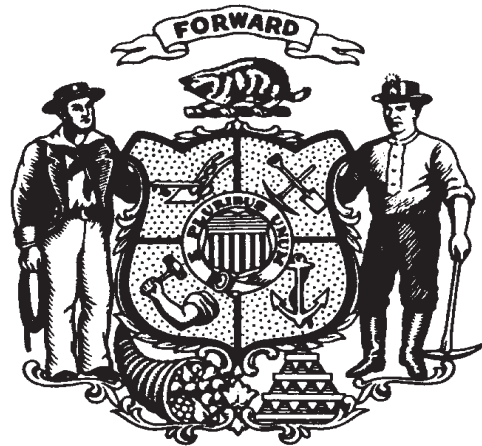


Wisconsin Administrative Register

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NOTICE TO SUBSCRIBERS

Printing of Administrative Code and Register Will End December 31, 2014

As required by 2013 Wisconsin Act 20, state-sponsored printing and distribution of the Wisconsin Administrative Code and Register will end January 1, 2015, and the Code and Register will become electronic-only publications.

Important points:

- The LRB will continue to publish the Code and Register at their present locations on the Legislature's and Legislative Reference Bureau's Internet sites.
- Publication of the Register will occur every Monday, beginning January 5, 2015.
- Updated and new Code chapters, with insertion and removal instructions, will still be published in the last Register of each month (published on the last Monday of each month).

Code chapters will be published in the Register as PDF files in the exact format as they are currently printed, including page numbers.

Users can continue loose-leaf notebook use by printing chapters to 3-hole punch paper from any printer or by making arrangements with commercial printers. The state Department of Administration will also sell full and part agency codes, but not individual chapters, on a print-on-demand basis. (See http://legis.wisconsin.gov/rsb/Pre_Printed_Code.pdf) Looseleaf binders will no longer be available from the state and the code volume for insertion will no longer be designated for published chapters.

- The format for Internet publication of the Code will not change. The Code will continue to be published in its entirety in both HTML and PDF formats and updated on the first day of each month to reflect changes published in the most recent end-of-month Register.
- An Email notice system is being developed to alert users to changes in only those rules and rulemaking notices that are of interest to the user and will be available at <http://legis.wisconsin.gov/rsb/code.htm> and <https://docs.legis.wisconsin.gov/code/preferences/toc> by late December 2014 or January 2015.
- RSS feeds providing notice of new Registers and changes to the whole Code, Code chapters grouped by agency, and individual Code chapters are currently available. (For more information on RSS feeds see <https://docs.legis.wisconsin.gov/feed>.) Details on the email notice system will be published in future Registers prior to January 1, 2015.

Direct questions on Internet publication to:

Bruce Hoesly (608) 266-7590, bruce.hoesly@legis.wi.gov

Table of Contents

Emergency Rules Now in Effect.**Pages 5 to 13**

Agriculture, Trade and Consumer Protection:

Amends Chapter ATCP 127, subchapter V (Title) and section 127.82 (2); repeals sections ATCP 127.81 (3) (c), (d), (e) and (Note) and 127.82 (3), (4), (5), (6), and (7); repeals and recreates sections ATCP 127.80 (5), 127.81 (2) (j), 127.82 (Title) and (1) and 127.82 (8); and creates section ATCP 127.80 (6r), relating to telephone solicitations and the state do–not–call registry. **EmR1413**

Amends section ATCP 21.17 (1) (b) and creates section ATCP 21.17 (1) (c), relating to the quarantine of Columbia, Door, Grant, Green, Iowa, Lafayette, Monroe and Richland Counties for the emerald ash borer beetle. **EmR1424**

Children and Families:

Safety and Permanence, Chs. DCF 35—59

Renumbers sections DCF 50.06 (2), 57.515 (1), and 58.04 (4) (a) and (b); renumbers and amends section DCF 57.515; amends sections DCF 50.06 (3) (b)1., 52.02 (2) (a) and (note), 52.03 (23), 52.12 (8) (b) and (9) (c) (intro.) and 1., 52.21 (3) (d) 2. a. and (9), 52.22 (1) (d), 52.41 (1) (a) 3., 52.48 (1) (b), 52.56 (24) (a), 52.58 (4) (b) 1. and 2., 52.61 (7) (a) 2. c. to e., 52.62 (4) (b) 4., and (7) (a) (intro.) and 2. to 5., 55.10 (4) (a) (intro.), 1., and 2. a., 56.03 (12), (13), (34p), and (38), 57.02 (2) and (note), 57.05 (1) (c) (note), 57.13 (1) (j), 57.14 (2) and (4) (a) 1., 57.16 (4), 57.17 (2) (h), 57.23 (2) (a) (intro.), 57.25 (6) (b) and (c), 57.33 (2), 57.38 (2), and 58.03 (12) and (15); repeals and recreates sections DCF 52.03 (22), 52.21 (3) (d) (title), 1., and 2.c., 52.62 (4) (b) 5., 54.01 (4) (b), 56.03 (5), 57.04 (6) and (34), 57.19 (6), 58.03 (3), and 58.04 (4) (title); and creates Chapter DCF 21 and sections DCF 50.06 (2) (a) (title) and 11., (2) (b), and (3) (b) 1. c., 52.03 (27m), 52.21 (3) (d) (note), 52.62 (4) (d) and (note), 55.10 (4) (a) 3. and (am), 56.04 (39), 56.09 (1m) (cm), 57.14 (2) (c), 57.23 (2) (a) 13., 57.515 (2) and (note), 58.03 (20), and 58.04 (4) (b), relating to the extension of out–of–home care to children and youth 18 years of age or over, but under 21 years of age, and affecting small businesses. **EmR1414**

Health Services:

Health, Chs. DHS 110—

Renumbers and amends section DHS 115.05 (3), amends sections 115.01, 115.02, and 115.04 (intro.), and creates section 115.04 (15) and (16), relating to screening newborns for congenital and metabolic disorders. **EmR1410**

Insurance:

Amends section Ins 17.01 (3) and repeals and recreates section Ins 17.28 (6), relating to the Injured Patients and Families Compensation Fund Annual Fund and mediation penal fees, for the fiscal year beginning July 1, 2014 and affecting small business. **EmR1408**

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—

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

Fish, Game, etc., Chs. NR 1—

Creates 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. **EmR1320**

Fish, Game, etc., Chs. NR 1—

Revise Chapter NR 10, relating deer management, hunting, and implementation of the 2012 White-tailed Deer Trustee Report. **EmR1405**

Fish, Game, etc., Chs. NR 1—

Revises sections NR 20.36 and 23.055, relating to modifications in daily bag limits and minimum size limits in response to tribal harvest. **EmR1409**

Fish, Game, etc., Chs. NR 1—

Creates sections NR 10.02 (11), 16.12 (3) (b) 12., 19.275 (4) (bm), 21.13 (4) (bm), and 22.13 (4) (bm), relating to the addition of the Blanding's turtle to the State's Protected Wild Animal list, possession exemptions, and turtle seasons and limits. **EmR1412**

Fish, Game, etc., Chs. NR 1—

Amends sections NR 10.01 (b) and 10.06 (5) and creates sections NR 10.01 (1) (a) and 10.06 (5) (a), related to establishing an early duck season for teal-only and the hunting regulations for teal and mourning doves. **EmR1418**

Fish, Game, etc., Chs. NR 1—

Amends section NR 10.01 (1) (b) and (1) (g) 1. d. and creates section NR 10.01 (1) (g) 1. dm., related to migratory bird hunting regulations. **EmR1419**

Fish, Game, etc., Chs. NR 1—

Repeals section NR 10.001 (2e), 10.09 (1) (c) 1. e. and (Note); amends sections NR 10.06 (5), 10.06 (8) (a) and (b), 10.07 (1) (b) 3., 10.07 (2m) (g) 2., 10.09 (1) (c), 10.09 (3), 10.10 (2), 10.11 (5) (a), 10.103 (1), 10.104 (7), 10.104 (9r), 10.15 (1) (a), 10.15 (6), 10.16 (Intro.), 10.16 (2), 10.22 (1), 10.23 (2) (a), 10.24 (2), 10.25 (4) (a), 11.042 (intro.), 11.043 (intro.), 11.11 (intro.), 12.16 (4), 15.01 (intro.), 15.015 (intro.), 15.10 (1) (intro.) and 15.12 (intro.), 45.09 (1), and 45.13 (18), (21), and (24); and creates sections NR 10.01 (3) (em) (Note) and (3) (ep), 10.104 (7) (c), 10.15 (3m), and 10.16 (2m), related to establishing a season for hunting deer with crossbows-only. **EmR1420**

Fish, Game, etc., Chs. NR 1—

Amends section NR 10.104 (8) (a) and creates sections NR 10.001 (7p) and (7w), 10.104 (9m) (a) and (b), 10.104 (5) (b) 8. and 10.104 (5) (c), related to implementation of the Deer Management Assistance Program and County Deer Management Advisory Committee. **EmR1422**

Environmental Protection — General, Chs. NR 100—

Revises Chapter NR 150, relating to the department's environmental analysis and review procedures under the Wisconsin Environmental Policy Act. **EmR1417**

Public Instruction:

Creates Chapter PI 80, relating to community programs and services. **EmR1411**

Safety and Professional Services:

General Part I, Chs. 301—319

Amends section SPS 305.40 (2) (b), (3) (b), (4) (a) 1., (b), (c), and (d) 1., and (5) and creates sections SPS Table 305.02 Row 24r, Table 305.06 Row 19r, 305.40 (1) (bm), and 305.437, relating to credentials for electricians. **EmR1415**

