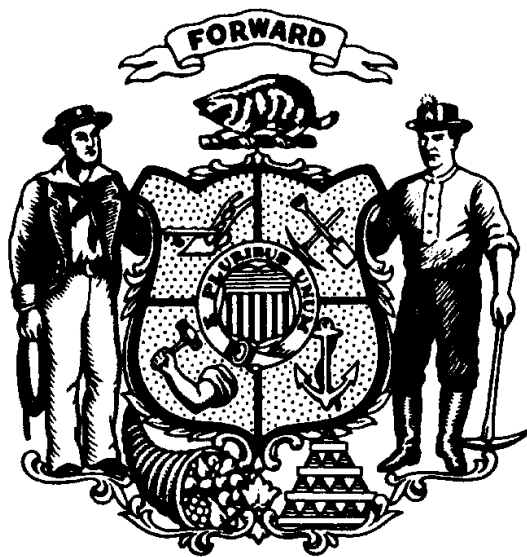


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EMERGENCY RULES NOW IN EFFECT

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

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

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 (2)

Agriculture, Trade & Consumer Protection

1. Rules were adopted amending s. ATCP 60.19 (3) and (4), relating to drug residues in raw milk.

Finding of Emergency

The state of Wisconsin department of agriculture, trade and consumer protection (DATCP) finds that an emergency exists and that the following emergency rule is necessary to protect public health, safety and welfare. The facts constituting the emergency are as follows:

(1) Milk from Wisconsin dairy farms may not contain drug residues. Current rules under ch. ATCP 60, Wis. Adm. Code, require every dairy plant operator to perform a drug residue screening test on every bulk load of raw milk received by that operator. If the bulk load tests positive for any drug residue, the operator must test a milk sample from each producer milk shipment included in that bulk load. Current rules do not require a dairy plant operator to perform a confirmatory test if a producer sample tests positive on an initial test.

(2) If a producer sample tests positive for drug residue, the dairy plant operator may hold that producer financially responsible for contaminating the bulk load. In some cases, the cost of a contaminated tanker load of milk may be \$5,000 or more. The department may also take enforcement action against the milk producer. Enforcement may result in financial penalties or suspension of the milk producer's license.

(3) In several enforcement actions, producers have argued that dairy plant drug residue tests were inaccurate. Producers claimed that there was no confirmatory testing, and no opportunity to confirm the accuracy of the dairy plant operator's test findings. Inaccurate findings may unfairly penalize affected producers, and result in severe financial losses to those producers. The lack of a confirmatory test aggravates conflicts between dairy plant operators and milk producers.

(4) Confirmatory testing of test-positive producer samples would provide greater assurance of fairness for milk producers, and would help avoid conflicts between dairy plant operators and producers. Dairy plant operators can perform confirmatory tests at reasonable cost. An emergency rule requiring confirmatory testing of producer samples is necessary to protect milk producers, and to promote the efficient operation and economic well-being of Wisconsin's dairy industry.

(5) Confirmatory testing of test-positive producer samples will enhance, and not reduce, the safety of Wisconsin milk supplies. Dairy plant operators will still be required to test bulk tanker loads of milk, and dispose of tanker loads that test positive for drug residues.

(6) This emergency rule will strengthen public health protection by requiring dairy plant operators to dispose of contaminated loads, or denature contaminated loads before transferring them to the custody of another person. Denaturing ensures that persons receiving custody of contaminated loads will not redirect them to human food use.

(7) Pending the adoption of rules according to normal administrative rulemaking procedures, it is necessary to adopt this emergency rule to do both of the following:

(a) Protect the public milk supply against drug residue contamination by assuring proper disposal of contaminated milk.

(b) Provide additional assurance that milk producers will not be subjected to serious penalties or financial losses based on inaccurate drug residue tests.

Publication Date: April 30, 1999
Effective Date: April 30, 1999
Expiration Date: September 27, 1999
Hearing Date: June 18, 1999

2. Rules adopted revising s. ATCP 100.45, relating to security of dairy plant payments to milk producers.

Finding of Emergency

(1) Section 100.06, Stats., is designed to provide "reasonable assurance" that dairy farmers will be paid for the milk they produce. Under ss. 97.20(2)(d)2. and 100.06, Stats., a dairy plant must, as a condition to licensing, comply with applicable security requirements under s. 100.06, Stats., and department rules under ch. ATCP 100, Wis. Adm. Code. Since dairy plant licenses expire on April 30 annually, dairy plants must comply with applicable security requirements in order to qualify for license renewal on May 1 of each year.

(2) Under s. 100.06, Stats., and ch. ATCP 100, a dairy plant operator who purchases milk from producers must do one of the following:

(a) File with the department of agriculture, trade and consumer protection ("department") audited financial statements which show that the operator meets minimum financial standards established by s. 100.06, Stats.

(b) File security with the department in an amount equal to at least 75% of the operator's "maximum liability to producers," as calculated under s. ATCP 100.45(5).

(c) Enter into a dairy plant trusteeship under ch. ATCP 100, Subch. V.

(3) Under s. ATCP 100.45(5), a dairy plant operator's "maximum liability to producers" is based on the plant operator's largest monthly purchase of milk during the *preceding* license year. Milk prices hit all time record highs in 1998, dramatically increasing monthly dairy plant payrolls. Security requirements for the 1999

license year are currently based on these inflated 1998 monthly payrolls, even though 1999 monthly payrolls have dropped dramatically in response to price changes.

(4) Since December 1998, the average market price for raw milk has fallen by approximately 40%. Dairy economists expect BFP average prices to remain at least 12% to 16.2% below last year's average during 1999. Because of the dramatic decline in milk prices, dairy plants have smaller producer payroll obligations than they had in 1998.

(5) Prices received by Wisconsin dairy plants for processed dairy products have also fallen dramatically since December. This has created serious financial hardships for some dairy plants.

(6) Current security requirements, based on 1998 producer prices and payrolls, are excessive in relation to current payroll obligations and impose an added financial burden on dairy plants. Current security requirements under s. ATCP 100.45(5), based on last year's prices, are at least 31 to 48% higher than they would be if calculated at current prices.

(7) Because of the dramatic decline in dairy prices, some dairy plant operators are required to file large amounts of additional security, often amounting to millions of dollars. This is a major expense for affected operators. Operators may find it difficult, financially, to obtain and file the required security. If a dairy plant is unable to file the required security in connection with the May 1, 1999 license renewal, the department will be forced to take action against the dairy plant's license. This could result in the forced closing of some unsecured dairy plants. The forced closing of an unsecured plant may, in turn, result in serious financial losses to producer patrons.

