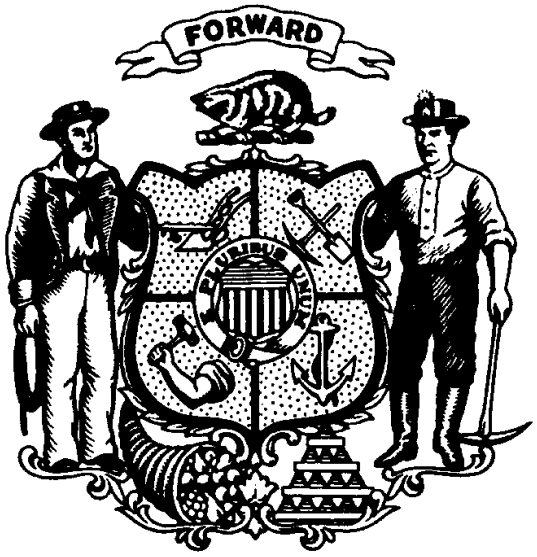
WISCONSIN ADMINISTRATIVE REGISTER

No. 479



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REVISOR OF STATUTES BUREAU
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NOTICE SECTION

Notice of Hearings

Agriculture, Trade & Consumer Protection

The State of Wisconsin Department of Agriculture, Trade and Consumer Protection announces that it will hold public hearings on the proposed repeal and recreation of ch. ATCP 42, Wis. Adm. Code, related to commercial feed.

Written Comments

The hearings will be held at the times and places shown below. The public is invited to attend the hearings and comment on the proposed rule. Following the public hearings, the record will remain open until **December 15, 1995** for additional written comments.

Copies of Rule

A copy of the rule to be considered may be obtained, free of charge, from the State of Wisconsin Department of Agriculture, Trade and Consumer Protection, Agricultural Resource Management Division by contacting Eric Nelson, P.O. Box 8911, Madison, WI 53708–8911, or by calling (608)224–4539 or FAX at (608)224–4656.

An interpreter for the hearing impaired will be available on request for these hearings. Please make reservations for a hearing interpreter by **November 17, 1995** either by writing Eric Nelson, 2811 Agriculture Drive, P.O. Box 8911, Madison, WI 53708, (608/224–4539) or by contacting the message relay system (TTY) at 608/224–5058. Handicap access is available at the hearings.

Hearing Information

November 28, 1995	**Quality Inn**
Tuesday	**809 W. Clairemont Ave.**
1:30 – 4:30 p.m.	**Eau Claire, WI**
evening session	
6:00 – 8:00 p.m.	
November 29, 1995	**Ramada Inn**
Wednesday	**201 N. 17th Ave.**
1:30 – 4:30 p.m.	**Wausau, WI**
evening session	
6:00 – 8:00 p.m.	
November 30, 1995	**Holiday Inn**
Thursday	**625 W. Rolling Meadows Dr.**
1:30 – 4:30 p.m.	**Fond du Lac, WI**
evening session	
6:00 – 8:00 p.m.	
December 5, 1995	**Nate's Supper Club**
Tuesday	**and White House Inn**
1:30 – 4:30 p.m.	**1450 Veterans Dr.**
evening session	**Richland Center, WI**
6:00 – 8:00 p.m.	
December 6, 1995	**Department of Agriculture, Trade**
Wednesday	**and Consumer Protection**
1:30 – 4:30 p.m.	**Board Room**
evening session	**2811 Agriculture Dr.**
6:00 – 8:00 p.m.	**Madison, WI**

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

Statutory authority: ss. 93.07 (1) and 94.72 (13) (a)

Statute interpreted: s. 94.72

The department of agriculture, trade and consumer protection regulates the manufacture and distribution of commercial feed under s. 94.72, Stats. Commercial feed includes feed for domestic livestock and pets. Feed regulation is aimed at protecting animal and human health, and preventing sales of adulterated and misbranded feed products. The department regulates commercial feed in cooperation with the federal food and drug administration (FDA) and other states.

This rule repeals and recreates current rules under ch. ATCP 42, Wis. Adm. Code, related to commercial feed. The rule is based, to a large extent, on standards adopted by the American association of American feed control officials (AAFCO). Among other things, the rule establishes standards for all of the following:

- Licensing manufacturers and distributors of commercial feed.
- Commercial feed labels, including labels for custom–mixed feed and dog and cat food.
- Truth in labeling.
- Nutritional claims.
- Drugs and other feed additives.
- Good manufacturing practices for medicated feed and dog and cat food.

Under s. 94.72, Stats., and this rule, a commercial feed means any animal feed that is sold or bartered, or offered for sale or barter, but does not include any of the following:

- Grain, whether whole or ground, which is not mixed with other grains or other materials.
- Hay, straw, cottonseed hulls, stover or silage which is not mixed with other materials.
- Unprocessed meat or other unprocessed portions of animal carcasses.

COMMERCIAL FEED LICENSE

License Required

Under s. 94.72, Stats., and this rule, no person may manufacture or distribute commercial feed in this state without an annual license from the department, except that a person may do any of the following without a license:

- Distribute packaged commercial feed in its original package, as packaged by a licensed manufacturer or distributor.
- Distribute bulk commercial feed in the same form received from a licensed manufacturer or distributor, and with the same labeling.
- Manufacture or distribute a "custom–mixed feed" which is prepared at the request of a final retail purchaser according to a formula provided by that final retail purchaser. Commercial feeds used as ingredients in "custom–mixed" feed must be obtained from licensed sources.

License Application and Fees

To obtain an annual license, an applicant must do all of the following:

- Submit an application on a form provided by the department.
- Pay an annual license fee of $25, and a supplementary fee of $25 for each additional business location.
- Submit a feed tonnage report if required under s. 94.72(6), Stats.
- Pay inspection fees on reported feed tonnage, if required under s. 94.72(6), Stats. A commercial feed manufacturer is not required to pay inspection fees on either of the following:
- Grain used in a commercial feed, if that grain is owned and provided by the final retail purchaser of that feed.
- Grain used in a "custom–mixed" feed.

COMMERCIAL FEED LABELING; GENERAL

This rule establishes general labeling requirements for commercial feed. The general labeling requirements apply to all commercial feed, other than "custom–mixed" feed and dog and cat food. This rule specifies different labeling requirements for custom–mixed feed and dog and cat food (see below).

Label Contents; General

Under this rule, a commercial feed label must generally include all of the following:

- The product name of the commercial feed, and its brand name if any.
- Drug labeling if the commercial feed contains any drug.
- A statement of purpose identifying the animals for which the feed is intended, and the use for which the feed is intended.
- A guaranteed analysis of nutrients.
- An ingredient statement.
- The name and address of the manufacturer or distributor who is responsible for the contents and labeling of the commercial feed.
- A declaration of net quantity.
- Use directions and precautionary statements.

Product and Brand Names

Under this rule, a commercial feed must be labeled with its product name and its brand name if any. A product or brand name may not be inconsistent with the intended use of the commercial feed, and may not contain any statement or representation that is false, deceptive or misleading. This rule regulates the use of certain terms, including ingredient names, in product or brand names.

Medicated Commercial Feeds

Under this rule, if a commercial feed contains one or more drugs, the commercial feed label must identify the commercial feed as a "medicated" feed. It must also include:

- A statement explaining the purpose for each drug.
- A statement identifying the name and amount of each active drug ingredient in the commercial feed.
- Directions for use and precautionary statements needed for the safe administration and handling of the commercial feed.

Statement of Purpose

Under this rule, a commercial feed must be labeled with a statement of purpose that identifies all of the following:

- The species and classes of animals for which the commercial feed is intended.
- The specific intended use of the commercial feed, unless the commercial feed is intended as a complete feed for all species and classes of animals identified on the feed label.

Under this rule, a statement of purpose is not required for either of the following:

- An ingredient or combination of ingredients sold as a specialized nutritional source for use in manufacturing other commercial feeds.
- Grain or grain mixtures, provided that they contain no drugs and the seller makes no specific feed claim for them.

The rule identifies standard terms which, if used on a commercial feed label, indicate that the commercial feed is intended for a specified class of animals. For example, a swine feed labeled as a "pre–starter" is intended for swine weighing from 2 to 11 lbs. The rule does not require the use of these standard terms, but the terms may not be used in a manner inconsistent with the rule. The rule specifies standard terms corresponding to standard classes of swine, poultry, beef cattle, dairy cattle, equines, sheep and goats, ducks, geese and rabbits.

Guaranteed Analysis

Under this rule, a commercial feed must be labeled with a "guaranteed analysis" that guarantees the amount of nutrients and other key substances in the commercial feed. Under this rule, a guaranteed analysis must include all of the following:

- A minimum guarantee for all of the following substances, unless the commercial feed is clearly labeled for a specialized purpose that is unrelated to the content of those substances:
- Crude protein.
- Equivalent crude protein from non–protein nitrogen, if present.
- Crude fat.
- A maximum guarantee for crude fiber, unless the commercial feed is clearly labeled for a specialized purpose that is unrelated to its crude fiber content.
- Mineral guarantees if the feed is sold wholly or in part for its mineral content.
- Vitamin guarantees if the commercial feed is sold wholly or in part for its vitamin content.
- Microorganism guarantees if the commercial feed is sold wholly or in part for its microorganism content.
- A sugar guarantee if the commercial feed is sold primarily for its sugar content.
- If the commercial feed is intended as a specialized nutrient source primarily for use in the manufacture of other commercial feeds, a minimum guarantee for each nutrient that is relevant to that purpose.
- Additional guarantees, if any, that are required for a specific class of commercial feed under this rule. This rule identifies specific substances which must be guaranteed in certain commercial feeds, including feeds intended for swine, poultry, beef cattle or calves, dairy cattle or calves, equines, sheep, goats, ducks, geese, fish or rabbits.

This rule specifies the form and order in which guarantees are to be listed in the guaranteed analysis. Except where this rule requires a different format, guarantees must be expressed as a percentage by weight of commercial feed.

Ingredient Statement

Under this rule, a commercial feed must be labeled with an ingredient statement that lists the name of each ingredient from which the commercial feed is manufactured. An ingredient name must be one of the following:

- The common or usual name of that ingredient.
- The official name of that ingredient as stated in AAFCO's official publication.
- An appropriate collective name, specified in the rule, which accurately describes that ingredient. If an ingredient statement includes a collective term that describes one or more individual ingredients, none of those individual ingredients may be listed in the ingredient statement under any other name.

Manufacturer or Distributor; Name and Address

Under this rule, a commercial feed must be labeled with the name and principal mailing address of a manufacturer or labeler who assumes responsibility for the content and labeling of that commercial feed. If a person manufactures commercial feed on behalf of another licensed manufacturer or labeler who is identified on the feed label, the person manufacturing that feed on behalf of that responsible manufacturer or labeler need not be identified on the feed label.

For example, if a local feed mill manufactures feed on behalf of a feed consultant who is licensed as a manufacturer or labeler under this rule, and whose name and address appear on the feed label, the feed consultant is legally responsible for the content and labeling of the commercial feed. The local feed mill need not be identified on the feed label.

Declaration of Net Quantity

Under this rule, no person may sell or distribute any package, container or bulk lot of commercial feed unless that package, container or bulk lot bears a label which accurately declares the net quantity of commercial feed contained in that package, container or bulk lot. The declaration must comply with all of the following requirements:

- Net quantity must be declared in terms of weight, measure or count, based on applicable requirements under s. 98.06, Stats. (Liquid quantities must normally be declared in terms of liquid measure, and other quantities must normally be declared in terms of weight.)
- If the net quantity is declared in terms of weight or measure, the weight or measure must be expressed in appropriate inch–pound units and in appropriate metric units.
- The declaration must include any supplementary declarations which are needed to make the declaration fully informative. For example, if a declaration includes a declaration of count, it should also specify the size or weight of the counted units.

Use Directions and Precautionary Statements

Under this rule, a commercial feed must be prominently labeled with use directions and precautionary statements. This requirement is subject to the following exceptions:

- No use directions are required for a non–medicated ingredient or a combination of non–medicated ingredients that is sold as a specialized nutritional source for use in manufacturing other feeds.
- Grains or grain mixtures, provided that they contain no drugs and the seller makes no specific feed claim for them.