Plumbing, Chs. 381—387

Renumbers Chapter SPS 384 Table 384.10 rows 1 to 5, renumbers and amends Chapter SPS 384 Table 384.10 row 6, and creates Chapter SPS 384 Table 384.10 rows 1 and 9 and (Note), relating to water–treatment devices. **EmR1423**

Transportation:

Amends Chapter Trans 102, relating to operator’s licenses and identification cards. **EmR1421**

Creates Chapter Trans 319, relating to towing of vehicles. **EmR1425**

Creates section Trans 327.14, relating to motor carrier safety and affecting small business. *[First Appearance]* **EmR1426**

Veterans Affairs:

Creates section VA 2.07, relating to grants to non–profit organizations. **EmR1416**

Workforce Development:

Apprenticeship, Chs. DWD 295—296

Creates section DWD 295.25, relating to apprenticeship completion awards. **EmR1406**

Scope Statements.**Pages 14 to 15**

Safety and Professional Services:

Commercial Building Code, Chs. SPS 361—366

Revises Chapters SPS 361 and 364, relating to mechanical ventilation systems for minor repair garages. **SS 125–14**

Safety and Professional Services — Podiatry Affiliated Credentialing Board:

Revises Chapter Pod 2, relating to overtreatment of patients. **SS 126–14**

Submittal of Proposed Rules to Legislative Council Clearinghouse.**Page 16**

Safety and Professional Services — Podiatry Affiliated Credentialing Board:

Revises sections Pod 4.01 and 4.03 (2), relating to biennial registration of podiatrists. **CR 14–065**

Safety and Professional Services — Veterinary Examining Board:

Revises sections VE 2.01 (2), 3.03 (5), and 8.03 (1), relating to entrance to exams. **CR 14–064**

Rule–Making Notices.**Pages 17 to 22**

Safety and Professional Services — Podiatry Affiliated Credentialing Board:

Revises sections Pod 4.01 and 4.03 (2), relating to biennial registration of podiatrists. **CR 14–065**

Safety and Professional Services — Veterinary Examining Board:

Revises sections VE 2.01 (2), 3.03 (5), and 8.03 (1), relating to entrance to exams. **CR 14–064**

Submittal of Proposed Rules to Legislature.**Page 23**

Public Service Commission:

Amends section PSC 135.019 (1), relating to the adoption of updated federal regulations in regard to gas pipeline safety. **CR 14–052**

Amends Chapters PSC 112, 133, and 184 to conform with 2011 Wisconsin Act 155 and amends Chapter PSC 118 to conform with 2014 Wisconsin Act 300, relating to the requirement to obtain a certificate or approval prior to beginning a proposed project, displacement facility requirements, and determining the displacement percentage. **CR 14–053**

Safety and Professional Services — Medical Examining Board:

Amends sections Med 18.02 (3), 18.04 (3) and (5), and 18.05, repeals and recreates Chapter Med 18 (title) and section Med 18.03 (title), and creates section Med 18.04 (6), relating to physicians and informed consent. **CR 14–040**

Public Notices.

Pages 24 to 27

Agriculture, Trade and Consumer Protection:

Notice of Dollar Amount Adjustments for Repair Charges Subject to Mechanic’s Liens

Notice of Dollar Amount Adjustments for Liens on Vehicles for Towing and Storage

Health Services:

Medicaid Reimbursement for Inpatient Hospital Services: Acute Care, Children’s, Critical Access, Psychiatric, and Rehabilitation Hospitals State of Wisconsin Medicaid Payment Plan for Rate Year 2015

Medicaid Reimbursement for Outpatient Hospital Services: Acute Care, Children’s, Critical Access, Psychiatric, and Rehabilitation Hospitals State of Wisconsin Medicaid Payment Plan for Rate Year 2015

Emergency Rules Now in Effect

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

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

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

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

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

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

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

Agriculture, Trade and Consumer Protection (2)

1. EmR1413 (ATCP DOCKET # 14–R–09) — The Wisconsin Department of Agriculture, Trade and Consumer Protection adopts the following emergency rule to amend **chapter ATCP 127, subchapter V (Title) and section 127.82 (2)**; to repeal **sections ATCP 127.81 (3) (c), (d), (e) and (Note) and 127.82 (3), (4), (5), (6), and (7)**; to repeal and recreate **sections ATCP 127.80 (5), 127.81 (2) (j), 127.82 (Title) and (1) and 127.82 (8)**; and to create **section ATCP 127.80 (6r)**, relating to telephone solicitations and the state do–not–call registry.

This emergency rule was approved by the Governor on July 29, 2014.

The scope for this rule, SS 049–14, was approved by the Governor on May, 14, 2014, published in register No. 701 on May 31, 2014, and approved by the Board of Agriculture, Trade and Consumer Protection on June 12, 2014.

Finding of Emergency

(1) In Wisconsin, businesses wishing to solicit consumers by telephone must register with the department and pay an annual registration fee.

(2) A recent statutory change eliminated Wisconsin’s separate no–call list and requires telephone solicitors to use the Wisconsin portion of the national do–not–call registry.

(3) The law also requires the department to create telephone solicitor registration requirements by rule that will show proof that the businesses have registered with the federal trade commission’s do–not–call registry to obtain and use the Wisconsin portion of the national do–no–call registry.

(4) The statutory change takes effect August 1, 2014. However, the permanent rule–making establishing these registration requirements will not be effective until mid–2015.

(5) The department must adopt registration requirements by emergency rule by August 1, 2014 so telephone solicitors can register with the department and comply with the law before the permanent rule is completed.

(6) This temporary emergency rule is necessary to protect the welfare of businesses that wish to register as telephone solicitors in Wisconsin. Without this emergency rule, telephone solicitors would not be able to register with the department and would not be able to comply with the no–call law.

Filed with LRB: July 29, 2014
Publication Date: August 1, 2014
Effective Dates: August 1, 2014 through December 28, 2014
Extension Through: February 26, 2015

2. EmR1424 — The Wisconsin Department of Agriculture, Trade and Consumer Protection adopts the following emergency rule to amend **section ATCP 21.17 (1) (b)** and to create **section ATCP 21.17 (1) (c)**, relating to the quarantine of Columbia, Door, Grant, Green, Iowa, Lafayette, Monroe, and Richland Counties for the emerald ash borer beetle.

This emergency rule was approved by the Governor on September 11, 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 and Consumer Protection on December 10, 2013.

Finding of Emergency

(1) The United States Department of Agriculture — Animal and Plant Health Inspection Service (“APHIS”) positively identified Emerald Ash Borer (“EAB”) in the village of Fish Creek, Door County on June 10, 2014. EAB was also identified in the city of Sturgeon Bay on June 19, 2014. APHIS subsequently identified EAB in Nelson Dewey State Park, Grant County, and in the Village of Oakdale, Monroe County, on July 11, 2014. On July 17, 2014, APHIS identified EAB in the Town of Lodi, Columbia County. While EAB has not yet been positively identified in the southwestern contiguous counties of Richland, Iowa, Lafayette, and Green, these four counties are now completely surrounded by the state and federal EAB quarantine. It is very likely that these counties already contain some level of EAB infestation, and there is little economic or ecological benefit to keeping them out of the quarantine. 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 Columbia, Door, Grant, Green, Iowa, Lafayette, Monroe, and Richland Counties but that it will take six to eight weeks for APHIS to act. An eight–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.

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

Filed with LRB: September 25, 2014
Publication Date: September 26, 2014
Effective Dates: September 26, 2014 through February 22, 2015
Hearing Date: October 27, 2014

Children and Families

Safety and Permanence, Chs. DCF 35—59

EmR1414 — The Wisconsin Department of Children and Families orders the renumbering of sections **DCF 50.06 (2), 57.515 (1), and 58.04 (4) (a) and (b)**; the renumbering and amendment of section **DCF 57.515**; the amendment of sections **DCF 50.06 (3) (b) 1., 52.02 (2) (a) and (note), 52.03 (23), 52.12 (8) (b) and (9) (c) (intro.) and 1., 52.21 (3) (d) 2. a. and (9), 52.22 (1) (d), 52.41 (1) (a) 3., 52.48 (1) (b), 52.56 (24) (a), 52.58 (4) (b) 1. and 2., 52.61 (7) (a) 2. c. to e., 52.62 (4) (b) 4., and (7) (a) (intro.) and 2. to 5., 55.10 (4) (a) (intro.), 1., and 2. a., 56.03 (12), (13), (34p), and (38), 57.02 (2) and (note), 57.05 (1) (c) (note), 57.13 (1) (j), 57.14 (2) and (4) (a) 1., 57.16 (4), 57.17 (2) (h), 57.23 (2) (a) (intro.), 57.25 (6) (b) and (c), 57.33 (2), 57.38 (2), and 58.03 (12) and (15)**; the repeal and recreation of sections **DCF 52.03 (22), 52.21 (3) (d) (title), 1., and 2.c., 52.62 (4) (b) 5., 54.01 (4) (b), 56.03 (5), 57.04 (6) and (34), 57.19 (6), 58.03 (3), and 58.04 (4) (title)**; and the creation of **Chapter DCF 21 and sections DCF 50.06 (2) (a) (title) and 11., (2) (b), and (3) (b) 1. c., 52.03 (27m), 52.21 (3) (d) (note), 52.62 (4) (d) and (note), 55.10 (4) (a) 3. and (am), 56.04 (39), 56.09 (1m) (cm), 57.14 (2) (c), 57.23 (2) (a) 13., 57.515 (2) and (note), 58.03 (20), and 58.04 (4) (b)**, relating to the extension of out–of–home care to children and youth 18 years of age or over, but under 21 years of age, and affecting small businesses.

