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Emergency Rules Now in Effect

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

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

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

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

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

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

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.

purposes, so long as such uses did not interfere with the prime uses of these facilities, or otherwise infringe on interests of the state. s. 16.845, Stats., and s. Adm 2.04.

Each year, the Wisconsin state capitol police issue nearly 500 permits 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. Permits are given to any person free of charge.

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 person or persons, and the state cannot allow any person or persons to occupy the capitol in disregard of the rights of permit holders, public employees, or visitors. It is imperative that the department gain compliance in order to protect the public safety and welfare.

On October 24, 2013, a lawsuit was dismissed based upon a stipulation of and settlement agreement between the parties. The department is obligated under the settlement agreement to advance certain changes in procedure. The department seeks to fulfill its obligations in a timely manner, which is not possible without engaging in the emergency rule process.

Filed with LRB:	November 26, 2013
Publication Date:	November 27, 2013
Effective Dates:	November 27, 2013 through April 25, 2014
Hearing Date:	February 21, 2014
Extension Through:	June 24, 2014

Administration

EmR1321 — The Department of Administration hereby adopts an order to repeal **section Adm 2.14 (2) (vr) c.**; to renumber and amend **section Adm 2.14 (2) (v) 9. a. and b.**; to amend **sections 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 **sections Adm 2.03 (3m), (3r) and (6m), 2.04 (1m), (2m), (2r), (2z), (9), and (10), and 2.14 (2) (vm) and (2) (vm) 5.**

The statement of scope for this rule, SS 131–13, was approved by the Governor on October 8, 2013, and published in Register No. 694 on October 31, 2013, and approved by Department of Administration Secretary Mike Huebsch on November 13, 2013. This emergency rule was approved by the Governor on November 21, 2013.

Finding of Emergency

Since 1979 the legislature has vested the department of administration with the responsibility and authority to manage various state buildings and grounds, including those of the Wisconsin state capitol. S. 16.84 (1), Stats. Since 1979, the department has permitted the use of these buildings and grounds for the free discussion of public questions and other

Agriculture, Trade and Consumer Protection (4)

1. EmR1322 — The state of Wisconsin Department of Agriculture, Trade and Consumer Protection hereby adopts the following emergency rule to amend **section ATCP 21.17 (1) (b)** and to create **section ATCP 21.17 (1) (f)**, relating to the quarantine of Dane County for the emerald ash borer.

This emergency rule was approved by the Governor on December 10, 2013.

The blanket scope for this rule, SS 141–13, was approved by the Governor on October 30, 2013 published in register No. 695 on November 14, 2013, and approved by the Board of Agriculture, Trade & Consumer Protection on December 10, 2013.

Finding of Emergency

The United States Department of Agriculture — Animal and Plant Health Inspection Service (“APHIS”) positively identified Emerald Ash Borer (“EAB”) in Madison, Dane County on November 22, 2013. EAB is an exotic, invasive pest that poses a dire risk to the ash forest. When APHIS declares quarantine, DATCP has regulatory authority for import controls and quarantine for EAB under s. ATCP 21.17. It is anticipated that APHIS will declare a quarantine for Dane County but that it will take six to eight weeks for APHIS to act.

A six week delay until enactment of the federal quarantines leaves too much time for businesses or individuals to move potentially EAB infested material out of this county to areas of Wisconsin or other states that are not infested with EAB.

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

Filed with LRB: December 17, 2013
Publication Date: December 18, 2013
Effective Dates: December 18, 2013 through May 16, 2014
Hearing Date: January 13, 2014

2. EmR1325 — The Wisconsin Department of Agriculture, Trade and Consumer Protection adopts the following emergency rule to repeal **sections ATCP 136.02 (4) (d) and 136.10 (2) (c), (3) (a) 2., and (b) 4.,** and to amend **sections ATCP 136.02 (4) (g) (Note), (5), (7), (8) (a), 136.08 (1), (7) (Note), and 136.12 (1) (b) (Note) and (2) (Note),** relating to mobile air conditioners, reclaiming or recycling refrigerant.

This emergency rule was approved by the Governor on December 23, 2013.

The scope statement for this rule, SS 122–13, was approved by the Governor on September 20, 2013 published in register No. 694 on October 14, 2013, and approved by the Board of Agriculture, Trade & Consumer Protection on November 13, 2013.

Finding of Emergency

In Wisconsin, businesses that repair mobile air conditioners must register with the department and pay an annual registration fee of \$120 for each registered location. In addition, each technician working on mobile air conditioners at these businesses must attend a DATCP–approved training course and pass an exam.

A recent statutory change harmonized Wisconsin’s state mobile air conditioner law with federal law, and Wisconsin’s unique training course content is no longer applicable.

The registration year begins on March 1 of each year. By that date, all mobile air conditioning businesses and technicians must be registered with the department or pay a surcharge fee.

DATCP has determined that it has sufficient alternative revenue sources to fund the mobile air conditioning program and is undergoing rule–making to permanently eliminate the \$120 registration fee. However, the rule–making will not be effective for the upcoming registration year that begins March 1, 2014. The department has also determined that its technician training requirements can be modified due to recent changes in state statute that harmonize Wisconsin law with federal law. Technicians who complete the federally approved training course will now meet Wisconsin’s training requirement.

This temporary emergency rule is necessary to protect the welfare of the small businesses that would otherwise pay the registration fee. In addition, the emergency rule is needed to protect the welfare of small businesses and their employees by eliminating an unnecessary training requirement.

Filed with LRB: December 27, 2013
Publication Date: December 31, 2013
Effective Dates: December 31, 2013 through May 29, 2014
Hearing Date: January 21, 2014

3. EmR1402 (DATCP Docket No. 13–R–17) — The Wisconsin department of Agriculture, Trade and Consumer Protection hereby adopts the following emergency rule to amend **sections ATCP 161.50 (3) (f), 161.60, and 161.62 (1) (intro.),** relating to the “grow Wisconsin dairy processor” grant program created under ss. 20.115 (4) (dm) and 93.40 (1) (g), Stats.

This emergency rule was approved by the Governor on January 10, 2014.

The scope statement for this rule, SS 140–13, was approved by the Governor on October 29, 2013, published in register No. 695 on November 14, 2013, and approved by the Board of Agriculture, Trade & Consumer Protection on December 10, 2013.

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 processors to promote and develop the dairy industry. An emergency rule is needed to ensure that funds are used to assist dairy producers during the first year of the program as permanent rules cannot be adopted in time to provide the basis for grant and loan determinations during that first year of the program.

Filed with LRB: January 21, 2014
Publication Date: January 20, 2014
Effective Dates: January 20, 2014 through June 18, 2014

4. EmR1407 — The Wisconsin Department of Agriculture, Trade and Consumer Protection hereby adopts the following emergency rule to amend **section ATCP 21.10 (1) (b)** and to create **section ATCP 21.10 (1) (c),** relating to the quarantine of Iowa County for the gypsy moth.

This emergency rule was approved by the Governor on March 13, 2014.

The blanket scope for this rule, SS 141–13, was approved by the Governor on October 30, 2013, published in register No. 695 on November 14, 2013, and approved by the Board of Agriculture, Trade & Consumer Protection on December 10, 2013.

Finding of Emergency

Gypsy moth is an exotic, invasive pest that poses a serious risk to Wisconsin’s forest, shade and commercial trees. The 2013 DATCP survey in Iowa County shows that current and projected GM populations in that county have reached the threshold level to trigger implementation of further regulatory measures. Since 2011, multiple trap sites in Iowa County have caught over 100 individual moths, with an average trap count of 28 in 2013 (a five–fold increase from 2011). The survey data indicate that reproducing populations of GM now exist at significant levels in Iowa County and that eradication is not feasible. This evidence supports the need for a quarantine to limit movement from this infestation. When APHIS declares a quarantine, DATCP has regulatory authority for import controls and quarantine for GM under s. ATCP 21.10. It is anticipated that APHIS will declare a quarantine for Iowa County but that it will take six to eight weeks for APHIS to act. A six week delay until enactment of the federal quarantines leaves too much time for businesses or individuals to move potentially GM infested material out of this county to areas of Wisconsin or other states that are not infested with GM.

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

Filed with LRB: March 28, 2014

Publication Date: March 31, 2014
Effective Dates: March 31, 2014 through August 27, 2014
Hearing Date: April 29, 2014

Publication Date: September 10, 2013
Effective Dates: September 10, 2013 through February 6, 2014
Hearing Date: September 27, 2013
Extension Through: April 7, 2014

Employment Relations Commission

EmR1310 — The Wisconsin Employment Relations Commission hereby creates **Chapters ERC 70, 71, and 80**, relating to annual certification elections.

This emergency rule was approved by the Governor July 3, 2013.

The statement of scope for this rule, SS 045–13, was approved by the Governor on April 19, 2013, published in Register 689, on May 14, 2013, and approved by the Wisconsin Employment Relations Commission on June 3, 2013.