(8) By requiring excessive security based on last year's prices, current rules are making it unnecessarily difficult and expensive for dairy plants to obtain and file security. This could contribute to the financial failure of some dairy plants, or to the forced closing of some unsecured plants. Dairy plant financial failures or closings, if they occur, may cause serious and widespread financial injury to milk producers in this state. This constitutes a serious and imminent threat to the public welfare.

(9) In order to reduce the risk of dairy plant financial failures or forced closings, rule amendments are urgently needed to adjust dairy plant security requirements to appropriate levels based on current milk prices. The rule amendments will relieve financially stressed dairy plants from unnecessary financial burdens and will make it easier for those dairy plants to file security with the department. That, in turn, will reduce the risk of dairy plant financial failures, or the forced closing of unsecured plants, which may adversely affect milk producers.

(10) Rule amendments, to be effective, must be promulgated prior to the dairy plant license year beginning May 1, 1999. That is not possible under normal rulemaking procedures. Therefore, the following emergency rule is needed to protect the public welfare.

(11) Should milk prices rise beyond the levels currently anticipated for the license year beginning May 1, 1999, so that security filed under this emergency rule is less than 75% of a dairy plant operator's current monthly producer payroll, the operator is required to notify the department of that fact under s. 100.06, Stats., and s. ATCP 100.20(3). The department may demand additional security at that time.

Publication Date: April 20, 1999

Effective Date: May 1, 1999

Expiration Date: September 28, 1999

EMERGENCY RULES NOW IN EFFECT

Commerce & Natural Resources (Petroleum Environmental Cleanup Fund Interagency Responsibilities, Ch. Comm 46)

Rules adopted revising ch. Comm 46, relating to the Petroleum Environmental Cleanup Fund Interagency Responsibilities.

Finding of Emergency

The Department of Commerce finds that an emergency exists and that adoption of the rule included in this order is necessary for the immediate preservation of public health, safety, and welfare.

The facts constituting the emergency are as follows. Under sections 101.143 and 101.144, Wisconsin Statutes, the Department protects public health, safety, and welfare by promulgating rules for and administering the Petroleum Environmental Cleanup Fund (PECFA Fund). The purpose of the fund is to reimburse property owners for eligible costs incurred because of a petroleum product discharge from a storage system or home oil tank system. In administering this fund, the Department has relied upon a Memorandum of Understanding with the Department of Natural Resources for classifying contaminated sites, disbursing funds, and addressing other statements of policy that affect the two Departments.

On September 17, 1998, the Joint Committee for Review of Administrative Rules adopted a motion pursuant to s. 227.26(2)(b), Stats., that directed the Department and the Department of Natural Resources to jointly adopt the above portions of the Memorandum of Understanding and related policy issues as an Emergency Rule. An emergency rule in response to that directive was then adopted by the two Departments and became effective on January 1, 1999. Subsequently, further improvements for jointly administering the PECFA fund were developed that were consistent with the JCRAR directive, and were adopted by the two Departments in an emergency rule which replaced the initial emergency rule. That second emergency rule became effective on February 23, 1999. Now, significant additional changes have again been developed, which are also consistent with the JCRAR directive.

Chapter Comm 46 defines "high priority site," "medium priority site," and "low priority site," and provides that the Department of Natural Resources has authority for high priority sites and that the Department of Commerce has authority for low and medium priority sites. The rule requires transfer of authority for sites with petroleum contamination in the groundwater below the enforcement standard in ch. NR 140 from the Department of Natural Resources to the Department of Commerce. The rule also establishes procedures for transferring sites from one agency to the other when information relevant to the site classification becomes available.

Chapter Comm 46 requires the two agencies to work cooperatively to develop the following:

1. A system of joint decision-making for the selection of remedial bids and the setting of remediation targets for sites which are competitively bid or bundled with another site or sites.

2. An agreed-upon methodology for determining if there is evidence of an expanding plume and the actions to take if the data provided through the site investigation is not adequate.

3. A process for taking into account the impact of error of measurement, repeatability of results and statistical significance, when determining whether a site is above or below the enforcement standard or any other contaminant level or target.

4. A system for electronically tracking the achievement of remediation targets.

5.A reconciled list of sites in remediation.

Publication Dates: June 8 & July 10, 1999
Effective Date: June 8, 1999
Expiration Date: August 28, 1999
Hearing Dates: July 12, 13, 14 & 15, 1999

EMERGENCY RULES NOW IN EFFECT (2)

Commerce

(Financial Resources for Communities, Chs. Comm 105 to 128)

1. Rules adopted creating **ch. Comm 112**, relating to the Wisconsin Development Zone Program.

Finding of Emergency

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

Pursuant to ss. 560.70 to 560.797, Stats., the Department of Commerce is responsible for administering Wisconsin Development Zone Program. These rules are being adopted to incorporate in the administrative code the recent amendments contained in 1997 Wis. Act 27 that entirely changed the eligibility and the criteria for certified development zone businesses and the process for the verification and the claiming of tax credits. Section 560.785, Stats., directs the Department of Commerce to develop rules and exceptions to those rules concerning the eligibility for tax benefits. After a review and evaluation of all the certified businesses and their projects a number of exceptions have been identified in order to meet the needs of different areas of the state and to fulfill our commitments to businesses that were made prior to this legislation. In order to process claims for tax years beginning on or after January, 1, 1998, these rules must be made available immediately.

Publication Date: February 25, 1999
Effective Date: February 25, 1999
Expiration Date: July 25, 1999
Hearing Date: May 12, 1999
Extension Through: September 22, 1999

2. Rules adopted creating **ch. Comm 111**, relating to certified capital companies.

Finding of Emergency

The Department of Commerce finds that an emergency exists and that the adoption of the rule is necessary for the immediate preservation of public health, safety and welfare.

Analysis of Rules

Statutory Authority: ss. 560.31, 560.34 (1m) (b), and 227.24

Statutes Interpreted: ss 560.31, 560.34 (1m) (b), and 227.24

On June 17, 1999, the Department of Commerce (Commerce) held a public hearing on proposed rules in response to 1997 Wis. Act 215. That act provides tax credits to persons that make certain investments in certified capital companies that are certified by Commerce. Legislators and persons interested in the rules testified at the hearing and requested that Commerce adopt an emergency rule that would (1) allow persons to apply for certification to become certified as capital companies, (2) allow persons to apply to make a certified capital investment in a certified capital company, and (3) set forth the operational and reporting requirements of certified

capital companies required under the law. Since then, articles in the newspaper as well as business journals have pointed out the lack of venture capital in the state hinders high–tech growth and making that capital available will benefit Wisconsin as it has done in other states. This emergency rule is necessary to begin implementation of the law and to place Wisconsin in a better position to make capital available to draw high–tech industries, create new businesses, and expand existing businesses that will ultimately create new jobs and benefit all its citizens.

