document monthly inspections of the facility to ensure compliance with safety and fire prevention standards.
96. Creates the requirement that, after the date of the new rule, sprinkler heads accessible to inmates not under direct supervision must be tamper and suicide resistant.
97. Section DOC 350.20 Double ceiling — Adds the requirement that the jail shall have policies and procedures for double ceiling.
98. Clarifies language regarding single occupancy cell requirements in a jail. New rule states “for male and female housing areas, at least one cell or 15% of the jail’s total number of cells, whichever is greater, shall be maintained for single occupancy”. Current rule’s language is wordy and confusing.
99. Removes requirements listed for physical observation under double ceiling. Physical observation provision is now found under s. DOC 350.18 Security.
100. Removes references to requirements for dayrooms under s. DOC 350.20. These provisions are now found under the Physical environment sections.
101. Section DOC 350.21 Inmate classification is a new section — Creates a requirement for the sheriff to establish and maintain an objective prisoner classification to determine prisoner custody status, housing assignment and develop eligibility criteria for prisoner participation in available work assignments, programs and community service projects s. 302.36, Stats.
102. Creates a requirement for the jail to have policies and procedures relating to inmate classification, including the following components: description of the objective prisoner classification system, including the identification and training of staff authorized to classify prisoners, initial classification and reclassification procedures and prisoner appeal process; eligibility criteria for prisoner participation in available work assignments, program, and community service projects; and review of prisoner classification decisions.
103. Section DOC 350.22 — Adds the requirement for the jail to have policies and procedures for the use of force.

104. Adds to the requirement that staff members who use force to control an inmate submit a written report that the report must be “submitted by the end of the shift unless otherwise authorized by the sheriff or designee.”
105. Section DOC 350.23 Use of restraints is a new section — Creates the requirement for jail to have policies and procedures for the use of restraints that include the following components: restraint devices are never used as punishment and are not applied longer than necessary, and, when an inmate is mechanically restrained for non-routine purposes, a written report must be completed by the end of the shift unless otherwise authorized by the sheriff or designee. Documentation shall include the reason for and duration of use and corresponding wellness checks.
106. Section DOC 350.24 Discipline — Adds the requirement for the jail to have policies and procedures outlining inmate discipline and due process.
107. Amends the language found in current code by replacing the terms “penalty” or “penalties” with the terms “discipline” or “disciplines” and replaces the term “punitive” with “disciplinary.”
108. Removes listing of required elements to be included in staff member report on an inmate committing a major violation.
109. Adds the timeframe requirement for a due process hearing to be held within seven calendar days.
110. Adds that “The hearing officer or committee may consider the inmate’s mental illness, developmental disability or other emotional or mental disability as a mitigating factor in imposing discipline.”
111. Section DOC 350.25 Administrative confinement — Adds the requirement for the jail to have policies and procedures outlining the administrative confinement process.
112. Changes the timeframe for review of an inmate’s progress in administrative confinement from “periodically” to “at least once every seven days.”
113. Section DOC 350.26 Grievance process is a new section — Creates the requirement for the jail to have policies and procedures relating to an inmate grievance process.
114. Section DOC 350.27 Legal access is a new section — Creates the requirements for a jail to have policies and procedures that address inmates’ access to the courts, their attorneys and legal materials.
115. Section DOC 350.28 Indigence is a new section — Creates the requirement for a jail to have policies and procedures to address indigence.
116. Section DOC 350.29 Mail — Adds the requirement for provision for notifying inmates when outgoing or incoming mail is withheld.
117. Section DOC 350.30 Visitation — Adds the requirement that attorney visits shall be allowed during reasonable hours, as long as security and daily routine are not unduly interrupted.
118. Creates the requirement for a jail to have policies and procedures related to search of inmates before and after each visit.
119. Section DOC 350.31 Programs and services is a new section — Creates the requirement for the jail to have

policies and procedures relating to the provision of inmate programs and services.

120. Section DOC 350.32 Religious programming — Creates the requirement that inmates shall have the opportunity to participate in practices of their religious faith consistent with existing state and federal statutes.
121. Adds the requirement to include provision for conducting criminal background checks on members of a religious organization and clergy and provision of orientation and training on facility operations.
122. Section DOC 350.33 Recreation — Adds the requirement that, when and where available, at least one hour of daily exercise and recreation is outside the cell or outdoors.
123. Section DOC 350.34 Publications — Changed the title of this section from “Reading Materials” to “Publications.”
124. Section DOC 350.35 Canteen — Adds the requirement that canteen shall be made available to eligible inmates and that access to canteen may be restricted by the facility based upon inmate classification or status.

Summary of and comparison with existing or proposed federal regulations that are intended to address the activities to be regulated by the proposed rule

There are no federal regulations which address the development, implementation, or monitoring of jail standards by the State of Wisconsin. However, the US Department of Justice recently issued standards implementing the Prison Rape Elimination Act of 2003 (PREA), 42 U.S.C. 15601, et seq. Those standards regulate a number of areas which are also covered by ch. DOC 350, for example, housing in jails of minors who are arrested, charged or convicted of crimes as an adult. The federal standards go into effect on August 20, 2013. The department is reviewing the impact of the new federal standards on ch. DOC 350.

Comparison of similar rules in adjacent states (Illinois, Iowa, Michigan and Minnesota)

The department does not note every difference between the department’s proposal and an adjacent state’s code but only those of interest or significance. In most cases there are no significant differences between the requirements of the adjacent states and those of Wisconsin as proposed.

1. Illinois

Medical/Dental: Wisconsin statutes do not specifically require the provision of dental services to inmates in county jails. Both states include the provision of emergency dental care to inmates in their regulations. (IL: 20 ILAC s. 701.90 (b) 1. A.; WI: DOC 350.15 (5))

Inmate supervision: Illinois defines direct and indirect supervision. (20 ILAC s. 701.130 (a) (1) A & B) Illinois requires personal observation of inmates at least once every 30 minutes. The observation does not include observation by a monitoring device. (20 ILAC s. 701.130 (a) (2)) Wisconsin requires physical observation of each inmate who is in general population every 60 minutes at irregular intervals and each inmate who is on suicide watch every 15 minutes. (S. DOC 350.18 (1)) In addition, Illinois requires that dormitories housing more than 25 inmates must provide personal continuous observation. (20 ILAC s. 701.130 (a) (3)) Wisconsin has no similar provision. Illinois requires that special needs inmates are observed more frequently than the 30 minute standard. (20 ILAC s. 701.140 (c) (8)) Wisconsin has no similar provision.

Key control and use: Illinois requires full set of jail keys, separate from those in use, stored in a safe place. (20 ILAC s. 701.140 (h) (3)) Wisconsin requires that all keys must be stored in a secure area and accessible in the event of an emergency. (s. DOC 350.18 (8) (b))

Door and lock inspections: Illinois requires the regular and frequent inspection of locks, doors, bars, etc. (20 ILAC s. 701.140 (c) (1)) Wisconsin requires monthly inspections to determine if all jail doors and locks are in good working order. (s. DOC 350.18 (7))

Inmate counts: Illinois requires that counts be made and recorded at least three times daily. (20 ILAC s. 701.140 (g)) Wisconsin requires that the jail develop policies and procedures to establish a system by which inmate count occurs and that a count occur at least three times daily with a minimum of one count per shift. (s. DOC 350.18 (4))

Fire safety: Illinois requires that there be a fire extinguisher installed in the basement and on each floor for each 5,000 square feet of floor area. (20 ILAC s. 701.150 (a) (1)) Wisconsin code does not have a similar provision. However, Wisconsin requires that the jail conforms to applicable federal, state, and local fire safety codes, develops a fire safety policy in accordance with the local fire department recommendations, establishes an evacuation plan, provide annual fire safety training, documents an annual fire inspection by the local fire department and performs monthly safety inspections which are also documented. (s. DOC 350.19)