Finding of Emergency

An emergency exists because the public peace, health, safety and welfare necessitate putting these rules into effect so that the Wisconsin Employment Relations Commission can meet its obligation to conduct annual certification elections as required by ss. 111.70 (4) (d) 3. b. and 111.83 (3) (b), Stats.

Filed with LRB: July 15 2013
Publication Date: July 13, 2013
Effective Dates: July 13, 2013 through December 9, 2013
Extension Through: April 8, 2014

Insurance

EmR1314 — The Commissioner of Insurance proposes an order to create **Chapter Ins 6 subch. II, subch. II (title), and sections Ins 6.91 to 6.98**, relating to navigators, nonnavigator assisters, and related entities and affecting small business.

The statement of scope for this rule SS 078–13, was approved by the Governor on July 1, 2013, published in Register No. 691, on July 15, 2013, and approved by the Commissioner on July 26, 2013. This emergency rule was approved by the Governor on August 30, 2013.

Finding of Emergency

In accordance with s. 623.98, Stats., the commissioner may promulgate rules under ss. 227.24 (1) (a) and (3), Stats., without providing evidence that promulgating a rule is necessary for the preservation of the public peace, health, safety, or welfare and without a finding of emergency. The commissioner intends to publish the proposed rule sufficiently in advance of October 1, 2013 to permit proper licensing, certification, and training of navigators and nonnavigator assisters and to permit proper registration of navigator and nonnavigator assister entities. The commissioner intends to promulgate permanent rules close in time to the emergency rules so not to create a gap in requirements.

Filed with LRB: September 5, 2013

Natural Resources (6)

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

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

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

Finding of Emergency

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

Filed with LRB: September 14, 2012

Publication Date: October 1, 2012

Effective Dates: October 1, 2012 through the date on which the permanent rules take effect, as provided in 2011 Wisconsin Act 169, section 21.

3. EmR1319 (DNR # WM–22–13(E)) — The Wisconsin Natural Resources Board proposes an order to amend **sections NR 10.275 (intro.) and 45.09 (1)** and to create **sections NR 10.13 (Note) and 10.275**, relating to hunting and trapping in state parks.

This rule was approved by the Governor on October 31, 2013.

The statement of scope for this emergency rule, SS 083–13, was approved by the Governor on July 15, 2013, published in Register No. 691 on July 31, 2013 and approved by the Natural Resources Board on August 14, 2013.

Finding of Emergency

The department finds that putting this rule into effect prior to the time it would take effect using the permanent rule process is necessary to protect the public safety and welfare. By restricting gun and archery hunting to certain areas, and trapping to certain areas and methods, this rule will prevent those activities in locations where they may jeopardize the safety and welfare of visitors to the Wisconsin State Park System.

Filed with LRB: November 7, 2013

Publication Date: November 15, 2013

Effective Dates: November 15, 2013 through April 13, 2014

Extension Through: June 12, 2014

4. EmR1320 (DNR # FH–27–13(E)) — The Wisconsin Natural Resources Board proposes an order to create **Chapter NR 85**, relating to development of a competitive grant program for cities, villages, towns, counties, federally recognized Indian tribes or bands located in this state, and fish farms in order to increase the capacity to raise walleye for stocking in Wisconsin waters.

This rule was approved by the Governor on November 8, 2013.

The statement of scope for this emergency rule, SS 104–13, was approved by the Governor on August 12, 2013, published in Register No. 692 on September 1, 2013 (August 31, 2013), and approved by the Natural Resources Board on September 25, 2013.

Finding of Emergency — Exemption

2013 Wisconsin Act 20, the 2013–15 state budget, included the following nonstatutory language: The department of natural resources may promulgate emergency rules under section 227.24 of the statutes implementing sections 29.739 and 29.740 of the statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated for walleye population maintenance and enhancement grants remain in effect until June 30, 2016, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide evidence that promulgating this rule as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

Filed with LRB: November 14, 2013

Publication Date: November 21, 2013

Effective Dates: November 21, 2013 through June 30, 2016, or the date on which permanent rules take effect, whichever is sooner.

Hearing Date: December 12, 2013 and December 19, 2013

5. EmR1401 (DNR # FH–26–13(E)) — The Wisconsin Natural Resources Board proposes an order to amend **sections NR 20.20 (73) (n) 4. and 25.06 (1) (a)**, Wis. Adm. Code, relating to lake trout harvest limits in Lake Superior.

This rule was approved by the Governor on December 30, 2013.

The statement of scope for this rule, SS 108–13, was approved by the Governor on August 13, 2013, published in Register No. 692 on August 31, 2013, and approved by the Natural Resources Board on September 25, 2013.

Finding of Emergency

Pursuant to s. 227.4, 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 2013 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: January 14, 2014

Publication Date: January 13, 2014

Effective Dates: January 13, 2014 through June 11, 2014

6. EmR1405 (DNR # WM–24–13(E)) — The Wisconsin Natural Resources Board proposes an order to propose an order to repeal sections **NR 10.01 (3) (ed), (es) 3., and (et), 10.07 (3), 10.09 (2), 10.28 (3), and 45.09 (9)**, to amend sections **NR 1.15 (1) (a), (b), and (c) 1., (2) (a) (intro.) and (at), and (3), 10.001 (2e), (6p), and (19e), 10.01 (3) (es) 1. and 2. and (3) (ev), 10.02 (3), 10.06 (8) (b) and (note), 10.07 (2m) (b) 1., 10.102 (1) (e) 4., 10.105 (1), (2), (4), and (7), 10.106 (intro.) and (1), 12.06 (1), (2), and (4), 12.16 (4), 13.38 (2) (b) and (Note), and 19.60 (2) (b) 1.**, to repeal and recreate sections **NR 1.15 (2) (a) 8., 10.01 (3) (e) and (em), 10.104, 10.106 (2), 10.28 (1) and (2), 10.28 (4), and 10.41**, and to create **Chapter NR 10 (Title.) and sections NR 10.001(1k) and (23a) and (b), 10.01 (2) (b) (Note) and (4) (dm) (Note), and Subchapter II**, relating to deer management, hunting, and implementation of the 2012 White–tailed Deer Trustee Report.

This emergency rule was approved by the Governor on February 10, 2014

The statement of scope for this rule, SS 098–13, was approved by the Governor on July 23, 2013, published in Register No. 692, on August 14, 2013, and approved by the Natural Resources Board on September 25, 2013.

Finding of Emergency

A non–statutory provision, SECTION 9132 of 2013 Act 20, establishes that the department may promulgate rules to

implement the 2012 final deer management report and that the department is not required to make a finding of emergency.

Filed with LRB: February 25, 2014
Publication Date: March 7, 2014
Effective Dates: March 7, 2014 through June 30, 2015

Public Instruction

EmR1324 — The State Superintendent of Public Instruction hereby proposes to amend **sections PI 5.02 (6) and (11m), 5.035 (6), and 5.04**, relating to high school equivalency diplomas and certificates of general educational development.

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 the statement of scope or this rule.

The scope statement for this rule, SS 093–13, was published in Register No. 692, on August 14, 2013, and approved by State Superintendent Tony Evers on August 27, 2013.

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:

The number of subtests and the passing scores for the General Educational Development (GED) Test will be changing in January 2014 when a new test is implemented by the GED Testing Service.

Unless the rule is changed to reflect these new subtests and passing scores, the Department may be prevented from issuing credentials for test takers who pass the GED Test because the required passing scores will be incorrect.

Filed with LRB: December 27, 2013
Publication Date: December 27, 2013
Effective Dates: December 27, 2013 through May 25, 2014
Hearing Date: February 24, 2014
Extension Through: July 24, 2014

Revenue

EmR1323 — The Wisconsin Department of Revenue hereby adopts an emergency rule interpreting s. 77.58 (1) (a) and (5), Stats., and amending **section Tax 11.93**, relating to sales tax filing frequency.

This emergency rule was approved by the Governor on November 15, 2013.

The scope statement for this rule, SS 100–13, was approved by the Governor on August 2, 2013, published in Register No. 692 on August 31, 2013, and approved by the Secretary of Revenue on September 10, 2013.

Finding of Emergency

The Department of Revenue finds that an emergency exists and that the attached rule order is necessary for the immediate

preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is:

Section 77.58 (1), Stats., provides that retailers must file sales tax returns quarterly, except as provided in s. 77.58 (1) (a) and (b), Stats., which allows for sales tax returns to be filed monthly.

Section 77.58 (5), Stats., provides that the department may require returns and payments on the amount of taxes for other than a quarterly period if it deems it necessary to ensure payment to or facilitate the collection by the state of the amount of taxes. The department has provided for annual sales tax returns by rule in s. Tax 11.93 (1) for retailers that have an annual tax liability of \$300 or less.