Publication Date: July 23, 1999
Effective Date: July 23, 1999
Expiration Date: December, 19, 1999
Hearing Date: August 17, 1999

EMERGENCY RULES NOW IN EFFECT

Employment Relations Commission

Rules adopted revising **ch. ERC 33, Appendix C**, relating to the calculation of a minimum qualified economic offer in collective bargaining with professional school district employees.

Finding of Emergency

We find that it is necessary to promulgate the amendment to ch. ERC 33, Appendix C as an emergency rule to preserve the public peace, health, safety and welfare. Without the amendment, the timely and peaceful resolution of collective bargaining disputes in Wisconsin will be endangered.

Publication Date: June 12, 1999
Effective Date: June 12, 1999
Expiration Date: November 9, 1999

EMERGENCY RULES NOW IN EFFECT

Professional Geologists, Hydrologists and Soil Scientists

Rules adopted creating **chs. GHSS 1 to 5**, relating to the registration and regulation of professional geologists, hydrologists and soil scientists.

Exemption From Finding of Emergency

The Examining Board of Geologists, Hydrologists and Soil Scientists finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, safety or welfare. A statement of the facts constituting the emergency is:

Section 64 of 1997 Wis. Act 300 states that the board is not required to make a finding of emergency. However, the board offers the following information relating to the promulgation of these rules as emergency rules. The new regulation of professional geologists, hydrologists and soil scientists was created in 1997 Wis. Act 300. The Act was published on June 30, 1998; however the Act created an effective date for the new regulation as being the first day of the 6th month beginning after the effective date of this subsection.

Publication Date: May 15, 1999
Effective Date: May 15, 1999
Expiration Date: October 12, 1999
Hearing Date: June 23, 1999

EMERGENCY RULES NOW IN EFFECT (2)

Health & Family Services

(Medical Assistance, Chs. HFS 101–108)

1. Rules were adopted revising **chs. HFS 101 to 103, and 108**, relating to operation of BadgerCare health insurance program.

Finding of Emergency

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

This order creates rules that specify how a new program called BadgerCare, established under s. 49.665, Stats., will work. Under BadgerCare, families with incomes up to 185% of the federal poverty level, but not low enough to be eligible for regular Medical Assistance (MA) coverage of their health care costs, and that lack access to group health insurance, are eligible to have BadgerCare pay for their health care costs. The order incorporates the rules for operation of BadgerCare into chs. HFS 101 to 103 and 108, four of the Department's chapters of rules for operation of the MA program.

BadgerCare is projected to cover over 40,000 currently uninsured Wisconsin residents, including more than 23,000 children, by the end of 1999.

Benefits under BadgerCare will be identical to the comprehensive package of benefits provided by Medical Assistance. The existing Wisconsin Medicaid HMO managed care system, including mechanisms for assuring the quality of services, improving health outcomes and settling grievances, will be used also for BadgerCare.

Department rules for the operation of BadgerCare must be in effect before BadgerCare may begin. The program statute, s. 49.665, Stats., was effective on October 14, 1997. It directed the Department to request a federal waiver of certain requirements of the federal Medicaid Program to permit the Department to implement BadgerCare not later than July 1, 1998, or the effective date of the waiver, whichever date was later. The federal waiver letter approving BadgerCare was received on January 22, 1999. It specified that BadgerCare was not to be implemented prior to July 1, 1999. Once the letter was received, the Department began developing the rules. They are now ready. The Department is publishing the rules by emergency order so that they will go into effect on July 1, 1999, rather than at least 9 months later, which is about how long the process of making permanent rules takes, and thereby provide already authorized health care coverage as quickly as possible to families currently not covered by health insurance and unable to pay for needed health care.

The rules created and amended by this order modify the current Medical Assistance rules to accommodate BadgerCare and in the process provide more specificity than s. 49.665, Stats., about the nonfinancial and financial conditions of eligibility for BadgerCare; state who is included in a BadgerCare group and whose income is taken into consideration when determining the eligibility of a BadgerCare group; expand on statutory conditions for continuing to be eligible for BadgerCare; exempt a BadgerCare group with monthly income at or below 150% of the federal poverty level from being obliged to contribute toward the cost of the health care coverage; and set forth how the Department, as an alternative to providing Medical Assistance coverage, will go about purchasing family coverage offered by the employer of a member of a family eligible for BadgerCare if the Department determines that

purchasing that coverage would not cost more than providing Medical Assistance coverage.

Publication Date: July 1, 1999
Effective Date: July 1, 1999
Expiration Date: November 28, 1999
Hearing Dates: August 26, 27, 30 & 31, 1999

2. Rule adopted amending **s. HFS 105.39 (4) (b) 3.**, relating to certification of specialized medical vehicle providers.

Finding of Emergency

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

The Department's rules for certification of specialized motor vehicle (SMV) providers under the Medical Assistance (MA) program include requirements for SMV drivers. Among current requirements is that each driver must receive training in first aid and cardiopulmonary resuscitation (CPR) before driving a vehicle or serving as an attendant and must receive refresher training in first aid every 2 years and refresher training in CPR annually. The specific requirements for refresher training date from December 1, 1994. When revising its rules for SMV providers earlier in 1994 the Department proposed to require refresher training every 2 years for both first aid and CPR, but at the public hearings on the proposed rules 5 SMV providers said the CPR refresher training should take place annually and the Department agreed and made that its requirement.

Although the American Red Cross CPR training and certification that the person is trained continue to be annual, the equivalent American Heart Association CPR training and certification (the American Heart Association prefers "recognition" to "certification") is now every 2 years. This means that to comply with the Department's current MA rule for SMV drivers, s. HFS 105.39 (4) (b) 3., drivers who receive their training from the American Heart Association must repeat the training each year. That is unnecessary for maintenance of American Heart Association certification (recognition) and the time and expense involved is a burden on SMV providers and drivers. The Department is modifying the rule through this order to simply require that drivers maintain CPR certification.

The Department through this order is also changing the requirement for refresher training in first aid from every 2 years to at least every 3 years. That is because the American Red Cross certification in first aid is now for 3 years. A requirement for more frequent refresher training in first aid is a burden in time and expense involved for SMV providers and drivers.