Use of restraints/use of force: If restraints are used, staff must prepare a written report and the inmate's situation must be reviewed at least every 24 hours. (20 ILAC s. 701.160 (j) (intro) and (2)) Wisconsin does not specify a timeframe for reviewing an inmate's situation; however, the proposed code prohibits the use of restraints for longer than necessary. (s. DOC 350.23 (1))

Inmate discipline: Illinois requires a written report of the infraction be submitted to the jail administrator within 72 hours of the incident and prohibits the commencement of a disciplinary proceeding more than 8 days after the incident occurred or was discovered unless the inmate was unavailable. (20 ILAC s. 701.160 (a) (2)) The proposed Wisconsin code differentiates between major and minor violations and establishes different due process procedures for the two levels of violations. (s. DOC 350.24) For major violations, a written report must be submitted within 24 hours and the due process hearing held within seven calendar days unless waived. (s. DOC 350.24 (3) (b) and (d)) Illinois prohibits the imposition of penalty of more than 30 days of good behavior allowance for any one infraction. (20 ILAC s. 701.160 (a) (4) (F)) Illinois limits the segregation time which can be imposed for a minor violation to 72 hours but does not have a limit for a major violation. Wisconsin does not have a similar provision.

Administrative confinement: Illinois code does not address this issue.

Reporting: Illinois requires each jail to provide monthly population reports. (20 ILAC s. 701.30 (b)) Wisconsin requires a jail to maintain a register of inmates with similar information but not submit the register in report form on a monthly basis. (s. DOC 350.10 (1))

Admission procedures, orientation, release procedures: Illinois code has separate chapters to address each of these issues. (20 ILAC ch. 701.40, 701.50, 701.60) In addition,

Illinois code has separate chapters on a number of additional issues, for example, food service, sanitation, inmate work, mail, telephone, visiting, programming, education, library, religious services, commissary, and recreation and leisure time. ((20 ILAC s. 701.110, 701.120, 701.170, 701.180, 701.190, 701.200, 701.210, 701.220, 701.230, 701.240, 701.250, and 701.260) Wisconsin code does not contain the specific requirements or mandates but does require each jail to develop a policy and procedure manual to address these issues. (For example, s. DOC 350.11 (food service), 350.12 (sanitation and hygiene), 350.29 (mail), 350.30 (visitation), 350.31 (programs and services), 350.27 (legal access), 350.32 (religious programming), 350.35 (canteen), and 350.33 (recreation) which addresses these types of issues.

2. Iowa

Medical/Dental: Wisconsin statutes do not specifically require the provision of dental services to inmates in county jails. Iowa provides necessary dental care. (IAC 201–50.15 (intro)) Iowa requires that an inmate affected by a chemical control agent must be offered a medical examination and appropriate treatment as soon as reasonable. (IAC 201–50.15 (5)) Wisconsin has no similar requirement. Iowa also provides in its rules that inmates are responsible for the cost of medical services and products. (IAC 201–50.15 (intro)) Section 302.38 (1), (2) & (4), Wis. Stats., provides similarly that an inmate may remain responsible for the cost of services and care whether provided in-house or at a hospital or clinic. Iowa also prohibits the provision of cosmetic or elective procedures. (IAC 201–50.15 (intro)) Section 302.38 (1), Wis. Stats., provides that an inmate shall receive appropriate needed medical care and treatment. Chapter DOC 350 does not address this issue.

Inmate supervision: Iowa requires 24 hour supervision of all inmates. (IAC 201–50.13 (2) a. (1)) Wisconsin statute requires that staff be present in a jail at all times there is a prisoner present in the jail. (s. 302.42, Stats.) Iowa requires that staff is either present in the confinement portion of the jail or able to hear inmates in a life-threatening or emergency situation. If staff is not present, a calling device to summon help will be provided. (IAC 201–50.13 (2) a. (2)) Iowa requires personal observation of individual inmates every hour. It also requires the personal observation of special needs inmates every 30 minutes. (IAC 201–50.13 (2) a. (3)) Both states permit the use of video monitoring but only as a supplement to physical observations, not a replacement. (IAC 201–50.13 (2) a. (3); s. DOC 350.18 (2))

Key control and use: Iowa requires that the jail administrator identifies the person who may have access to keys. (IAC 201–50.13 (2) d.) Wisconsin does not have a similar provision but requires an inventory of jail keys at every shift change. (s. DOC 350.18 (8) (a))

Door and lock inspections: Iowa code does not address this issue.

Inmate counts: Iowa code does not address this issue.

Fire safety: Iowa prohibits a jail from being occupied if a fire certificate issued by the state fire marshal or qualified local fire prevention authority has not issued a fire certificate within the last 18 months. (IAC 201–50.9 (2)) Wisconsin requires inspection every 12 months. (s. DOC 350.19 (5)) Iowa requires that there are fire extinguishers for every 3000 square feet of floor area, that all exits be equipped with emergency lighting, that each floor have at least two separate and distinct exits, that battery-operated fire alarm systems be tested monthly and electronic systems be tested at least

annually, and that all hinged doors serving as required exits from an area designed for an occupancy in excess of 50 persons, or as part of a major remodeling project or as part of new construction, swing with exit traffic. (IAC 201–50.19 (5), (6), (7), (8), and (10)) Wisconsin does not have a similar requirements.

Use of restraints/use of force: The Iowa code is similar to the Wisconsin code.

Inmate discipline: Iowa provides that no inmate shall be allowed to have authority or disciplinary control over another inmate. (IAC 201–50.21 (1)) Wisconsin has no similar provision.

Administrative confinement: Iowa code does not address this issue.

Inmate activities: Iowa provides that an inmate who is held more than 7 days and is not involved in a work release program or other activities allowing outside activity shall be permitted exercise time. (IAC 201–50.18 (1)) The proposed code requires that an inmate must be provided one hour of out of cell time or outdoor time (when and where available) but otherwise only requires that the facility have policies and procedures to address the issue. (s. DOC 350.33)

3. Michigan

Medical/Dental: Michigan identifies specific elements of the health screening tool. (R 791.731) Section DOC 350.13 requires that the health screening tool be developed in conjunction with health care professional and identifies general areas of information. Michigan specifies the elements of a health appraisal of an inmate. (R 791.732) Section DOC 350.13 (5) requires a health appraisal which is completed by health care staff in accordance with protocols established by the responsible physician but does not specify the elements to be addressed.

Inmate supervision: Michigan code does not address this issue.

Key control and use: Michigan code does not address this issue.

Door and lock inspections: Michigan code does not address this issue.

Inmate counts: Michigan code does not address this issue.

Fire safety: Michigan requires that all housing areas and places of assembly have 2 exits. (R 791.704) Michigan requires quarterly inspection and testing of equipment. (R 791.709 (b)) Michigan requires that the specifications for facility furnishings include the fire safety performance requirements of the materials selected. (R 791.711) Michigan requires that a jail establish written policies and procedures and practice that govern the control and use of all flammable, toxic and caustic materials. (R 791.713) Michigan requires that the jail's evacuation plan contain specific information which is not required by Wisconsin. (R 791.715) The proposed Wisconsin code does not address these specific issues but requires that the fire safety plan be developed in cooperation with local fire officials.

Use of restraints/use of force: Michigan code is similar to the Wisconsin code.

Inmate discipline: Michigan code does not address this issue.

Administrative confinement: Michigan code does not address this issue.