Because 2013 Wis. Act 20 doubles the threshold upon which a monthly sales tax return is required to be filed (\$600 to \$1200), s. Tax 11.93 (1) should also be changed to reflect a similar increase in the threshold upon which an annual sales tax return can be filed.

As the statutory change to the monthly filing standard goes into effect on January 1, 2014, the corresponding change to the annual filing standard in s. Tax 11.93 (1) should also go into effect on January 1, 2014. There is insufficient time for the permanent rule to be effective on January 1, 2014.

Filed with LRB: December 19, 2013
Publication Date: January 1, 2014
Effective Dates: January 1, 2014 through May 30, 2014
Hearing Date: January 27, 2014

Safety and Professional Services

Uniform Dwelling Code, Chs. 320—325

EmR1403 — The Wisconsin Department of Safety and Professional Services adopts an order to amend **sections SPS 321.02 (1) (c), 321.23, Table 321.25–A, 321.25 (7) (d) and (8) (a) (Note), and Chapters 320 to 325 Appendix — Minimum Fastener Schedule Table**; and to repeal and recreate **section SPS 321.25 (8) (b) to (h) and (9)**, relating to wall bracing for one- and two-family dwellings.

This emergency rule was approved by the Governor on January 28, 2014.

The statement of scope for this rule, SS 139–13, was approved by the Governor on October 28, 2013, published in Register 695 on November 14, 2013, and approved by the Department on November 26, 2013.

Finding of Emergency

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

Some building designers find the current rules for wall bracing for one- and two-family dwellings are too difficult to understand and apply, which results in unnecessary costs and delays in home building. Promulgating revisions to the rules through the emergency rule process is needed in order to avoid these costs and delays as soon as possible. In addition, the report that the Dwelling Code Council is required to complete by July 1, 2014, under section 101.62 (4) of the Statutes is expected to include recommendations to clarify and simplify these rules through the emergency rule process.

Filed with LRB: February 13, 2014

Publication Date: February 19, 2014
Effective Dates: April 1, 2014 through August 28, 2014
Hearing Date: March 11, 2014

Safety and Professional Services — Controlled Substances Board

EmR1318 — The Controlled Substances Board adopts an order to create **section CSB 2.36**, relating to scheduling controlled substances.

This emergency rule was approved by the Governor on September 20, 2013.

The statement of scope for this rule, SS 062–13, was approved by the Governor on May 29, 2013, published in Register 690 on June 15, 2013, and approved by the Controlled Substances Board on July 15, 2013.

Finding of Emergency

The Controlled Substances Board finds that an emergency exists and that this rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is:

The Brown County District Attorney’s office has provided the Controlled Substances Board with information relevant to emergency scheduling and the commencement of a prosecution concerning a controlled substance analog. UR–144, XLR–11, and AKB48 are pharmacologically similar to Schedule I substances THC and JWH–018. By sharing pharmacological similarities with the Schedule I substances, synthetic cannabinoids pose a risk both to the individual user and other affected individuals. UR–144, XLR–11, and AKB48 are being marketed as “legal” alternatives to marijuana. This characterization (and the reputation as potent herbal intoxicants) has increased their popularity and prevalence.

The Controlled Substances Board finds that scheduling of UR–144, XLR–11, and AKB48 on an emergency basis is necessary to avoid an imminent hazard to public safety. The substances are not included in any other schedule and no exemption or approval is in effect for the substance under 21 USC 355.

On May 16, 2013, the U.S. Department of Justice Drug Enforcement Administration emergency scheduled UR–144, XLR11, and AKB48 as Schedule I, illegal drugs under the Controlled Substances Act.

Filed with LRB: October 17, 2013
Publication Date: October 13, 2013
Effective Dates: October 13, 2013 through October 12, 2014
Hearing Date: November 11, 2013

Transportation

EmR1404 — The Wisconsin Department of Transportation proposes an order to create **section Trans 327.14**, relating to motor carrier safety and affecting small businesses.

This emergency rule was approved by the Governor on February 10, 2014.

The statement of scope for this rule, SS 155–13, was approved by the Governor on December 16, 2013, published in Register 696, on December 31, 2013, and approved by Secretary Mark Gottlieb as required by s. 227.135 (2), Stats., on January 13, 2014.

Finding of Emergency

The welfare of commercial motor vehicle drivers who hold a commercial driver license (“CDL”) issued by the State of Wisconsin who operate commercial motor vehicles outside this state will be harmed beginning January 30, 2014, if they cannot demonstrate compliance with recent federal regulations because they will be treated by other states as unlicensed drivers. Beginning on January 1, 2014, federal regulations require CDL holders to have certified to DOT the type of commercial driving they do and, if required, to have submitted proof of medical fitness to drive, and to have their driving records updated by DOT to show these actions, before driving a commercial motor vehicle. The Department published the scope statement for permanent rulemaking in September 2011 to implement these federal requirements. The permanent rulemaking effort is ongoing but will not take effect before the January 30, 2014 deadline for compliance.

Filed with LRB: February 14, 2014
Publication Date: February 16, 2014
Effective Dates: February 16, 2014 through July 15, 2014

Workforce Development

Unemployment Insurance, Chs. DWD 100–150

EmR1316 — The Wisconsin Department of Workforce Development hereby adopts an order to repeal **sections DWD 126.02 (2), (3), and (4), 126.03 (1), 126.04, 126.05, 127.01 (2) (b), (f) to (i), and (3), 127.02 (intro.), (1), (2), (3), and (4), 127.02 (5) and (10), and 127.08**; to renumber and amend **section DWD 126.02 (1)**; to amend **sections DWD 126.01, 126.03 (intro.) and (2), 127 (title), 127.01 (1), (2) (intro.), (a), (c), and (d), 127.02 (7), (9), and (11), 127.04 (title), (1), and (2), 127.05, 127.06 (1), (2), and (3), 127.07 (title) and (1), 128.01 (2) (a), and 129.01 (1) and (2)**; to repeal and recreate **sections DWD 127.01 (2) (j) and 127.07 (2)**; and to create **sections DWD 126.02 (Note), 126.03 (3), (4), (5), (6), and (7), 127.01 (2) (em), 127.02 (12), 127.04 (1m) (e), and 127.06 (1) (c)**, relating to unemployment insurance work registration, work search, and benefit claiming procedures.

This emergency rule was approved by the Governor on September 20, 2013.

The statement of scope for this emergency rule, SS 106–13, was approved by the Governor on August 14, 2013, published in Register No. 692 on August 31, 2013, and approved by the Secretary of Workforce Development on September 11, 2013.

Finding of Emergency

The Department of Workforce Development 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) In order to fulfill the new statutory directives to require claimants for unemployment insurance benefits to increase their number of weekly work search actions from two to at least four;
- (2) In order to simplify the process and compliance with respect to requirements for unemployment insurance claimants to register for work;

- (3) In order to execute the new statutory requirement to request additional information from claimants;
- (4) In order to improve the unemployment insurance trust fund balance and thereby relieve employers of the burden of additional taxation;
- (5) In order to better assist unemployment insurance benefit claimants to obtain gainful employment; and,
- (6) In order to promote the improvement in the Wisconsin economy as a result of the immediate implementation of legislative directives with respect to the unemployment insurance program contained in 2013 Wisconsin Act 20 and 2013 Wisconsin Act 36.

Adoption of the emergency rule will ensure that these legislative directives are implemented within the time-frame envisioned with enactment of 2013 Wisconsin Act 20 and 2013 Wisconsin Act 36.

Filed with LRB: September 25, 2013

Publication Date: September 29, 2013

Effective Dates: September 29, 2013 through February 25, 2014, except that changes to ss. DWD 126.03 and 127.02 take effect after the Secretary determines the Department has the technological ability to implement the changes.

Hearing Date: November 4, 2013

Extension Through: June 25, 2014

Workforce Development

Apprenticeship, Chs. DWD 295–296

EmR1406 — The Wisconsin Department of Workforce Development hereby adopts the following emergency rule to create **section DWD 295.25**, relating to apprenticeship completion awards.

The emergency rule was approved by the governor on March 21, 2014.

The statement of scope for this emergency rule was approved by the Governor on February 13, 2014, published in Register No. 698 on February 28, 2014, and approved by the Secretary of the Department of Workforce Development on March 11, 2014.

Finding of Emergency

The department of workforce development finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public welfare. Statements of facts constituting an emergency include:

(1) Wisconsin currently has more than 2,100 employers participating in, and training individuals, under the apprenticeship program.

(2) During 2013, Wisconsin had 9,723 valid apprenticeship contracts.

(3) Over the past ten years, the completion rate of the apprenticeship program averaged between 55–60%.

(4) 2013 Wisconsin Act 57 creates an apprenticeship completion award program to be administered by the department of workforce development to partially reimburse tuition costs incurred by an apprentice who has successfully completed part or all of the requirements of their apprenticeship contract, and is employed in the trade,

occupation, or business under the apprenticeship contract, or the sponsor of the apprentice.