Publication Date: July 3, 1999
Effective Date: July 3, 1999
Expiration Date: November 30, 1999
Hearing Date: September 1, 1999

EMERGENCY RULES NOW IN EFFECT (2)

Health and Family Services

(Health, Chs. HSS/HFS 110—)

1. Rules were adopted revising **ch. HFS 119**, relating to the Health Insurance Risk-Sharing Plan.

Exemption From Finding of Emergency

Section 149.143 (4), Stats., permits the Department to promulgate rules required under s. 149.143(2) and (3), Stats. by

using emergency rulemaking procedures, except that the Department is specifically exempted from the requirement under s. 227.24(1) and (3), Stats., that it make a finding of emergency. These are the rules. Department staff consulted with the HIRSP Board of Governors on April 30, 1999 on the proposed rules, as required by s. 149.20, Stats.

Analysis Prepared by the Department of Health and Family Services

The State of Wisconsin in 1981 established a Health Insurance Risk–Sharing Plan (HIRSP) for the purpose of making health insurance coverage available to medically uninsured residents of the state. One type of coverage provided by HIRSP is supplemental coverage for persons eligible for Medicare. This coverage is called Plan 2. Medicare (Plan 2) has a \$500 deductible. Approximately 17% of the 7,291 HIRSP policies in effect on March 31, 1999 were of the Plan 2 type.

The Department through this rulemaking order is amending ch. HFS 119 in order to update HIRSP Plan 2 premium rates in accordance with the authority and requirements set out in s. 149.143 (2) (a) 2., Stats. The Department is required to set premium rates by rule. These rates must be calculated in accordance with generally accepted actuarial principles. Policyholders are to pay 60% of the costs of HIRSP.

There are separate sets of tables in ch. HFS 119 that show unsubsidized and subsidized Plan 2 premium rates. Both sets of tables are amended by this order to increase the premium rates because Plan 2 costs, which historically have been running about 50% less than Plan 1 costs, began to increase several years ago and now are running at about 67% of Plan 1 costs. The Plan 2 premium rates need to be increased to cover increased costs of treatment for individuals enrolled under Plan 2. The order increases these premium rates by about 18%.

In January 1999, the Department published an emergency rule order to increase HIRSP unsubsidized Plan 2 premium rates by about 10%, with the intention of increasing those rates again in July 1999 to the level provided for in this order. However, in May 1999 the Legislature's Joint Committee for the Review of Administrative Rules (JCRAR) refused to extend the effective period of that part of the January 1999 emergency rule order relating to premium rate increases, with the result that effective May 31, 1999, the rates reverted back to the rates in effect before January 1, 1999. Consequently, to increase rates effective July 1, 1999, the Department through this rulemaking order has based the increased rates on the rates in effect prior to January 1, 1999.

The Department through this order is also adjusting the total HIRSP insurer assessments and provider payment rates in accordance with the authority and requirements set out in s. 149.143 (2)(a)3. and 4., Stats. With the approval of the HIRSP Board of Governors and as required by statute, the Department reconciled total costs for the HIRSP program for calendar year 1998. The Board of Governors approved a reconciliation methodology that reconciles the most recent calendar year actual HIRSP program costs, policyholder premiums, insurance assessments and health care provider contributions collected with the statutorily required funding formula. By statute, the adjustments for the calendar year are to be applied to the next plan year budget beginning July 1, 1999.

The result of this reconciliation process for calendar year 1998 indicated that insurance assessments collected were greater than the 20% of costs (net of the GPR contribution from appropriation s. 20.435(5)(af), Stats.), required of insurers. Also, the calendar year 1998 reconciliation process showed that an insufficient amount was collected from health care providers. As a result of this reconciliation, the insurer assessments for the time periods July 1, 1999 through December 31, 1999 and January 1, 2000 through June 30, 2000, are reduced to offset the overpayment in 1998. The total adjustments to the provider payment rates for the same time periods are sharply increased in order to recoup the provider contribution that was not collected in calendar year 1998. The budget for the plan year ending June 30, 2000 and the calendar year 1998 reconciliation

process were approved by the HIRSP Board of Governors in April 1999.

Publication Date: June 30, 1999
Effective Date: July 1, 1999
Expiration Date: November 28, 1999
Hearing Date: September 9, 1999

- Rules adopted creating s. HSS 122.10, relating to distribution of 3 closed nursing home beds to a nursing home that serves only veterans.

Finding of Emergency

The Department of Health and Family 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:

These rules are for the one–time distribution of 3 closed nursing home beds to a nursing home or nursing homes that serve only veterans. Following distribution of the 3 beds, the rules will be allowed to lapse.

Section 150.31, Stats., establishes a statewide bed limit for nursing homes as one means of controlling nursing home costs and Medical Assistance program expenditures. Within that bed limit a facility may close or its bed capacity may be reduced, in which case beds are freed up and may be redistributed by the Department under s. HSS 122.05(1)(c).

The Wisconsin Veterans Home at King has 4 separately licensed nursing home buildings on its grounds, and a total licensed capacity of 718 beds. It is operating at 99.9 percent of capacity with a long waiting list for admission. Managers of the Wisconsin Veterans Home have decided to close their underutilized 3 bed hospital operation at King. The 3 hospital beds are currently located in Stordock Hall. The 3 nursing home beds will replace the hospital beds. Because of the burgeoning population of older veterans, whose active service was during World War II, the Korean War, and the Vietnam War, and the immediate pressure on admissions to the facility, and the desirability of having flexibility when moving residents, Wisconsin Veterans Home managers have asked that the space previously used for hospital beds be converted to nursing home space and that 3 closed nursing home beds be transferred to the Veterans Home. These beds could be put on line immediately and provide some relief to those awaiting admission.

This rulemaking order establishes a process for considering applications for 3 closed nursing home beds to be made available to a nursing home or nursing homes that serve only veterans, that ask for no more than 3 beds and that do not require space to be added to the building in which the beds will be located to accommodate those beds.

Publication Date: August 3, 1999
Effective Date: August 3, 1999
Expiration Date: December 31, 1999

EMERGENCY RULES NOW IN EFFECT

Higher Educational Aids Board

Rules adopted amending s. HEA 11.03 (3) and creating s. HEA 11.03 (5), relating to the Minority Teacher Loan Program.

Finding of Emergency

The 1989 Wis. Act 31 created s. 39.40, Stats., which provides for loans to minority students enrolled in programs of study leading to licensure as a teacher. The Wisconsin Higher Educational Aids Board (HEAB) administers this loan program under s. 39.40 and under ch. HEA 11. Current rules require that a student be enrolled full time and show financial need to be considered for participation

in the Minority Teacher Loan Program. Students who did not enroll full time and did not show financial need were allowed to participate in the program in the past when part of the program was administered by another administrative body. These students are enrolled in teacher education programs that train teachers specifically for the school districts named in the statutes that outline the intent of the Minority Teacher Loan Program. Unless the Board changes its rules, many participating students will lose their eligibility in the program. This will cause a hardship to those students who relied on the interpretation of the prior system administration. Revising the rules would allow students who participated in the program in the past to continue to participate. The proposed revision will not affect expenditures of State funds for the Minority Teacher Loan Program.