CUSTOM–MIXED FEED

Labeling Custom–Mixed Feed

A "custom–mixed" feed is a feed prepared at the request of a final retail purchaser according to a formula provided by that final retail purchaser. Under this rule, a "custom–mixed" feed is exempt from the labeling requirements that apply to other commercial feeds (see above). However, the manufacturer of a "custom–mixed" feed must provide the purchaser with all of the following information, in writing, when that manufacturer delivers that feed to the purchaser:

- The name and address of the manufacturer.
- The name and address of the purchaser.
- The name of the "custom–mixed" feed.
- The net quantity of the "custom–mixed" feed.
- The name and net quantity of every commercial feed and every other ingredient (e.g., grain) used to manufacture the "custom–mixed" feed.
- Applicable use directions and precautionary statements. If any commercial feed used in manufacturing a "custom–mixed" feed is labeled with use directions or precautionary statements, the manufacturer of the "custom–mixed" feed must provide a copy of those use directions and precautionary statements to the purchaser of the "custom–mixed" feed.
- All of the following if the "custom–mixed" feed contains any drug:
- A statement, following directly after the name of the "custom–mixed" feed, which discloses that the feed is "medicated."
- A clear statement explaining the purpose for each drug.
- A statement identifying the name and amount of each active drug ingredient.

The manufacturer of a "custom–mixed" feed must keep a copy of all of the above information for at least one year, and must make the information available for inspection and copying by the department upon request.

Guarantees and Disclaimers

The manufacturer of a "custom–mixed" feed is not responsible for the nutritional adequacy of that feed, provided that the manufacturer makes no claim of nutritional adequacy. The manufacturer may place a disclaimer on the label of the "custom–mixed" feed, stating that the manufacturer does not claim or warrant that the feed is nutritionally adequate or suitable for its intended purpose.

DOG AND CAT FOOD

Under this rule, dog and cat food is exempt from the labeling requirements that apply to other commercial feed (see above). However, a dog or cat food must be labeled with all of the following information:

- The words "dog food" or "cat food," or other words that clearly identify the product as dog or cat food.
- The product name and brand name if any.
- A guaranteed analysis.
- An ingredient statement.
- Drug labeling if the dog or cat food contains any drug.
- A statement of nutritional adequacy, if required under this rule.
- The name and principal mailing address of the manufacturer or distributor who is responsible for the content and labeling of the dog or cat food.
- A declaration of net quantity.
- Feeding instructions, if required under this rule.

Guaranteed Analysis

The guaranteed analysis for a dog or cat food must include all of the following:

- A minimum guarantee for crude protein.
- A minimum guarantee for crude fat.
- A maximum guarantee for crude fiber.
- A maximum guarantee for moisture.
- Mineral guarantees if the dog or cat food is sold wholly or in part for its mineral content.
- Vitamin guarantees if the dog or cat food label makes specific vitamin claims or vitamin–related performance claims.
- A minimum guarantee for other substances claimed on the label of the dog or cat food.

Guarantees must clearly identify the substances guaranteed. Except where a different format is required under this rule, guarantees must be expressed as a percentage by weight of the dog or cat food. This rule establishes specific requirements for vitamin and mineral guarantees.

Ingredient Statement

Under this rule, a dog or cat food must be labeled with an ingredient statement that lists the name of each ingredient from which the dog or cat food is manufactured. An ingredient name must be one of the following:

- The common or usual name of that ingredient.
- The official name of that ingredient as stated in AAFCO's official publication.

Medicated Dog or Cat Food

Under this rule, if a dog or cat food contains one or more drugs, its label must identify it as a "medicated" dog or cat food. The label must also include:

- A statement explaining the purpose for each drug.
- A statement identifying the name and amount of each active drug ingredient.
- Directions for use and precautionary statements needed for the safe administration and handling of the dog or cat food.

Statement of Nutritional Adequacy

Under this rule, every dog or cat food must be labeled with a statement of nutritional adequacy unless it is prominently labeled as a "treat" or "snack." The statement must conform to one of 4 specific alternatives specified in the rule.

Feeding Instructions

Under this rule, every dog or cat food must be labeled with feeding instructions unless one of the following applies:

- The dog or cat food is labeled for use only under a veterinarian's prescription.
- The dog or cat food is clearly labeled as a "snack" or "treat."

Feeding instructions must clearly state the amount of dog or cat food to be fed, and the purpose for which the dog or cat food may be fed. The feeding instructions must include any precautionary statements needed for safe feeding.

Statement of Calorie Content

This rule allows, but does not require, a calorie content statement on the label of a dog or cat food. A calorie content statement is allowed only if all of the following apply:

- The statement is separate and distinct from the guaranteed analysis.
- The statement appears under the heading, "Calorie Content."
- The statement reflects metabolizable energy, expressed as kilocalories per kilogram or kilocalories per other common household measure (e.g., per can, cup or pound).
- The calorie content is computed according to a method specified in this rule, or is determined by testing according to a procedure specified in AAFCO's official publication.

Product or Brand Names Using Ingredient Names

Under this rule, the product or brand name of a dog or cat food may not identify any ingredients of a dog or cat food to the exclusion of other ingredients unless the ingredients are present in quantities specified under this rule. A product or brand name may not misrepresent the amount of any ingredient that is present in a dog or cat food.

Prohibited Labeling

Under this rule, no labeling for a dog or cat food may do any of the following, either directly or by implication:

- Make any statement or representation which is false, deceptive or misleading.
- Misrepresent that a dog or cat food is suitable for a specified use.
- Make unsubstantiated health or nutritional claims, or fail to disclose pertinent qualifications or limitations on those claims.
- Claim that a dog or cat food provides a complete, perfect, balanced or nutritionally adequate ration for a dog or cat unless the dog or cat food complies with nutrition standards specified in this rule.
- Misrepresent the nature or amount of any ingredient.

GENERAL PROVISIONS

Good Manufacturing Practices

Under this rule, manufacturers of medicated commercial feeds and dog and cat food must comply with good manufacturing practices:

- Buildings and equipment must be designed, constructed and maintained to provide adequate sanitation.
- Work areas and equipment used for medicated feeds or dog and cat food may not be used for fertilizer or pesticides.
- Medicated feeds must be manufactured according to FDA requirements.
- Ingredients must be properly labeled.
- The manufacturer must keep records including product formulas, manufacturing dates, batch numbers and shipment dates.

Nutritional Content

Under this rule, the nutritional content of a commercial feed must be suitable for the intended use of that feed when the feed is used according to label directions. If a commercial feed intended for swine, poultry, fish, veal calves, or herd replacement calves, it must comply with applicable nutritional standards adopted by the national research council of the national academy of sciences, and incorporated by reference in this rule. Alternatively, the manufacturer must possess valid scientific evidence which demonstrates that the feed is suitable for its intended use.

Drugs and Other Additives

Under this rule, drugs and other special purpose or non–nutritive feed additives must be safe and effective for their intended use. Drugs must be approved by FDA if approval is required by federal law. Drugs and other additives may be used only as intended, and only according to label directions. Medicated feeds must be labeled according to this rule.

Adulteration and Misbranding

This rule prohibits the sale or distribution of adulterated or misbranded feed. A feed is adulterated if, among other things:

- It contains any poisonous or deleterious substance that make it injurious to health.
- It contains any prohibited pesticide residue.
- It contains any added substance which is poisonous, deleterious or unsafe.
- Its quality or composition differs from that stated on the label.
- It is manufactured or held under unsanitary conditions, or in violation of good manufacturing practices required under this rule.
- It contains weed seeds in excess of specified tolerances.
- It contains fluorine in excess of specified amounts.
- It contains organic material, such as sphagnum moss or sawdust, that has little or no feeding value.

Under this rule, a feed is misbranded if any of the following applies:

- Its labeling is false, deceptive or misleading in any particular.
- It is sold or distributed under the name of another feed.
- Its labeling violates this rule.

Non–Protein Nitrogen

This rule prohibits the use of non–protein nitrogen ingredients such as urea, di–ammonium phosphate, ammonium poly–phosphate, or ammoniated rice hulls, as sources of equivalent crude protein in commercial feeds intended for non–ruminant animals, because non–ruminants cannot digest them.

If a ruminant feed includes non–protein nitrogen, that non–protein nitrogen must be identified in the guaranteed analysis according to a format specified in this rule. Commercial feed products containing non–protein nitrogen in excess of specified amounts must include use directions and precautionary statements, with appropriate “caution” or “warning” labels.

Enforcement

This rule identifies the statutory enforcement provisions which may apply to a person who violates this rule.

STANDARDS INCORPORATED BY REFERENCE

The department has requested permission from the attorney general and the revisor of statutes to incorporate the following standards by reference in this rule:

- Portions of the official publication of the association of American feed control officials.
- Nutritional standards published by the committee on animal nutrition, national research council, national academy of sciences.

Fiscal Estimate

The rule will be administered by the Agricultural Resource Management (ARM) Division of the Department of Agriculture, Trade and Consumer Protection (DATCP). The proposed rule is a repeal and recreation of an existing administrative rule. The proposed changes affect enforcement activities in which Agricultural Resource Management Division staff are already engaged.

The Department anticipates that there will be no long or short range fiscal impact on state or local governments. The complete fiscal estimate is available upon request.

Initial Regulatory Flexibility Analysis

Department of Agriculture Trade and Consumer Protection

The state of Wisconsin department of agriculture, trade and consumer protection proposes the following order to repeal and recreate ATCP 42 related to commercial feed manufacturing.

1) Type of businesses that will be affected by the proposed rule changes.

Affected businesses will be commercial feed manufacturers and distributors including persons acting as nutritional consultants who receive compensation for the preparation of commercial feed labels or formulas.

COMMERCIAL FEED MANUFACTURERS AND DISTRIBUTORS:

There are currently 1000 commercial feed facilities in Wisconsin. Approximately 700 of these facilities engage in manufacturing commercial feed. The remainder are distribution points or labelers. A firm that identifies itself on the label as the party responsible for the feed and distributes a product that is manufactured by another is a distributor. The department estimates that about 70% of the manufacturing facilities also engage in other agri–business activities such as sales of fertilizer and pesticides. The department also estimates that about 70% of the manufacturing facilities are small businesses.

FEED MANUFACTURERS – DISTRIBUTION OF LABELED FEED PER YEAR:

700 firms distribute from 0 and 2000 tons of commercial feed.

200 firms distribute from 2000 and 20,000 tons of commercial feed.

30 firms distribute greater than 20,000 tons of commercial feed.

FEED MANUFACTURERS – CATEGORY OF FEED PRODUCED:

300 firms produce medicated animal feed.

400 firms only produce non–medicated animal feeds.

POULTRY AND LIVESTOCK FARM OPERATIONS

There are a number of small businesses in the poultry and livestock operator business that depend enormously on the feed manufacturing industry to provide correct and useful information on animal nutrition and the use of commercial feed products. The impact of these proposed rules on these businesses will be to provide them with better and more accurate labels and labeling for them to make informed business decisions on the purchase of products that are key to their operations.

COMMERCIAL FEED CONSULTANTS

Commercial feed consultants that operate in Wisconsin provide farmers and manufactures with information related to the formulation and use of feed products. The number of consultants operating in Wisconsin is unknown at this time.

Many consultants are independent or work in cooperation with a feed manufacturer, but are not employed by a feed manufacturer. Other consultants are employees of the feed manufacturer and their employer must comply with all feed regulations. This would include: licensing, labeling and good manufacturing practices.

Consultants who are compensated by the final purchaser of the feed for providing specifications for that feed product will have to be licensed by the department. The affects of this rule on independent consultants depends upon the information they choose to provide their customers. The following are three examples of how this may work:

Example 1

Under this example, the consultant determines the appropriate formulation and provides the livestock producer with a listing of feed ingredients and amounts to be blended, that the final retail purchaser can take to the mill of their choice. The consultant must also provide feeding

directions. The final retail purchaser can then obtain a true custom–mix feed and have directions on its use. Under this situation, the feed mill is not responsible for the nutritional adequacy of the feed. The final retail purchaser and the consultant negotiate responsibility for nutritional adequacy between themselves, recognizing that this is likely to be the reason the farmer hired a consultant. No additional requirements would apply to the consultant, however the liability to the farmer may be more clearly established.

Example 2

Under this example the consultant works through a feed mill to formulate feed for a final retail purchaser. Rather than providing the ingredients and mixing directions to the final retail purchaser, the consultant takes this formula to a feed mill. In this situation, the feed is a commercially formulated feed and requires full labeling. If the mill, rather than the consultant, agrees to stand behind the label guarantees and also guarantee nutritional adequacy, the mill would provide a complete label for the feed and be responsible for its guarantees and nutritional adequacy. No additional requirements would apply to the consultant, however their liability to the final retail purchaser and feed mill may be more clearly established.

Example 3

This example is similar to example 2, except in this case the feed mill chooses not to be the labeler and does not provide a full label nor does it guarantee nutritional adequacy. Instead, the consultant provides the full label. In this situation, the consultant is a feed distributor and needs a feed license. As a licensee, the consultant is responsible for meeting the label guarantees that have been developed, for the nutritional adequacy of the feed and the payment of inspection fees on tonnage distributed in Wisconsin. The responsibility of the feed mill in this situation would be limited to assuring the feed was mixed in accordance with the consultant's directions, and affixing the consultant's label.