(5) The department of workforce development has received general purpose revenue (GPR) funds of \$225,000 in fiscal year 2013–14 and 2014–15, to distribute up to 25%, or \$1,000, whichever is less, of the tuition costs incurred by the apprentice and sponsor of the apprentice. The amount of the first payment upon successful completion by the apprentice of the first year of the contract may not exceed \$250.

(6) The department of workforce development is adopting this emergency rule to prevent a potential hardship to Wisconsin's apprenticeship program participants. Adoption of this emergency rule will ensure those participating in an eligible apprenticeship contract may begin receiving apprenticeship completion awards as soon as possible. Because a permanent rule cannot be adopted in time, GPR funds for fiscal year 2013–14 would be lost if the emergency rule is not adopted.

Filed with LRB: March 26, 2014

Publication Date: March 27, 2014

Effective Dates: March 27, 2014 through August 23, 2014

Hearing Date: May 15, 2014

Workforce Development

Employment and Training, Chs. DWD 805–830

EmR1317 — The Wisconsin Department of Workforce Development hereby adopts an order to create **Chapter DWD 801**, relating to workforce training grants under the Wisconsin Fast Forward program.

This emergency rule was approved by the Governor on September 20, 2013.

The statement of scope for this rule, SS 109–13, was approved by the Governor on August 15, 2013, published in Register No. 692 on August 31, 2013, and approved by the Department of Workforce Development on September 11, 2013.

Finding of Emergency

The Department of Workforce Development (DWD) finds that an emergency exists and emergency rules are necessary for the immediate preservation of the public peace, health, safety, or welfare. The reason for the emergency is:

DWD proposes to create new rules in Chapter DWD 801 to implement the program of workforce training grants enacted by 2013 Wisconsin Act 9. DWD held a public hearing on the permanent rule for this new program on July 15, 2013, and has made revisions to the text of the proposed permanent rule in response to the comments received. It would now benefit the public welfare to proceed with the rules in emergency form so that the program can begin this fall.

Filed with LRB: September 25, 2013

Publication Date: September 29, 2013

Effective Dates: October 1, 2013 through February 27, 2014

Hearing Date: November 5, 2013

Extension Through: June 27, 2014

Scope Statements

Agriculture, Trade and Consumer Protection

SS 035-14

This statement of scope was approved by the governor on April 3, 2014.

Rule No.

Chapter ATCP 141 (revise).

Relating to

The Cherry Marketing Order.

Rule Type

Permanent.

1. Description of the Objective of the Rule

This proposed rule would eliminate the Cherry Board election districts so that all board members are elected at large and reduce the number of board members from 7 to 5 to improve representation of cherry producers and more effectively achieve the purposes of Ch. 96, Stats.

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

History and background. The Cherry Marketing Order that currently exists provides for two election districts with 3 board members representing each district and one board member elected at large. Over the years the number of cherry producers has decreased to 33 producers and the distribution of producers has become concentrated primarily in what was the northern of the 2 districts.

Proposed policies. At the request of the Cherry Marketing Board, DATCP will explore changing the manner of representation to all at large representatives and a reduction of the number of representatives from 7 to 5 in order to achieve more equitable and effective representation for cherry producers. Any amendment to the marketing order must be approved at a referendum of the growers.

Policy Alternatives. Leave the current rule as it is with the same board membership and election districts and thereby fail to achieve more effective and more equitable representation for cherry growers.

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

Sections 93.07 (1) and 96.15, Stats.

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

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

96.15 Rules. The secretary may, in consultation with the appropriate marketing board or council, issue such rules as

necessary to facilitate the administration and enforcement of this chapter.

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

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

5. Description of all Entities that may be Impacted By The Rule

This rule would affect cherry growers. The proposed rule would alter the manner of representation of cherry growers on the Cherry Marketing Board to achieve more effective and equitable representation. Any amendment to the marketing order including a proposal to alter the method of representation must be approved at referendum by a majority of all Wisconsin cherry growers.

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

There is a federal cherry marketing order program. The federal cherry marketing order program serves to promote orderly and efficient marketing of cherries in the United States. The state and federal programs are complementary and the state program works in close coordination with the federal program. The Department is not aware of any proposals pending to alter the federal cherry marketing program.

7. Anticipated Economic Impact

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

Contact Person

Noel Favia, Marketing order Program Coordinator; Phone (608) 224-5140.

Lower Wisconsin State Riverway Board

SS 031-14

This statement of scope was approved by the governor on March 28, 2014.

Rule No.

Section RB 2.07 (repeal).

Relating to

Non-metallic mining in the lower Wisconsin riverway.

Rule Type

Permanent.

1. Detailed Description of the Objective of the Proposed Rule

An existing rule, Wis. Admin. Code s. RB 2.07, prohibits non-metallic mining in the lower Wisconsin riverway, except for operations existing on October 21, 1989. Wisconsin Stat. s. 30.44 (3e) establishes statutory standards for approving applications to conduct non-metallic mining in the riverway. The Lower Wisconsin State Riverway Board (“the Board”) does not presently have statutory authority to promulgate rules for non-metallic mining in the riverway. Wisconsin Stat. s. 227.10 (2m) precludes the Board from enforcing the rule in the absence of statutory authorization. There is presently no statutory authorization for the existing rule. The proposed rule would repeal Wis. Admin. Code s. RB 2.07, because statutory authority for the rule no longer exists.

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 provisions of Wis. Stat. s. 30.44 (3e) establish public policy regarding non-metallic mining in the lower Wisconsin riverway. The proposed repeal of Wis. Admin. Code s. RB 2.07 would establish no new policy, but would bring the administrative rule into conformity with Wis. Stat. s. 30.44 (3e).

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

Under Wis. Stat. ss. 30.43 (3) and 30.435 (2m), the Board has limited rule-making authority with respect to certain activities in the riverway. The rule-making authority that Wis. Stat. ss. 30.43 and 30.435 (2m) grant the Board does not authorize the promulgation of rules for non-metallic mining in the riverway.

Wisconsin Stat. s. 30.44 (3e) provides:

(a) A person shall apply for and receive a permit before beginning or expanding nonmetallic mining on land in the riverway that is not visible from the river when the leaves are on the deciduous trees.

(b) A person may not be issued a permit for an activity in par. (a) unless the following performance standards are met:

1. Any structure and any stockpiled materials or soil associated with the nonmetallic mining activity may not be visible from the river when the leaves are on the deciduous trees.

2. The excavation for the nonmetallic mining activity may not be visible from the river when the leaves are on the deciduous trees.

That section explicitly establishes standards, and does not authorize adoption of any other standards. Wisconsin Stat. s. 227.10 (2m) prohibits enforcement of any standard not explicitly required or explicitly permitted by statute.

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

Development of the rule and of other resources necessary to develop the rule is likely to require 10 hours of state employee time.

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

The proposed rule will have no effect on any entity beyond the effect of Wis. Stat. s. 30.44 (3e) itself. Entities that may be affected by the cited statute and the proposed rule include quarry operators, sand-mining companies, residents and landowners of the riverway, municipalities having zoning jurisdiction in the riverway, and visitors to the riverway.

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 Board is not aware of any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule.

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

Because the proposed rule conforms the administrative rule to existing provisions of State statutes, the Board expects no additional economic impact related to rule implementation.

Contact Person

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Public Instruction

SS 032-14

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.

Chapter PI 11 (revise).

Relating to

Incorporating intellectual disability terminology and concepts.

Rule Type

Permanent.

1. Finding/Nature of Emergency (for Emergency Rules Only)

N/A.

2. Detailed Description of the Objective of the Proposed Rule

This proposed rule change may adjust the terminology, definition, and eligibility contained in s. PI 11.36 (1), or a combination thereof, to align with language used in federal law (Rosa’s Law, Pub. L. 111-256) and with the American Association on Intellectual and Developmental Disabilities’ classification manual, Intellectual Disability: Definition, Classification, and Systems of Supports, 11th edition (2010).

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

The language in s. PI 11.36 (1) uses cognitive disability. The term cognitive disability and its definition are not consistent with current means of determining whether someone has an intellectual disability. As a result, cognitive disability may be changed to intellectual disability and the definition of and determination of an intellectual disability may be changed to align with the American Association on Intellectual and Development Disabilities' classification manual, *Intellectual Disability: Definition, Classification, and Systems of Supports*, 11th edition (2010) and to include current terminology used in the Wisconsin Model Early Learning Standards.

4. Detailed Explanation of Statutory Authority for the Rule

Under s. 227.11 (2) (a) (intro), Stats., "Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation." As such, ch. PI 11 is required to effectively implement and provide transparency to the programs involving children with disabilities under Subchapter V of ch. 115, Stats.

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 indeterminate.

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

This will affect school districts.

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.