This emergency rule was approved by the governor on July 25, 2014.

The statement of scope for this rule, SS 045–14, was approved by the governor on May 8, 2014, published in Register 701, on May 31, 2014, and approved by Secretary Eloise Anderson on June 20, 2014.

Finding of Emergency

Section 118 (1) (b) of 2013 Wisconsin Act 334 allows the department to promulgate an emergency rule to implement the extension of out–of–home care to children and youth 18 years of age or over, but under 21 years of age, under ss. 48.366 and 938.366, Stats., as an emergency rule without a finding of emergency.

Filed with LRB: July 29, 2014

Publication Date: August 1, 2014
Effective Dates: August 1, 2014 through December 28, 2014
Hearing Date: October 16, 2014
Extension Through: February 26, 2015

Health Services

Health, Chs. DHS 110—

EmR1410 — The Wisconsin Department of Health Services hereby adopts emergency rules to renumber and amend section **DHS 115.05 (3)**; to amend sections **115.01, 115.02, and 115.04 (intro.)**; and to create section **115.04 (15) and (16)**, relating to screening newborns for congenital and metabolic disorders.

This emergency rule was approved by the Governor on June 27, 2014.

The statement of scope for this rule, SS 057–14, was approved by the Governor on June 5, 2014, published in Register 702, on June 14, 2014, and approved by Secretary Rhoades on June 25, 2014.

Finding of Emergency

The Department of Health Services finds that an emergency exists and that the adoption of an emergency rule is necessary for the immediate preservation of the public health, safety and welfare. The facts constituting the emergency are as follows:

1. Section 253.13 (1), Stats., requires attending physicians and nurses licensed under s. 441.15, Stats., to cause every infant born in each hospital or maternity home, prior to the infant’s discharge to be subjected to tests for congenital and metabolic disorders, as specified in rules promulgated by the department. If the infant is born elsewhere than in a hospital or maternity home, the attending physician, nurse licensed under s. 441.15, Stats., or birth attendant who attended the birth shall cause the infant, within one week of birth, to be subjected to these tests.

2. Section DHS 115.04 lists the disorders for which newborns must be tested under s. 253.13 (1), Stats.

3. Critical congenital heart disease (CCHD) is described as those congenital cardiac malformations in which surgical or catheter–based therapy is necessary within the first months of life. There are 12 lesions commonly considered as CCHD. In some circumstances, infants with CCHD may be asymptomatic and have a normal physical examination prior to routine hospital discharge or completion of home birth care. Unrecognized CCHD can result in death or disability shortly after hospital discharge.

4. Death due to unrecognized CCHD from 2002 to 2006 occurred in 1:38,397 Wisconsin births and death or re–hospitalization occurred in 1:24,684 Wisconsin births before two weeks of age. The median age at death due to unrecognized CCHD was 4.5 days.

5. Pulse oximetry, a point of care testing, is the recognized screening method for CCHD.

6. Prior to 2013 Wisconsin Act 135, adding pulse oximetry screening for CCHD to the mandatory panel was not permitted because testing for congenital and metabolic disorders under s. 235.13 (1), Stats. (2011–12), was explicitly limited to blood testing. Section 253.13 (1), Stats., as amended by 2013 Wisconsin Act 135, now allows testing for

congenital and metabolic disorders using other screening methods including blood testing.

7. The Wisconsin State Laboratory of Hygiene (WSLH) tests newborns for organic acidemias (OA), a group of inherited disorders that lead to an abnormal buildup of particular acids, known as organic acids, in the body.

8. Abnormal levels of organic acids in the blood (organic acidemia), urine (organic aciduria), and tissues can be toxic and can cause serious health problems. A baby affected with an OA is usually well at birth and for the first few days of life. The usual clinical presentation is that of toxic encephalopathy and includes vomiting, poor feeding, neurologic symptoms such as seizures and abnormal tone, and lethargy progressing to coma. Outcome is improved by diagnosis and treatment in the first ten days of life.

9. Propionic acidemia and methylmalonic acidemia are two types of organic acidemias. In propionic acidemia and methylmalonic acidemia, the body is unable to process certain parts of proteins and lipids (fats) properly. In most cases, the features of propionic acidemia become apparent within a few days after birth. Propionic acidemia affects about 1 in 100,000 people in the United States. The effects of methylmalonic acidemia, which usually appear in early infancy, vary from mild to life-threatening. Without treatment, this disorder can lead to coma and death in some cases. This condition occurs in an estimated 1 in 50,000 to 100,000 people.

10. Though OA was determined to have met the criteria under s. DHS 115.06 for being added to the list of congenital and metabolic disorders for which WSLH must test the blood samples of newborns, the conditions were inadvertently omitted from the list of conditions in s. DHS 115.04 during subsequent revisions.

11. The process for promulgating permanent rules may take 24 months to complete, or longer if the department is unable to submit the permanent rules to the legislature prior to its last general business floor period in 2016.

Filed with LRB: June 27, 2014
Publication Date: July 3, 2014
Effective Dates: July 3, 2014 through November 29, 2014
Hearing Date: August 15, 2014
Extension Through: January 28, 2015

Insurance

EmR1408 — The Commissioner of Insurance proposes an order to amend section Ins 17.01 (3); and to repeal and recreate section. Ins 17.28 (6), Wis. Admin. Code, relating to the Injured Patients and Families Compensation Fund Annual Fund and mediation panel fees, for the fiscal year beginning July 1, 2014 and affecting small business.

This emergency rule was approved by the Governor on June 12, 2014.

The statement of scope for this rule, SS 147–13, was approved by the Governor on November 18, 2013, published in Register No. 695, on November 30, 2013, and approved by the Commissioner on May 8, 2014.

Finding of Emergency

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

These changes must be in place with an effective date prior to July 1, 2014 in order for the new fiscal year assessments to be issued in accordance with s. 655.27 (3), Wis. Stats. The permanent rule-making process cannot be completed prior to the effective date of the new fee schedule. The fiscal year fund fees were established by the Board of Governors at the meeting held on December 18, 2013 and the mediation panel fees established by the Board of Governors at the meeting held on March 19, 2014.

Filed with LRB: June 13, 2014
Publication Date: June 18, 2014
Effective Dates: June 18, 2014 through November 14, 2014
Hearing Date: August 12, 2014
Extension Through: January 13, 2015

Natural Resources (10)

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. 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

4. EmR1405 (DNR # WM–24–13(E)) — The Wisconsin Natural Resources Board proposes 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

5. EmR1409 (DNR # FH–03–14(E)) — The Wisconsin Natural Resources Board proposes an order to amend sections **NR 20.36 (2) and 23.055 (2)**, relating to modifications in daily bag limits and minimum size limits in response to tribal harvest.

This emergency rule was approved by the Natural Resources Board on May 28, 2014, and by the governor on June 6, 2014.

The statement of scope for this rule was approved by the governor on February 14, 2014, published in Register No. 698 on February 28, 2014, and approved by the Natural Resources Board on March 19, 2014.

Statement of Emergency

This emergency rule is needed to promote the preservation and protection of public peace, health, safety, and welfare in the Ceded Territory of Wisconsin by minimizing regional social and economic disruption known to be associated with reductions in walleye bag limits on off–reservation waters.

Filed with LRB: June 16, 2014

Publication Date: June 14, 2014

Effective Dates: June 14, 2014 through November 10, 2014

Hearing Date: July 14, 2014 and July 16, 2014

Extension Through: March 10, 2015

6. EmR1412 (DNR # ER–31–13(E)) — The Wisconsin Natural Resources Board proposes an order to create sections **NR 10.02 (11), 16.12 (3) (b) 12., 19.275 (4) (bm), 21.13 (4) (bm), and 22.13 (4) (bm)**, relating to the addition of the Blanding’s turtle to the State’s Protected Wild Animal list, possession exemptions, and turtle seasons and limits.

This emergency rule was approved by the Governor on June 25, 2014.

The statement of scope for this rule, SS 124–13, was approved by the governor on September 20, 2013, published in Register No. 694, on October 14, 2013, and approved by the Natural Resources Board on December 11, 2013.

Finding of Emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified to preserve the public welfare and interest in ensuring a sustainable population of Blanding’s turtles. The Blanding’s turtle is proposed for delisting from the State’s Threatened Species list per administrative rule

ER–27–11, which is expected to take effect as early as December 2013. Although the Blanding’s turtle no longer meets the scientific criteria for listing, the Department feels that the population is nonetheless too vulnerable to survive the threat of harvest and collection, and believes emergency rules are needed to ensure a proper recovery before these activities are permitted.

All turtles not listed as threatened or endangered in ch. NR 27 or as otherwise specified have a 135–day open season (July 15–November 30) during which members of the public may capture and possess up to 5 individuals [s. NR 19.275 (4), 21.13 (4) and 22.13 (4)] per day. Permanent rule–making to protect Blanding’s turtles from this harvest will not go into effect until after the 2014 open season for turtles is already underway. An emergency rule is therefore necessary to prevent the harvest and possession of Blanding’s turtles during the 2014 open season until the permanent rule goes into effect.

The anticipated impact of collection and harvest to Blanding’s turtle conservation and recovery in the state necessitates putting the emergency rule into effect during the 2014 open season for turtles while the agency complies with the permanent rule–making procedures.