The rule eliminates the current situation where an independent consultant may not provide the feed formula or a nutritional guarantee to the final retail purchaser, but instead the final retail purchaser may get a calculated nutritional content from the consultant. The feed mill may only see an ingredient list, without being aware of the calculated nutritional content. Given this, the calculated nutritional content is never compared to the actual ingredients. This situation can leave a final retail purchaser with a lower quality feed then expected.

2) Reporting, recordkeeping and other procedures required for compliance with the rules.

COMMERCIAL FEED MANUFACTURERS AND DISTRIBUTORS:

Production and distribution:

To expedite recalls of adulterated or misbranded feed products, medicated feed manufacturers will have to maintain production records to maintain the identity of the product. These records are already required by the federal Food and Drug Administration (FDA), under 21 CFR, part 225. The addition of this text in the proposed rule allows state enforcement of this federal requirement. The type of records required include:

- Production records required to facilitate product recall and document product quality:

- Distribution records to facilitate recall and payment of inspection fees:

Currently all firms, that distribute medicated and non–medicated commercial feed in Wisconsin, (approximately 1200), are required to keep this distribution information under 94.72 (6) (j) and (13) (d), Stats.

Revision of commercial feed labels:

The consumer of today, is demanding more product information to evaluate their purchases and to assist them in use decisions involving those products. The proposed labeling requirements, of this rule proposal were derived from labeling requirements designed by the Association of American Feed Control Officials, (AAFCO), under the recommendations of national authorities on animal nutrition and husbandry. The proposed rule establishes label requirements that provide the consumer with more pertinent information and promotes label uniformity between manufacturers and among product types.

Modification of product labels would be a transitional procedure. Even without the proposed rule, Wisconsin firms that currently market products outside of Wisconsin and regional firms operating in Wisconsin, will change their labeling to allow sales in states where the proposed labeling requirements are already enforced.

To comply with the new labeling requirements, most commercial feed labels and some feed formulations will have to be amended. The amendments would establish the following:

- product formulations and uses that complies with national nutritional standards,

- label uniformity, and

- more relevant information for the user.

Establishment of production procedures:

As an effort to reduce feed contamination problems before they occur, the feed industry and regulators have moved toward controlling the production process in combination with limited evaluation of the finished product.

These quality control practices or Good Manufacturing Practices (GMPs) were established by FDA in cooperation with AAFCO and the feed industry. Currently these practices are only enforceable, under FDA authority, on medicated feed manufacturers. The 300 Wisconsin feed manufactures that make medicated feeds are required to comply with these GMPs.

This proposed rule promotes compliance with GMPs by allowing state enforcement of the federal provisions. FDA has only limited ability to conduct GMP inspections and carry out enforcement. Given the significant impact of adulterated feeds on Wisconsin's dairy and livestock industries, feed consumers need the assurance that adequate quality control procedures are used in the manufacture of feed they buy.

COMMERCIAL FEED CONSULTANTS:

The consultants that are required to become licensed commercial feed distributors will have to comply with the same labeling and distribution record keeping requirements affecting commercial feed manufactures.

3) Types of professional skills necessary for compliance with the rules.

COMMERCIAL FEED MANUFACTURERS AND DISTRIBUTORS:

Manufacturers who do not employ consultants or have access to nutrition program services, may have to develop skills to assist them in proper feed formulating to meet the requirement of nutritional adequacy for feeds.

The majority of persons marketing commercial feed have expertise in the calculation of feed formulas. Those who need to develop this expertise have several options available at little of no cost. The University of Wisconsin, Extension service can provide training and assistance in feed formulation. Nutritional consultants can be employed by firms needing this service. Low cost computer software nutrition and product formulation packages are available from national and regional feed suppliers and cooperatives.

4) Special accommodations to Reduce Small Business Impact:

The proposed rule has been developed to minimize impact on small business interests, recognizing that most feed manufactures, consultants and their customers are small business operations. The following accommodations were adopted to further reduce small business impact:

- The implementation of label changes was delayed for one year after the publication of the proposed rule. This would allow manufacturers to deplete existing inventories of product labels before making the proposed changes to their product labels.

- The formulation of nutritionally adequate feed products by manufacturers will be relatively easy due to the wide availability of services to facilitate the correct formulation of feed products.

- The enforcement of the good manufacturing practices by the department should maintain the safety and wholesomeness of medicated feeds that small businesses produce, thus reducing product recalls, misuse of products and the associated complaints and civil actions resulting from substandard products.

- Good manufacturing practices were required of only firms producing medicated feed or dog and cat food. Most of the facilities excluded from the GMPs are considered small businesses.

The proposed rules establishing minimum procedures and standards for small business operations to produce commercial feeds that are labeled properly, manufactured safely and provide the promoted results. The consequences of failure to follow these procedures and standards can result in the production of misbranded or adulterated animal feeds having an adverse effect on purchasers of commercial animal feed products.

Notice of the proposed rule has been delivered to the Department of Development, as required by § 227.114 (5), Stats.

Notice of Hearing
Agriculture, Trade & Consumer Protection

The State of Wisconsin Department of Agriculture, Trade and Consumer Protection announces that it will hold public hearings on a revised draft of the proposed rule to create ch. ATCP 123, Wis. Adm. Code, relating to telecommunications and cable television services.

Written Comments

The public is invited to attend the hearings and make comments on the proposed rule. The hearing record will remain open until **December 10, 1995** for additional written comments.

A copy of this rule may be obtained, free of charge, from the Bureau of Consumer Protection, Wisconsin Department of Agriculture, Trade and Consumer Protection, P.O. Box 8911, Madison, WI 53708–8911, or by calling 608/224–4955. Copies will also be available at the hearings.

If an INTERPRETER for deaf or hard of hearing people is required, please notify this office by **Nov. 15, 1995** either by writing to James Rabbitt, P.O. Box 8911, Madison, WI 53708–8911, or by contacting the message relay system (TTY) at **608/246–5058.**

Hearing Information

November 29, 1995
Wednesday
commencing at 9:00 a.m.

Dept. of Agriculture, Trade & Consumer Protection
Board Room
2811 Agriculture Drive
Madison, WI

Handicapped Accessible

Written Comments

Written comments will be accepted until **Dec. 10, 1995**.

Analysis by the Department of Agriculture, Trade and Consumer Protection

Statutory authority: ss. 100.20 (2) and 100.207 (6) (e)

Statutes interpreted: ss. 93.01 (1) (m), 100.20 and 100.207

Coverage

This rule regulates subscription and billing practices related to telecommunications and cable television services provided to residential and small business consumers.

This rule does not apply to the following activities of telecommunications providers:

- Activities which are specifically authorized under ss. 196.194(1), 196.207, 196.20, or 196.499(4), Stats.
- Activities which the Wisconsin public service commission specifically authorizes by rule or order.
- Subscription changes which a provider implements by tariff under ch. 196, Stats., other than by a tariff change under s. 196.196(3) or 196.499(2), Stats.

This rule does not authorize any activity prohibited by ch. 196, Stats., or by the Wisconsin public service commission under ch. 196, Stats.

Disclosure to Subscribers

Under this rule, a provider of telecommunications or cable television services must disclose subscription terms to a consumer at or before the time that the consumer subscribes. The disclosure must include all of the following:

- A clear identification of each service offering included in the subscription, including relevant consumer features, functions or capabilities which comprise that service offering.
- The price which the consumer must pay for each service offering. Prices may be disclosed as price schedules, rates or formulas, provided that a consumer can readily determine the total amount which he or she must pay.
- All incidental charges that may affect the total amount payable by the consumer, including charges for connecting, changing or disconnecting service. (The provider may disclose any finance or late payment charges when the provider bills the consumer for the principal amount to which those charges may apply.)
- The effective date of the subscription.
- The expiration date of the subscription, if any.
- Any limitations on the consumer's right to cancel the subscription at any time.

A provider must disclose the subscription terms in context with each other, and may not separate those terms by promotional information. The provider must disclose the terms in writing except that, if a consumer subscribes orally or electronically, the provider may disclose the terms orally or electronically if both of the following apply:

- The provider confirms the disclosure in writing on or before the 15th day after the consumer subscribes, or on or before the day that the provider first bills the consumer under the subscription, whichever occurs later.
- The provider notifies the consumer that the consumer may cancel the subscription at any time, or at any time prior to a specified cancellation deadline which is not less than 3 days after the consumer receives the written confirmation of subscription terms, without paying any cancellation fee or disconnect charge.

A provider of long distance telecommunications services need not, as part of an initial disclosure, disclose specific rates for long distance calls if the provider discloses all of the following:

- Any discounts that will apply to that consumer's calls.
- A method by which the consumer may readily determine, without cost to the consumer, the specific rate for a long distance call (not counting the consumer's individual discounts, if any).

A provider of pay–per–view cable television service need not, as part of an initial disclosure of subscription terms, disclose specific charges per view if all of the following apply:

- The consumer does not incur the per–view charges unless the consumer specifically orders the services to which those charges pertain.
- The provider discloses the per–view charges at or before the time that the consumer orders the services to which those charges pertain.
- The provider discloses any subscription charges which the consumer must pay for the right to order pay–per–view services.

Subscription Changes

Under this rule, a "subscription change" means a change in an existing subscription which results in any of the following:

- An increase in the price charged or the total amount billed to the consumer.
- An intentional reduction in quantity or quality of service provided to the consumer.
- A change in the relevant consumer features, functions, or capabilities which comprise a service offering.

Under this rule, a provider must disclose to a consumer every proposed change in the consumer's subscription at least 30 days before that subscription change takes effect, unless one of the following applies:

- The consumer orders the subscription change.
- The subscription change merely expands a service offering currently billed to the consumer without doing any of the following:
- Increasing the price of that service offering.
- Combining that service offering with another service offering which the consumer can order separately, but which the consumer has not affirmatively ordered.
- Making other changes in the relevant consumer features, functions or capabilities which comprise that service offering.
- The subscription change results from the expiration of an introductory or other promotional offer, and the provider disclosed both of the following before the consumer subscribed:
- The duration of the promotional offer.
- The terms that would apply after the promotional offer expired.
- The subscription change is limited to a change in long distance rates that are exempt from disclosure under this rule (see above).
- The subscription change is limited to a change in pay–per–view cable television charges that are exempt from disclosure under this rule (see above).
- The subscription change is exempt from this rule, because it is regulated by the Wisconsin public service commission (see above).

Under this rule, a 30–day notice of a subscription change must be in writing. The notice must do all of the following:

- Clearly describe the proposed change, including any change in price, features, functions or capabilities.
- Specify the effective date of the proposed change.
- Disclose that the consumer may cancel any service offering affected by the change, without paying any cancellation charge or disconnect fee, before the change takes effect. This disclosure is not required if, under the prior disclosed terms of the subscription, the consumer is already free to cancel at any time without paying a cancellation charge or disconnect fee.

Negative Option Billing

This rule prohibits a provider from billing a consumer for a service offering that the consumer has not affirmatively ordered. A consumer's failure to reject a service offering is not an affirmative order for service. A consumer's affirmative order for service may be made orally, electronically or in writing.

This rule does not require a provider to obtain an affirmative order from a consumer before expanding a service offering currently billed to that consumer unless the expansion has the effect of combining that service offering with another service offering which the consumer can order separately but has not affirmatively ordered.

Automatic Renewal or Extension

Under this rule, no subscription for a definite period of time may be renewed or extended beyond its scheduled termination date, pursuant to an automatic renewal or extension provision, unless one of the following applies:

- The consumer is free to cancel the contract at any time.
- The provider gives the consumer a written notice reminding the consumer of the scheduled automatic renewal or extension. The reminder notice must be given at least 30 days but not more than 60 days prior to the scheduled effective date of the automatic renewal or extension, and may be included as part of any billing statement given to the consumer during this time period.

Prohibited Practices.

Under this rule, no provider may do any of the following:

- Offer to a consumer any prize, prize opportunity, or free or reduced price goods or services whose receipt is conditioned upon the consumer entering into a contract for telecommunications service or cable television service unless the provider discloses that a purchase is required.
- Misrepresent the provider's identity.
- Misrepresent that a consumer has subscribed to or received a telecommunications service or cable television service.
- Misrepresent the terms of a subscription.
- Fail to identify, in each bill presented to a consumer, the service offerings for which the provider is billing the consumer.
- Fail to honor, on a timely basis, a consumer's request to cancel a telecommunications service or cable television service according to this chapter and the terms of the subscription.
- Charge a consumer a fee for canceling a subscription or service offering unless the fee is disclosed in the subscription according to this rule.
- Bill a consumer for a telecommunications service or cable television service in violation of this chapter.
- Propose or enter into any contract with a consumer that purports to waive a consumer's rights under this chapter, or that purports to authorize any violation of this chapter.

Effective Date

This rule takes effect on January 1, 1997, and first applies to contracts, subscriptions, contract changes and subscription changes made on or after that date.