Contact Person

Bureau For Policy and Budget
Attn: Katie Schumacher
267-9127 or katie.schumacher@dpi.wi.gov

Public Instruction

SS 033-14

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.

Chapter PI 11 (revise).

Relating to

Identification of children with significant developmental delay (SDD).

Rule Type

Permanent.

1. Finding/Nature of Emergency (for Emergency Rules Only)

N/A.

2. Detailed Description of the Objective of the Proposed Rule

20 U.S.C. 1401(3)(B) permits the identification of children with significant developmental delay (SDD) through the age of nine rather than six. This proposed rule change will consider changes to ch. PI 11 based on that option.

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

Allowing a child with SDD to be identified through the age of nine will provide a longer window of time to assess whether the child has a specific disability, thus addressing difficulties with accurate assessment and labeling certain children beyond age 6 who are still in need of educational interventions.

4. Detailed Explanation of Statutory Authority for the Rule

Under s. 227.11 (2) (a) (intro), Stats., "Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation." As such, ch. PI 11 is required to effectively implement and provide transparency to the programs involving children with disabilities under Subchapter V of ch. 115, Stats.

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 indeterminate.

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

The proposed rule would impact local educational agencies that provide programs to children with disabilities in Wisconsin.

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

20 U.S.C. 1401(3)(B) permits the identification of children with significant developmental delay (SDD) through the age of nine.

Contact Person

Bureau For Policy and Budget
Attn: Katie Schumacher
267-9127 or katie.schumacher@dpi.wi.gov

Public Instruction

SS 034-14

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.

Chapter PI 45 (revise).

Relating to

Changes as a result of 2013 Wisconsin Act 115.

Rule Type

Permanent.

1. Finding/Nature of Emergency (for Emergency Rules Only)

N/A.

2. Detailed Description of the Objective of the Proposed Rule

This proposed rule change will align ch. PI 45 with the statutory changes made as a result of 2013 Wisconsin Act 115. Any other changes to ch. PI 45 that are needed to align ch. PI 45 with current statutes will also be made.

3. Description of Existing Policies Relevant to the Rule,

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

This is a change to align ch. PI 45 with the changes in s. 118.134, Stats.

4. Detailed Explanation of Statutory Authority for the Rule

Under s. 118.134 (4) (a), Stats., the State Superintendent is required to promulgate rules to implement and administer s. 118.134, Stats., the statute on schools' race-based nicknames, logos, mascots, and team names.

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 indeterminate.

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

School districts may be impacted by this rule.

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.

Contact Person

Bureau For Policy and Budget

Attn: Katie Schumacher

267-9127 or 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.*

Workforce Development
Apprenticeship, Chs. 295—296
CR 14-032

The Wisconsin Department of Workforce Development announces it has referred the following proposed rule to the Wisconsin Legislative Council Rules Clearinghouse, pursuant to s. 227.15, Stats.

SUBJECT: Apprenticeship
Completion Award Program

ADM. CODE REFERENCE: Chapter DWD 295

SCOPE STATEMENT: The scope statement for this rule, SS 010-14, was approved by the governor on February 13, 2014, published in Register No. 698 on February 28, 2014, and approved by the secretary of the department on March 11, 2014.

The department will hold a public hearing on May 15, 2014, in Madison.

The department's Division of Employment and Training is primarily responsible for this rule. If you have questions, you may contact Karen Morgan at (608) 266-3313 or by e-mail at Karen.morgan@dwd.wisconsin.gov.

Rule–Making Notices

Notice of Hearing

Workforce Development Apprenticeship, Chs. 295—296 CR 14–032, EmR1406

The Wisconsin Department of Workforce Development (DWD) announces that it will hold a joint public hearing on a permanent rule and emergency rule to revise Chapter DWD 295, relating to the apprenticeship completion award program.

Hearing Date and Location

Date: Thursday, May 15, 2014
Time: 1:00 p.m.
Location: Department of Workforce Development
 GEF 1 Building
 201 East Washington Avenue
 Room F105
 Madison, WI 53703

Visitors to the GEF 1 building are requested to enter through the left East Washington Avenue door and register with the customer service desk. The entrance is accessible via a ramp from the corner of Webster Street and East Washington Avenue.

If you have special needs or circumstances regarding communication or accessibility at the hearing, please call (608) 261–6805 at least 10 days prior to the hearing date. Accommodations such as ASL interpreters, English translators, or materials in audiotape format will be made available on request to the fullest extent possible.

Place Where Comments are to be Submitted and Deadline for Submission

Interested persons are invited to appear at the hearing and will be afforded the opportunity to make an oral presentation of their positions. Persons making oral presentations are requested to submit their facts, views, and suggested rewording in writing. Written comments will be accepted until Friday, **May 23, 2014**. Comments may be sent to the Division of Employment Training at the address below, or to Karen.Morgan@dwd.wi.gov or to <http://adminrules.wisconsin.gov>.

Copies of the Rule and Comments Relating to Small Business

You can obtain a free copy of the emergency rule, hearing draft rule and related documents including the economic impact analysis by contacting the Wisconsin Department of Workforce Development, Division of Employment Training, P.O. Box 7972, Madison, WI 53708–7972. You can also obtain a copy by calling (608) 266–3133 or by emailing Karen.Morgan@dwd.wi.gov. Copies will also be available at the hearings. To view the hearing draft rule online, go to: <http://adminrules.wisconsin.gov>.

Comments or concerns relating to small business may also be addressed to DWD’s small business regulatory coordinator Howard Bernstein at the address above, or by email to

howard.bernstein@dwd.wi.gov, or by telephone at (608) 266–1756.

Analysis Prepared by the Department of Workforce Development

Statutes interpreted

Chapter 106, Stats.

Statutory authority

Section 106.05, Stats.

Explanation of statutory authority

The Department of Workforce Development (DWD) has responsibilities imposed by 2013 Wisconsin Act 57 (Act 57) for implementing the state’s apprenticeship completion reimbursement program. DWD has specific authority to establish rules interpreting and clarifying provisions under ch. 106, Stats., relating to apprentice, employment and equal rights programs. Act 57 created s. 106.05, Stats., which provides that DWD administer an apprenticeship completion award program to partially reimburse the tuition costs paid by apprentices who have successfully completed part or all of the apprenticeship requirements, or the sponsors of those apprentices, and promulgate rules to implement the program.

Related statutes or rules

Chapter 106, Stats., governs the state’s apprenticeship program. DWD rules for the apprenticeship completion award program will be incorporated into ch. DWD 295, which governs the fundamental procedures of the federal and state apprenticeship programs.

Plain language analysis

This rule will administer an apprenticeship completion award program to partially reimburse the tuition costs paid by apprentices who have successfully completed part or all of their apprenticeship requirements, and are employed in the trade, craft or business in which the person was trained or by the sponsors of those apprentices.

This rule will do all of the following:

- Establish requirements that allow DWD to distribute tuition reimbursement completion awards to an apprentice and the sponsor of the apprentice, up to 25% of the tuition costs, but no more than \$1000.
- Allow DWD to distribute awards in two parts — the first payment may be made upon the successful completion of the first year of the apprentice’s contract, but the payment may not exceed \$250. The remainder of the award may be distributed upon the final completion of all requirements under the apprentice’s contract.
- Determine the reimbursement award percentage, or, in the alternative, deny applications for reimbursement that would otherwise qualify, if the amount of total reimbursement requests applied for exceeds the amount appropriated, based on the dates on which apprentices and sponsors of the apprentice become eligible for the apprenticeship completion awards.
- Identify requirements that an apprentice, or sponsor of the apprentice, seeking reimbursement under this program must meet when the apprentice is delinquent

in child support or maintenance payments, or owes past support, medical expenses or birth expenses.

Summary of, and comparison with, existing or proposed federal statutes and regulations

The Code of Federal Regulation Chapter 29, Part 29, governs the U.S. Department of Labor Standards for the Registration of Apprentice Programs. There are no federal statutes or regulations equivalent to this apprenticeship completion award program.

Comparison with rules in adjacent states

Minnesota has implemented laws relating to voluntary apprentice program administration, but does not have any comparable rules or programs similar to the apprenticeship completion award program.

Illinois, Indiana, Iowa, and Michigan do not have their own state apprenticeship laws and rely on federal standards.

Summary of factual data and analytical methodologies

This rule does not depend on any complex analysis of data. Act 57 authorized the department to create this rule. The department has adequate revenue to administer this program during the current biennium under the general purpose revenue provided for fiscal years 2013–14 and 2014–15.

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

This rule does not impose any new regulatory burdens on any business. The purpose of this rule is to reimburse eligible tuition costs to an apprentice, or sponsor of the apprentice, upon successful completion of the first year under the apprentice's contract or upon the full completion of the apprentice's contract.

Effect on Small Business

This rule does not place any requirements on small businesses but it may have a positive impact on small businesses that employ apprentices and incur tuition costs. Small businesses that incur tuition costs may be eligible for reimbursement of up to \$1,000 per apprentice.