Publication Date: August 6, 1999
Effective Date: August 6, 1999
Expiration Date: January 3, 2000

EMERGENCY RULES NOW IN EFFECT

Insurance

Rules adopted amending **ss. Ins 17.01 (3) (intro.) and 17.28 (6a)** repealing and recreating **s. Ins 17.28 (6)**, relating to annual patients compensation fund and mediation fund fees for the fiscal year beginning July 1, 1999.

Finding of Emergency

The commissioner of insurance (commissioner) finds that an emergency exists and that promulgation of this 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 the permanent rule corresponding to this emergency rule, clearinghouse rule No. 99-70, 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, 1999.

The commissioner expects that the permanent rule will be filled with the secretary of state in time to take effect September 1, 1999. Because the fund fee provisions of this rule first apply on July 1, 1999, it is necessary to promulgate the fee portion of the rule on an emergency basis. A hearing on the permanent rule, pursuant to published notice thereof, was held on May 17, 1999.

Publication Date: June 4, 1999
Effective Date: July 1, 1999
Expiration Date: November 28, 1999

EMERGENCY RULES NOW IN EFFECT (2)

Natural Resources

(Environmental Protection-Water Regulation, Chs. NR 300-)

1. Rules adopted creating **ch. NR 303**, relating to department determinations of navigability for farm drainage ditches.

Exemption From Finding of Emergency

The Department was directed by the JCRAR under s. 227.26 (2) (b), Stats., to promulgate emergency rules regarding navigability

Analysis prepared by the Department of Natural Resources

Statutory authority: s. 227.26 (2)(b)

Statute interpreted: s. 30.10 (4)(c)

This order codifies present department program guidance for staff making navigability determinations for farm drainage ditches, identifying various methods and information to be relied on when making such determinations.

Publication Date: May 1, 1999

Effective Date: May 1, 1999

Expiration Date: September 28, 1999

Hearing Dates: June 16 and 17, 1999

2. Rules adopted creating **ch. NR 328**, relating to regulation of water ski platforms and water ski jumps.

Analysis by the Department of Natural Resources

Statutory authority: ss. 30.135, 227.11 (2) (a) and 227.24

Statutes interpreted: ss. 30.66, 30.69 and 30.135

Chapter NR 328 describes the conditions where a water ski jump or platform will require a permit. It explains what constitutes a substantive written objection to a water ski jump or platform and provides a list of reasons that support a substantive written objection. It specifies the contents of a public notice and the process for making a substantive written objection. It details how the department will respond to complaints about an existing water ski jump or platform.

These rules were promulgated as emergency rules at the direction of the joint committee for review of administrative rules.

Publication Date: July 9, 1999

Effective Date: July 9, 1999*

Expiration Date: December 6, 1999

*Rule suspended by Joint Committee for Review of Administrative Rules on July 5, 1999.

STATEMENTS OF SCOPE OF PROPOSED RULES

Health and Family Services (Community Services, Chs. HFS 30--)

Subject:

Ch. HFS 97 – Relating to complaint procedures for inmates of the Wisconsin Resource Center (WRC).

Description of policy issues:

Description of the objective(s) of the proposed rule:

To revise ch. HFS 97, relating to complaint procedures for inmates of the Wisconsin Resource Center, to the extent necessary to make it conform with recent changes to ch. DOC 310, relating to complaint procedures for inmates of adult correctional institutions.

Description of policies--relevant existing policies, proposed new policies and policy alternatives considered:

The Wisconsin Department of Corrections has a process by which inmates of adult correctional institutions may file complaints and have them expeditiously investigated and decided. The procedures are specified in ch. DOC 310. Periodically, inmates are transferred for treatment to the Wisconsin Resource Center (WRC), a mental health treatment facility administered by the Department of Health and Family Services (DHFS). Occasionally, an inmate transferred to the Center will have an outstanding grievance that was initiated when the inmate was at the inmate's correctional facility. In addition, an inmate receiving treatment at the WRC may initiate a grievance while at the Center. To ensure continuity of the handling of grievances between DHFS and DOC, the Department of Health and Family Services has maintained an inmate complaint resolution process that is virtually the same as that specified by the Department of Corrections in ch. DOC 310. The DHFS version of the process was created in December 1990, a few months after the adult corrections program was separated from the predecessor agency to DHFS to become the Department of Corrections.

Effective May 1, 1998, the Department of Corrections sought to improve how its inmate complaint review system works by significantly modifying ch. DOC 310. The changes included the following:

- Permitting institution complaint examiners to reject complaints that they determine are frivolous.
- Limiting the number of complaints an inmate may file to 2 complaints in a calendar week.
- Requiring the Department to make the written complaint procedures available to all inmates.
- Permitting the institution complaint examiner to accept late complaints for good cause.
- Generally prohibiting inmates from using language that is profane, obscene, abusive or threatens others when filing a complaint.
- Permitting the Secretary to extend the timelines for cause and upon notice to the inmate and all interested parties.
- Permitting the Department to reveal the identity of complainants and the nature of the complaints to the extent reasonable and appropriate for thorough investigation and implementation of the remedy.
- Removing language that permits the corrections complaint examiner (CCE) to order an evidentiary hearing.
- Requiring that all records of an inmate complaint be kept for at least 3 years after disposition of the complaint.
- Allowing the Secretary to suspend the rules in an emergency and defining an emergency.

– Eliminating redundant and confusing language and clarifying some language and using current terminology.

Given that the DOC has made a variety of changes to its grievance process in 1998, DHFS proposes to make comparable changes to ch. HFS 97 so that ch. HFS 97 is, once again, consistent with ch. DOC 310. Such revisions to ch. HFS 97 will ensure that the same process will be available to a correctional inmate, whether the inmate is at a DOC institution or at the WRC.

Statutory authority:

Sections 46.056 (1) and 227.11 (2), Stats.

Estimates of staff time and other resources needed to develop the rules:

Estimated 10 total hours of Division of Care and Treatment Facilities staff time to develop the rules in preparation for Department review.

Pharmacy Internship Board

Subject:

Ch. Ph–Int 1 – Relating to Pharmacy Internship Board rules.