Consultation with Department of Justice

The Department developed this rule in consultation with the Department of Justice, as required under s. 100.207 (6) (e), Stats.

Fiscal Estimate

The proposed rule regulates businesses that sell telecommunications or cable television services. The proposed rule regulates contract and billing practices by these businesses when providing services for to consumers for personal, family, or household purposes.

This rule is, in part, related to s.100.207, Stats., which prohibits "negative option" billing practices by telecommunication service providers. The law, however, does not define "negative option". Because of the similarity between telecommunications and cable television services, this rule defines and prohibits negative option practices by both telecommunications and cable television service providers.

The rule requires that the buyer be informed of certain conditions before entering into an agreement with the seller. The rule also requires the seller be informed prior to changes in the terms of the agreement during the life of the contract.

Department statistics show that 1,000 complaints would result in approximately 20 investigations and 10 enforcement actions. Investigative and enforcement activities would expend more than 4,000 employee hours annually.

Initial Regulatory Flexibility Analysis

This rule regulates businesses that sell telecommunications or cable television service services. The rule provides methods whereby buyers who contract for provision of services can be informed of their agreements with the providers of those services, can be alerted to changes in the agreements and be allowed to cancel the contract before the changes are enacted.

Scope

This proposed rule regulates certain practices by businesses engaged in providing continuing or ongoing delivery of telecommunications and cable television services. The rules do not apply to those activities regulated by the Public Service Commission of Wisconsin.

Negative Options

This proposed rule prohibits billing for services which the consumer has not affirmatively ordered. Silence or inaction by the buyer when offered the contract does not constitute an affirmative order. It does allow for expansion of existing services without affirmative orders as long as the expansion does result in the addition of a service which is optional. This should have no impact on small business.

Price Increases

The proposed rule also requires the seller to inform the buyer of price increases and allow the buyer the opportunity to cancel the amended contract.

Providers of continuing service periodically increase prices. Buyers who do not pay close attention to their bill or whose bill is combined with other bills, such as automatic deductions, are unaware of these increases. The requirement that the seller notify the buyer of the change should not significantly increase costs under this rule. Offering a method of rejecting the service at the new price should have no impact since the nature of continuing service contracts is to operate until canceled by one of the parties.

Promotional Offers

The proposed rule requires a seller who offers a good or service for free or at reduced price to clearly inform the buyer of that fact and notify the buyer of the date when the regular price will be billed.

Businesses that furnish promotional products generally provide the product free or at reduced price for one billing cycle. Notification on the regular invoice of the impending date of full charge for the product should not significantly increase costs.

Contracts

Under this proposed rule, sellers who contract orally or through telecommunication devices to provide goods or services must furnish the buyer with a written statement describing the terms and conditions of the order. This statement must be furnished no later than billing for the service or 15 days whichever is greater.

Businesses generally protect themselves by documenting customer orders in writing. Including that statement with the first invoice is already be common practice. For some businesses, the information on the invoice may be sufficient to satisfy this requirement. The department anticipates no increased cost to business under this section.

Billing Practices

Under this proposed rule, a seller may not bill for goods or services which are not itemized on the invoice. The seller may not bill for cancellation or late penalty fees unless those charges were previously disclosed to the buyer.

It is common business practice to produce itemized invoices. Additionally, businesses that follow the contract requirements should have already disclosed late payment or cancellation fees on the original contract. These requirements should have no impact on small business.

Notice to Department of Development

The department has given notice of this proposed rule to the Wisconsin department of development, as required by s. 227.114 (5), Stats.

Notice of Hearing

Health & Social Services (Economic Support, Chs. HSS 200–)

Notice is hereby given that pursuant to ss. 49.02 (7m) and 49.029 (2), Stats., as created by 1995 Wis. Act 27, and ss. 49.046 (4) (a), 49.047 (4) and 49.048 (9), **1993 Stats.**, the Department of Health and Social Services will hold a public hearing to consider repealing and recreating ch. HSS 211, Wis. Adm. Code, relating to tribal medical relief programs funded by block grants.

Hearing Information

December 5, 1995
Tuesday
Beginning at 9:00 a.m.

Conference Room
Great Lakes Inter–Tribal Council Offices
2932 Highway 47 North
Lac du Flambeau, WI

The hearing site is fully accessible to people with disabilities.

Analysis Prepared by the Department of Health and Social Services

Chapter HSS 211, as repealed and recreated by this order, consists of rules for the administration of tribal medical relief programs funded by relief block grants under subch. II of ch. 49, Stats., as affected by 1995 Wis. Act 27.

Section 49.02 (7m), Stats., as created by Act 27, directs the Department to promulgate rules for use of relief block grants and specifies that the rules include procedures that tribal relief agencies are to follow in obtaining block grants, procedures that they are to follow in making eligibility determinations, procedures by which a tribal relief agency may waive certain eligibility requirements and procedures for a relief applicant or recipient to appeal an adverse eligibility determination.

Section 49.029 (2), Stats., as created by Act 27, directs the Department to promulgate rules for distribution of relief block grant funds to eligible tribal governing bodies.

Tribal relief programs funded by block grants will take the place of the Relief to Indian Persons (RNIP) program on January 1, 1996.

Contact Person

To find out more about the hearing or to request a copy of the rules, write or phone:

Nancie Young, (608) 266–5862 or,
if you are hearing impaired, (608) 267–9880 (TDD)
Division of Economic Support
P.O. Box 7935
Madison, WI 53707

If you are hearing– or visually–impaired, do not speak English, or have other personal circumstances which might make communication at the hearing difficult and if you, therefore, require an interpreter, or a non–English, large print or taped version of the hearing document, contact Nancie Young at the address or phone number above. A person requesting a non–English or sign language interpreter should make that request at least 10 days before the hearing. With less than 10 days notice, an interpreter may not be available.

Written Comments

Written comments on the proposed rules received by Nancie Young at the above address no later than **December 12**, **1995** will receive the same consideration as testimony presented at the hearing.

Fiscal Estimate

The rules will not affect the expenditures or revenues of state government or local governments. All costs for state and tribal administration of these programs were taken into consideration during legislative deliberations leading to the enactment of Act 27.

Initial Regulatory Flexibility Analysis

These rules will not directly affect small businesses, as "small business" is defined in s. 227.114 (1) (a), Stats. The rules apply to tribal governing bodies that choose to have a relief block grant program under subch. II of ch. 49, Stats., as affected by 1995 Wis. Act 27.

Notice of Hearing

Health & Social Services (Economic Assistance, Chs. HSS 200––)

Notice is hereby given that pursuant to s. 49.02 (7m), Stats., and s. 49.002 (1), **1993 Stats.**, the Department of Health and Social Services will hold a public hearing to consider repealing and recreating ch. HSS 230, Wis. Adm. Code, relating to county relief programs funded by block grants.

Hearing Information

The public hearing will be held:

November 30, 1995
Thursday
Beginning
at 10:00 a.m.

Conference Room
(within Room 802)
131 West Wilson St.
MADISON, WI

The hearing site is fully accessible to people with disabilities.

Analysis Prepared by the Dept. of Health & Social Services

Chapter HSS 230, as repealed and recreated by this order, consists of rules for the administration of county relief programs funded by relief block grants under subch. II of ch. 49, Stats., as affected by 1995 Wis. Act 27.

Section 49.02 (7m), Stats., as created by Act 27, directs the Department to promulgate rules for use of relief block grants and specifies that the rules include procedures that county relief agencies are to observe in obtaining block grants, procedures that they are to follow in making eligibility determinations, procedures by which a county relief agency may waive certain eligibility requirements and procedures for a relief applicant or recipient to appeal agency eligibility determinations.

County relief programs funded by block grants will take the place of county–administered general relief on January 1, 1996.

The rules included in this order apply to all Wisconsin counties, including Milwaukee county which, under s. 49.025, Stats., as created by Act 27, will receive a relief block grant that is to be used only to provide health care services to dependent persons, whereas the other counties may provide cash grants as well as health care services to dependent persons.

Contact Person

To find out more about the hearing or to request a copy of the rules, write or phone:

John Verberkmoes, (608) 266–5666 or,
if you are hearing impaired, (608) 267–9880 (TDD)
Division of Economic Support
P.O. Box 7935
Madison, WI 53707

If you are hearing– or visually–impaired, do not speak English, or have other personal circumstances which might make communication at the hearing difficult and if you, therefore, require an interpreter, or a non–English, large print or taped version of the hearing document, contact John Verberkmoes at the address or phone number above. A person requesting a non–English or sign language interpreter should make that request at least 10 days before the hearing. With less than 10 days notice, an interpreter may not be available.

Written comments on the proposed rules received by John Verberkmoes at the above address no later than **December 7**, **1995** will receive the same consideration as testimony presented at the hearing.

Fiscal Estimate

The rules will not affect the expenditures or revenues of state government or local governments. All costs for state and county administration of these programs were taken into consideration during legislative deliberations leading to the enactment of Act 27.

Initial Regulatory Flexibility Analysis

These rules will not directly affect small businesses, as "small business" is defined in s. 227.114 (1) (a), Stats. The rules apply to counties that choose to have a relief block grant program under subch. II of ch. 49, Stats., as affected by 1995 Wis. Act 27.

Notice of Proposed Rule
Medical Examining Board

Notice is hereby given that pursuant to ss. 15.08 (5) (b), 227.11 (2) and 448.40 (1), Stats., and interpreting s. 448.40 (1), Stats., and according to the procedure set forth in s. 227.16 (2) (e), Stats., the Medical Examining Board will adopt the following rules as proposed in this notice, without public hearing unless, within 30 days after publication of this notice on **November 15, 1995**, the Medical Examining Board is petitioned for a public hearing by 25 natural persons who will be affected by the rule; a municipality which will be affected by the rule; or an association which is representative of a farm, labor, business or professional group which will be affected by the rule.

Analysis Prepared by the Dept. of Regulation & Licensing

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 448.40 (1)

Statute interpreted: s. 448.40 (1)

In this proposed rule–making order, the Medical Examining Board amends the current rule regarding tattooing and ear piercing to conform with the actual practices that are taking place today. When the Medical Examining Board originally promulgated this rule to define that tattooing and ear piercing were not to be considered the practice of medicine and surgery if it was done for bodily adornment, body piercing was not included as it was not done on a regular basis. This proposed amendment will bring the current rule up to the current practice that is taking place in regards to body piercing for bodily adornment.

Text of Rule

SECTION 1. Chapter Med 15 (title) is amended to read:

Chapter Med 15
PRACTICE OF MEDICINE AND SURGERY DEFINED:
EXCLUSION OF TATTOOING AND ~~EAR~~ BODY PIERCING~~.~~

SECTION 2. Med 15.02 (title) and 15.02 are amended to read:

Med 15.02 Tattooing and body piercing. The practice of medicine and surgery is further defined not to include tattooing and ~~ear~~ body piercing when done for purposes of bodily adornment.

Fiscal Estimate

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: $0.00

2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: $0.00.

3. The projected net annualized fiscal impact on state funds of the proposed rule is: $0.00.

Initial Regulatory Flexibility Analysis

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

Copies of Rule and Contact Person

Copies of this proposed rule are available without cost upon request to:

Pamela Haack, (608) 266–0495
Office of Administrative Rules
Department of Regulation and Licensing
1400 East Washington Avenue, Room 171
P.O. Box 8935
Madison, WI 53708

Notice of Public Hearing
Optometry Examining Board

Notice is hereby given that pursuant to authority vested in the Optometry Examining Board in ss. 15.08 (5) (b), 227.11 (2) and 449.18, Stats., and interpreting ss. 449.04, 449.05, 449.06, 449.08 and 449.18, Stats., the Optometry Examining Board will hold a public hearing at the time and place indicated below to consider an order to amend ss. Opt 3.03 (title), (1) (title), (1) and (2), 3.07 (2) (title) and (a), 3.12, 4.01, 4.03 (1), 6.04 (1) (a), 6.05 (2) (a), (b), (c) and (4) and 7.05 (1) and (2) (intro.); and to repeal and recreate s. Opt 5.08, relating to examinations, continuing education and late renewal.

Hearing Information

December 1, 1995	**Room 179A**
Friday	**1400 E. Washington Ave.**
9:15 a.m.	**Madison, WI**

Written Comments

Interested people are invited to present information at the hearing. People 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:

Office of Administrative Rules
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708

Written comments must be received by **December 15, 1995** to be included in the record of rule–making proceedings.

Analysis Prepared by the Dept. of Regulation & Licensing

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 449.18

Statutes interpreted: ss. 449.04, 449.05, 449.06, 449.08 and 449.18

In this proposed rule–making order, the Optometry Examining Board repeals and recreates s. Opt 5.08. The proposed rule clarifies that an optometrist is not required to perform a minimum visual examination at an examination for the diagnosis and management of eye disease or for the removal of superficial foreign bodies from an eye or from an appendage to the eye. The Board has determined that an optometrist could reasonably conclude, based upon his or her professional judgment, that it would be appropriate to perform a minimum visual examination under such circumstances.