4. Minnesota

Medical/Dental: Minnesota has rule provisions which address health complaints (s. 2911.5800, subp. 8), frequency of sick call based on size of the jail (s. 2911.5800, subp. 9), development of written plan for personal hygiene (s. 2911.6300, subp. 1), including for those inmates who are unable to care for themselves, retraining of staff on the delivery of medications every 3 years (s. 2911.6600, subp. 3), and prohibition of the use of inmates as research subjects (s. 2911.6900). Wisconsin requires the development of policies and procedures to address a variety of medical issues but not necessarily those stated above. (s. DOC 350.13, 350.14, 350.15, 350.16, and 350.17) The proposal requires annual retraining of staff on the delivery of medications. (s. DOC 350.16 (2))

Inmate supervision: Minnesota requires that inmates are personally observed by custody staff at least once every 30 minutes at staggered intervals. More frequent observation is required for special need inmates. (s. 2911.5700, subp. 2)

Key control and use: Minnesota requires that keys which serve a critical security purpose are easily identifiable. (s. 2911.5400, subp. 1) Wisconsin does not have a similar provision.

Door and lock inspections: Minnesota requires weekly testing of security doors and gates and prohibits leaving locks to security doors or gates in inoperable or unsuitable condition. (s. 2911.5400, subp. 3 and 4) Wisconsin requires monthly inspection of doors and lock to determine that they are in good working order. (s. DOC 350.18 (7)) Minnesota also requires that all security doors, are kept locked, except to facilitate movement of employees, inmates, or visitors or in an emergency and that only one sally port door be opened at any point in time for entry or exit purposes. (s. 2911.5400, subp. 2) Wisconsin does not have a similar provision.

Inmate counts: Minnesota requires that formal counts shall be completed and documented at least once each 8 hours. (s. 2911.5700, subp.1)

Fire safety: Minnesota requires a weekly fire code and safety inspection. (s. 2911.7300 (4)) Wisconsin does not have a similar requirement.

Use of restraints/use of force: Minnesota limits the use of restraints to prevent escape during transfer, for medical purposes at the direction of a physician or psychologist, to prevent self-harm or damage to property, or by order of the jail administrator. (s. 2911.3000, subp.2) The proposed code provision is similar but also includes as a reason to apply restraints prevention of death or bodily injury to the inmate, a staff member, or another inmate. (s. DOC 350.22 (1))

Inmate discipline: Minnesota provides that the status of an inmate placed on disciplinary segregation subsequent to a due process hearing shall be reviewed by the jail administrator or designee at least once every 30 days and that as part of the review process the jail administrator or designee shall visit the inmate at least once every seven days. (s. 2911.2850, subp.3, E)

Administrative confinement: Minnesota code is similar to the proposed Wisconsin code. (s. 2911.2850, subp.3, E; s. DOC 350.25)

Inmate activities, visitation, mail, telephone access, food service, and canteen: Minnesota code is similar to the proposed code. However, there are a few differences. For example, Minnesota code requires one hot meal per day. (s. 2911.4700) Wisconsin code requires two hot meals per day.

(s. DOC 350.11 (6)) Minnesota code provide for telephone access while Wisconsin code does not specifically address the issue. (s. 2911.3400)

Summary of the factual data and analytical methodologies that DOC used in support of its determination of the rule’s fiscal effect on small businesses under s. 227.114, Stats.

During 2010, the Department began reviewing detention standards in place within other states, including Illinois, Iowa, Michigan, Minnesota, as well as U.S. Immigration and Customs Enforcement. Standards recommended by the American Correctional Association, as well as the National Commission for Correctional Health Care, widely recognized accrediting organizations, were also reviewed.

The Department formed a multi-jurisdictional workgroup, comprised of officials from the Wisconsin Department of Corrections, Department of Justice, local Sheriffs and jail administrators, as well as members from mental health advocacy groups, who were tasked with review of existing mental health detention standards and providing recommendations. After review of relevant standards and recommendations, DOC submitted a draft of updated standards to Sheriffs and jail administrators of all 72 counties, the Badger State Sheriff’s Association, and the Wisconsin Counties Association. The Department met with Sheriffs and jail administrators at regional locations throughout the state to receive feedback. Feedback from local officials was taken into consideration, and in some cases, draft standards were modified. Consideration was given to minimize the fiscal effect of revised standards, while targeting performance levels reflective of detention best-practices.

The proposed rule change is expected to have no adverse impact on small businesses, as it relates to construction and operational standards for county jails. The Department determined this rule would not adversely affect in a material way the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of the state.

Any analysis and supporting documents that DOC used in support of DOC’s determination of the proposed rule’s effect on small businesses or that was used when the DOC prepared an economic impact report

A review of the revised chapter by Department staff as well

as local government officials was conducted and it was determined the revised rule would not adversely modify reporting requirements, schedules or deadlines, or operational standards for small businesses. New standards for food service would be in place for county jails, requiring three meals a day, two of which would be hot (exceptions may occur provided basic nutritional goals are met). Private food service providers were consulted regarding these new requirement. Feedback was received indicating this requirement may be more feasible than current practice in some jails as preparing and serving hot meals is typically considered more cost effective and less labor intensive than preparing and serving cold meals.

Effect on Small Businesses

The proposed rule is not anticipated to have any significant adverse impact upon small businesses as defined in s. 227.114 (1), Wis. Stats.

Agency Contact Person

Kathryn R. Anderson
 Chief Legal Counsel
 3099 E. Washington Avenue
 P.O. Box 7925
 Madison, WI 53707-7925
 (608) 240-5049
 FAX (608) 240-3306
kathryn.anderson@wisconsin.gov

Place where Comments are to be Submitted and Deadline for Submission

Comments are to be submitted by July 5, 2013, to:
 Kathryn R. Anderson
 Chief Legal Counsel
 3099 E. Washington Avenue
 P.O. Box 7925
 Madison, WI 53707-7925
 (608) 240-5049
 FAX (608) 240-3306
kathryn.anderson@wisconsin.gov

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

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

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

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

Chapter DOC 350 Jails

3. Subject

Repeal and recreate chapter DOC 350, relating to Jails

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

Not Applicable

6. Fiscal Effect of Implementing the Rule

- | | | |
|---|---|--|
| <input type="checkbox"/> No Fiscal Effect | <input type="checkbox"/> Increase Existing Revenues | <input type="checkbox"/> Increase Costs |
| <input checked="" type="checkbox"/> Indeterminate | <input type="checkbox"/> Decrease Existing Revenues | <input type="checkbox"/> Could Absorb Within Agency's Budget |
| | | <input type="checkbox"/> Decrease Cost |

7. The Rule Will Impact the Following (Check All That Apply)

- | | |
|--|---|
| <input type="checkbox"/> State's Economy | <input type="checkbox"/> Specific Businesses/Sectors |
| <input checked="" type="checkbox"/> Local Government Units | <input type="checkbox"/> Public Utility Rate Payers |
| | <input type="checkbox"/> 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 Department of Corrections is responsible for establishing standards for and inspecting jails. The purpose of the chapter is to establish minimum standards for the design, construction, and operation of jails and houses of correction.

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 previous comprehensive review and revision of standards within this chapter occurred in 1990. Detention best-practices and standards have since changed, revision of this chapter is necessary to codify updated standards and best-practices. During 2010, the Department began reviewing detention standards in place within other states, including Illinois, Iowa, Michigan, Minnesota, as well as U.S. Immigration and Customs Enforcement. Standards recommended by the American Correctional Association, as well as the National Commission for Correctional Health Care, widely recognized accrediting organizations, were also reviewed.