Filed with LRB: July 10, 2014
Publication Date: July 13, 2014
Effective Dates: July 13, 2014 through December 9, 2014
Hearing Date: August 27, 2014

7. EmR1418 (DNR # WM–11–14(E)) — The Wisconsin Natural Resources Board proposes an order to amend **sections NR 10.01 (b) and 10.06 (5)** and to create **sections NR 10.01 (1) (a) and 10.06 (5) (a)**, related to establishing an early duck season for teal–only and the hunting regulations for teal and mourning doves.

The rule was adopted by the Natural Resources Board on June 25, 2014, approved by the Governor on August 27, 2014, and signed by Policy Director Michael L. Bruhn for Secretary Cathy Stepp, also on August 27, 2014.

The statement of scope for this rule, SS 020–14, was approved by the Governor on March 10, 2014, published in Register No. 699, on March 31, 2014, and approved by the Natural Resources Board on May 27, 2014.

Statement of Emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public welfare. The federal government and state legislature have delegated to the appropriate agencies rule–making authority to control the hunting of migratory birds. The State of Wisconsin must comply with federal regulations in the establishment of migratory bird hunting seasons and conditions. Federal regulations are not made available to this state until late July of each year. This order is designed to bring the state hunting regulations into conformity with the federal regulations. Normal rule–making procedures will not allow the establishment of these changes by September 1. Failure to modify our rules will result in the failure to provide hunting opportunity and continuation of rules which conflict with federal regulations.

Filed with LRB: August 28, 2014

Publication Date: September 1, 2014
Effective Dates: September 1, 2014 through January 28, 2015
Hearing Date: October 29, 2014

8. EmR1419 (DNR # WM–04–14(E)) — The Wisconsin Natural Resources Board proposes an order to amend **section NR 10.01 (1) (b) and (1) (g) 1. d.** and to create **section NR 10.01 (1) (g) 1. dm.**, related to migratory bird hunting regulations.

This rule was approved by the Governor on August 27, 2014.

The statement of scope for this rule, SS 020–14, was approved by the Governor on March 10, 2014, published in Register No. 699, on March 31, 2014, and approved by the Natural Resources Board on May 27, 2014.

Finding of Emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public welfare. The federal government and state legislature have delegated to the appropriate agencies rule–making authority to control the hunting of migratory birds. The State of Wisconsin must comply with federal regulations in the establishment of migratory bird hunting seasons and conditions. Federal regulations are not made available to this state until late July of each year. This order is designed to bring the state hunting regulations into conformity with the federal regulations. Normal rule–making procedures will not allow the establishment of these changes by September 1. Failure to modify our rules will result in the failure to provide hunting opportunity and continuation of rules which conflict with federal regulations.

Filed with LRB: September 8, 2014
Publication Date: September 11, 2014
Effective Dates: September 11, 2014 through February 7, 2015
Hearing Date: October 29, 2014

9. EmR1420 (DNR # WM–05–14(E)) — The Wisconsin Natural Resources Board proposes an order to repeal **section NR 10.001 (2e), 10.09 (1) (c) 1. e. and (Note);** to amend **sections NR 10.06 (5), 10.06 (8) (a) and (b), 10.07 (1) (b) 3., 10.07 (2m) (g) 2., 10.09 (1) (c), 10.09 (3), 10.10 (2), 10.11 (5) (a), 10.103 (1), 10.104 (7), 10.104 (9r), 10.15 (1) (a), 10.15 (6), 10.16 (Intro.), 10.16 (2), 10.22 (1), 10.23 (2) (a), 10.24 (2), 10.25 (4) (a), 11.042 (intro.), 11.043 (intro.), 11.11 (intro.), 12.16 (4), 15.01 (intro.), 15.015 (intro.), 15.10 (1) (intro.) and 15.12 (intro.), 45.09 (1), and 45.13 (18), (21), and (24);** and to create **sections NR 10.01 (3) (em) (Note) and (3) (ep), 10.104 (7) (c), 10.15 (3m), and 10.16 (2m),** related to establishing a season for hunting deer with crossbows–only.

This rule was approved by the governor on September 8, 2014.

The statement of scope for this rule, SS 018–14, was approved by the Governor on March 10, 2014, published in Register No. 699, on March 31, 2014, and approved by the Natural Resources Board on May 27, 2014.

Finding of Emergency

The department is not required to make a finding of emergency before promulgating these rules. The department

is directed to promulgate these rules in 2013 Act 61 and is exempted from making a finding of emergency under non–statutory provisions of the ACT.

Filed with LRB: September 9, 2014
Publication Date: September 12, 2014
Effective Dates: September 12, 2014 through February 8, 2015
Hearing Date: October 29, 2014

10. EmR1422 (DNR # WM–08–14(E)) — The Wisconsin Natural Resources Board proposes an order to amend **section NR 10.104 (8) (a)** and to create **sections NR 10.001 (7p) and (7w), 10.104 (9m) (a) and (b), 10.104 (5) (b) 8. and 10.104 (5) (c)**, related to implementation of the Deer Management Assistance Program and County Deer Management Advisory Committee.

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

The statement of scope for this rule, SS 056–14, was published in Register No. 702, on June 14, 2014 and approved by the Natural Resources Board at its June 25, 2014 meeting.

Finding of Emergency

The department is not required to make a finding of emergency before promulgating these rules. The department is directed to promulgate these rules in s. 29.040 Stats., established by 2013 ACT 20 and is exempted from making a finding of emergency under non–statutory provisions in Section 9132 of the ACT.

Filed with LRB: September 15, 2014
Publication Date: September 19, 2014
Effective Dates: September 19, 2014 through February 15, 2015
Hearing Date: October 29, 2014

Natural Resources

Environmental Protection — General, Chs. NR 100—

EmR1417 (DNR # OE–10–14(E)) — The Wisconsin Natural Resources Board proposes an order to repeal **sections NR 150.10 (1m) (b) and 150.20 (3) (a) 4. and 5.**; to amend **sections NR 150.03 (1), (15) (intro.), (19), (25), and (26), 150.10 (1) and (1m) (a), (c) (intro.), and (2) (a), 150.20 (1), (1m) (j), (k), and (L), (2) (a) (intro.), 4., 10., 11., and 16., (3) (a) (intro.), and (4) (b) (intro.), and 150.35**; and to create **section NR 150.20 (1) (Note), (1m) (k) (Note), (m) to (y), and (2) (a) 20. to 27.**, relating to the department’s environmental analysis and review procedures under the Wisconsin Environmental Policy Act.

The emergency rule was adopted by the Natural Resources Board On August 13, 2014, approved by the Governor on August 27, 2014 and signed by Policy Director Michael L. Bruhn for Secretary Cathy Stepp, also on August 27, 2014.

The scope statement number is SS 051–14. The governor approved the scope statement on May 15, 2014, and the scope statement was published in register No. 701 on May 31, 2014.

Finding of Emergency

Significant revisions to ch. NR 150 became effective on April 1, 2014. The changes proposed are needed to clarify procedures for the review and analysis of new administrative

rules and other actions and policies to assure that the intent of the recent revisions to ch. NR 150 is being met and potential procedural questions do not invalidate years of work and public engagement. Additionally, the changes will clarify the intent of the April 1, 2014 revisions for procedures for WEPA compliance determinations, publication requirements, and plan approvals for various actions and policies, to prevent any misunderstandings or resulting challenge or delay regarding that intent.

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary to allow timely processing and implementation of department rule proposals, actions, and policies. Preservation of the public welfare necessitates putting the forgoing rule into effect prior to the time that it would take if the Department complied with normal rule promulgation procedures.

Filed with LRB: August 28, 2014
Publication Date: August 31, 2014
Effective Dates: August 31, 2014 through January 27, 2015
Hearing Date: September 26, 2014

Public Instruction

EmR1411 — The State Superintendent of Public Instruction hereby creates **Chapter PI 80**, relating to community programs and services.

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 043–14, was published in Register No. 701, on May 14, 2014, and approved by State Superintendent Tony Evers, on May 27, 2014.

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:

Unless an emergency rule is promulgated, school districts will not know which activities would be considered ineligible costs for the Community Programs and Services Fund for the 2014–15 school year. Not having this information could result in school districts unintentionally making expenditures from the Community Programs and Services Fund in 2014–15 that are deemed “ineligible costs” after the school board has made budget decisions and set a tax levy for the 2014–15 school fiscal year. Such a finding would then result in a negative adjustment to the district’s revenue limit authority for the following 2015–16 school year, per s. 121.91 (4) (r), Stats., as created by 2013 Wisconsin Act 306. A district’s revenue limit authority controls the amount of combined State General Aid and local property taxes revenues for a district. Thus, a district’s revenue limit authority for the 2015–16 school year could be negatively impacted based on a definition of “ineligible costs” that was not in place at the time the district made its 2014–15 budget decisions and set the 2014–15 tax levy (by November 2014) for the Community Programs and Services Fund.

Filed with LRB: June 27, 2014

Publication Date: July 1, 2014
Effective Dates: July 1, 2014 through
 November 27, 2014
Hearing Date: September 4, 2014
Extension Through: January 26, 2015

Safety and Professional Services

General Part I, Chs. 301—319

EmR1415 — An order of the Department of Safety and Professional Services to amend **section SPS 305.40 (2) (b), (3) (b), (4) (a) 1., (b), (c), and (d) 1., and (5)** and to create **sections SPS Table 305.02 Row 24r, Table 305.06 Row 19r, 305.40 (1) (bm), and 305.437**, relating to credentials for electricians.

This emergency rule was approved by the Governor on July 29, 2014.