Description of policy issues:

Analysis prepared by the State of Wisconsin Pharmacy Internship Board:

The profession of pharmacy, its roles, tasks, duties, and responsibilities have evolved greatly within the past five years. Similarly, the roles, tasks, duties, and responsibilities for interns enrolled in the state's pharmacy internship program have evolved as a prerequisite for pharmacist licensure in Wisconsin. Ending in 1999, the five-year baccalaureate degree has been replaced with the six-year Doctor of Pharmacy degree (Pharm.D.) as the entry-level degree into the pharmacy profession. With the inception of the Pharm.D., changes also have occurred in the didactic and experiential learning course work required by the American Council on Pharmaceutical Education, an accreditation agency, for schools and colleges of pharmacy nationwide. As a result, pharmacy students may now accrue all pharmacy internship hours while enrolled in the academic curriculum. This differs from the former baccalaureate degree where a minimum of 1000 of the 1500-hour pharmacy internship requirement had to be served extracurricularly. Furthermore, changes in experiential learning course work, and the need for pharmacist preceptor supervision, now takes place earlier in the curriculum than in the past. The Pharmacy Internship Board needs to amend its current rules and make rule changes in light of this.

Other factors necessitate changes in the Pharmacy Internship Board rules. International pharmacy graduates (graduates from non-accredited schools and colleges of pharmacy) can pursue pharmacist licensure in Wisconsin as allowed by the Wisconsin Pharmacy Examining Board. A prerequisite to do this includes serving a pharmacy internship of 1500 hours before the state board exams are taken. Amendments and additional Pharmacy Internship Board rules are needed to reflect this change. Pharmacy residency programs (as a form of postgraduate professional training) will continue to emerge. Since some pharmacy residents elect not to pursue pharmacist licensure during this training, the Pharmacy Internship Board is needed to provide oversight and ensure adequate supervision and consumer protection. Pharmacy Internship Board rule amendments and changes are needed to reflect this. Last, pharmacists licensed in other states who have applied and are waiting to complete the Wisconsin pharmacist licensure exams often desire pharmacy internship licenses to practice in the interim period before they are licensed. Pharmacy Internship Board rule amendments and rule changes are needed to ensure these

pharmacists are eligible to practice as pharmacist interns before being allowed to practice under the supervision of a registered pharmacist.

Statutory authority:

Pursuant to authority vested in the state of Wisconsin Pharmacy Internship Board by s. 36.25 (20), Stats., the state of Wisconsin Pharmacy Internship Board hereby proposes to amend, repeal, and create rules interpreting ss. 36.25 (20) and 450.045, Stats.

Time estimate to prepare the rule amendments and new rules:

It is estimated that 30 to 40 hours of time will be required by Pharmacy Internship Board staff to amend and develop the new rules. This does not include the time spent by the Pharmacy Internship Board to construct and develop the rule amendments and new rules. The time spent by the Pharmacy Internship Board is estimated at 20 hours.

Regulation and Licensing

Subject:

Chs. RL 80 to 87 – Relating to changes and clarification of administrative rules relating to the practice of real estate appraisers.

Description of policy issues:

Objective of the rule:

Clarify and update administrative rules. Recommended changes relate to:

- 1) Clarity, grammar, punctuation, use of plain language.
- 2) Revisions contained in the 1999 edition of Uniform Standards of Professional Appraisal Practice to comply with federal law.

Policy analysis:

Existing policies are in chs. RL 80 to 87. The proposal would do the following:

- 1) Clarify definitions, application requirements, continuing education, experience, scope of practice, and rules of professional conduct.
- 2) Adopt revisions contained in the 1999 edition of the Uniform Standards of Professional Appraisal Practice.

Statutory authority for the proposed rule:

Sections 227.11 (2), 458.03, 458.05, 458.085 and 458.24, Stats.

Estimate of the amount of time employees will spend to develop the rule and of other resources necessary to develop the rule:

80 hours.

Transportation

Subject:

Ch. Trans 101 – Relating to establishing a traffic violation demerit point system.

Description of policy issues:

Description of the objective of the rule:

Chapter Trans 101 administratively interprets those portions of chs. 343 to 349, Stats., relating to establishing a traffic violation demerit point system. The Department is amending the rule to:

- Conform the rule to statutory changes made in 1997 Wis. Act 84 relating to operating while suspended (OWS) and operating after revocation (OAR).
- Address demerit point reduction for child support cases, a new license withdrawal type created by 1997 Wis. Act 237.
- Conform the rule to s. 343.32 (2) (bd), Stats., as created by 1997 Wis. Act 135, which requires 6 demerit points be assessed upon conviction for illegally crossing railroad tracks.

- Change criteria used to set the effective dates for demerit point cases.

Description of existing policies relevant to the rule and of new policies proposed to be included in the rule and an analysis of policy alternatives:

Amendment #1—Conform ch. Trans 101 to 1997 Wis. Act 84. 1997 Wis. Act 84 simplifies many motor vehicle laws related to revocations and suspensions for the sake of the general public, law enforcement, prosecutors, defense attorneys, courts, and the Department. This rule-making will conform the administrative rule to revised s. 343.32, Stats., which makes all demerit point license withdrawals suspensions. No alternatives may be considered by the agency because the rule must conform to the statute.

Amendment #2—Conform ch. Trans 101 to 1997 Wis. Act 237. 1997 Wis. Act 237 allows courts to suspend a person's driver license for non-payment of child support.

Chapter Trans 101 allows for the reduction of points upon reinstatement of a driver's license unless the license withdrawal was for one of the non-driving related incidents, specified in s. Trans 101.05 (1). Upon reinstatement, points are reduced to six points. The point reduction applies only to convictions dated before the reinstatement. In essence, this policy treats an existing driver record withdrawal as a withdrawal covering all incidents for the last twelve month period; what may have been multiple withdrawals are treated as concurrent cases for determining length of the withdrawal. Without this policy, some drivers would have consecutive cases resulting in significantly longer withdrawal periods.

The suggested change in ch. Trans 101 simply adds non-payment of child support to the list of non-driving related suspensions for which there is no demerit point reduction upon license reinstatement.

The possible alternative to this proposed change is to leave the rule as it currently is written and allow reinstatements from suspension for non-payment of child support to result in a reduction down to 6 demerit points.

There are no public policy advantages to not amending this rule. Amending the rule will remove a potential incentive for bad drivers to refuse to pay child support. It will also be consistent with Department procedures for other non-payment withdrawal actions and therefore be easier for the public to understand and more administratively efficient.

Amendment #3—Conform ch. Trans 101 to 1997 Wis. Act 135. Section 343.32 (2) (bd), Stats., as created by 1997 Wis. Act 135, creates stiffer penalties for violations at railroad crossings. Violators will receive more serious sanctions for ignoring signals or driving recklessly at railroad crossings. Ch. Trans 101 needs to be amended to conform to this new statutory mandate. Accordingly, no alternatives are considered.