Agency Contact Person

Questions and comments related to this rule may be directed to:

Karen Morgan
Department of Workforce Development
Division of Employment and Training
P.O. Box 7972, Madison, WI 53708–7972
Telephone: (608) 266–3133
E–Mail: Karen.morgan@dwd.wi.gov

Submittal of Proposed Rules to Legislature

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

Administration CR 14-001

The Department of Administration 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 of the statutes. The rule revises Chapter Adm 2, relating to the use of state buildings and facilities.

This rule was approved by the Governor on April 3, 2014.

Insurance CR 14-008

The Office of the Commissioner of Insurance has submitted a rule in final draft form to the chief clerk of each house of the legislature, pursuant to s. 227.19 (2), Wis. Stat. The rule will repeal section Ins 2.80 (4) (b) 3. b. and c. and Chapter Ins 2 (table); amend sections Ins 2.80 (4) (b) 3. g. and i. and 50.79 (3) (a) 4.; and create section Ins 50.79 (1) (f), relating to reserve and reporting requirements for life and fraternal insurers and affecting small business.

The proposed rule was approved by the Governor on March 28, 2014.

Public Instruction CR 14-018

On April 3, 2014, the Department of Public Instruction submitted proposed rules to the Chief Clerks of the Senate and Assembly for review by the Legislature under s. 227.19, Stats. The rules revise Chapter PI 34, relating to charter school teaching licenses.

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 of this proposed rule under s. 227.185, Stats.

Public Instruction CR 14-021

On April 3, 2014, the Department of Public Instruction submitted proposed rules to the Chief Clerks of the Senate and the Assembly for review by the Legislature under s. 227.19, Stats. The rules revise Chapter PI 36, relating to the full-time open enrollment program.

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 of this proposed rule under s. 227.185, Stats.

Safety and Professional Services *Professional Services, Chs. 1-299* CR 14-013

On April 3, 2014, 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 of the statutes. The order revises Chapters SPS 105, 106, 110 to 116, and 192 to 196, relating to mixed martial arts and boxing.

The Governor approved the rule under s. 227.185 of the Statutes on April 1, 2014.

Safety and Professional Services *Professional Services, Chs. 1-299* CR 14-014

On April 3, 2014, 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 of the statutes. The order revises Chapter SPS 34, relating to firearms and dangerous weapons (2011 Act 35).

The Governor approved the rule under s. 227.185 of the Statutes on April 3, 2014.

Safety and Professional Services *Professional Services, Chs. 1-299* CR 14-016

On April 3, 2014, 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 of the statutes. The order revises Chapters SPS 80 to 87, relating to the examination, education, and experience requirements of real estate appraisers.

The Governor approved the rule under s. 227.185, Stats on April 3, 2014.

Safety and Professional Services *Professional Services, Chs. 1-299* *General Part IV, Chs. 388-* CR 14-019

On April 3, 2014, 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 order repeals Chapters SPS 1 Appendix I, 1 Appendix II, 2 Appendix I, and 3 Appendix I, sections SPS 4.07 (30) and (59) and 4.08 (2) and (5) (a) to (c), Chapter SPS

8 Appendix I, and section SPS 500.10 (2) (a); renumbers section SPS 500.10 (2) (b); amends sections SPS 1.03 (6), 2.03 (6), 2.08 (2), 2.18 (4), 3.03 (4), 4.01, 4.04 (1), 6.03 (7), 6.08, 6.09 (2), (3), and (5), 6.11 (1) (intro.), (a), (b), and (2), 7.02 (4), and 8.02 (4), (5) (intro.); and creates sections SPS 1.09 (4m), 2.15 (5m), 6.11 (1) (c), 500.03 (3), and 500.04, relating to administrative procedures and small business discretion.

The Governor approved the rule under s. 227.185, Stats. on April 3, 2014.

Safety and Professional Services

Professional Services, Chs. 1—299

General Part 1, Chs. 301—319

Uniform Dwelling Code, Chs. 320—325

CR 14-010

On April 3, 2014, 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 of the statutes. The order revises Chapters SPS 131 to 135, 305, 323, 332, 334, and 361 relating to licenses, certifications, and registrations of trades credentials; continuing education requirements of home inspectors; and rule changes affected by 2013 Wisconsin Act 20.

The Governor approved the rule under s. 227.185, Stats., on April 3, 2014.

Safety and Professional Services

General Part 1, Chs. 301—319

CR 13-105

On April 3, 2014, 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 of the statutes. The rule revises Chapter SPS 314, relating to regarding fire prevention.

The Governor approved the rule under s. 227.185 of the Statutes on April 3, 2014.

Safety and Professional Services

General Part 1, Chs. 301—319

CR 14-020

On April 3, 2014, 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 of the statutes. The order revises Chapters SPS 305, 316, 318, 362, and 366, relating to elevators, escalators, and lift devices.

This rule is not subject to s. 227.185 of the Statutes. The statement of scope for this rule, published in Register 651 on March 15, 2010, was sent to the Legislative Reference Bureau prior to the effective date of 2011 Wisconsin Act 21.

Safety and Professional Services

Uniform Dwelling Code, Chs. 320—325

CR 14-015

On April 3, 2014, 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 of the statutes. The order revises Chapters SPS 320, 321, and 320 to 325 Appendix , relating to wall bracing for one- and two-family dwellings.

The Governor approved the rule under s. 227.185 of the Statutes on March 31, 2014.

Safety and Professional Services

Uniform Dwelling Code, Chs. 320—325

CR 14-017

On April 3, 2014, 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 of the statutes. The order revises Chapters SPS 320, 321, and 326, relating to manufactured homes and manufactured home communities.

The Governor approved the rule under s. 227.185 of the Statutes on April 3, 2014.

Safety and Professional Services —

Board of Nursing

CR 14-004

On April 3, 2014, the Board of Nursing 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 of the statutes. The rule revises Chapter N 1, relating to school approval.

The Governor approved the rule under s. 227.185, Stats. on April 3, 2014.

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

Family and Economic Security, Chs. DCF 101—153 CR 13-015

An order to revise Chapter DCF 101, relating to Wisconsin works case management services for job-ready individuals. Effective 6-1-14.

Natural Resources

Fish, Game, etc., Chs. NR 1— CR 13-079

(DNR # FH-01-12)

An order to amend section NR 20.40 (3), (3m), (4), (7) (intro.) and (a), and (10) (g) 3., 4., and 7., to repeal and recreate section NR 20.40 (5), and to create section NR 20.40 (2) (dm) and (Note), (7) (f) 2m and (Note), and (10) (g) 3m., 8., and 9., and (gm), relating to fishing tournaments on inland, outlying, and boundary waters of Wisconsin. Effective 6-1-14.

Natural Resources

Fish, Game, etc., Chs. NR 1— CR 13-082

(DNR # FH-25-15)

An order to amend section NR 25.10 (1) (c), relating to the number, placement, and removal of commercial fishing trap nets in the Restricted Use Area of Lake Superior. Effective 6-1-14.

Public Instruction

CR 13-083

An order to repeal sections PI 21.01 (Note), 21.04 (4)

(Note), and 21.05; amend section PI 21.04 (title), (intro), (1) (a), (b), (c), (2), and (3); and repeal and recreate section PI 21.04 (4), relating to driver education programs. Effective 6-1-14.

Public Instruction

CR 13-086

An order to revise Chapter PI 32, relating to grants for alcohol and other drug abuse programs. Effective 6-1-14.

Revenue

CR 13-095

An order to amend section Tax 11.93 (1) and (Note 2), relating to sales tax filing frequency. Effective 6-1-14.

Safety and Professional Services — Real Estate Examining Board

CR 13-072

An order to revise Chapter REEB 18, relating to real estate trust accounts. Effective 7-1-14.

Safety and Professional Services — Real Estate Examining Board

CR 13-073

An order to revise Chapter REEB 16, relating to use of approved forms and legal advice. Effective 7-1-14.

Rules Published with this Register and Final Regulatory Flexibility Analyses and Repeals and Modifications of Rules by Legislative Acts

The following administrative rule orders and legislative acts that repeal or modify rule have been adopted or enacted and the changes, additions, and deletions to the Wisconsin Administrative Code contained in these rules and acts have been incorporated into the affected chapters of the Administrative Code. The affected chapters are published in this edition of the Wisconsin Administrative Register. (see sections 35.93 and 227.265, Wis. Stats.)

For subscription information, contact Document Sales at (608) 266-3358. (Paper publication of and subscriptions to the Wisconsin Administrative Code and the subscription service will cease January 1, 2015. The administrative code will be published on the Internet at <http://legis.wisconsin.gov/rsb/code.htm>. See that site or <http://legis.wisconsin.gov/rsb/codenews.pdf> for details.)