The Department formed a multi-jurisdictional workgroup, comprised of officials from the Wisconsin Department of Corrections, Department of Justice, local Sheriffs and jail administrators, as well as members from mental health advocacy groups, who were tasked with review of existing mental health detention standards and providing recommendations. After review of relevant standards and recommendations, DOC submitted a draft of updated standards to Sheriffs and jail administrators of all 72 counties, the Badger State Sheriff's Association, and the Wisconsin Counties Association. The Department met with Sheriffs and jail administrators at regional locations throughout the state to receive feedback. Feedback from local officials was taken into consideration, and in some cases, draft standards were modified. Consideration was given to minimize the fiscal effect of revised standards, while targeting performance levels reflective of detention best-practices.

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

All 72 counties were provided a draft of updated standards for review and comment. Several counties provided written and oral feedback received during regional meetings across the state.

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)

This rule may potentially increase construction costs for new jails, however, not to a significant extent. For example, the revised chapter would include new requirements to have multi-purpose room space for every 100 inmates, whereas formerly one multi-purpose room was required. In addition, a requirement for exercise space is created. While these provisions may increase some construction costs for new jails, the cost is not anticipated to be significant as previous construction projects have included these areas in construction designs.

Some revised standards may increase operational costs minimally while others may decrease costs. For example, there would be a new standard requiring annual inspection of food safety practices by an outside authority. This may increase costs by an estimated \$200 annually per jail. Some jails may not incur this cost, as local county health departments may conduct the inspections. New standards for food service would be in place, requiring three meals a day, two of which would be hot (exceptions may occur provided basic nutritional goals are met). This requirement may be more feasible than current practice in some jails as food service providers have provided feedback indicating hot meals are typically considered more cost effective than cold meals.

The proposed rule change is anticipated to have no significant adverse or material economic impact on small businesses. The Department determined this rule would not adversely affect in a material way the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of the state.

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

Chapter DOC 350 is the administrative rule county jails refer to when constructing and operating jails, and currently is ambiguous in some areas of the chapter, which has led to varying interpretations. The major benefit of the update, is to ensure Wisconsin detention standards are consistent with best correctional practices and applicable case law (which has changed considerably since 1990).

14. Long Range Implications of Implementing the Rule

Detention practices will more reliably and consistently resemble detention standards reflective of best correctional practices and applicable case law.

15. Compare With Approaches Being Used by Federal Government

There are no federal regulations which address the development, implementation, or monitoring of jail standards by the State of Wisconsin. However, the US Department of Justice recently issued standards implementing the Prison Rape Elimination Act of 2003 (PREA), 42 U.S.C. 15601, et seq. Those standards regulate a number of areas which are also covered by chapter DOC 350, for example, housing in jails of minors who are arrested, charged or convicted of crimes as an adult. The federal standards go into effect on August 20, 2013. The department is reviewing the impact of the new federal standards on chapter DOC 350.

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

In most cases, there are no significant differences between the requirements of adjacent states and those of Wisconsin as proposed. For a detailed analysis, please refer to the proposed rule making order submitted by the Department associated with this rule.

17. Contact Name
Dustin Trickle

18. Contact Phone Number
608-240-5413

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.

Safety and Professional Services

General Part I, Chs. 301—319

CR 13-014

On May 9, 2013, the Department of Safety and Professional Services submitted a rule-making order to the Chief Clerks of the Senate and the Assembly for referral to appropriate standing committees for review under s. 227.19, Stats. The proposed rule revises Chapter SPS 305, relating to credentials for HVAC contractors, refrigerant handling technicians, master plumbers, and elevator mechanics.

The Governor approved the rule under s. 227.185, Stats., on April 29, 2013.

Safety and Professional Services — Physical Therapy Examining Board

CR 13-007

On May 3, 2013, the Physical Therapy Examining Board submitted a rule-making order to the Chief Clerks of the Senate and the Assembly for referral to appropriate standing committees for review under s. 227.19, Stats. The proposed rule revises Chapter PT 7, relating to unprofessional conduct.

The Governor approved the rule under s. 227.185, Stats., on April 29, 2013.

Rule Orders Filed with the Legislative Reference Bureau

The following administrative rule orders have been filed with the Legislative Reference Bureau and are in the process of being published. The date assigned to each rule is the projected effective date. It is possible that the publication date of these rules could be changed. Contact the Legislative Reference Bureau at bruce.hoesly@legis.wisconsin.gov or (608) 266-7590 for updated information on the effective dates for the listed rule orders.

Children and Families
Safety and Permanence, Chs. 35—59
CR 12-045

An order of the Wisconsin Department of Children and Families to create Chapter DCF 55, relating to subsidized guardianship.
Effective 6-1-13.

Corrections
CR 10-125

An order of the Department of Corrections to repeal and recreate Chapter DOC 331, relating to the revocation of probation, parole, or extended supervision.
Effective 7-1-13.

Corrections
CR 10-126

An order of the Department of Corrections to repeal and recreate Chapter DOC 328, relating to offender field supervision, and to amend section DOC 332.18 (3) (b).
Effective 7-1-13.

Natural Resources
Fish, Game, etc., Chs. 1—
CR 12-029

(DNR # FR-19-11)

An order of the Department of Natural Resources to revise Chapter NR 47, relating to the administration of the Wisconsin Forest Landowner Grant Program, and to create Chapter NR 47, subchapter XIII, relating to the administration of the Weed Management Area Private Forest Grant Program.
Effective 7-1-13.

Safety and Professional Services
Plumbing, Chs. 381—387
CR 11-031

An order of the Department of Safety and Professional Services to revise Chapters SPS 381, 382, 383, 383 Appendix, and 384, relating to private onsite wastewater treatment systems (POWTS).
Effective 7-1-13.

Rules Published with this Register and Final Regulatory Flexibility Analyses

The following administrative rule orders have been adopted and published in this edition of the Wisconsin Administrative Register. Copies of these rules are sent to subscribers of the complete Wisconsin Administrative Code and also to the subscribers of the specific affected Code.

For subscription information, contact Document Sales at (608) 266-3358.

Agriculture, Trade and Consumer Protection

CR 12-003

(DATCP Docket # 08-R-08)

A rule revising Chapter ATCP 29, relating to pesticide use and control and affecting small business. Effective 6-1-13.

Summary of Effect on Small Business

This rule likely will impact certain pesticide-related businesses, including small businesses. This rule will add minimal, if any, costs to affected pesticide applicators and pesticide application businesses. Moreover, this rule will not have a significant effect on local markets, on the sale or distribution of pesticide products, or on the overall economy of this state. Pesticide application businesses may experience cost savings as a result of clarifying existing regulations, improving regulatory consistency and modifying administrative requirements, including the ability to provide certain notices and submit certain permit applications by electronic means.

Pesticide applicators who choose to obtain a "right-of-way and natural area pest control" certification may experience a minimal additional cost every five years to purchase a new training manual (\$45). This additional cost will only apply to pesticide applicators that seek the natural areas certification and are not already certified in the existing "right-of-way" category. Many commercial application businesses cover the cost of training manuals for their employees. The average cost per year for the manual is \$9. The restoration of natural areas is considered to be a growth area for business and may positively impact pesticide businesses through increased revenue.

While many pesticide application businesses already label their rodenticide bait stations, businesses that are not currently doing so may have some minimal economic costs to comply with the rodenticide bait station labeling requirement. Costs may include purchasing stickers or another bait station labeling system (e.g., conforming "luggage tags") and personnel time to fill out the label. Pesticide application businesses supported labeling of rodenticide bait stations during public hearings, as long as they have the option of labeling on the inside or the outside, and they will have a number of cost-effective ways to meet this requirement, including the ability to design their own or choose from among a wide-variety of labeling systems.

Businesses should not have any direct costs to comply with the non-agricultural chemigation and urban pesticide misting system requirements. Few, if any, pesticide application businesses in Wisconsin currently are known to be using these application systems. If pesticide application businesses do decide to sell these systems in the future, costs to comply with

these regulations could be included in the initial cost of the system.