Amendment #4—Eliminate license surrender date as an element used in calculating the effective date of a demerit point suspension. Current s. Trans 101.04 (4) makes the effective date of a suspension contingent on whether and when a person has surrendered his or her driver license to the Department.

This language in ch. Trans 101 has a long history. The implementation of the policy, however, has changed dramatically over time as staff resources for handling Department workload have diminished. At one point, probably as recently as the late 1970's or early 1980's, there was a concerted effort to collect licenses from drivers when they appeared in court or by sending law enforcement officers or driver license examiners out to the person's home. Since there is no research to support the premise that taking the license document prevents or dissuades people from driving, this use of valuable resources for this purpose was discontinued.

Until about 1996, a person could surrender a driver's license at one of the Division of Motor Vehicles field offices throughout the state and have it returned to the central office in Madison for recording on the driver licensing system. The Division discontinued taking the license in 1996, because of the staff time required to handle the licenses in the field.

In 1996, the Division fully implemented a computer image system to store documents and eliminate all paper files for revocations and suspensions cases. Currently, the Division has no file system in which to store driver licenses. For the few licenses, about 10,000 per year, that are sent into the Madison central office, the Division keys a surrender date and destroys the license. Last year, the Division completed 333,000 license revocations or suspensions. The current system — with a small number of surrenders being keyed online — results in very unequal application of this portion of ch. Trans 101.

There are two possible alternatives to the proposal of eliminating surrender date:

- Continue the existing system of inconsistently using surrender date in determining the effective date of withdrawal cases.
- Allocate sufficient staff resources to collecting, recording and storing licenses to be able to apply consistently a surrender effective date.

Neither alternative would require a rule change. Making no change, however, would continue the current inconsistent system at a cost in lost processor time for no perceivable benefit. Allocating resources to collect invalid licenses is not possible without significant budget changes to pay for the staffpower required to carry out that work.

Statutory authority for the rule:

Section 343.32 (2) (a), Stats.

Estimate of the amount of time that state employes will spend developing the rule and of other resources necessary to develop the rule:

35 hours

***Workforce Development
(Prevailing Wage Rates, Chs. DWD 290
to 294)***

Subject:

Chs. DWD 290 and 294 – Relating to prevailing wage rates.

Description of policy issues:

Objective of the proposed rule:

In 1995 Wis. Act 215 created the first major update of Wisconsin's prevailing wage laws since the inception of those in the 1930's. The proposed rules attempt to update the Department's regulations to reflect the recent changes in the statutes. The proposals also incorporate into the rules some long-standing Department policies. Finally, the proposed rule contains changes concerning a few issues agreed upon by a focus group representing all of the major parties with interests related to these rules.

Proposed changes:

Prior to the passage of Act 215, the Department maintained separate administrative rules for s. 66.293, Stats., (ch. DWD 290) and s. 103.49, Stats., (ch. DWD 292). With passage of Act 215, the Department repealed ch. DWD 292. Chapter DWD 290 was then intended to apply both to ss. 66.293 and 103.49, Stats. Unfortunately ch. DWD 290 failed to contain some references to s. 103.49, Stats. The proposed rule corrects these omissions.

Passage of Act 215 changed some terminology used in the statutes. The proposed rule modifies the current rule to use the new terminology. For example, the term "municipality" was changed in the law to refer to "local governmental unit."

Over the past three years the Department met with industry and labor leaders to reach a common policy which could be applied in certain circumstances. One of these problem areas concerned the payment of fringe benefits for apprentices. The parties agreed to adopt a rule that would set a standard practice of paying fringe benefits to apprentices on public works projects. Previously, there was no set standard in this area. Even with union contracts, the various unions had no one set manner for dealing with this issue.

The focus group also agreed that any supply and installation work performed on the site of a project would be covered by state prevailing wage rates. Previously under certain circumstances the Department had exempted supply and installation work performed on the site of the public project from the state prevailing wage rates.

Another area upon which the focus group reached agreement concerned the definition of cross-classification work. The Department had a long-standing policy of allowing workers to work in more than one classification up to twenty percent of a given work week on a public project without having to receive a separate pay rate for the second classification of work. The focus group agreed to adopt a set definition of incidental cross-classification work which would total no more than 15% of an individual's work time on a public project in a given work week.

Statutory authority for the proposed rule:

Sections 66.293 (12) (e) and 103.49 (7) (e), Stats.

Estimate of the amount of time employes will spend developing the proposed rule and of other resources needed to develop the rule:

Less than 40 hours.

SUBMITTAL OF RULES TO LEGISLATIVE COUNCIL CLEARINGHOUSE

Notice of Submittal of Proposed Rules to Wisconsin Legislative Council Rules Clearinghouse

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

Agriculture, Trade and Consumer Protection

Rule Submittal Date

On September 1, 1999, the Wisconsin Department of Agriculture, Trade and Consumer Protection submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rule amends ch. ATCP 105, relating to motor vehicle fuel sales below cost.

Agency Procedure for Promulgation

Public hearings are required. Three hearings will be held after the Wisconsin Legislative Council Rules Clearinghouse completes its review of the proposed rule. One hearing is scheduled for Monday, October 11, 1999 from 1:00 to 4:00 p.m. at the Marathon Public Library, 300 North 1st St., Wausau. The second hearing is scheduled for Tuesday, October 12, 1999 from 1:00 to 4:00 p.m. in the Board Room at the Wisconsin Department of Agriculture, Trade and Consumer Protection, 2811 Agriculture Dr., Madison. The third hearing is scheduled for Thursday, October 14, 1999 from 1:00 to 4:00 p.m. in Room 129, DOC, State Office Bldg., 141 NW Barstow St., Waukesha. The Division of Trade and Consumer Protection is primarily responsible for promulgation of this rule.

Contact Information

If you have questions regarding this rule, you may contact:

Kevin LeRoy
Division of Trade and Consumer Protection
Telephone (608) 224-4928

or

Attorney Karl Marquardt
Telephone (608) 224-5031

Controlled Substances Board

Rule Submittal Date

On August 24, 1999, the Controlled Substances Board submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

Statutory Authority: ss. 961.11 (1) and (2), 961.15, 961.17 and 961.19, Stats.

The proposed rule-making order relates to the scheduling of certain drugs under ch. 961, Stats., the Uniform Controlled Substances Act.

Agency Procedure for Promulgation

A public hearing is required and will be held on October 6, 1999 at 9:30 a.m. in Room 179A at 1400 East Washington Avenue, Madison, Wisconsin.