The statement of scope for this rule, SS 041–14, was approved by the Governor on April 30, 2014, published in Register No. 701 on May 14, 2014, and approved by the Department on May 27, 2014.

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.

SECTION 15 of 2013 Wisconsin Act 143 exempts any electrician who was born on or before January 1, 1956, and who has at least 15 years of experience in installing, repairing, or maintaining electrical wiring, from the electrical licensure and supervision requirements in sections 101.862 (2) and (3) of the Statutes. SECTION 15 also requires the Department to promulgate rules establishing criteria and procedures for issuing a corresponding credential to these grandfathered electricians.

Because of Act 143, the statutory requirements are now out of step with the Department's administrative rules – and the stakeholders who are affected by these statutory changes are confused by the differences. For example, there has been substantial confusion on what these grandfathered electricians can or need to do and how local governmental units should treat them. Promulgating revisions to the rules through the emergency rule process is needed in order to minimize the confusion and any hardship as soon as possible.

Filed with LRB: August 1, 2014
Publication Date: August 6, 2014
Effective Dates: August 6, 2014 through
 January 2, 2015
Hearing Date: September 12, 2014
Extension Through: March 3, 2015

Safety and Professional Services

Plumbing, Chs. SPS 381—387

EmR1423 — An order of the Department of Safety and Professional Services to renumber **Chapter SPS 384 Table 384.10 rows 1 to 5**, to renumber and amend **Chapter SPS 384 Table 384.10 row 6**, and to create **Chapter SPS 384 Table**

384.10 rows 1 and 9 and (Note), relating to water–treatment devices.

This emergency rule was approved by the Governor on September 12, 2014.

The statement of scope for this rule, SS 037–14, was approved by the Governor on April 17, 2014, published in Register 701 on May 14, 2014, and approved by the Department on May 29, 2014.

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.

Under current rules, water treatment devices — including water softeners — may need two separate approvals before being used in Wisconsin. The first approval is typically from a third party, such as NSF International, and is based on an industry standard. The second approval is under SPS chapter 384, which addresses situations where a plumbing product must receive approval from the Department. Due to prolonged extreme weather conditions this past winter, spring, and summer, more private well owners than usual have chosen to upgrade their water supply systems this year. The Department has reason to believe that its secondary review is delaying some of these well owners from accessing plumbing products which would improve the safety of their drinking water. These products have been approved under industry standards and are available to consumers in other states but have not yet received approval from the Department. Promulgating revisions through the emergency rule process is needed to avoid further delays in using these products.

Filed with LRB: September 25, 2014
Publication Date: September 27, 2014
Effective Dates: September 27, 2014 through
 February 23, 2015
Hearing Date: October 27, 2014, 2014

Transportation (3)

1. EmR1421 — The Wisconsin Department of Transportation proposes an order to amend **Chapter Trans 102**, relating to operator's licenses and Identification cards.

This emergency rule was approved by the Governor on September 11, 2014.

The scope statement for this rule, SS 080–14, was approved by the Governor on August 19, 2014, and published in Wisconsin Administrative Register No. 704, on August 31, 2014 and approved by the Secretary of Transportation on September 10, 2014.

Finding of Emergency

On July 31, 2014, the Wisconsin Supreme Court upheld 2011 Wisconsin Act 23, which requires certain identification in order to vote at a polling place or obtain an absentee ballot. *NACCP v. Walker*, 2014 WI 98.

The Department of Transportation's Division of Motor Vehicles ("DMV") is required by 2011 Wisconsin Act 23 to issue an identification ("ID") card free of charge to any U.S. citizen who will be at least 18 years of age on the date of the next election and who requests the ID card free of charge for voting purposes, provided they meet statutory requirements.

This emergency rule may be necessary to preserve public welfare by ensuring that DMV will implement the

requirements of 2011 Wisconsin Act 23 in a manner consistent with the requirements of *NAACP v Walker*, should the federal injunction against that act be lifted.

Filed with LRB: September 15, 2014
Publication Date: September 17, 2014
Effective Dates: September 17, 2014 through February 13, 2015
Hearing Date: December 11, 2014

2. EmR1425 — The Wisconsin Department of Transportation proposes an order to create **Chapter Trans 319**, relating to towing of vehicles.

This Emergency Rule was approved by the Governor on September 26, 2014.

The Statement of Scope for this Emergency Rule, SS 064–14, was approved by the Governor on July 1, 2014, published in Register No. 703 on July 14, 2014, and approved by Secretary of the State of Wisconsin Department of Transportation Mark Gottlieb, P.E., as required by s. 227.135(2), Stats, on July 28, 2014.

Exemption from Finding of Emergency

The Legislature by 2013 Wisconsin Act 76 s. 59 (2) provides an exemption from a finding of emergency for the adoption of the rule.

Filed with LRB: October 1, 2014
Publication Date: October 2, 2014
Effective Dates: October 2, 2014 through February 28, 2015
Hearing Date: November 11, 2014

3. EmR1426 — 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 November 26, 2014.

The statement of scope for this rule, SS 112–14, was approved by the Governor on October 16, 2014, published in Register 706B, on October 31, 2014, and approved by Secretary Mark Gottlieb as required by s. 227.135 (2), Stats., on November 11, 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, 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.

Filed with LRB: December 3, 2014

Publication Date: December 4, 2014
Effective Dates: December 4, 2014 through May 5, 2015

Veterans Affairs

EmR1416 — The Department of Veterans Affairs hereby adopts an order to create **section VA 2.07**, relating to grants to non–profit organizations.

This emergency rule was reviewed by the Board of Veterans Affairs on July 15, 2014 and approved by the Governor on August 20, 2014.

The statement of scope for this rule, SS 038–14, was approved by the Governor on April 21, 2014, published in Register No. 701 on May 14, 2014, and approved by Secretary John A. Scocos on May 27, 2014.

Finding of Emergency

The Legislature by Section 9 of 2013 Act 190 provides an exemption from a finding of emergency for the adoption of this rule.

Filed with LRB: August 28, 2014
Publication Date: August 29, 2014
Effective Dates: August 29, 2014 through June 30, 2015 or the date on which permanent rules take effect, whichever is sooner. (corrected)
Hearing Date: November 12, 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
Extension Through: December 21, 2014

Scope Statements

Safety and Professional Services

Commercial Building Code, Chs. SPS 361—366

SS 125–14

This statement of scope was approved by the governor on November 20, 2014.

Rule No.

Chapters SPS 361 and 364 (revise).

Relating to

Mechanical ventilation systems for minor repair garages.

Rule Type

Permanent.

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

Not applicable.

2. Detailed Description of the Objective of the Proposed Rule

The objective of this rulemaking project is to update chs. SPS 361 and 364 to reflect best practices for ventilation at minor repair garages that service natural gas vehicles.

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 Department's current rules regarding ventilation systems for repair garages servicing natural gas vehicles apply to both major and minor repair garages. The expected rule revisions would modify the requirements for minor repair garages to reflect contemporary industry practices.

The current rules have become out-of-step with contemporary industry practices. The stakeholders who are regulated by these rules can be negatively affected by the differences. Further disruption and complaints are expected if the rules are not updated to eliminate the differences.

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

Under s. 101.02 (1) and (15) (h) to (j) of the Statutes, the Department is required to establish rules and prescribe safeguards for protecting the life, health, safety, and welfare of employees and frequenters of public buildings and places of employment. Under s. 101.025 (1) of the Statutes, for any rule that requires intake of outside air for ventilation, the Department is required to specify minimum quantities of outside air which must be supplied based upon the type of occupancy, the number of occupants, any areas with toxic or unusual contaminants, and other pertinent criteria determined by the Department. The Department is also required to set standards where the mandatory intake of outside air may be waived when the owner has demonstrated that the resulting air quality is equivalent to that provided by outdoor ventilation.

Under s. 101.025 (4) of the Statutes, the Department is required to establish rules setting a maximum rate of leakage allowable from outside-air dampers when the dampers are closed, and maintenance standards for ventilation systems in public buildings and places of employment existing since April 30, 1980. The Department also has authority under s. 227.11 (2) (a) of the Statutes to promulgate rules interpreting any statute that is enforced or administered by the Department, if the rule is considered necessary to effectuate the purpose of the statute.

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

The staff time needed to revise the rules is expected to be 100 hours. This time includes research; consulting with stakeholders; drafting rule revisions; and processing the revisions through public hearings, legislative review, and adoption. There are no other resources necessary to revise the rules.

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

Owners and operators of vehicles that use compressed natural gas, and owners and operators of minor repair facilities for natural gas vehicles.

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

An Internet-based search of the *Code of Federal Regulations* (CFR) found the following existing federal regulation relating to workplace ventilation, as covered in this update of chs. SPS 361 and 364:

29 CFR 1910.94 — Ventilation. This regulation in the federal Department of Labor contains their occupational safety and health standards relating to ventilation, but does not specifically address compressed natural gas.

An Internet-based search of the 2013 and 2014 issues to date of the *Federal Register* did not find any proposed regulations relating to mechanical ventilation systems as covered in this update of chs. SPS 361 and 364.

8. Anticipated Economic Impact of Implementing the Rule

The Department believes that the proposed revisions will have little or no adverse economic impact. Positive economic impacts due to exempting small repair facilities from needing full-scale natural-gas ventilation systems could approach \$110,000 per facility and \$6,000,000 per year. Nevertheless, the Department plans to solicit information and advice from businesses, local government units, and individuals in relation to the economic effects of the new provisions.

Contact Person

Sam Rockweiler, Rules Coordinator, at sam.rockweiler@wi.gov, or (608) 266-0797.