Administrative Rules Published

Administration CR 13-069

An order of the Department of Administration to create Chapter Adm 93, relating to the community development block grant program.

Effective 5-1-14.

Summary of Effects on Small Business

The proposed rules will have no direct impact upon small businesses, as the State may only grant funds to units of local government.

Summary of Comments from Legislative Committees

No comments were reported.

Agriculture, Trade and Consumer Protection CR 13-063

(DATCP DOCKET # 13-R-02)

An order of the Department of Agriculture, Trade and Consumer Protection to amend sections ATCP 17.01 (9), 21.21 (1) (c) 1., 60.01 (23m), 60.08 (3) and (6), 70.03 (7) (b) 1., 80.01 (7) (c) and (27m), and 80.24 (3) (a) 2. and (b); to repeal section ATCP 17.01(19) and Chapter ATCP 53; to repeal and recreate Chapter ATCP 21, Appendix A; and to create section ATCP 80.24 (3) (a) 3.; relating to various minor and technical rule changes.

Effective 5-1-14.

Business Impact Analysis (Summary)

This rule makes technical housekeeping changes that will have no effect upon small businesses.

Comments from Legislative Committees (Summary)

On December 19, 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 Agriculture, Small Business, and Tourism. Neither committee took action. The Assembly referred the rule to the Joint Committee for Review of Administrative Rules (JCRAR) on February 21, 2014 and the Senate referred it to JCRAR on January 30, 2014. JCRAR took no action on the rule.

Public Instruction CR 13-084

An order of the State Superintendent of Public Instruction to repeal Chapter PI 29, relating to grants for preschool through grade 5 programs.

Effective 5-1-14.

Effect on Small Business

The proposed rules will have no economic impact on small businesses, as defined in s. 227.114 (1), Stats.

Summary of Comments from Legislative Committees

No comments were reported.

Public Instruction CR 13-085

An order of the State Superintendent of Public Instruction to repeal Chapter PI 31, relating to grants for STEM programs.

Effective 5-1-14.

Effect on Small Business

The proposed rules will have no economic impact on small businesses, as defined in s. 227.114 (1), Stats.

Summary of Comments from Legislative Committees

No comments were reported.

Public Instruction CR 13-087

An order of the State Superintendent of Public Instruction to repeal Chapter PI 33, relating to grants for nursing services.

Effective 5-1-14.

Effect on Small Business

The proposed rules will have no economic impact on small businesses, as defined in s. 227.114 (1), Stats.

Summary of Comments from Legislative Committees

No comments were reported.

Public Instruction**CR 13-088**

An order of the State Superintendent of Public Instruction to amend section PI 34.35 (1) (c), relating to the definition of immoral conduct.

Effective 5-1-14.

Effect on Small Business

The proposed rules will have no economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

Summary of Comments from Legislative Committees

No comments were reported.

Public Service Commission**CR 13-040**

(PSC DOCKET # 1-AC-237)

An order of the Public Service Commission to renumber section PSC 118.02 (6g) (a) to (e); to renumber and amend sections PSC 118.01 (1), 118.02 (6g) (intro.), and 118.03 (3); to amend sections PSC 118.02 (1m) and (5), 118.03 (2) (intro.) and (c), 118.04 (1m) (c), (4), and (5), 118.055 (title), (1), (2) (intro.) to (b), (e) and (f), and (3) to (5), 118.06 (2) (b), (c) 1., (cm) (intro.) and 1., (d) 1m., (em), and (5), 118.09 (1) to (7); and to create sections PSC 118.01 (3), 118.03 (3) (b) and (5), 118.04 (2) (fm), and 118.08 (3) and (4), relating to renewable resource credits.

Effective 5-1-15.

Final Regulatory Flexibility Analysis

This rule will not affect small businesses. The s. 227.114 (12), Stats., definition of "small business" states that to be considered a small business, the business must not be dominant in its field. Since electric utilities are monopolies in their service territories, they are dominant in their fields and, so, are not small businesses.

Comments

No committee comments were reported.

Revenue**CR 13-078**

An order of the Department of Revenue to amend sections Tax 2.61 (7) (a) 4., (b) 4., and (g) (intro.) and 1., 2.62 (2) (d) 1., and 2.64 (2) (a), (b) 7., (c), and (e) 3., and create section Tax 2.465, relating to apportionment of apportionable income of interstate air freight forwarders affiliated with a direct air carrier.

Effective 5-1-14.

Effect on Small Business

This rule order does not affect small business.

No comments were reported.

Safety and Professional Services**Professional Services, Chs. SPS 1-299****CR 13-077**

An order of the Wisconsin Department of Safety and Professional Services to amend sections SPS 1.08 (2), 2.10 (1), and 8.03 (3), relating to hearings, injunctions, and warnings.

Effective 5-1-14.

Effect on Small Business

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats.

Comments

No comments were reported.

**Safety and Professional Services —
Medical Examining Board****CR 13-090**

An order of the Medical Examining Board to amend section Med 1.02 (2), relating to copy of diploma requirement.

Effective 5-1-14.

Effect on Small Business

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats.

Comments

No comments were reported.

**Safety and Professional Services —
Marriage and Family Therapy, Professional
Counseling and Social Work Examining Board****CR 13-009**

An order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to repeal and recreate sections MPSW 10.01 (6) and 14.01, relating to education.

Effective 9-1-18. (Publication 4-30-14)

Effect on Small Business

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats.

Comments

No comments were reported.

**Safety and Professional Services —
Veterinary Examining Board****CR 13-031**

An order of the Veterinary Examining Board to repeal sections VE 1.02 (9) and 7.02 (3) (d); to renumber section VE 1.02 (10m), (11m), and (12); to renumber and amend section VE 1.02 (10); to amend sections VE 1.02 (3), 7.01 (1), 7.02 (3) (a), (4)(c), and (8) (c), and 7.03 (1); to repeal and recreate section VE 7.03 (2) (a) to (r), and (3) (a) to (k); and to create sections VE 1.02 (3m), 7.03 (4), 7.06 (24), (25), and (26), and 9.05 (13), relating to standards of practice and unprofessional conduct of veterinarians and certified veterinary technicians.

Effective 5-1-14.

Effect on Small Business

This rule will not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats.

Comments

No comments were reported.

**Safety and Professional Services —
Veterinary Examining Board****CR 13-032**

An order of the Veterinary Examining Board to repeal sections VE 2.04 and 3.05 (1) (a); to renumber section VE 5.03 (1) (e); to renumber and amend section VE 3.05 (1) (b);

to amend sections VE 2.01 (2), 3.01(2), 3.05 (5) (b), and 4.01 (2) (a) and (3); and to create section VE 5.03 (1) (b), relating to licensure, temporary permits, and examinations.

Effective 5–1–14.

Effect on Small Business

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats.

Comments

No comments were reported.

Workforce Development *Unemployment Insurance, Chs. 100—150* **CR 13–081**

An order of the Department of Workforce Development to revise Chapters DWD 126, 127, and 129, relating to unemployment insurance work registration, work search, and benefit claiming procedures.

Effective 5–1–14, except the treatments of DWD 126.03 and 127.02 will take effect when the Secretary determines the department has the technological ability to implement the changes.

Effect on Small Business (Summary)

This rule does not place any new requirements on small business but is expected to benefit all employers, including small businesses. First, the amendments are projected to result in more unemployment insurance claimants finding employment faster. As a result, unemployed individuals will be collecting unemployment insurance benefits for a shorter duration and there will be fewer charges to employers'

unemployment insurance accounts. This will help reduce employers' unemployment insurance tax. Second, more unemployed individuals will be required to seek employment and DWD will be better able to assist unemployed individuals find appropriate jobs. Consequently, when hiring employees businesses will likely experience an increase in qualified applicants.

Legislative Comments

No comments were reported.

Workforce Development *Employment and Training, Chs. 801—830* **CR 13–045**

An order of the Department of Workforce Development to create Chapter DWD 801, relating to workforce training grants under the Wisconsin fast forward program.

Effective 5–1–14.

Effect on Small Business

The proposed rule has no effect on a small business that does not apply for a workforce training grant. Any business that chooses to apply for a grant, with or without partners, will have to comply with the administration and reporting requirements of the rule and the grant agreement.

Summary of Comments By Legislative Review Committees

In response to comments from Representative Loudenberg, DWD submitted modified language to ss. DWD 801.08 (4) and 801.09 (4) to clarify that those provisions, relating to expenditures and ownership, apply to instructional materials, software, and equipment.

Legislative Acts Modifying or Repealing Rules

Accounting Examining Board **2013 Wisconsin Act 210, Sections 16 to 21**

2013 Wisconsin Act 210 revises Chapters Accy 1 and 9, relating to rule-making procedures, practice standards for certified public accountants, and eligibility requirements to sit for the licensure examination for certified public accountants.

Effective 5–1–14.