Because ch. ATCP 33 was revised in 2006, many businesses are already in compliance with the spill containment and sump requirements. Those businesses not required to comply with ch. ATCP 33 may have some minor costs to comply if a spill containment surface fails and a repair would be inadequate. If a new spill containment surface is required, and the facility is not already regulated under ch. ATCP 33, there will be some incremental costs to comply with the proposed requirements, which now prohibit some materials (e.g., asphalt) that were previously allowed. These materials are now prohibited because they have been prone to failure and unable to contain spills. A complete Business Impact Analysis is attached.

Summary of Comments from Legislative Committees

On January 7, 2013, DATCP transmitted the above rule for legislative committee review. The rule was referred to the Senate Committee on Energy, Consumer Protection, and Government Reform and the Assembly Committee on Agriculture. Neither committee took action on the rule. The Senate referred the rule to the Joint Committee for Review of Administrative Rules (JCRAR) on February 12, 2013, and the Assembly referred the rule to JCRAR on February 26, 2013. JCRAR took no action on the rule.

Agriculture, Trade and Consumer Protection

CR 12-024

(DATCP Docket # 11-R-07)

The Wisconsin Department of Agriculture, Trade and Consumer Protection adopts the following order to renumber section ATCP 17.02 (1) (note); to renumber and amend section ATCP 17.02 (1); to amend section ATCP 17.02 (3) (b) (note); and to create section ATCP 17.02 (1) (b) and (c), relating to livestock premises registration. Effective 6-1-13.

Summary of Effect on Small Business

This rule will likely have a positive effect in terms of encouraging the expansion of certain businesses, including small businesses. Individuals with religious objections to the premises registration requirement may obtain an exemption to registration under this rule and be eligible for business licensure for which premises registration is a prerequisite, e.g., deer farms or animal market operations.

This change of the due date to register premises, from December 31 to July 31, and the elimination of staggering the due dates will have no negative impact on businesses because there is no fee to register, regardless of the date the registration is due.

Summary of Comments from Legislative Committees

On October 11, 2012, DATCP transmitted the above rule for legislative committee review. The rule was referred to the

Senate Committee on Agriculture, Small Business, and Tourism on January 11, 2013, and the Assembly Committee on Agriculture on January 22, 2013. Neither committee took action on the rule. The Senate referred the rule to the Joint Committee for Review of Administrative Rules (JCRAR) on February 15, 2013, and the Assembly referred the rule to JCRAR on February 26, 2013. JCRAR took no action on the rule.

Agriculture, Trade and Consumer Protection CR 12-028

(DATCP Docket # 11-R-12)

The Wisconsin Department of Agriculture, Trade and Consumer Protection adopts the following rule to create section ATCP 161.50 (3) (f) and subchapter VI of Chapter ATCP 161, relating to the “grow Wisconsin dairy producer” grant and loan program. Effective 6-1-13.

Summary of Effect on Small Business

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.

Summary of Comments from Legislative Committees

On January 8, 2013, DATCP transmitted the above rule for legislative committee review. The rule was referred to the Senate Committee on Agriculture, Small Business, and Tourism and the Assembly Committee on Agriculture. Neither committee took action on the rule. The Senate referred the rule to the Joint Committee for Review of Administrative Rules (JCRAR) on February 15, 2015, and the Assembly referred the rule to JCRAR on February 26, 2013. JCRAR took no action on the rule.

Agriculture, Trade and Consumer Protection CR 12-036

(DATCP Docket # 12-R-04)

The Wisconsin Department of Agriculture, Trade and Consumer Protection adopts the following rule to renumber section ATCP 127.02 (1) and (2); to amend section ATCP 127.80 (8) and (10) (intro), (a) (intro.), (b) (intro.) and 2., and (c) to (i); and to create sections ATCP 127.02 (1) and (2), 127.14 (16), 127.80 (6m), and 127.80 (12); relating to telephone solicitations; no-call and no-text list. Effective. 6-1-13.

Summary of Effect on Small Business

This rule will have minimal impact on business. This rule might affect the following businesses in the following ways (many of which are “small businesses”):

- **Direct marketers that conduct both telephone solicitation and text message solicitation.** Wisconsin’s no-call program was established in 2001. Therefore, businesses in this category are already regulated under current law, and will only experience minimal additional regulatory obligations or expenses. Currently, there are approximately 460 telephone solicitors registered for the Wisconsin no-call program.

- **Direct marketers that conduct text message solicitation but are not currently registered telephone solicitors.** Under this rule (as well as s. 100.52, Stats., as amended by 2011 Wisconsin Act 197), businesses that send text message solicitations must register with the Wisconsin No Call program and refrain from sending text messages to numbers on the no-call list. The annual registration fees consist of the following; subject to a maximum limit of \$20,000:

- A basic fee of \$700 for the first year and \$500 each subsequent year.
- An additional fee of \$75 for each telephone line used for registrants who use four or more lines.
- An additional \$25 fee for each e-mail address the registrant would like DATCP to transmit the no-call list, in excess of one.
- An additional \$25 fee for each compact disc set the registrant would like DATCP to mail.
- An additional \$1,000 for each hard-copy the registrant would like DATCP to mail.

Many of the businesses affected by this rule are “small businesses.” However, given the subject matter, there are very few accommodations or special exceptions that can be made for small businesses.

This rule and the existing rule include many provisions that will benefit large and small businesses alike. For example:

- DATCP publishes a fact-sheet for solicitors, explaining the requirements and prohibitions contained in the rule.
- The rule allows solicitors to obtain the no-call list in a variety of formats, so they can use what is most convenient to them.

This new law and proposed rule may result in savings for some consumers on their monthly wireless service bills. On some plans, the provider charges the customer for each text message received. The new no-text provision protects consumers from these charges. DATCP does not have sufficient data to estimate a dollar amount that consumers might save. A complete *business impact analysis* is attached.

Summary of Comments from Legislative Committees

On January 8, 2013, DATCP transmitted the above rule for legislative committee review. The rule was assigned to the Assembly Committee on Consumer Protection and the Senate Committee on Energy, Consumer Protection, and Government Reform. Neither committee took action. The Senate referred the rule to the Joint Committee for Review of Administrative Rules (JCRAR) on February 14, 2013, and the Assembly referred it to JCRAR on February 26, 2013. JCRAR took no action on the rule.

Agriculture, Trade and Consumer Protection CR 12-037

(DATCP Docket # 11-R-5)

The Wisconsin Department of Agriculture, Trade and Consumer Protection adopts the following order to amend subchapter IV of Chapter ATCP 70 (title); and to create sections ATCP 70.05 (1m) (am), 70.07 (8), and 70.21; relating to regulation of Wisconsin’s food processing plants and shellfish shippers and processors and affecting small business. Effective 6-1-13.

Summary of Effect on Small Business

This rule will have a positive impact on businesses in Wisconsin. Currently, Wisconsin businesses may receive and process molluscan shellfish from out of state, but may only sell these products within Wisconsin. This rule will allow

Wisconsin businesses to expand their markets for shellfish by allowing them to process and sell molluscan shellfish in interstate commerce. In addition, this rule may provide an incentive to large wholesalers that operate in Iowa, Minnesota, and the Dakotas to locate molluscan shellfish processing operations in Wisconsin.

The implementation costs for businesses to participate in this program are expected to be minimal. The provisions of this rule are consistent with general facility and sanitation standards that food processors must already meet. Businesses that choose to participate in the program would not need to extensively modify existing facilities or implement unusually burdensome recordkeeping. Participation in the program is voluntary and only businesses that choose to sell molluscan shellfish in interstate commerce would be required to meet the requirements. There will be no additional licensing fees beyond those already required for a food processing plant license.