**Safety and Professional Services —
Podiatry Affiliated Credentialing Board**

SS 126–14

This statement of scope was approved by the governor on November 20, 2014.

Rule No.

Chapter Pod 2 (revise).

Relating to

Overtreatment of patients.

Rule Type

Permanent.

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

N/A.

2. Detailed description of the objective of the proposed rule

The objective of the proposed rule is to add a provision to the current Unprofessional Conduct rules for podiatrists to prevent podiatrists from over treating their patients.

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

Unnecessary and excessive diagnostic testing and treatment is an issue within the health care system. Some podiatrists and other health care professionals are ordering unnecessary tests and treatments which result in increased costs for patients and undue exposure to complications as a result of these treatments. Currently, there are no provisions in the unprofessional conduct rules governing podiatrists that allow the board to discipline for over treatment of patients. The proposed rule would add such a rule as a provision to the unprofessional conduct rules, which would make the act of overtreating a patient subject to discipline.

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

Section 15.085 (5) (b), Stats., provides that affiliated credentialing boards such as the Podiatry Affiliated Credentialing Board, “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .” The proposed rule will provide guidance to licensed podiatrists with regards to over treatment of patients as a basis for a finding of unprofessional conduct.

Section 227.11 (2) (a), Stats., provides that, “[e]ach 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.”

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

Staff will spend approximately 80 hours developing the proposed rule.

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

Licensed podiatrists and their patients will be affected by the proposed 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

None.

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

This proposed rule will have minimal or no economic impact on small businesses.

Contact Person

Shawn Leatherwood

Telephone: 608–261–4438

Email: Shancethea.L Leatherwood@wisconsin.gov

Submittal of Proposed Rules to Legislative Council Clearinghouse

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

Safety and Professional Services — Podiatry Affiliated Credentialing Board

CR 14–065

On November 24, 2014, the Podiatry Affiliated Credentialing Board submitted a proposed rule to the Legislative Council Rules Clearinghouse.

The scope statement for this rule, SS 024–14, was approved by the Governor on March 5, 2014, published in Register No. 699 on March 31, 2014, and approved by Podiatry Affiliated Credentialing Board on April 14, 2014.

Analysis

Statutory Authority:

This proposed rule-making order revises ss. Pod 4.01 and 4.03 (2) and relates to biennial registration of podiatrists.

Agency Procedure for Promulgation

A public hearing is required and will be held on February 3, 2015 at 1400 East Washington Avenue, Room 121A, Madison, Wisconsin (enter at 55 North Dickinson Street).

Contact Person

Shawn Leatherwood, Department of Safety and Professional Services, Division of Policy Development, 608–261–4438, Shancethea.Leatherwood@wisconsin.gov.

Safety and Professional Services — Veterinary Examining Board

CR 14–064

On November 24, 2014, the Veterinary Examining Board submitted a proposed rule to the Legislative Council Rules Clearinghouse.

The scope statement for this rule, SS 076–14, was approved by the Governor on July 28, 2014, published in Register No. 704 on August 15, 2014, and approved by Veterinary Examining Board on August 27, 2014.

Analysis

Statutory Authority:

This proposed rule-making order revises ss. VE 2.01 (2), 3.03 (5), and 8.03 (1) and relates to entrance to exams.

Agency Procedure for Promulgation

A public hearing is required and will be held on January 28, 2015 at 1400 East Washington Avenue, Room 121, Madison, Wisconsin (enter at 55 North Dickinson Street).

Contact Person

Shawn Leatherwood, Department of Safety and Professional Services, Division of Policy Development, 608–261–4438, Shancethea.Leatherwood@wisconsin.gov.

Rule–Making Notices

Notice of Hearings

Safety and Professional Services — Podiatry Affiliated Credentialing Board CR 14–065

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Podiatry Affiliated Credentialing Board in ss. 15.085, 227.11 (2) (a), and 448.65 (2), Wis. Stats., and interpreting s. 448.65 (2), Wis. Stats., the Podiatry Affiliated Credentialing Board will hold a public hearing at the time and place indicated below to consider an order to amend sections Pod 4.01 and 4.03 (2), relating to biennial registration of podiatrists.

Hearing Information

Date: Tuesday, February 3, 2015
Time: 8:00 a.m.
Location: 1400 East Washington Avenue
 (enter at 55 North Dickinson Street)
 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 by mail addressed to the Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708. Written comments must be received at or before the public hearing to be included in the record of rule–making proceedings.

Place Where Comments are to be Submitted and Deadline for Submission

Comments may be submitted to Shawn Leatherwood, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708–8935, or by email to Shancethea.L Leatherwood@wisconsin.gov. Comments must be received at or before the public hearing to be held on **February 3, 2015**, to be included in the record of rule–making proceedings.

Copies of Rule

Copies of this proposed rule are available upon request to Shawn Leatherwood, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708, by email at Shancethea.L Leatherwood@wisconsin.gov or on our website at <http://dsps.wi.gov/Default.aspx?Page=44e541e8-abdd-49da-8fde-046713617e9e>

Analysis Prepared by the Department of Safety and Professional Services

Statutes interpreted

Section 448.65 (2), Stats.

Statutory authority

Sections 15.085 (b), 227.11 (2) (a), and 448.65 (2), Stats.

Explanation of agency authority

Affiliated credentialing boards such as the Podiatry Affiliated Credentialing Board have the authority to promulgate rules that provide guidance within their profession pursuant to s. 15.085 (b), Stats. Boards are also authorized by s. 227.11 (2) (a), Stats., to set forth rules interpreting the provisions of any statute it enforces or administers. Section 448.65 (2), Stats., is administered by the Podiatry Affiliated Credentialing Board and provides guidance in the profession with regards to the requirements for podiatrists seeking renewal of their credential. The proposed rule seeks to amend the rules regarding renewal of a podiatrist’s credential. Therefore, the Podiatry Affiliated Credentialing Board is empowered both generally and specifically to promulgate the proposed rules.

Related statute or rule

Section 440.08 (2) (a) 60., Stats.

Plain language analysis

The sole purpose of this proposed rule is to correct an inconsistency regarding the renewal date for podiatrists. Currently, ss. Pod 4.01 and 4.03 state the renewal date for podiatrists is November 1 of each odd–numbered year while s. 440.08 (2) (a) 60., Stats., states that the renewal date is November 1 of each even–numbered year. The statute is controlling. Therefore, the proposed rule seeks to correct ss. Pod 4.01 and 4.03 to reflect the correct date. There are no new policies proposed by the rule.

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

None.

Comparison with rules in adjacent states

Illinois: Licenses issued in Illinois expire on January 31st of each odd–numbered year. A podiatrist may renew their license during the month preceding the expiration date. ILL. ADMIN. CODE tit. 68 §1360.55 a).

Iowa: Biennial license renewal for podiatrists is June 30th of each even–numbered year. Iowa Admin. Code r. 645–220.09 (1).

Michigan: Licensees must renew on an annual basis. MICH. ADMIN. CODE R 338.3701.

Minnesota: The renewal term begins on July 1st in odd–numbered years for a licensee whose license number is an odd number and in even–numbered years for a licensee whose license number is an even number. Minn. Rules. 6900.0200.

Summary of factual data and analytical methodologies

None.

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

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Tom.Engels@wisconsin.gov, or by calling (608) 266–8608.

Fiscal Estimate and Economic Impact Analysis

The Fiscal Estimate and Economic Impact Analysis are

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

attached.

Agency Contact Person

Shawn Leatherwood, Administrative Rules Coordinator
Department of Safety and Professional Services
Division of Policy Development
1400 East Washington Avenue, Room 151
P.O. Box 8366
Madison, Wisconsin 53708
Telephone: 608–261–4438
Email: Shancethea.L Leatherwood@ wisconsin.gov.

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

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

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

Pod 4.01 and 4.03(2)

3. Subject

Biennial registration of podiatrists

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG–S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency’s Budget
 Decrease Cost

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

State’s Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

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

Yes No

9. Policy Problem Addressed by the Rule

The proposed rule seeks to correct the biennial registration date found in ch. Pod 4.01 and Pod 4.03 (2) by substituting November 1st of each odd–numbered year with November 1st of each even–numbered year.

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.

This proposed rule was posted on the Department of Safety and Professional Services website and on the Wisconsin government website for 14 business days to solicit comments from the public. No business, business sectors, associations representing business, local government units, or individuals contacted the department about the proposed rule during that time period.

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

No local governmental units participated in the development of this EIA.

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 will have no economic or fiscal impact on specific businesses, business sectors, public utility rate payers, local governmental units or the state’s economy as a whole.

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

The benefit of implementing the rule is providing the correct information regarding the biennial registration date for licensed podiatrists in a manner in which licensees may find the information with ease.

14. Long Range Implications of Implementing the Rule

Consistency between the statute, s. 440.08 (2) (a) 60, Stats. and the rules ch. Pod 4.01 and 4.03 (2).

15. Compare With Approaches Being Used by Federal Government

None.

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

Illinois: Licenses issued in Illinois expire on January 31st of each odd–numbered year. A podiatrist may renew their license during the month preceding the expiration date. ILL. ADMIN. CODE tit. 68 §1360.55 a).

Iowa: Biennial license renewal for podiatrist is June 30th of each even–numbered year. Iowa Admin. Code r. 645–220.09 (1).

Michigan: Licensees must renew on an annual basis. MICH. ADMIN. CODE R 338.3701.