Several provisions in ch. Opt 6, relating to the continuing education requirements for optometrists certified under s. 449.18, Stats., are being amended to clarify that coursework approved by the Board relating to the removal of superficial foreign bodies from an eye or from an appendage to the eye constitutes acceptable coursework for purposes of satisfying the continuing education requirements.

Also, several technical changes are being made to the rules. Chapter Opt 3 contains several references to the terms "clinical" and "practical"

examinations. These terms refer to the same examination. Since the term "practical" is used in ch. 449, Stats., references to the term "clinical" are being omitted. Section Opt 7.05 (1) and (2) are being revised to reflect that licensees who renew their credentials after the renewal date are required to pay a late renewal fee in addition to the biennial registration renewal fee. Finally, several subunits are being amended, deleting the semicolon and adding a period, and deleting the word "and" to comply with drafting format and style of administrative rules.

Text of Rule

SECTION 1. Opt 3.03 (title), (1) (title), (1) and (2) are amended to read:

Opt 3.03 Examinations. (1) PRACTICAL EXAMINATION. An applicant shall pass a comprehensive ~~clinical~~ practical examination on subject parts as determined by the board.

(2) STATE LAW EXAMINATION. An applicant shall pass ~~an~~ a written examination on state law relating to optometry including, but not limited to, ch. 449, Stats., and chs. Opt l to 5.

SECTION 2. Opt 3.07 (2) (title) and (a) are amended to read:

Opt 3.07 (2) (tide) EXAMINATIONS. (a) To pass the ~~clinical~~ practical examination, an applicant shall receive an average grade of 75 or above with no grade lower than 70 on any part of the examination.

SECTION 3. Opt 3.12 is amended to read:

Opt 3.12 Reexamination. (1) PRACTICAL EXAMINATION. An applicant who fails to achieve a grade of 75 shall be required to retake the ~~clinical~~ practical examination. The fee for reexamination shall be as specified in s. 440.05 (1), Stats.

(2) STATE LAW EXAMINATION. An applicant who fails the state law examination shall be required to retake that section of the ~~practical~~ examination.

(3) LIMITATION ON REEXAMINATION. If an applicant does not pass all parts of the examination under sub. (1) or (2) within 3 years of the first attempt, the applicant shall retake and pass the entire ~~clinical~~ practical and state law examination in order to be licensed.

SECTION 4. Opt 4.01 is amended to read:

Opt 4.01 Qualifications. An optometrist holding a license to practice optometry in another state may become licensed in Wisconsin if the applicant does all of the following:

(1) Has graduated from an accredited school or college of optometry approved by the board~~;~~.

(2) Has passed the examination of the national board of examiners in optometry or a licensing examination in another state.

(3) Has practiced optometry for at least 5 years~~;~~.

(4) Has passed the required examination administered by the board as set forth in s. Opt 4.03~~; and~~.

(5) Has never been disciplined by the licensing authority in any other state, territory or country for any misconduct or violations which evidence lack of competence to practice optometry in Wisconsin as determined by the board~~;~~.

(6) Is not aware of any current investigation against the applicant's license to practice optometry in any state or jurisdiction~~, and~~.

(7) Does not have ~~an arrest~~ a pending criminal charge or a conviction record, subject to ss. 111.321, 111.322 and 111.335, Stats.

SECTION 5. Opt 4.03 (1) is amended to read:

Opt 4.03 Examinations. (1) An applicant for a license by reciprocity under this chapter shall take and pass the ~~practical examination~~ examinations as set forth in s. Opt 3.03.

SECTION 6. Opt 5.08 is repealed and recreated to read:

Opt 5.08 Performing minimum visual examination. (1) Except as provided in sub. (2), it shall be unprofessional conduct for an optometrist to fail to perform the minimum visual examination at any of the following:

(a) The patient's initial examination with the optometrist.

(b) Any examination conducted more than one year after a minimum visual examination.

(c) An examination for the fitting of contact lenses.

(2) It shall not be unprofessional conduct to fail to perform the minimum visual examination in the following instances:

(a) Where the patient refuses or is unable to participate in any procedure of the minimum visual examination.

(b) At an examination for the diagnosis and management of eye disease or for the removal of superficial foreign bodies from an eye or from an appendage to the eye.

SECTION 7. Opt 6.04 (1) (a) is amended to read:

Opt 6.04 (1) (a) Except as provided in par. (b), a certificate holder shall complete 30 hours of approved continuing education relating to diagnosis and management of eye disease or removal of superficial foreign bodies from the eye or from an appendage to the eye in each biennial registration period. Seven of the 30 hours must be in the diagnosis and management of glaucoma, and 2 of the 30 hours must relate to the responsible use of controlled substances and substance abuse concerns, new drugs used for ophthalmic therapeutic purposes which have been approved by the federal food and drug administration or other topics as designated by the board.

SECTION 8. Opt 6.05 (2) (a), (b) and (c) and (4) are amended to read:

Opt 6.05 (2) (a) The subject matter of the course pertains to therapeutic pharmaceuticals ~~and~~, removal of superficial foreign bodies from the eye or from an appendage to the eye, ~~or to diagnosis and management of eye disease;~~ responsible use of controlled substances and substance abuse concerns, new drugs used for ophthalmic therapeutic purposes which have been approved by the federal food and drug administration, or other topics as designated by the board.

(b) The provider of the continuing education course agrees to monitor the attendance and furnish ~~to each participant~~ a certificate of attendance; to each participant.

(c) The provider of the course is approved by the board~~; and~~.

(4) If a continuing education course includes subject matter other than ~~that related to diagnosis and management of eye disease and removal of superficial foreign bodies from the eye or from an appendage to the eye,~~ the subject matter areas identified under sub. (2) (a), only the board–approved portions of the course which relate to ~~diagnosis and management of eye disease and removal of superficial foreign bodies from the eye or from an appendage to the eye~~ the areas identified under sub. (2) (a), qualify as continuing education required under this chapter.

SECTION 9. Opt 7.05 (1) and (2) (intro.) are amended to read:

Opt 7.05 (1) If applying less than 5 years after the renewal date, submit an application on a form provided by the department and pay the renewal ~~fee~~ fees specified in s. 440.08 (2) (a)~~,~~ and (3), Stats.

(2) (intro.) If applying 5 years or more after the renewal date, submit an application on a form provided by the department, pay the renewal fee fees specified in s. 440.08 (2) (a)~~,~~ and (3), Stats., and submit proof of:

Fiscal Estimate

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: $0.00.

2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: $0.00.

3. The projected net annualized fiscal impact on state funds of the proposed rule is: $0.00.

Initial Regulatory Flexibility Analysis

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

Copies of Rule and Contact Person

Copies of this proposed rule are available without cost upon request to:

Pamela Haack, (608) 266–0495
Office of Administrative Rules
Dept. of Regulation & Licensing
1400 East Washington Avenue, Room 171
P.O. Box 8935
Madison, Wisconsin 53708

Notice of Public Hearing
Regulation & Licensing

Notice is hereby given that pursuant to authority vested in the Department of Regulation and Licensing in s. 227.11 (2), Stats., and interpreting s. 449.17 (3), Stats., the Department of Regulation and Licensing will hold a public hearing at the time and place indicated below to consider an order to amend s. RL 10.04 (1); and to repeal and recreate s. RL 10.04 (2), relating to examination requirements for optometrists to obtain diagnostic pharmaceutical agent (DPA) certificates.

Hearing Information

December 1, 1995
Friday
9:15 a.m.

Room 179A
1400 E. Washington Ave.
Madison, WI

Written Comments

Interested people are invited to present information at the hearing. People 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:

Office of Administrative Rules
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708

Written comments must be received by **December 15, 1995** to be included in the record of rule–making proceedings.

Analysis Prepared by the Dept. of Regulation & Licensing

Statute authorizing promulgation: s.227.11(2)

Statute interpreted: s. 449.17 (3)

In this proposed rule–making order, the Department of Regulation and Licensing repeals and recreates s. RL 10.04 (2), to specify to whom the candidate for examination makes application; and to identify when the Optometry Examining Board began accepting the passing scores on parts I and II of the National Board of Examiners in Optometry examination.

This proposed rule–making order clarifies when the Optometry Examining Board discontinued taking the score for the pharmacology portion of the examination and began accepting parts I and II of the national examination. The rule specifies when the Board changed its policy from accepting the national pharmacology score to accepting the part II score of the national examination.

Also, s. RL 10.04 (1) is amended to conform with administrative rules drafting format and style.

Text of Rule

SECTION 1. RL 10.04 (1) is amended to read:

RL 10.04 (1) Completed a course of study in pharmacology~~; and~~.

SECTION 2. RL 10.04(2) is repealed and recreated to read:

RL 10.04 (2) Successfully completed one of the following examination requirements:

(a) If application was made to the department prior to or on April 1, 1994, obtained a score of not less than 75 on the pharmacology section of the examination administered by the national board of examiners in optometry.

(b) If application was made to the department after April 1, 1994:

1. Obtained passing scores on parts I and II of the examination administered after 1986 by the national board of examiners in optometry; or

2. Obtained a passing score of not less than 75 on an examination prepared, administered and graded by the optometry examining board.

Fiscal Estimate

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: $0.00.

2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: $0.00.

3. The projected net annualized fiscal impact on state funds of the proposed rule is: $0.00.

Initial Regulatory Flexibility Analysis

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

Copies of Rule and Contact Person

Copies of this proposed rule are available without cost upon request to:

Pamela Haack, (608) 266–0495
Office of Administrative Rules
Department of Regulation and Licensing
1400 East Washington Avenue, Room 171
P.O. Box 8935
Madison, WI 53708

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 Milwaukee Sentinel. 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.

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, 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.

EMERGENCY RULES NOW IN EFFECT

Emergency Response Board

A rule was adopted amending **s. ERB 4.03 (3)**, relating to fees for transporting hazardous materials.

FINDING OF EMERGENCY

The state emergency response board finds that an emergency exists and that a rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of the facts constituting the emergency is:

The state emergency response board has been working for well over a year, with the department of transportation, in order to develop a fee structure which more equitably reflects hazards presented. This rule has completed the agency public hearing process, but will not be in effect by the effective date specified in s. ERB 4.03 (3).

The fee and hazardous materials transportation registration program for persons that are required to register under ch. ERB 4 must be in effect at all times. It was the intent of the legislature that funds must continue to be available to facilitate operation of the regional emergency response teams and to assure the protection of first responders and the general public in the event of a level A hazardous material incident.

Funds also need to be available in order to operate the grant program which assists counties with the purchase of level B hazardous material response equipment.

It is expected that the new fee structure will be in effect by September 30, 1995. The emergency rule will extend the effective date in order to assure continuity of the hazardous material transportation registration program and protect the health, safety and welfare of the citizens of the state of Wisconsin.

Publication Date: **June 30, 1995**
Effective Date: **June 30, 1995**
Expiration Date: **November 27, 1995**
Hearing Date: **August 25, 1995**

EMERGENCY RULES NOW IN EFFECT

Employment Relations–Merit Recruitment & Selection

Rules adopted revising **ch. ER–MRS 22**, relating to layoff procedures for employes in the permanent classified civil service not covered by a collective bargaining agreement.

FINDING OF EMERGENCY

The Division of Merit Recruitment and Selection in the Department of Employment Relations finds that an emergency exists and rules are necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is:

The Division of Merit Recruitment and Selection is responsible for promulgating rules relating to layoffs and alternative procedures in lieu of layoff. The layoff procedures in the administrative rules are meant to be fair and understandable to all affected employes. However, the Department has recently learned that the current administrative rules are deficient, because an important alternative procedure in lieu of layoff that was granted to affected employes by the State Legislature was omitted when the layoff procedures were initially promulgated as rules in 1983.

Layoff procedures and alternative procedures in lieu of layoff are integral parts of the classified civil service personnel system as applied to nonrepresented employes. The primary purpose of the layoff procedures and alternative procedures in lieu of layoff is to ensure that when a reduction in force is necessary, the State retains the most well–qualified and experienced employes within the classified civil service. The current layoff procedures do not allow an affected employe to exercise the statutory right of displacing laterally (to a comparable position) as an alternative to layoff. By omitting this right in the administrative rules the State inadvertently may be laying off employes who might otherwise be retained by the State as being the most qualified employes, but for this lack of alternative to displace laterally.

The problem is urgent because numerous permanent positions in the classified civil service are being eliminated because of a reduction in force due to a lack of work or funds or owing to material changes in duties or organization. Incumbents of those targeted positions will soon face critical career decisions and alternatives to termination from state service as outlined in the administrative rules.