This rule will primarily benefit large businesses that provide wholesale food products to retail food establishment, restaurants, and other wholesale food industries nationwide. Small businesses are unlikely to participate in this program, with current regulations allowing them to receive and sell molluscan shellfish in their local market areas. Any business, regardless of size, that sells molluscan shellfish products in interstate commerce must meet NSSP requirements. A small business that chooses to participate in the program is expected to be able to easily meet program requirements. In addition, DATCP would also provide support and guidance to any small business interested in participation to ensure they meet Hazard Analysis Critical Control Points (HACCP) and other regulatory requirements.

Summary of Comments from Legislative Committees

On January 29, 2013, DATCP transmitted the above rule for legislative committee review. The rule was assigned to the Assembly Committee on Agriculture and the Senate Committee on Energy, Consumer Protection, and Government Reform. Neither committee took action. The Senate referred the rule to the Joint Committee for Review of Administrative Rules (JCRAR) on March 4, 2013, and the Assembly referred it to JCRAR on March 11, 2013. JCRAR took no action on the rule.

Agriculture, Trade and Consumer Protection CR 12-040

(DATCP Docket # 11-R-10)

The Wisconsin Department of Agriculture, Trade, and Consumer Protection adopts an order to amend sections ATCP 55.02 (24), 55.04 (title), (2) (title), (a), and (b), and (6), and section 55.07 (1) (a) (intro.), (2) (a) (intro.), and (3) (a) (intro.); and to create sections ATCP 55.02 (4m), 55.03 (2) (f), 55.04 (1m), 55.06 (5) (j), and 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 affecting small business. Effective 6-1-13.

Summary of Effect on Small Business

This rule will have a positive impact on very small state-inspected meat and poultry establishments that choose to participate and are selected for the program. The department estimates 17 establishments will participate in the program in the first year of its operation. Participation in the CIS program will allow these state-inspected meat and poultry establishments to expand their markets from only Wisconsin to all fifty states. USDA expects establishments to

incur a one-time start-up cost associated with filing an application, training employees, meeting regulatory performance standards, obtaining label approval, and implementing a food safety program. Furthermore, some state-inspected establishments may need to make structural modifications to their facilities to comply with all federal requirements. The department anticipates costs associated with these activities to be minimal and likely to be offset by increased sales in a larger market area.

Wisconsin will not be able to provide flexibility to small businesses in complying with federal regulations. By complying with state regulations under a program deemed to be "at least equal to" the federal program, these businesses are essentially meeting most of the federal regulations the state program will adopt in administering a program deemed to be the "same as" the federal program. Small and very small meat and poultry establishments (as defined by USDA) in Wisconsin that choose to operate under federal inspection are already complying with the federal regulations. In addition, the CIS program is voluntary and no state-inspected meat or poultry business will be required to participate.

Summary of Comments from Legislative Committees

The legislature received the rule for legislative review from DATCP on January 7, 2013. The rule was assigned to the Assembly Committee on Agriculture and the Senate Committee on Agriculture, Small Business and Tourism. Neither committee took action. The Senate referred the rule to the Joint Committee for Review of Administrative Rules (JCRAR) on February 15, 2013, and the Assembly referred it to JCRAR on February 26, 2013. JCRAR also took no action on the rule.

Agriculture, Trade and Consumer Protection CR 12-043

(DATCP Docket # 12-R-03)

The Wisconsin department of Agriculture, Trade and Consumer Protection adopts the following rule to repeal section ATCP 1.42 (2) (a), (e), (f), (g), (h), and (L); to repeal and recreate section ATCP 1.41; and to create section ATCP 1.42 (1) (c); relating to discretion in enforcement of rule violations by small businesses and affecting small business. Effective 6-1-13.

Summary of Effect on Small Business

This rule will not increase any costs for businesses. The rule may produce an economic benefit for small businesses that commit minor violations of DATCP regulations when discretion is exercised to forego formal sanctions or to seek reduced sanctions.

Accommodation for Small Business

The purpose of this rule is to accommodate the particular needs of small business by authorizing DATCP to forego formal sanctions or to seek reduced sanctions when a minor violation of department rules has been committed by a small business.

Conclusion

This rule will generally benefit "small businesses." This rule will not have a significant adverse effect on "small business," and is not subject to the delayed "small business" effective date provided in s. 227.22 (2) (e), Stats.

Summary of Comments from Legislative Committees

On January 29, 2013, DATCP transmitted the above rule for legislative committee review. The rule was assigned to the Assembly Committee on Small Business Development and the Senate Committee on Agriculture, Small Business and

Tourism. Neither committee took action. The Senate and Assembly referred the rule to the Joint Committee for Review of Administrative Rules (JCRAR) on March 11, 2013. JCRAR took no action on the rule.

Children and Families
Safety and Permanence, Chs. 35—59
CR 12-045

The Wisconsin Department of Children and Families proposes to create Chapter DCF 55, relating to subsidized guardianship. Effective 6-1-13.

Summary of Effect on Small Business and Analysis Used to Determine Effect on Small Business

The rules will not affect small businesses.

The rules will affect children in out-of-home care, relatives of children in out-of-home care, tribes, and county departments of social or human services.

Summary of Comments from Legislative Committees

No comments were reported.

Employee Trust Funds
CR 12-020

An order to revise section ETF 10.10, relating to elections to the Employee Trust Funds and Teachers Retirement Board. Effective 6-1-13.

Summary of Effect on Small Business

There is no effect on small business.

Summary of Comments from Legislative Committees

No comments were reported.

Financial Institutions, Division of Banking
CR 12-034

The Department of Financial Institutions, Division of Banking adopts an order to create Chapter DFI-Bkg 78, relating to auto title loans. Effective 6-1-13.

Summary of Effect on Small Business and Final Regulatory Flexibility Analysis

The proposed rule will require auto title lenders to spend time researching the value of a vehicle using nationally recognized vehicle valuation guides (Black Book, National Automobile Dealer's Association, and Kelley's Blue Book, or any other nationally recognized vehicle valuation guide approved by DFI). Such guides are readily available both online and in print, and require minimal time and minimal, if any, expense.

As a result, the effect on small business will be minimal.

Summary of Comments from Legislative Committees

No comments were reported.

Financial Institutions, Division of Banking
CR 12-035

The Department of Financial Institutions, Division of Banking adopts an order to repeal sections DFI-Bkg 75.02 (1) and (2), and 75.10 (6); amend sections DFI-Bkg 75.01 (3), 75.02 (intro), 75.03 (3) and (3) (c), 75.05 (4), 75.06 (2), 75.07 (a), 75.08 (4) and (4) (b), and 75.10 (3) (a) 3.; repeal and recreate section DFI-Bkg 75.08 (1); and create sections DFI-Bkg 75.01 (9), 75.03 (5), (6), and (7), 75.06 (5), and 75.08 (d), relating to payday lending. Effective 6-1-13.

Summary of Effect on Small Business and Final Regulatory Flexibility Analysis

The proposed rule may require payday lenders to make minor changes to websites and/or forms. The agency's experience in making similar changes to DFI's website or forms indicates that the cost of making such changes is minimal.

Summary of Comments from Legislative Committees

No comments were reported.

Health Services
Health, Chs. 110—199
CR 12-025

A rule to create section DHS 115.05 (3), relating to a fee for screening newborns for congenital and metabolic disorders and other services. Effective 6-1-13.