Minnesota: The renewal term begins on July 1 in odd–numbered years for a licensee whose license number is an odd number and in even–numbered years for a licensee whose license number is an even numbered. Minn. Rules. 6900.0200.

| | |
|---------------------------------------|--|
| 17. Contact Name Shawn Leatherwood | 18. Contact Phone Number 608–261–4438 |
|---------------------------------------|--|

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

Notice of Hearings

Safety and Professional Services — Veterinary Examining Board CR 14–064

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Veterinary Examining Board in ss. 15.08 (5) (b) and 227.11 (2) (a), Wis. Stats., and interpreting s. 440.071, Wis. Stats., the Veterinary Examining Board will hold a public hearing at the time and place indicated below to consider an order to repeal section VE 2.01 (2), renumber and amend section VE 3.03 (5), and amend sections VE 3.03 (intro.) and 8.03 (1), relating to entrance to examinations.

Hearing Information

Date: Wednesday, January 28, 2015
Time: 9:00 a.m.
Location: 1400 East Washington Avenue
 (enter at 55 North Dickinson Street)
 Room 121C
 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 by mail addressed to the Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708. Written comments must be received at or before the public hearing to be included in the record of rule–making proceedings.

Place Where Comments are to be Submitted and Deadline For Submission

Comments may be submitted to Shawn Leatherwood, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708–8935, or by email to Shancethea.L Leatherwood@wisconsin.gov. Comments must be received at or before the public hearing to be held on **January 28, 2015**, to be included in the record of rule–making proceedings.

Copies of Rule

Copies of this proposed rule are available upon request to Shawn Leatherwood, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708, by email at Shancethea.L Leatherwood@wisconsin.gov or on our website

at
<http://dps.wi.gov/Default.aspx?Page=44e541e8-abdd-49da-8fde-046713617e9e>

Analysis Prepared by the Department of Safety and Professional Services

Statutes interpreted

Section 440.071, Stats.

Statutory authority

Sections 15.08 (5) (b) and 227.11 (2) (a), Stats., and 2013 Wisconsin Act 114.

Explanation of agency authority

Pursuant to ss. 15.08 (5) (b) and 227.11 (2) (a), Stats., the Veterinary Examining Board is generally empowered by the legislature to promulgate rules that will provide guidance within the profession and interpret the statutes it administers. 2013 Wisconsin Act 114 requires the Department of Safety and Professional Services and its attached boards to allow candidates for licensure to take their examination for a credential before completing their post–secondary education. This statutory change prompted the Veterinary Examining Board to exercise its rule–making authority to amend pertinent sections of Wis. Admin. Code specifically, ss. VE 2.01, 3.03, and 8.03 in order to give guidance within the profession related to entrance to examinations.

Related statute or rule

None.

Plain language analysis

Before 2013 Wisconsin Act 114, applicants for veterinary credentials were required to either have graduated from a school of veterinary medicine or expected to graduate no later than 10 months after the last date of an applicable testing period before being allowed to sit for the North American Veterinary Licensing Examination (NAVLE). Act 114 removed both requirements to sit for the NAVLE. Now applicants for veterinary licensure in Wisconsin are able to take the NAVLE before completing their post–secondary education. However, applicants must continue to comply with the National Board of Veterinary Medical Examiners requirements before taking the NAVLE.

SECTION 1 repeals the requirement to have graduated or expect to graduate from a veterinary college within 10 months of the last applicable testing period before taking the NAVLE.

SECTION 2 removes the requirement for veterinarians to complete their application within 140 days of the examination.

SECTION 3 removes the requirement that a veterinarian who has not yet graduated provide a letter to the board notifying the board of an expected graduation date.

SECTION 4 removes the requirement for veterinary technicians to complete their application within 30 days of the examination.

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

None.

Comparison with rules in adjacent states

Illinois: Illinois has a rule similar to the current Wisconsin rule whereby applicants must have graduated or be enrolled in an approved veterinary program and certify that the applicant will graduate from that program. “If certification of graduation is not received within 90 days after the scheduled graduation date, the results of the examination shall be void.” 68 Ill Admin. Code 1500.10.

Iowa: Iowa requires applicants for veterinary licensure to meet the guidelines established by the National Board of Veterinary Medical Examiners (NBVME). The applicant sends proof of completion of the NBVME application process and the administrative fee to the Iowa Board of Veterinary Medicine. Iowa Admin. Code R 811–6.1.

Michigan: Michigan requires applicants to graduate from veterinary college before becoming licensed. Mich. Admin. Code R. 338.4902.

Minnesota: Minnesota requires a diploma, or a certificate from a college of veterinary medicine in which the applicant is enrolled certifying that the applicant will graduate at the completion of the current academic year. Minn. Stat. §156.02.

Summary of factual data and analytical methodologies

No factual data or analytical methodologies were used in drafting the proposed rule due to the proposed rule being prompted by recent legislation.

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

Fiscal Estimate and Economic Impact Analysis

The Fiscal Estimate and Economic Impact Analysis are attached.

Agency Contact Person

Shawn Leatherwood, Administrative Rules Coordinator
 Department of Safety and Professional Services
 Division of Policy Development
 1400 East Washington Avenue, Room 151
 P.O. Box 8366
 Madison, Wisconsin 53708
 Telephone: 608–261–4438
 Email: Shancethea.Leatherwood@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

VE 2, 3, 8

3. Subject

Entrance to examinations

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG–S

5. Chapter 20, Stats. Appropriations Affected

20.165 (1) (g)

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency’s Budget
 Decrease Cost

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

State’s Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

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

Yes No

9. Policy Problem Addressed by the Rule

Recently passed legislation, 2013 Wisconsin Act 114 requires the Department of Safety and Professional Services, and its attached boards, to allow applicants for licensure to take their examination for a credential before they complete their post–secondary education. This proposed rule will address this change in policy by bringing current rules into conformity with the new legislation.

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

The proposed rule will primarily affect licensed veterinarians and licensed veterinary technicians. The rule was posted on the Department of Safety and Professional Service’s website for 14 days in order to solicit comments from the public regarding the rule. No comments were received from the public regarding the rule.

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

No local governmental units participated in the development of this EIA.

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 proposed will not have an economic or fiscal impact on specific businesses, business sectors, public utility rate payers, local governmental units or the state’s economy as a whole.

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

The benefit of implementing the proposed rule is to bring the current rules in conformity with recent legislation, specifically 2013 Wisconsin Act 114.

14. Long Range Implications of Implementing the Rule

The long range implications of implementing the rule include greater consistency in examination requirements within the profession.

15. Compare With Approaches Being Used by Federal Government

None.

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

Illinois: Illinois has a rule similar to the current Wisconsin rule whereby applicants must have graduated or be enrolled in an approved veterinary program and certify that the applicant will graduate from that program. “If certification of graduation is not received within 90 days after the scheduled graduation date, the results of the examination shall be void.” 68 Ill Admin. Code 1500.10.

Iowa: Iowa requires applicants for veterinary licensure to meet the guidelines established by the National Board of Veterinary Medical Examiners (NBVME). The applicant sends proof of completion of the NBVME application process and the administrative fee to the Iowa Board of Veterinary Medicine. Iowa Admin. Code R 811-6.1.

Michigan: Michigan requires applicants to graduate from veterinary college before becoming licensed. Mich. Admin. Code R. 338.4902.

Minnesota: Minnesota requires a diploma, or a certificate from a college of veterinary medicine in which the applicant is enrolled certifying that the applicant will graduate at the completion of the current academic year. Minn. Stat. §156.02.

17. Contact Name
Shawn Leatherwood

18. Contact Phone Number
608-261-4438

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.

Public Service Commission CR 14–052

(PSC # 1–AC–246)

The Public Service Commission of Wisconsin has submitted a final draft of proposed rules to the presiding officer of each house of the Legislature for standing committee review, pursuant to s. 227.19 (2), Stats. The proposed rule amends section PSC 135.019 (1), regarding the adoption of updated federal regulations in regard to gas pipeline safety.

The Governor’s office approved this rule on November 17, 2014.

Public Service Commission CR 14–053

(PSC # 1–AC–244)

The Public Service Commission of Wisconsin has submitted a final draft of proposed rules to the presiding officer of each house of the Legislature for standing committee review, pursuant to s. 227.19 (2), Stats. The proposed rule amends Chapters PSC 112, 133, and 184 to

conform with 2011 Wisconsin Act 155 and amends Chapter PSC 118 to conform with 2014 Wisconsin Act 300, relating to the requirement to obtain a certificate or approval prior to beginning a proposed project, displacement facility requirements, and determining the displacement percentage.

The Governor approved this rule on November 17, 2014.

Safety and Professional Services — Medical Examining Board

CR 14–040

On November 18, 2014, the Medical Examining Board submitted a proposed rule 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 amends sections Med 18.02 (3), 18.04 (3) and (5), and 18.05, repeals and recreates Chapter Med 18 (title) and section Med 18.03 (title), and creates section Med 18.04 (6), relating to physicians and informed consent.

The Governor approved the rule under s. 227.185, Stats., on November 12, 2014.

Public Notices

Department of Agriculture, Trade and Consumer Protection Adjustments in Dollar Amounts for Repair Charges Subject to Mechanic's Liens under Wis. Stat. § 779.41

The following notice is being submitted for publication in the Wisconsin Administrative Register as required under Wis. Stats. § 779.41 (1m).

Notice of Dollar Amount Adjustments for Repair Charges Subject to Mechanic's Liens

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

The Department has determined that current dollar amounts specified under Wis. Stats. §§ 779.41 sub. (1) (intro), (a), (b) and (c) 1. to 4. shall increase by **1.5%**, according to the annual average percent change in the consumer price index (All Urban Consumers — January 2013 to December 2013).