Veterans Affairs **2013 Wisconsin Act 189 (entire act)**

2013 Wisconsin Act 189 revises Chapters VA 1 to 9, 12 to 15, and 17, relating to powers and duties of the board of veterans affairs; reimbursement of veterans' tuition at tribal colleges; documentation for eligibility to veterans homes; operation of veterans homes; eligibility and procedural requirements for veterans home loans, veterans personal loans, county veterans service grants, and American Indian veterans grants; and funeral honors, burial, and disinterment of veterans.

Effective 5–1–14.

Administrative Code Sections Affected by Rule Revisions, Legislative Acts, and Corrections

*The following administrative code provisions were revised by rule orders, modified or repealed by legislative act, or corrected by the Legislative Reference Bureau in **April 2014**. Revised, modified, and corrected administrative code chapters are published in this Register. Repealed chapters of the administrative code are removed from the code on the first day of the first month following publication of this Register. For additional information, contact the Legislative Reference Bureau at (608) 266-3651.*

Revisions by Rule Order

Administration

Ch. Adm 93
Entire Chapter (Created)

Agriculture, Trade and Consumer Protection

Ch. ATCP 17
ATCP 17.01 (9), (19)

Ch. ATCP 21
ATCP 21.21 (1) (c) 1.
Appendix A

Ch. ATCP 53
Entire Chapter (Repealed)
Appendix A (Repealed)
Appendix B (Repealed)

Ch. ATCP 60
ATCP 60.01 (23m)
ATCP 60.08 (3), (Note), (6) (a) 1.

Ch. ATCP 70
ATCP 70.03 (7) (b) 1.

Ch. ATCP 80
ATCP 80.01 (7) (c), (27m)
ATCP 80.24 (3) (a) 2., 3., (b)

Children and Families

Ch. DCF 201
DCF 201.08 Table (Adjustment)

Marriage and Family Therapy, Counseling and Social Worker Examining Board

Ch. MPSW 10
MPSW 10.01 (6)

Ch. MPSW 14
MPSW 14.01

Medical Examining Board

Ch. Med 1
Med 1.02 (2)

Physical Therapy Examining Board

Whole Code (Agency Name Change in Page Heads)

Public Instruction

Ch. PI 29
Entire Chapter (Repealed)

Ch. PI 31
Entire Chapter (Repealed)

Ch. PI 33
Entire Chapter (Repealed)

Ch. PI 34
PI 34.35 (1) (c)

Public Service Commission

Ch. PSC 118
PSC 118.01 (1), (3)
PSC 118.02 (1m), (5), (5g), (6g)
PSC 118.03 (2) (intro.), (c), (3), (3m), (4) (a), (c), (5)
PSC 118.04 (1m) (c), (2) (fm), (3) to (5)
PSC 118.055 (title), (1), (2) (intro.) to (b), (e), (f), (3) to (5)
PSC 118.06 (2) (b), (c) 1., (cm) (intro.), 1., (d) 1m., (em), (5)
PSC 118.08 (3), (4)
PSC 118.09 (1) to (7)

Revenue

Ch. Tax 2
Tax 2.465
Tax 2.61 (7) (a) 4., (b) 4., (g) (intro.), 1.
Tax 2.62 (2) (d) 1.
Tax 2.64 (2) (a), (b) 7., (c), (e) 3.

Safety and Professional Services

Ch. SPS 1
SPS 1.08 (2)

Ch. SPS 2
SPS 2.10 (1)

Ch. SPS 8
SPS 8.03 (3)

Veterinary Examining Board**Ch. VE 1**

VE 1.02 (3), (3m), (9), (10m), (11m) to (13)

Ch. VE 2

VE 2.01 (2)
VE 2.04

Ch. VE 3

VE 3.01 (2)
VE 3.05 (1) (a), (b), (5) (b)

Ch. VE 4

VE 4.01 (2) (a), (3)

Ch. VE 5

VE 5.03 (1) (b), (d), (e)

Ch. VE 7

VE 7.01 (1)
VE 7.02 (3) (a), (d), (4) (c), (8) (c)
VE 7.03 (1), (2) (a) to (q), (3) (a) to (j), (4)
VE 7.06 (24) to (26)

Ch. VE 9

VE 9.05 (13)

Workforce Development**Ch. DWD 126**

DWD 126.01
DWD 126.02
DWD 126.03
DWD 126.04
DWD 126.05

Ch. DWD 127

Title
DWD 127.01
DWD 127.02 (intro.), (1), (2) (intro.), (b), (3), (4), (5),
(7), (9), (10), (11)
DWD 127.04
DWD 127.05
DWD 127.06
DWD 127.07
DWD 127.08

Ch. DWD 128

DWD 128.01 (2) (a)

Ch. DWD 129

DWD 129.01 (1), (2)

Ch. DWD 801

Entire Chapter

Repeals and Modifications of Rules by Legislative Act

Repeals and modifications by legislative act under authority of s. 227.265, Stats.

Accounting Examining Board**Ch. Accy 1**

Accy 1.003 (1)
Accy 1.101
Accy 1.205

Ch. Accy 9

Accy 9.01 (2), (4) to (8)
Accy 9.06
Appendix A (Repealed)

Ch. VA 6

VA 6 (title)
VA 6.01 (1), (2) (a), (b), (3) (title), (a), (b), (4) to (6),
(8), (9), 911, (12), (15) to (17)
VA 6.02 (intro.), (12)
VA 6.03 (1), (2), (4) to (12)
VA 6.04 (1), (5), (9), (10), (14), (15)
VA 6.05 (1) to (9)
VA 6.06 (5)

Ch. VA 7

VA 7.05

Ch. VA 8

VA 8.02 (1)
VA 8.04

Ch. VA 9

Entire Chapter (Repealed)

Ch. VA 12

VA 12.02 (3) (b), (f), (9), (13)
VA 12.05 (2) and (Note)

Ch. VA 13

VA 13.01 (5)

Ch. VA 14

VA 14.02 (title), (1) (intro.), (a), (2)

Ch. VA 15

VA 15.02 (1)
VA 15.03 (1)

Ch. VA 17

VA 17.04

Veterans Affairs**Ch. VA 1**

VA 1.11 (intro.), (2), (11), (13), (15), (18)
VA 1.18

Ch. VA 2

VA 2 (title)
VA 2.01 (2) (b) 1., (3) (b)
VA 2.02 (3) (b)
VA 2.03 (1) (b) to (d), (g), (h), (2) (b)
VA 2.04
VA 2.06

Ch. VA 4

VA 4.01 (7), (16)
VA 4.08 (1) (c)
VA 4.09 (4)
VA 4.14 (3) (c) 2., 6.

Ch. VA 5

VA 5.03 (intro.), (3), (11)

Editorial Corrections

Corrections to code sections under the authority of s. 13.92 (4) (b) or 35.17 (2), Stats.

Administration

Ch. Adm 93

Adm 93.01 (Note)
Adm 93.02 (2)
Adm 93.07

Ch. Adm 94

Reprinted for pagination

Ch. Adm 94 Appendix

Reprinted for pagination

Agriculture, Trade and Consumer Protection

Ch. ATCP 60

ATCP 60.06 (1m) (Note)
ATCP 60.22 (Note)

Ch. ATCP 70

ATCP 70.02 (Note)
ATCP 70.21 (Note)

Ch. ATCP 80

ATCP 80.16 (2) (i) (Note)
ATCP 80.32 (1) (Note)
ATCP 80.34 (2) (c) 3. (Note), (5) (Note), (6) (Note), (7) (Note), (8) (Note)
ATCP 80.41 (a) (Note)
ATCP 80.46 (2) (a), (b), (Note)
ATCP 80.49 (2) (Note)
ATCP 80.52 (2) (Note)
ATCP 80.62 (1) (c) (Note), (2) (b) (Note)

Children and Families

Ch. DCF 150

Appendix C
Appendix D

Natural Resources

Ch. NR 10

NR 10.001 (23s)

Public Service Commission

Ch. PSC 118

PSC 118.02 (17)
PSC 118.03 (1) (intro.), (4) (b) (intro.)
PSC 118.04 (1), (Note), (1m) (intro.), (b), (2) (e), (f), (g), (3)
PSC 118.05 (1)
PSC 118.08 (1), (2)

Revenue

Ch. Tax 2

Tax 2.05 (Notes)

Veterans Affairs

Ch. VA 1

VA 1.15 (intro.)

Veterinary Examining Board

Ch. VE 1

VE 1.02 (3m)

Ch. VE 3

VE 3.03 (3) (Note)

Ch. VE 8

VE 8.03 (1) (c) (Note)

Workforce Development

Ch. DWD 801

DWD 801.11 (3) (c)
DWD 801.12 (intro.)

Executive Orders

The following are recent Executive Orders issued by the Governor.

Executive Order 132. Relating to a Declaration of an Energy Emergency. **(April 17, 2014)**

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