Final Regulatory Flexibility Analysis or Summary

The \$109 fee in this proposed order will not have an impact on businesses, including small businesses, because the fee is unchanged since it was initially imposed by the WSLH in 2010. This proposed order only codifies the existing fee amount of \$109 in administrative rule. The rule does not include any requirements, including reporting requirements, schedules or deadlines for compliance, performance standards, other measures or costs from which the department can exempt small businesses. It would be contrary to the objectives of s. 253.13 (2) Stats., to exempt small businesses from the fee required under s. 253.13 (2), Stats. First, s. 253.13 (1), Stats., requires attending physicians, certified nurse-midwives, and certified professional midwives to cause every infant born in Wisconsin to be screened for the congenital and metabolic disorders specified by the department by rule. Secondly, s. 253.13 (2), Stats., requires the department to impose a fee sufficient to pay for testing provided by the WSLH and include as part of the fee amounts to fund the provision of diagnostic and counseling services, special dietary treatment as prescribed by a physician, and periodic evaluation of infant screening programs, the costs of consulting with experts under s. 253.13 (5), Stats., the costs of administering the hearing screening program under s. 253.115, Stats., and the costs of administering the congenital disorder program operated under s. 253.13 (2), Stats. The \$109 fee amount is based on the costs to fund the provision of testing and services required under s. 253.13 (2), Stats.

The existing fee applies to hospitals, clinics, and laboratories on behalf of hospitals, certified nurse-midwives, certified professional midwives, other birth attendants, other birth facilities, physicians, nurses, parents of newborns, insurers, the WSLH, and the Newborn Screening Program.

Summary of Comments of Legislative Standing Committees

No comments were received.

Justice
CR 12-030

The State of Wisconsin Department of Justice creates Chapters Jus 17 and 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. Effective 6-1-13.

Summary of Effect on Small Business

Based on the comment and review process described above, DOJ has concluded that these permanent rules will not

have a significant effect on small business. The basis of that conclusion is set forth in greater detail in the economic impact report that has been previously submitted by DOJ, pursuant to s. 227.137, Stats. Because the proposed rules will not have a significant effect on small business, the requirements of ss. 227.114 and 227.14 (2g) are not applicable.

Summary of Comments from Legislative Committees

No comments were reported.

Natural Resources

Fish, Game, etc., Chs. 1—

CR 12-022

(DNR # FH-21-11)

An order to create section NR 19.058, relating to requiring access to wire cutters when trolling in outlying waters. Effective 6-1-13.

Summary of Effects on Small Business

The rule would directly affect sport anglers who engage in trolling with downriggers on the Great Lakes. It is not expected to have an effect on small business.

The rule will be enforced by department Conservation Wardens under the authority of chapters 23 and 29, Stats., through routine patrols, with a total citation penalty of \$243.

Summary of Comments from Legislative Committees

No comments were reported.

Transportation

CR 11-043

The Wisconsin Department of Transportation adopts an order to amend section Trans 100.02 (11m), (12m), and

(13m), relating to mandatory minimum liability limits for insurance policies under safety responsibility, damage judgment, and mandatory insurance laws. Effective 6-1-13.

Summary of Effect on Small Business

The department anticipates that this regulatory change will have some fiscal effect on small business consistent with the *Fiscal Estimate and Economic Impact Analysis* accompanying this rule. Generally, the department anticipates that revenues to insurance companies may fall if drivers purchase less liability coverage; however, insurance companies may be required to pay out less in damage claims.

The after-insurance liability of drivers who carry only the minimum required insurance can be expected to rise if the insurance coverage is inadequate to cover damages. When medical bills and collision repair bills exceed insurance coverage, the impact of these changes may be realized by providers of medical services and auto repair services. Small businesses are therefore anticipated to be affected to the extent that they are involved in either selling insurance, insuring drivers as a vicariously liable employer, providing post-accident services to minimally insured drivers, or attempting to recover damages from a minimally insured driver.

Insurance industry data suggest that the new minimum limits for insurance coverage will exceed the average injury claim in Wisconsin by the year 2018. The department finds, however, that it is infeasible to implement the methods for reducing the impact of this rule on small businesses set forth in s. 227.114 (2), Stats., because the department is required to administer ch. Trans 100 consistent with the statutory changes made in 2011 Wis. Act 14.

Summary of Comments from Legislative Committees

No comments were reported.

Sections Affected by Rule Revisions and Corrections

The following administrative code sections had rule revisions and corrections take place in **May 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

Agriculture, Trade and Consumer Protection

Ch. ATCP 1

ATCP 1.41

ATCP 1.42 (1) (c), (2) (a), (e) to (h), (L)

Ch. ATCP 17

ATCP 17.02 (1), (a) to (c)

ATCP 17.03 (b) (Note)

Ch. ATCP 29

ATCP 29.01 (8m), (24m), (37m), (43) (Note)

ATCP 29.10 (2) (b) 6.

ATCP 29.11 (2) (a) 1. to 3., (b) 1. to 3., (c) 1. to 3., 3.
(Note)

ATCP 29.15 (4) (b), (8) (f), (g)

ATCP 29.21 (2) (d)

ATCP 29.22 (intro), (Note), (4)

ATCP 29.23

ATCP 29.25 (2) (b), (c)

ATCP 29.31 (10) (title), (a), (b) 1., 2., 2m., (11) (a) 2.,
(Note)

ATCP 29.33 (3) (d)

ATCP 29.45 (1) (b) (Note), (3) (b), (Note), (d), (e), (4)
(a), (5)

ATCP 29.48 (3)

ATCP 29.54 (1) (a), (am), (gm), (km), (e) 2., (5) (e) to
(g), (7) (a) 1., (Note), (e) (Note), (10), (12), (13)

ATCP 29.55 (1) (d), (2) (a), (3) (a) 8., (c)

ATCP 29.56 (1) (e) 2., (2) (intro), (a) (Note), (7) (c)
(intro), 4. (Note)

ATCP 29.58

ATCP 29.61 (Note)

ATCP 29.70 (2) (intro)

ATCP 29.71 (2) (intro)

ATCP 29.72 (4) (intro)

Ch. ATCP 55

ATCP 55.02 (4m), (24)

ATCP 55.03 (2) (f)

ATCP 55.04 (title), (1m), (2) (title), (a), (b), (6)

ATCP 55.06 (5) (j)

ATCP 55.07 (1) (a) (intro.), (1) (c), (2) (a) (intro.), (d),
(3) (a) (intro.), (c)

Ch. ATCP 70

ATCP 70.05 (1m) (am)

ATCP 70.07 (8)

ATCP 70.21

Ch. ATCP 127

ATCP 127.02 (1) to (4)

127.14 (16)

127.80 (6m), (8), (10) (a) to (i), (12)

Ch. ATCP 161

ATCP 161.50 (3) (f)

ATCP 161.60

ATCP 161.61

ATCP 161.62

ATCP 161.63

ATCP 161.64

ATCP 161.65

ATCP 161.66

Children and Families

Ch. DCF 55

Entire chapter

Employee Trust Funds

Ch. ETF 10

ETF 10.10

Financial Institutions—Banking

Ch. DFI-Bkg 75

DFI-Bkg 75.01 (3), (9)

DFI-Bkg 75.02 (intro.), (1), (2)

DFI-Bkg 75.03 (3) (intro.), (c), (5) to (7)

DFI-Bkg 75.05 (4)

DFI-Bkg 75.06 (2), (5)

DFI-Bkg 75.07 (1) (a)

DFI-Bkg 75.08 (1), (4) (intro.), (b), (d)

DFI-Bkg 75.10 (3) (a) 3., (6) to (8)

Ch. DFI-Bkg 78

Entire chapter

Health Services

Ch. DHS 115

DHS 115.05 (3)

Justice

Ch. Jus 17

Entire chapter

Ch. Jus 18

Entire chapter

Natural Resources

Ch. NR 19

NR 19.058

Transportation**Ch. Trans 100**

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

Editorial Corrections

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

Agriculture, Trade and Consumer Protection**Ch. ATCP 29**

ATCP 29.41 (3) (a) (intro), 2., (b)

ATCP 29.52 (8) (b)

ATCP 29.54 (17) (b) 3., (7) (b) 2. (Note)

ATCP 29.55 (2) (a) (Note), (4)

ATCP 29.56 (2) (Note), (4) (b)

ATCP 29.62 (1) (b)

Ch. ATCP 127

ATCP 127.80 (10) (a) 1.