The dollar amount contained in Wis. Stats. § 779.41 (1) (intro), is adjusted to **\$2,270**. The dollar amounts contained in Wis. Stats. § 779.41 (1) (a) (b), and (c) 1. to 4. are adjusted to the following dollar amounts:

(a) A trailer or semitrailer designed for use with a road tractor for charges in excess of **\$6,800**.

(b) Road machinery, including mobile cranes and trench hoes, farm tractors, machines of husbandry, or off-highway construction vehicles and equipment for charges in excess of **\$11,300**.

(c) A motor vehicle not included under par. (a) or (b) with a manufacturer's gross weight rating, including, with respect to road tractors, a manufacturer's gross weight rating for the combined carrying capacity of the tractor and trailer, of:

1. More than 10,000 and less than 20,000 pounds, for charges in excess of **\$4,530**.
2. 20,000 pounds or more, but less than 40,000 pounds, for charges in excess of **\$8,930**.
3. 40,000 pounds or more, but less than 60,000 pounds, for charges in excess of **\$14,600**.
4. 60,000 pounds or more, for charges in excess of **\$17,600**.

These revised dollar amounts under the mechanic's lien law shall apply to work commenced on or after **January 1, 2015** for which a lien is claimed. These revised dollar amounts shall remain in effect until the first day of the first month following publication of new adjusted dollar amounts in the *Wisconsin Administrative Register*.

Contact Information:

Kevin LeRoy, Section Chief
Trade Practices Bureau
Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive
P.O. Box 8911
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Department of Agriculture, Trade and Consumer Protection Adjustments in Dollar Amounts for Liens on Vehicles for Towing and Storage under Wis. Stat. § 779.415 (1g) (c)

The following notice is being submitted for publication in the Wisconsin Administrative Register as required under Wis. Stat. § 779.415 (1g) (c):

Notice of Dollar Amount Adjustments for Liens on Vehicles for Towing and Storage

Under Wis. Stat. § 779.415 (1g) (c), the department is required to annually adjust the dollar amounts that may be charged for towing or storing a vehicle identified under Wis. Stat. § 779.415 (1g) par. (a). Under this law, the department

shall adjust the dollar amounts by the annual change in the consumer price index, all items, U.S. city average, as determined by the Bureau of Labor Statistics of the U.S. Department of Labor.

The Department has determined that current dollar amounts specified under Wis. Stat. § 779.415 (1g) (a) shall increase by **1.5%**, according to the annual average percent change in the consumer price index (All Urban Consumers – January 2013 to December 2013).

The dollar amounts contained in Wis. Stat. § 779.415 (1g) (a) are adjusted to the following dollar amounts:

If the vehicle is subject to a lien perfected under Wis. Stat. ch. 342, a towing lien shall have priority only to the extent of **\$110** for a vehicle having a manufacturer’s gross weight rating of 20,000 pounds or less and **\$380** for a vehicle having a manufacturer’s gross weight rating of more than 20,000 pounds. A storage lien shall have priority only to the extent of \$10 per day but for a total amount of not more than **\$650** for a vehicle having a manufacturer’s gross weight rating of 20,000 pounds or less and **\$27** per day but for a total amount of not more than \$1,605 for a vehicle having a manufacturer’s gross weight rating of more than 20,000 pounds. If the value of the vehicle exceeds **\$810** the lien may be enforced under Wis. Stat. § 779.48 (2). If the value of the vehicle does not exceed **\$810**, the lien may be enforced by sale or junking as provided in sub. (2).

These revised dollar amounts for liens on vehicles for towing and storage shall apply to services commenced on or after **January 1, 2015** for which a lien is claimed. These revised dollar amounts shall remain in effect until the first day of the first month following publication of new adjusted dollar amounts in the *Wisconsin Administrative Register*.

Contact Information:

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Department of Health Services

***Medicaid Reimbursement for Inpatient Hospital Services:
Acute Care, Children’s, Critical Access, Psychiatric, and Rehabilitation Hospitals
State of Wisconsin Medicaid Payment Plan for Rate Year 2015***

The State of Wisconsin reimburses hospitals for inpatient services provided to Medical Assistance recipients under the authority of Title XIX of the Social Security Act and Chapter 49 of the Wisconsin Statutes. This program, administered by the State’s Department of Health Services (the Department), is called Medical Assistance or Medicaid. In addition, Wisconsin has expanded this program to create the BadgerCare Plus program under the authority of Title XIX and Title XXI of the Social Security Act and Chapter 49 of the Wisconsin Statutes. Collectively, these programs are herein referred to as the Wisconsin Medicaid Program (WMP). Federal statutes and regulations require that a State Plan be developed that provides the methods and standards for reimbursement of covered services. Such a plan is currently in effect.

The WMP uses a reimbursement system for inpatient hospital services which is based on Diagnosis Related Groupings (DRGs) for acute care, children’s, and critical access hospitals and on per diem rates for psychiatric and rehabilitation hospitals. The DRG system is a discrete, cost–specific reimbursement methodology that allows the Department to reimburse providers based on case mix. The rate–setting methodology for acute care and children’s hospitals employs a provider–specific, DRG base rate. This rate includes an adjustment for differences in wage levels, an amount for capital expenditures, and payment enhancements for qualifying rural hospitals and facilities with graduate medical education programs. In addition, a cost outlier payment is made when the cost of providing services exceeds a predetermined tripoint. The rate–setting methodology for critical access hospitals employs a provider–specific, cost–based DRG base rate. The rate–setting methodology for psychiatric and rehabilitation hospitals employs a provider–specific, cost–based per diem rate. Effective January 1, 2015, the Department is updating the inpatient hospital rates for rate year 2015 (January 1, 2015 – December 31, 2015).

The following changes will be contained in the January 1, 2015 inpatient hospital state plan amendment:

- Inpatient hospital rates will be updated for rate year 2015.
- Outlier payment tripoints will be updated for rate year 2015.

This notification is intended to provide notice of the type of changes that are included in the amendment. Interested parties should obtain a copy of the actual proposed plan amendment to comprehensively review the scope of all changes.

Proposed Change

It is estimated that these changes will have no material impact on projected annual aggregate Medicaid expenditures in state fiscal year 2015. The Department maintains the same hospital budget approved by the Legislature.

The Department's proposal involves no change in the definition of those eligible to receive benefits under Medicaid, and the benefits available to eligible recipients remains the same. The effective date for these proposed changes will be January 1, 2015.

Copies of the Proposed Change

A copy of the proposed change may be obtained free of charge at your local county agency or by calling or writing as follows:

Regular Mail

Division of Health Care Access and Accountability
P.O. Box 309
Madison, WI 53701–0309

State Contact

David Hoffert, Hospital Policy and Rate Setting Section Chief
Bureau of Fiscal Management
(608) 261–8397 (phone)
(608) 266–1096 (fax)
David.Hoffert@wisconsin.gov

A copy of the proposed change is available for review at the main office of any county department of social services or human services.

Written Comments

Written comments are welcome. Written comments on the proposed change may be sent by fax, email, or regular mail per the above information. All written comments received will be reviewed, considered, and made available for public review between the hours of 7:45 a.m. and 4:30 p.m. daily in Room 350 of the State Office Building, 1 West Wilson Street, Madison, Wisconsin. Revisions may be made to the proposed change based on comments received.

Department of Health Services

Medicaid Reimbursement for Outpatient Hospital Services: Acute Care, Children's, Critical Access, Psychiatric, and Rehabilitation Hospitals State of Wisconsin Medicaid Payment Plan for Rate Year 2015

The State of Wisconsin reimburses hospitals for outpatient services provided to Medical Assistance recipients under the authority of Title XIX of the Social Security Act and Chapter 49 of the Wisconsin Statutes. This program, administered by the State's Department of Health Services (the Department), is called Medical Assistance or Medicaid. In addition, Wisconsin has expanded this program to create the BadgerCare Plus program under the authority of Title XIX and Title XXI of the Social Security Act and Chapter 49 of the Wisconsin Statutes. Collectively, these programs are herein referred to as the Wisconsin Medicaid Program (WMP). Federal statutes and regulations require that a State Plan be developed that provides the methods and standards for reimbursement of covered services. Such a plan is currently in effect.

The WMP uses a reimbursement system for outpatient hospital services which is based on Enhanced Ambulatory Patient Groupings (EAPGs). The EAPG system is a discrete, cost-specific reimbursement methodology that allows the Department to reimburse providers based on case mix. The rate-setting methodology employs a provider-specific, EAPG base rate, which includes a payment enhancement for facilities with graduate medical education programs. The EAPG base rate for critical access hospitals is based on each hospital's specific, prospective costs. Effective January 1, 2015, the Department is updating the outpatient hospital rates for rate year 2015 (January 1, 2015 – December 31, 2015).

The following changes will be contained in the January 1, 2015 outpatient hospital state plan amendment:

- Outpatient hospital rates will be updated for rate year 2015.

This notification is intended to provide notice of the type of changes that are included in the amendment. Interested parties should obtain a copy of the actual proposed plan amendment to comprehensively review the scope of all changes.

Proposed Change

It is estimated that these changes will have no material impact on projected annual aggregate Medicaid expenditures in state fiscal year 2015. The Department maintains the same hospital budget approved by the Legislature.

The Department's proposal involves no change in the definition of those eligible to receive benefits under Medicaid, and the benefits available to eligible recipients remains the same. The effective date for these proposed changes will be January 1, 2015.

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