The Department believes that the State Legislature intended to provide permanent classified civil service employes with certain employment alternatives to layoff when the State found itself in a position to reduce its work force. The current administrative rules are deficient and omit an important right that employes are entitled to by law.

Because employe layoffs are occurring and will continue to occur before the Department could promulgate these changes under regular rulemaking procedures, the Department believes a finding of emergency is warranted to preserve the welfare of individual employes and the civil service system.

Publication Date: **June 12, 1995**
Effective Date: **June 12, 1995**
Expiration Date: **November 9, 1995**
Hearing Date: **July 26, 1995**
Extension Through: **January 7, 1996**

EMERGENCY RULES NOW IN EFFECT

Wisconsin Gaming Commission

Rules were adopted revising **chs. WGC 9 and 24**, relating to twin trifecta, superfecta and tri–superfecta pools, deduction approvals, animal drug testing, and intertrack and simulcast wagering.

FINDING OF EMERGENCY

The Wisconsin Gaming Commission finds that an emergency exists and that rules are necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is:

For FY 1995–96, projected program revenues (breakage, outs, licensee fees, general program operations deductions and forfeitures) other than the pari–mutuel tax will barely exceed the Racing Division's budgeted operating expenses. (NOTE: FY 1994–95 pari–mutuel tax revenues are projected at $5,200,000; however, this money is deposited directly into the general fund.)

As a result of the increased competition for the gambling dollar, pari–mutuel revenues attributed to greyhound racing in Wisconsin, both to the associations and the state, have been adversely affected. Since the 1990–91 inaugural season and projecting through the end of the 1995 season for each of the four racetracks, the average daily handle has decreased as follows: Wisconsin Dells Greyhound Park – down 58%; Geneva Lakes Kennel Club – down 59%; St. Croix Meadows – down 60%; and Dairyland Greyhound Park – down 44%. (NOTE: Fox Valley Greyhound Park filed bankruptcy and ceased operations on August 12, 1993.)

In conjunction with the decrease in handle, the revenue generated for the state per race performance has also decreased at each of the previously cited facilities.

In an attempt to fund operating expenditures and reduce the revenue shortfall, the Racing Division proposed to implement a variety of measures to increase revenues and decrease expenditures in FY 1995–96.

The pari–mutuel rules being submitted for emergency rule promulgation adopt rules relating to twin trifecta, superfecta, and tri–superfecta pools, deduction approvals, animal drug testing, and intertrack and simulcast wagering.

The current rules for the twin trifecta and the tri–superfecta do not allow the racetracks to cap the jackpot level and form a secondary jackpot for a subsequent payout. The cap and seed feature may generate an additional $25,000 in handle which will result in approximately $670.00 in general fund money and $185.00 in program revenues.

The new superfecta rules are created to establish the progression of payouts regarding the order of finish in superfecta pools. The three proposed rules were inadvertently omitted from orders of finish provided for under current WGC 9.12 (4), Wis. Adm. Code. There will be no increase in revenues as a result of this rule.

WGC 9.17 is created to form a regulatory framework that would require the racetracks to seek approval from the Commission prior to implementing any deduction rate changes in accordance with Wisconsin Statutes.

WGC 14.11 currently requires that the winning greyhound plus a random greyhound be subject to drug testing after each race. The amended rule will require that one greyhound (as determined by the Commission) shall be subject to drug testing.

Current Wis. Adm. Code ch. WGC 24 pertains mainly to intertrack wagering. With the passage of 1995 Assembly Bill 150, unlimited simulcasting is available to Wisconsin greyhound racetracks. Wisconsin greyhound racetracks will now be allowed to accept greyhound and horse races from out–of–state racetracks and offer wagering on these races to Wisconsin patrons. Chapter WGC 24, Wis. Adm. Code, created and amends the duties and responsibilities for Wisconsin racetracks when functioning as either the host or guest track during simulcasting and the commingling of wagering pools.

Publication Date: **August 25, 1995**
Effective Date: **August 25, 1995**
Expiration Date: **January 22, 1996**
Hearing Date: **September 11, 1995**

EMERGENCY RULES NOW IN EFFECT (2)

Health and Social Services

(Community Services, Chs. HSS 30––)

1. Rules were adopted creating **ch. HSS 38**, relating to treatment foster care for children.

EXEMPTION FROM FINDING OF EMERGENCY

The Legislature in s. 182 (1) of 1993 Wis. Act 446 directed the Department to promulgate rules under s. 48.67 (1), Stats., as amended by Act 446, for licensing treatment foster homes, to take effect on September 1, 1994, by using the emergency rule making procedures under s. 227.24, Stats., but without having to make a finding of emergency. They will remain in effect until replaced by permanent rules.

ANALYSIS PREPARED BY THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES

This rule making order implements s. 48.67 (1), Stats., as amended by 1993 Wis. Act 446, which directs the Department to promulgate rules establishing minimum requirements for issuing licenses to treatment foster homes, including standards for operation of those homes.

Treatment foster care is a family–based and community–based approach to substitute care and treatment for children who are medically needy or emotionally disturbed and for some developmentally disabled children, and could be an alternative to institutionalization for some children. Treatment foster care is provided in a foster home by foster parents who meet education and training requirements which exceed the requirements for regular foster care, and by social service, mental health and other professional staff.

A number of public and private agencies have recently begun providing "treatment foster care," but since there are no standards currently for this type of care, those programs vary considerably in the type and quality of services they provide. These rules establish minimum standards that agencies, professional staff and foster parents would have to meet in order to claim that they are providing treatment foster care.

The rules require treatment foster homes to comply with ch. HSS 56 for regular foster homes except when there is a conflict between a provision of these rules and ch. HSS 56, in which case these rules take precedence.

The rules cover making application to a licensing agency for a treatment foster home licensee, licensee qualifications, licensee responsibilities, respite care for foster parents, responsibilities of the providing agency, the physical environment of a treatment foster home, care of the children and training for treatment foster parents.

Publication Date: **September 1, 1994**
Effective Date: **September 1, 1994**
Expiration Date: **1993 Wis. Act 446, s. 182**
Hearing Dates: **January 24, 25 & 26, 1995**

2. Rules adopted amending **ch. HSS 82** and creating **ch. HSS 88**, relating to licensed adult family homes.

FINDING OF EMERGENCY

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

A recent session law, 1993 Wis. Act 327, created ss. 50.01 (1) (b) and 50.033, Stats., which establish a new type of adult family home as a regulated residential placement. Until now the only type of adult family home for 3 or 4 adults was one that was originally licensed under s. 48.62, Stats., as a foster home for 3 or 4 developmentally disabled children prior to the children becoming adults and is now certified under s. 50.032, Stats., and ch. HSS 82. An adult family home covered by s. 50.033, Stats., as created by Act 327, is to be a licensed home providing care, treatment or services above the level of room and board but not including nursing care to 3 or 4 residents.

Licensed adult family homes before November 1, 1994, were regulated as 3– and 4–bed community–based residential facilities (CBRFs). Act 327,

effective November 1, 1994; renamed them adult family homes, so that they no longer came under Department rules for CBRFs, ch. HSS 3. For the period November 1, 1994, through May 31, 1995, Act 327 provided that licensed adult family homes were to be regulated under ch. HSS 82, rules for certified adult family homes, and directed the Department to promulgate rules specifically for licensed adult family homes and to have these take effect on June 1, 1995.

These are the rules required under s. 50.02 (2) (am) 2., Stats., for licensed adult family homes. They are being published as emergency rules to protect the health and safety of residents. The rules must be in effect by June 1, 1995. No one may operate this type of adult family home unless licensed under Department rules. Department use of ch. HSS 82 rules may not continue after May 31, 1995. Nearly identical permanent rules were submitted to the Legislative Council on April 21, 1995, but the permanent rule–making process will not be completed until late 1995.

An adult family home under s. 50.033, Stats., must be licensed under the Department rules by an agency of the county in which the home is located or by the Department if no agency in that county has been designated by the county board to license adult family homes. An adult family home will be licensed if it is found to comply with the statute and these rules. The rules establish procedures for applying for licensure, reviewing and approving an application, licensing a home and delicensing a home; list requirements for licensees; include standards and requirements for the home, the agreement for services, the individualized service plan, resident care and termination of placement; and establish resident rights, provide for a grievance procedure for residents and provide for reporting of known or suspected resident abuse or neglect and for investigation of those reports.

This rule–making order also amends ch. HSS 82, the Department's rules for certified adult family homes under s. 50.032, Stats., to clearly distinguish the standards for certified adult family homes from the standards for licensed adult family homes.

Publication Date: **June 1, 1995**
Effective Date: **June 1, 1995**
Expiration Date: **October 29, 1995**
Hearing Dates: **June 13 & 15, 1995**
Extension Through: **December 27, 1995**

EMERGENCY RULES NOW IN EFFECT (2)

Health and Social Services

(Health, Chs. HSS 110––)

1. Rules adopted creating **s. HSS 110.045**, relating to qualifications of ambulance service medical directors.

FINDING OF EMERGENCY

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

Ambulance service providers are required under rules of the Department to have medical directors if they use emergency medical technicians (EMT's)–intermediate or EMT's–paramedic for the delivery of emergency care or if they use EMT's–basic qualified under s. HSS 110.10 to administer defibrillation or under s. HSS 110.11 to use advanced airways.

There are about 450 ambulance service providers in Wisconsin. About 400 of them have medical directors.

Section 146.50 (8m), Stats., provides that, beginning July 1, 1995, no ambulance service provider offering services beyond basic life support may employ, contract with or use the services of a physician to act as medical director unless the physician is qualified under the rules promulgated by the Department.

This new section of ch. HSS 110 is being published by emergency order to protect public health and safety. The Department's rules for emergency medical technicians require that an ambulance service offering services beyond basic life support have a medical director, and s. 146.50 (8m), Stats., provides that, beginning July 1, 1995, no one may serve as a medical director unless qualified under rules promulgated by the Department. The rules must be in effect by July 1, 1995, so that ambulance service providers will not be forced to stop providing services beyond basic life support pending promulgation of permanent rules. The permanent rules will not likely take effect before March 1, 1996.

These rules require that a person serving as medical director be licensed under ch. 448, Stats., as a physician to practice medicine and surgery.

This qualification for ambulance service medical directors is intentionally minimal. In some areas of the state there are few physicians, which has meant that some ambulance service providers have appointed a general practitioner or a family practitioner to be medical director. If the Department in this order established additional qualifications for medical directors at this time, some local ambulance service providers would not be able to find a physician to serve as medical director and could be forced out of business, leaving those areas of the state without emergency medical services beyond basic life support services. This is what the Department has been told by several physicians, with confirmation by the Emergency Medical Services (EMS) program's Physician Advisory Committee and the new Emergency Medical Services Board (the EMS Advisory Board) under s. 146.58, Stats.

In the permanent rules that will replace these emergency rules in March 1996, the Department will add a qualification that a medical director have completed a course of instruction developed by the Department on the role and responsibilities of the medical director. By then, the Department will have issued a manual on the role and responsibilities of ambulance service medical directors. The course of instruction will be based on the manual.

Publication Date: **July 1, 1995**
Effective Date: **July 1, 1995**
Expiration Date: **November 28, 1995**
Hearing Dates: **October 16 & 18, 1995**

2. Rules adopted revising chs. HSS 152, 153 and 154, relating to estate recovery under certain aid programs.

EXEMPTION FROM FINDING OF EMERGENCY

The Legislature in s. 9126 (32g) (b) of 1995 Wis. Act 27 directed the Department to promulgate rules for implementation of s. 49.482 (5), Stats., as created by Act 27, using emergency rulemaking procedures, but exempted the Department from the requirement under s. 227.24 (1) and (3), Stats., to make a finding of emergency.

ANALYSIS PREPARED BY THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES

1995 Wis. Act 27 created s. 49.482, Stats., to require the Department to file a claim against the estate of a person who received assistance under s. 49.48, Stats., and ch. HSS 152 in paying for treatment of chronic renal disease, under s. 49.483, Stats., and ch. HSS 154 in paying the medical costs of adult cystic fibrosis, or under s. 49.485, Stats., and ch. HSS 153 in paying for blood products and supplies used in the home treatment of hemophilia, or against the estate of the surviving spouse of a person who received the assistance.

Section 49.482 (5), Stats., as created by Act 27, requires the Department to promulgate rules that establish standards for determining whether the recovery of the assistance would work an undue hardship in individual cases. If an undue hardship is found to exist, the Department is directed to waive application of the recovery requirement in that case.

This rulemaking order contains standards on the basis of which the Department will decide if recovery of assistance from the estate of a recipient or the estate of the recipient's surviving spouse would constitute an undue hardship in individual cases. If an undue hardship is found to exist, the Department is directed to waive application of the recovery requirement in that case.