Ch. ATCP 161

ATCP 161.50 (3) (c), (f)

Architects, Engineers, Designers and Surveyors**Ch. A-E 3**

A-E 3.03 (1)

A-E 3.05 (2)

Children and Families**Ch. DCF 55**

DCF 55.08 (5) (i)

Employee Trust Funds**Ch. ETF 10**

ETF 10.10 (8) (ag), (ar), (9) (ag), (ar)

ETF 10.12 (2) (e) (Note)

Justice**Ch. Jus 17**

Jus 17.04 (1) (am)

Natural Resources**Ch. NR 19**

NR 19.001 (2), (Note)

NR 19.13 (4)

NR 19.40 (2) (b)

Ch. NR 40

NR 40.03 (1) (note)

NR 40.04 (2) (e)

NR 40.05 (2) (e)

NR 40.05 (3) (g) (note)

NR 40.07 (8) (d) (note)

Ch. NR 151

NR 151.002 (3) (Note), (6) (Note), (16m) (Note)

NR 151.105 (4) (g) (Note)

NR 151.11 (6m) (b) 4. (Note)

NR 151.12 (5) (a) 5. (Note), (c) 3. (Note)

NR 151.122 (3) (Note)

NR 151.124 (1) (c) (Note), (2) (Note)

NR 151.125 (1) (e) (Note)

NR 151.128 (Note)

NR 151.13 (1) (b) 3. (Note), (2) (b) 5. (Note)

NR 151.14 (3) (Note)

NR 151.21 (im) (Note)

NR 151.225 (3) (g) (Note)

NR 151.23 (4m) (b) 4. (Note)

NR 151.24 (3) (c) (Note), (5) (b) (Note)

NR 151.242 (4) (Note)

NR 151.245 (1) (e) (Note)

NR 151.248 (Note)

NR 151.249 (1) (b) (Note)

NR 151.25 (2) (a) 4. (Note)

Ch. NR 152

NR 152 Appendix A

Ch. NR 153

NR 153.17 (2) (a) 2. (Note), (2) (b) (Note)

NR 153.19 (1) (Note)

Ch. NR 155

NR 155.14 (3) (b) (Note)

NR 155.15 (1) (e) (Note)

NR 155.23 (3) (Note)

Ch. NR 169

NR 169.11 (1) (a) 4. (Note), (b) 2. (Note), 8. (Note), (c) 2. (Note), 5. (Note), 9. (Note), 11. (Note), 15. (Note)

NR 16.19 (2) (a) (intro.) (Note), (b) (intro.) (Note), (e) (intro.) (Note)

NR 169.23 (3) (intro.) (Note), (5) (b) (Note)

NR 169.25 (3) (Note)

Ch. NR 191

NR 191.03 (8) (Note)

NR 191.05 (1) (Note)

NR 191.24 (3) (g) (Note)

Ch. NR 198

NR 198.23 (1) (Note)

NR 198.33 (1) (Note)

NR 198.44 (1) (Note)

Ch. NR 300

NR 300.01

NR 300.02

NR 300.03 (8), (9)

NR 300.04 (2), (3), (4) (b)

NR 300.06 (2), (4)

Ch. NR 305

NR 305.03 (9) (Note), (10) (Note)

NR 305.06 (2)

Ch. NR 310

NR 310.03 (3)

NR 310.09 (1)

Ch. NR 320

NR 320.06 (1) (b) (Note), (c) 13. (Note), (d) 3. (Note), (2) (b), (Note), (2) (c) 1. (Note)

Ch. NR 323

NR 323.04 (1) (b) (Note), (c) 8. (Note), (2) (b), (Note),
(c) 2. (Note)

NR 323.05 (1) (b) (Note), (c) 9. (Note), (2) (b), (Note),
(c) 2. (Note)

Ch. NR 325

NR 325.09 (3)

Ch. NR 328

NR 328.04 (2) (Note), (3) (e) (Note)

NR 328.05 (2), (Note)

NR 328.35 (2), (3) (c) (Note), (g) (Note), (5) (e) (Note),
(j)

Ch. NR 329

NR 329.01

NR 329.02

NR 329.04 (1) (b) (Note), (c) 2. (Note), (2) (b), (Note),
(c) 1. (Note)

Ch. NR 335

NR 335.07 (i) (Note)

Ch. NR 336

NR 336.06 (4) (Note)

Ch. NR 341

NR 341.05 (3) (b) (Note)

NR 341.08 (2)

Ch. NR 343

NR 343.05 (4) (a) (Note)

NR 343.07 (2)

Ch. NR 345

NR 345.04 (1) (b) (Note), (d) 6. (Note), (2) (b), (Note),
(c) 7. (Note), (im) 4. (Note)

Ch. NR 347

NR 347.03 (16)

347.04 (1) (d), (g)

Ch. NR 350

NR 350.01 (2)

NR 350.11 (2)

Ch. NR 351

NR 351.05 (Table 1) (Note), (Table 2) (Note), (3)

Ch. NR 352

NR 352.01 (1), (2), (Note)

NR 352.03 (1) (Note), (3) (Note)

Ch. NR 353

NR 353.08 (5) (Note)

Ch. NR 548

NR 548 (Note)

Ch. NR 549

NR 549 (Note)

Executive Orders

The following are recent Executive Orders issued by the Governor.

Executive Order 98. Relating to a Proclamation that the Flag of the United States and the Flag of the State of Wisconsin be Flown at Half–Staff as a Mark of Respect for Officer Donald E. Bishop of the town of Brookfield Police Department. **(April 17, 2013)**

Executive Order 99. Relating to the Creation of the Governor’s Information Technology Executive Steering Committee. **(April 26, 2013)**

Executive Order 100. Relating to the Governor’s Council on Workforce Investment. **(May 2, 2013)**

Executive Order 101. Relating to the Governor’s Homeland Security Council. **(May 3, 2013)**

Executive Order 102. Relating to a Proclamation that the Flag of the United States and the Flag of the State of Wisconsin be Flown at Half–Staff as a Mark of Respect for Peace Officers Who Have Given Their Lives in the Line of Duty. **(May 10, 2013)**

Executive Order 103. Relating to a Proclamation Declaring a State of Emergency in Response to a Forest Fire. **(May 15, 2013)**

Public Notices

Safety and Professional Services — Board of Nursing

NOTICE IS HEREBY GIVEN the Board of Nursing will hold an informational public hearing, pursuant to s. 227.16 (6), Stats., at the time and place indicated below to solicit public comments on Chapter N 1 before preparing a proposed rule in draft form, relating to nursing program approval.

Hearing Date, Time and Location

Date: June 13, 2013
Time: 8:00 a.m.
Location: 1400 East Washington Avenue
Room 121A
Madison, Wisconsin

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.

Place Where Comments Are to be Submitted and Deadline for Submission

Comments may be submitted to Sharon Henes, Paralegal, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to sharon.henes@wisconsin.gov. Comments must be received at or before the public hearing.

Agency Contact Person

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

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

U.S. POSTAGE PAID

Madison, Wisconsin

Permit Number 1369

First Class Mail

Dated Material. Please Do Not Delay!