This rulemaking order contains standards on the basis of which the Department will decide if recovery of assistance from the estate of a recipient or the estate of the recipient's surviving spouse would constitute an undue hardship to an heir or beneficiary of the estate. The order also establishes the application and review processes for an undue hardship waiver and the applicant's appeal rights. The provisions are identical to those currently used

for undue hardship waivers from estate claims made to recover Medical Assistance benefits.

Publication Date: **October 31, 1995**
Effective Date: **November 1, 1995**
Expiration Date: **March 30, 1996**

EMERGENCY RULES NOW IN EFFECT

Health & Social Services

(Youth Services, Chs. HSS 300––)

Rules were adopted revising **ch. HSS 343**, relating to youth aftercare conduct and revocation.

FINDING OF EMERGENCY

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

Youths released from juvenile correctional institutions are ordinarily released to a status called "aftercare," which means that for a period of time after release they are supervised in the community by agents of the Department or of a county department of social services or human services. About 1,030 youth are on aftercare supervision in Wisconsin at any one time.

Administrative rules relating to the expected conduct of youth on aftercare supervision and to actions that an agent may take in response to a youth's alleged violation of a rule or special condition of aftercare, including initiation of proceedings to revoke the aftercare status of a youth on state after care or to file a petition for change in placement for a youth on county aftercare, and return the youth to the correctional institution, are found in ch. HSS 343, Wis. Adm. Code.

This rulemaking order repeals and recreates ch. HSS 343 to implement changes made effective July 1, 1995 by 1993 Wis. Act 385 in provisions of ch. 48, Stats., relating to the administration of aftercare.

The principal change made by Act 385 in the administration of aftercare is to permit a county department providing aftercare supervision for a youth to revoke the youth's aftercare using the administrative revocation procedure currently used by the Department and set out in ch. HSS 343.

Act 385 also directs the Department to promulgate rules setting standards to be used by a hearing examiner to determine whether to revoke a youth's aftercare. There are already standards in ch. HSS 343. These are updated by this order and made to apply also to county revocation cases.

Rule changes are necessary so that the rules of conduct for youth on either state or county aftercare supervision are the same and so that standards and procedures for dealing with violations of the expected conduct, including procedures to revoke a youth's aftercare status, are also the same.

The rule changes are being made by emergency order on public safety and welfare grounds because beginning July 1, 1995, when the Act 385 changes in ch. 48, Stats., are effective, a county responsible for the aftercare supervision of a youth may no longer petition the court for a change in placement to return the youth to a correctional institution for a violation of a condition of aftercare, but will be expected to seek revocation through the same administrative process that the Department uses. To enable counties to use that administrative process, the Department's administrative rules that establish procedures and criteria for revocation of aftercare must be modified immediately to add county aftercare.

A revocation hearing must be conducted within 30 days after a youth is taken into custody for an alleged violation. However, the time limit may be waived on the agreement of the aftercare provider, that is, the Department or county, the youth and the youth's attorney, if any. The party seeking revocation must prove to a hearing examiner, by a preponderance of the evidence, that the youth violated a condition of his or her aftercare. The hearing examiner determines whether to revoke a youth's aftercare and whether a youth found to have violated a condition of his or her aftercare needs to be confined in order to protect the public or to provide for the youth's rehabilitation.

Publication Date: **June 21, 1995**
Effective Date: **July 1, 1995**
Expiration Date: **November 28, 1995**
Hearing Date: **July 27, 1995**

EMERGENCY RULES NOW IN EFFECT

Industry, Labor & Human Relations

(Petroleum Products, Ch. ILHR 48)

Rules were adopted revising **ch. ILHR 48**, relating to labeling of oxygenated fuels.

FINDING OF EMERGENCY

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

1995 Wis. Act 51 requires reformulated fuels to be labeled with the oxygenate that they contain. The labels are to be constructed and displayed in a manner specified by the department by rule. The act takes effect on the 14th day after the day of publication.

In order to permit compliance with the law, the department must adopt rules using the emergency rule procedure.

Publication Date: **September 13, 1995**
Effective Date: **September 13, 1995**
Expiration Date: **February 10, 1996**
Hearing Date: **November 15, 1995**

EMERGENCY RULES NOW IN EFFECT

Industry, Labor & Human Relations

(Building & Heating, etc., Chs. ILHR 50–64)
(Multi–Family Dwellings, Ch. ILHR 66)

Rules were adopted revising **chs. ILHR 57 & 66**, relating to multifamily dwellings.

FINDING OF EMERGENCY

The Department of Industry, Labor and Human Relations finds that an emergency exists and that adoption of a rule is necessary for the immediate preservation of public health, safety and welfare.

The facts constituting the emergency are as follows. As required by ss. 101.14 (4m) and 101.971 to 101.978, Stats., the Department adopted rules earlier this year establishing uniform construction standards for multifamily dwellings. The rules include some minor technical provisions which have been difficult to apply and which are needlessly disrupting new construction.

The proposed rules essentially reinstate the existing requirements that applied to smaller apartments prior to adoption of the current rules, and clarify and simply other problematic minor technical provisions.

Pursuant to s. 227.24, Stats., these rules are adopted as an emergency rule to take effect upon publication in the official state newspaper and filing with the Secretary of State and Revisor of Statutes.

Publication Date: **August 14, 1995**
Effective Date: **August 14, 1995**
Expiration Date: **January 11, 1996**

EMERGENCY RULES NOW IN EFFECT

Industry, Labor & Human Relations

(Barrier–Free Design, Ch. ILHR 69)

Note: On August 17, 1995 the Joint Committee for Review of Administrative Rules suspended this emergency rule.

A rule was adopted amending **s. ILHR 69.18 (4)**, relating to barrier–free design unisex toilet rooms.

FINDING OF EMERGENCY

The Department of Industry, Labor and Human Relations finds that an emergency exists within the state of Wisconsin that will affect the peace and welfare of its citizens. A statement of the facts constituting the emergency is:

1. In accordance with s. 101.13, Stats., the Department of Industry, Labor and Human Relations has the responsibility for developing rules ensuring access to and use of public buildings and places of employment by people with disabilities.

2. On December 1, 1994, ch. ILHR 69, Barrier–Free Design, became effective. Section ILHR 69.18 (4) (b) requires that new and remodeled buildings be provided with at least one unisex toilet room in addition to the required number of toilet fixtures in the following occupancies;

a. All shopping malls or shopping centers;

b. Rest–area building located off of major highways;

c. Schools;

d. Restaurants with a capacity of 100 or more people; or

e. Large assembly areas such as, but not limited to, stadiums and outdoor or indoor theaters, with a capacity of more than 100 persons.

3. The purpose of the unisex toilet room requirement is to provide a toilet room to accommodate people with disabilities having attendants of the opposite sex and to accommodate families with children.

4. There has been public concern that minimum capacity for requiring a unisex toilet room in restaurants and assembly halls should be increased. There are many chain–type restaurants where the basic design used throughout the nation could not accommodate the installation of a unisex toilet room in addition to the standard toilet rooms. Modifications to include a unisex toilet room would eliminate usable floor areas from either the employment area or the business area.

5. This emergency rule is being created to exempt certain sized restaurants and theaters and assembly halls from making major building design changes to accommodate a unisex toilet room.

Publication Date: **July 17, 1995**
Effective Date: **July 17, 1995**
Expiration Date: **December 14, 1995**

EMERGENCY RULES NOW IN EFFECT (2)

Insurance

Note: On August 17, 1995, the Joint Committee for Review of Administrative Rules suspended a portion of this emergency rule relating to service corporations.

1. Rules adopted revising **ch. Ins 17**, relating to the patients compensation fund.

FINDING OF EMERGENCY

The commissioner of insurance (commissioner) finds that an emergency exists and that promulgation of an emergency rule is necessary for the preservation of the public peace, health, safety or welfare. The facts constituting the emergency are as follows:

The commissioner was unable to promulgate a permanent rule corresponding to this emergency rule in time for the patients compensation fund (fund) to bill health care providers in a timely manner for fees applicable to the fiscal year beginning July 1, 1995. The amount of the fees established by this rule could not be determined until after the governor signed 1995 Wis. Act 10, which imposes a $350,000 cap on noneconomic damages in medical malpractice actions and therefore affects the level of funding needed for the fund.

The commissioner expects that the permanent rule will be filed with the secretary of state in time to take effect October 1, 1995. Because this rule first applies on July 1, 1993, it is necessary to promulgate the rule on an emergency basis.

Publication Date: **June 14, 1995**
Effective Date: **June 14, 1995**
Expiration Date: **November 11, 1995**
Hearing Date: **July 21, 1995**
Extension Through: **December 10, 1995**

2. Rules adopted amending **ss. Ins 6.57 (4), 6.58 (5) (a) and 6.59 (4) (a)**, relating to the fees for listing insurance agents and renewal of corporation licenses and other licensing procedures.

FINDING OF EMERGENCY

The Commissioner of Insurance finds that an emergency exists and that rules are necessary for the immediate preservation of the public peace, health, safety, or welfare. Facts constituting the emergency are as follows: In the biennial budget passed by the legislature, the permissible fees collected by OCI were raised for certain activities. The implementation of the increased fees require a rule change. These increased fees were utilized in preparing OCI's budget. Without the increased fees, OCI may not have the revenue needed to balance its budget. The normal rulemaking procedure has been started but, even without unforeseen delays, the changes will not take effect until near the end of the current fiscal year. Therefore, it is necessary to change the rules with an emergency rule in order to provide adequate and necessary revenues.

Publication Date: **October 9, 1995**
Effective Date: **October 9, 1995**
Expiration Date: **March 8, 1996**

EMERGENCY RULES NOW IN EFFECT

Natural Resources

(Fish, Game, etc., Chs. NR 1––)

Rules adopted revising **ch. NR 10**, relating to the 1995 migratory game bird season.

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 mid–August 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.

The foregoing rules are approved and adopted by the Natural Resources Board on August 18, 1995.

Publication Date: **September 1, 1995**
Effective Date: **September 1, 1995**
Expiration Date: **January 29, 1996**
Hearing Date: **October 16, 1995**

EMERGENCY RULES NOW IN EFFECT (2)

State Public Defender

1. Rules adopted creating **s. PD 3.039**, relating to redetermination of indigency.

FINDING OF EMERGENCY

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

It is essential that the Office of the State Public Defender that only eligible persons receive agency services and that persons determined to be eligible remain eligible during the pendency of representation. The proposed rule is needed to establish authority for the agency to redetermine indigency when a person has a change in financial circumstances during the course of representation and to withdraw from representation if a person is determined non–indigent and ineligible for services during the course of representation. Without the proposed rule, persons who become non–indigent during representation could continue to receive agency representation, which would not serve the public interest.

Publication Date: **August 29, 1995**
Effective Date: **August 29, 1995**
Expiration Date: **January 26, 1996**
Hearing Date: **September 26, 1995**

2. Rules adopted revising **ch. PD 6**, relating to repayment of cost of legal representation.

FINDING OF EMERGENCY

The State Public Defender Board finds that an emergency exists and that rules are necessary for the immediate preservation of the public peace, health, safety or welfare. The statement of facts constituting the emergency is as follows:

It is essential that the Office of the State Public Defender collect for the cost of representation from persons who have the present or future ability to reimburse the agency for the cost of providing counsel. The proposed rules are needed for the agency to establish fixed amounts as flat payments for the cost of representation that a person may elect to pay. The rules are also needed to establish authority for the agency to collect for the cost of representation from parents of juveniles who received services, unless the parents have been determined to be indigent. The 1995–97 biennial budget calls upon the agency to collect approximately $2.9 million from clients in the first year of the biennium and approximately $3.3 million in the second year of the biennium. Thus, it serves the public interest that the proposed emergency rules be created.

Publication Date: **August 31, 1995**
Effective Date: **August 31, 1995**
Expiration Date: **January 28, 1996**
Hearing Date: **September 26, 1995**

EMERGENCY RULES NOW IN EFFECT (3)

Public Instruction

1. Rules adopted revising **s. PI 11.07**, relating to transfer pupils with exceptional educational needs (EEN).

FINDING OF EMERGENCY

Currently school districts and Department of Health and Social Services (DHSS) operated facilities are not required by rule to implement an exceptional education needs (EEN) transfer pupil's Individualized Educational Program (IEP) from the sending district or facility nor are they permitted to formally adopt the M–team evaluation and IEP from the sending district. This results in an interruption of special education and related services for such transfer pupils identified as having an EEN. The interruption of services is prohibited by federal law under the Individuals with Disabilities Education Act.

The emergency rules require school districts and facilities implement an EEN transfer pupil's IEP from the sending school or facility. The emergency rules also allow the receiving school district or facility to adopt the sending district or facility's M–team evaluation and IEP.

Therefore, the state superintendent finds that an emergency exists and that promulgation of emergency rules is necessary to preserve the public health and welfare.

Publication Date: **April 24, 1995**
Effective Date: **April 24, 1995**
Expiration Date: **September 21, 1995**
Hearing Dates: **July 19 & 20, 1995**
Extension Through: **January 19, 1996**

2. Rules adopted revising **chs. PI 3 and 4**, relating to substitute teacher permits, special education program aide licenses, principal licenses and general education components.

FINDING OF EMERGENCY

Current rule requirements relating to substitute teacher permits and special education program aide licenses are prescriptive and, in some cases, have caused a shortage of qualified individuals to teach as substitutes or special education aides. The emergency rule provides flexibility in licensing and hiring qualified substitute teachers, special education aides, and principals.

Current rule requirements provide for two levels of school principal licensure, with different requirements for each level. The two levels of licensure are "elementary/middle level" and "middle/secondary level." 1995 Wisconsin Act 27 (the 1995–97 biennial budget bill) provides that a school principal license must authorize the individual to serve as a principal for any grade level. The emergency rule conforms principal licensure rules with statutory language requirements.

Current provisions relating to general education components/professional education program requirements are overly prescriptive for campuses. The UW–System has initiated a requirement that puts a ceiling on the number of credits in an undergraduate program (140) and the department is moving to a performance–based approach to licensing where the knowledge and skills of license candidates will be assessed rather than just counting the credits that they have taken in college. The emergency rule provides flexibility for university systems to offer quality educational programs without prescribing what must or must not be included in their general education component.

In order for teachers to apply for or renew a substitute teacher permit, special education aide license or principal license to be effective for the upcoming school year (licenses are issued July 1 through June 30) and for schools to hire qualified staff from a sufficient pool of applicants, rules must be in place as soon as possible. Also, in order to allow the UW–system more flexibility to offer education programs for the upcoming school year, rules need to be in place as soon as possible.

Therefore, the state superintendent finds that an emergency exists and that promulgation of emergency rules is necessary to preserve the public welfare.

Publication Date: **August 21, 1995**
Effective Date: **August 21, 1995**
Expiration Date: **January 18, 1996**
Hearing Date: **November 1, 1995**

3. Rules adopted creating **s. PI 11.13(4) and (5)**, relating to interim alternative educational settings for children with EEN who bring firearms to school.

FINDING OF EMERGENCY

In order to apply the new federal "stay–put" exception in Wisconsin, as described in the analysis and relating to children with EEN who bring a firearm to school, the administrative rule regarding placement of children during due process proceedings must be changed and in place before the next school year begins.

Therefore, the state superintendent finds that an emergency exists and that promulgation of emergency rules is necessary to preserve the public welfare.

Publication Date: **August 21, 1995**
Effective Date: **August 21, 1995**
Expiration Date: **January 18, 1996**
Hearing Dates: **November 1 & 7, 1995**

EMERGENCY RULES NOW IN EFFECT

State Fair Park

Rules were adopted revising **chs. SFP 1 to 7**, relating to the regulation of activities at the state fair park.

FINDING OF EMERGENCY AND RULE ANALYSIS

The Wisconsin State Fair Park Board finds that an emergency exists and that the adoption of rules is necessary for the immediate preservation of the public peace, health, safety and welfare of its citizens. The facts constituting this emergency are as follows:

During the annual State Fair, which is scheduled to begin on August 3, 1995, the Wisconsin State Fair Park is host to over 100,000 people per day and millions of dollars in merchandise and property. Initially, chs. SFP 1–7 were designed primarily to protect the property of the State Fair Park.

However, crime patterns at the State Fair Park have changed dramatically since those rules adopted in 1967. With the increases in attendance and number of events in the intervening years, the number and severity of crimes against State Fair visitors, patrons, and property have necessarily increased. Also, a general rise in gang–related activity at Park events and during skating hours at the Pettit National Ice Center has occurred over the last several years. Consequently, there is a greater need for Park Police Department arrest authority on the Park grounds in order to ensure prosecutorial cooperation by Milwaukee County.

Due to excessive workloads, the Milwaukee County District Attorney's Office and the Milwaukee County Circuit Court System are reluctant to process and charge offenders for relatively minor property–type acts prohibited under the current SFP rules. Area and suburban Milwaukee County Police Departments have alleviated similar problems by conforming their ordinances to the county and state codes, authorizing their Police Departments to make lawful standing arrests for acts which the county will prosecute.

The State Fair Park Board seeks the same level of cooperation from Milwaukee County by conforming its rules to the county code. Therefore, these proposed emergency rules prohibit such activities as loitering, spray painting, theft, battery, and resisting/obstructing an officer, as well as various weapons prohibitions. There is also included provisions to protect the police horses, which are not only an integral part of Park enforcement but are also a major public relations tool. With these changes, the Park administration can ensure a safe and family–oriented environment at this year's State Fair and other Park events.

Publication Date: **August 2, 1995**
Effective Date: **August 2,1995**
Expiration Date: **December 30, 1995**

EMERGENCY RULES NOW IN EFFECT

Commissioner of Transportation

[Commissioner of Railroads]

Rules adopted revising **ch. OCT 5**, relating to intrastate railroad rate regulation.

FINDING OF EMERGENCY

The office of the commissioner of railroads (OCR) finds that an emergency exits and that an emergency rule is necessary for the immediate preservation of the public peace, health, safety and welfare. A statement of the facts constituting the emergency is:

By state law, the OCR regulates intrastate rail rates. Every five years, the Interstate Commerce Commission (ICC) must certify that the OCR's rules conform to federal law. The OCR's current certification expires on September 23, 1995. These rules conform the rules to changes in federal law. The rule changes need to be in effect so that the OCR can submit them to the ICC for its approval by the certification's expiration date. If the OCR follows the non–emergency procedures to adopt these rule changes, the rules would not be in effect in time for the ICC to recertify the OCRF before expiration.

The OCR did not commence these proceedings earlier because the governor's 1995–1997 budget proposed to eliminate the OCR and repeal the statutes authorizing intrastate rate regulation. While final action on the budget is not complete, the legislature's Joint Committee on Finance has adopted a motion to retain the OCR and its regulatory authority. The OCR intends to adopt these rules as permanent and is commencing that process concurrently with the adoption of these emergency rules.

Publication Date: **July 6, 1995**
Effective Date: **July 14, 1995**
Expiration Date: **December 11, 1995**
Hearing Date: **October 6, 1995**

EMERGENCY RULES NOW IN EFFECT

Department of Transportation

A rule was adopted amending **s. Trans 4.06 (4)**, relating to the Urban Mass transit Operating Assistance Program.

FINDING OF EMERGENCY

Under the current administrative rule, ch. Trans 4, recipients of state transit aid must contribute a minimum local share of 20% towards such aid. Under current practice, private transportation providers who contract with the recipient have been permitted to contribute the local share. Public policy considerations require amendment of the rule to make certain that only the recipient is permitted to contribute the local share of transit aid.

The Wisconsin Department of Transportation finds that an emergency exists regarding the public welfare. Without the emergency rule, there would be insufficient lead time for recipients to respond to the rule's impact on their budgets. Also, additional lead time may be required for recipients to re–bid contracts with private transportation providers, if necessary.

Publication Date: **September 28, 1995**
Effective Date: **September 28, 1995**
Expiration Date: **February 25, 1996**

NOTICE OF SUBMISSION OF PROPOSED RULES TO THE PRESIDING OFFICER OF EACH HOUSE OF THE LEGISLATURE, UNDER S. 227.19, STATS.

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

Administration (CR 95–18):
Ch. Adm 65 and ch. HSS 177 – Relating to mobile home parks.

Agriculture, Trade & Consumer Protection (CR 95–60):
Chs. ATCP 10, 11 and 12 – Relating to animal health and diseases and animal movements.

Chiropractic Examining Board (CR 95–4):
Ch. Chir 5 – Relating to the requirements for continuing chiropractic education for chiropractors, and specifying criteria for approval of programs for continuing education credit.

Gaming Commission (CR 95–144):
Chs. WGC 9 & 24 and s. WGC 14.11 – Relating to twin trifecta, superfecta and tri–superfecta pools, deduction approvals, animal drug testing and intertrack and simulcast wagering.

Health & Social Services (CR 95–79):
Chs. HSS 82 and 88 – Relating to adult family homes licensed for three or four residents.

Medical Examining Board (CR 95–49):
S. Med 10.02 (2) (za) and ch. Med 21 – Relating to requirements for patient health care records.

Natural Resources (CR 95–48):
Chs. NR 149 & 219 and s. NR 700.13 – Relating to laboratory certification and registration, sample preservation procedures, and analytical methodology and laboratory procedures.

Natural Resources (CR 95–85):
Ch. NR 51 – Relating to the stewardship program.

Natural Resources (CR 95–100):
Ch. NR 50 and s. NR 190.09 (5) – Relating to outdoor recreation, snowmobile and lake planning grants.

Public Service Commission (CR 95–139):
Ch. PSC 160 – Relating to the provision of universal telecommunications service and the establishment of a universal service fund.

Transportation, Dept. of (CR 95–87):
Ch. Trans 140 – Relating to security requirements for motor vehicle dealers and other licensees and the conditions under which financial statements may be required.

Transportation, Dept. of (CR 95–137):
Ch. Trans 278 – Relating to proposed legislation establishing vehicle weight limit exceptions.

Administrative Rules Filed With The Revisor Of Statutes Bureau

The following administrative rules have been filed with the Revisor of Statutes Bureau and are in the process of being published. The date assigned to each rule is the projected effective date. It is possible that the publication of these rules could be delayed. Contact the Revisor of Statutes Bureau at (608) 266−7275 for updated information on the effective dates for the listed rules.

Development (CR 95−121):
An order repealing ch. DOD 29, relating to the Economic Empowerment Grant Program.
Effective 12−01−95.

Development (CR 95−122):
An order repealing ch. DOD 19, relating to the Community Development Planning Program.
Effective 12−01−95.

Development (CR 95−123):
An order repealing ch. DOD 23, relating to the Recycling Rebate and Recycling Grant and Loan programs.
Effective 12−01−95.

Development (CR 95−124):
An order repealing ch. DOD 24, relating to the Hazardous Pollution Prevention Assessment Grant Program.
Effective 12−01−95.

Development (CR 95−125):
An order repealing ch. DOD 10, relating to the Export Development Loan Program.
Effective 12−01−95.

Development (CR 95−134):
An order repealing ch. DOD 21, relating to the Joint Effort Marketing Program.
Effective 01−01−96.

Industry, Labor & Human Relations (CR 94−170):
An order affecting ch. ILHR 129, relating to benefit claiming procedures.
Effective 01−01−96.

Insurance, Office of the Commissioner of (CR 95−105):
An order affecting ss. Ins 17.01 and 17.28, relating to annual patients compensation fund and mediation fund fees for the fiscal year beginning July 1, 1995, patients compensation fund coverage for specified health care practitioners and establishing the scope of patients compensation fund coverage for service corporations.
Effective 01−01−96.

Natural Resources (CR 94−182):
An order affecting s. NR 110.26 and chs. NR 200, 202, 204 and 205, relating to domestic sewage sludge management regulations.
Effective 01−01−96.

Natural Resources (CR 95−73):
An order affecting ss. NR 484.04, 485.02, 485.04 and 485.07, relating to emission limitations and tampering inspections for motor vehicles.
Effective 01−01−96.

Natural Resources (CR 95–75):

An order amending s. NR 20.03 (1) (q) 1, relating to hook and line sturgeon angling.

Effective 01–01–96.

Natural Resources (CR 95–99):

An order affecting ss. NR 46.19, 46.16 and 46.30, relating to the administration of the Forest Crop Law and the Managed Forest Law.

Effective 11–01–95.

Public Service Commission (CR 95–81):

An order repealing and recreating ch. PSC 112, relating to rules concerning electric construction by public utilities requiring Commission review and approval under s. 196.49, Stats., and extensions of electric service under s. 196.495, Stats.

Effective 12–01–95.

Social Workers, Marriage & Family Therapists and Professional Counselors Examining Board (CR 95–55):

An order amending s. SFC 3.11, relating to temporary certificates issued to social workers.

Effective 01–01–96.

Transportation, Dept. of (CR 95–126):

An order amending s. Trans 325.01 (intro.), relating to motor carrier safety regulations.

Effective 01–01–96.

Transportation, Dept. of (CR 95–127):

An order amending s. Trans 326.01 (intro.), relating to motor carrier safety requirements for transportation of hazardous materials.

Effective 01–01–96.

Transportation, Dept. of (CR 95–128):

An order amending s. Trans 328.03 (title) and (intro.), relating to motor carrier safety requirements for intrastate transportation of hazardous materials.

Effective 01–01–96.

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