Contact Information

If you have questions regarding this rule, you may contact:

Pamela Haack, Administrative Rules Coordinator
Telephone (608) 266-0495

Higher Educational Aids Board

Rule Submittal Date

On August 27, 1999, the Higher Educational Aids Board submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

Statutory authority: Sections 39.28 (1) and 227.11 (2), Stats.

The proposed rule affects s. HEA 11.03, Wis. Adm. Code, relating to administration of the Minority Teacher Loan Program.

Reason for rules:

The 1989 Wis. Act 31 created s. 39.40, Stats., which provides for loans to minority students enrolled in programs of study leading to licensure as a teacher. The Wisconsin Higher Educational Aids Board (HEAB) administers this loan program under s. 39.40, Stats., and under ch. HEA 11. Current rules require that a student be enrolled full time and show financial need to be considered for participation in the Minority Teacher Loan Program. Students who did not enroll full time and did not show financial need were allowed to participate in the program in the past when part of the program was administered by another administrative body. These students are enrolled in teacher education programs that train teachers specifically for the school districts named in the statutes that outline the intent of the Minority Teacher Loan Program.

Unless the Board changes its rules, many participating students will lose their eligibility in the program. This will cause a hardship to those students who relied on the interpretation of the prior system administration. This rulemaking order expands program eligibility to allow students who were eligible to participate under this program in the past, when it was administered by a different system, to continue to be eligible to participate in the future. Students who are enrolled at least halftime and students who do not show financial need will be able to participate in this program. The proposed revision will not affect expenditures of State funds for the Minority Teacher Loan Program.

Agency Procedure for Promulgation

Public hearing under ss. 227.16, 227.17, and 227.18, Stats.; approval of rules in final draft form by the HEAB Secretary; and legislative standing committee review under s. 227.19, Stats.

Contact Information

Jane Hojan-Clark
Higher Educational Aids Board
Telephone (608) 264-6181

Kickapoo Reserve Management Board**Rule Submittal Date**

On August 24, 1999 the Kickapoo Reserve Management Board submitted a proposed rule to the Legislative Council Rules Clearinghouse creating ch. KB 1, Wis. Adm. Code, relating to the use of the land, water and facilities in the Kickapoo Valley Reserve.

Analysis

Statutory authority: ss. 44.41(7)(k) and 227.11 (2) (a), Stats.

Statutes interpreted: ss. 44.40 and 44.41, Stats.

The Kickapoo Reserve Management Board was created in 1994 to manage the Kickapoo Valley Reserve, which encompasses approximately 7,400 acres along 14 miles of the Kickapoo River in Vernon County. The 11 member board, which is appointed by the Governor, is required by statute to manage the land for low impact recreation. It currently does so under a management lease agreement with the U.S. Corps of Engineers, which purchased the land in the early 1970's as part of a large flood control and dam-building effort that was discontinued in 1975 because of environmental and cost concerns.

In 1996 federal legislation deauthorized the dam project and provided for ownership of approximately 7,400 acres to be transferred to the state when federal requirements are met. An additional 1,200 acres of tribally significant land is to be held in trust for the Ho–Chunk Nation by the Federal Bureau of Indian Affairs. The federal legislation that provides for the transfer of ownership does not specify a date by which title must be transferred but, it is anticipated that transfer of title to the 7,400 acres to the State will be completed in April of 2000.

The proposed rules contain the detail related to the Board management of the property, public use of the property and fees for public use of the property. The rules are very similar to Department of Natural Resources rules related to the use and management of state parks. (See Chapter NR 45.) In addition to general rules related to the management and use of the Reserve, the proposed rule regulates vehicle operation, animals, fires, use of firearms and hunting and camping on the Reserve. The proposed rule also provides for the charging of fees for camping and other recreational uses of the Reserve.

Agency Procedure for Promulgation

A public hearing is required and scheduled for Thursday, November 18, 1999 from 4:00 p.m. to 8:00 p.m. in the LaFarge Community Building, 202 North State Street, LaFarge, Wisconsin.

Contact Information

For additional information or to obtain a copy of the proposed rule, contact Marcy West, Executive Director, Kickapoo Reserve Management Board at (608) 625–2960.

Medical Examining Board**Rule Submittal Date**

On August 24, 1999, the Medical Examining Board submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

Statutory Authority: ss. 15.08 (5) (b), 227.11 (2) and 448.40 (1), Stats.

The proposed rule-making order relates to computer-based examinations.

Agency Procedure for Promulgation

A public hearing is required and will be held on October 20, 1999 at 9:00 a.m. in Room 179A at 1400 East Washington Avenue, Madison, Wisconsin.

Contact Information

Pamela Haack, Administrative Rules Coordinator
Telephone (608) 266–0495

Nursing, Board of**Rule Submittal Date**

On August 24, 1999, the Board of Nursing submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

Statutory Authority: ss. 15.08 (5) (b), 227.11 (2) and 441.16 (3) (b), Stats.

The proposed rule-making order relates to prescribing limitations for advanced practice nurse prescribers.

Agency Procedure for Promulgation

A public hearing is required and will be held on November 4, 1999 at 2:00 p.m. in Room 179A at 1400 East Washington Avenue, Madison, Wisconsin.

Contact Information

Pamela Haack, Administrative Rules Coordinator
Telephone (608) 266–0495

Public Instruction**Rule Submittal Date**

On August 26, 1999, the Wisconsin Department of Public Instruction submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed rule amends ch. PI 6, relating to public librarian certification.

Agency Procedure for Promulgation

Public hearings are required and two public hearings are scheduled. One hearing is on Tuesday, October 5, 1999 from 10:00 a.m. to 12:00 p.m. (noon) in the Wausau Room at Marathon County Public Library, 3rd Floor, 300 North First St., Wausau. The second hearing is on Wednesday, October 6, 1999 from 10:00 a.m. to 12:00 p.m. (noon) at the Reference and Loan Library, 2109 South Stoughton Road, Madison. The Division for Libraries and Community Learning is primarily responsible for promulgation of this rule.

Contact Information

If you have questions regarding this rule, you may contact Peg Branson, Continuing Education Consultant, Public Library Development Team, at (608) 266–2413.

Public Instruction**Rule Submittal Date**

On August 26, 1999, the Wisconsin Department of Public Instruction submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed rule amends ch. PI 37, relating to national teacher certification grants.

Agency Procedure for Promulgation

Public hearings are required and will be scheduled. The Division for Learning Support: Instructional Services is primarily responsible for promulgation of this rule.

Contact Information

If you have questions regarding this rule, you may contact Peter Burke, Director, Teacher Education, Licensing and Placement, at (608) 266-1879.

Public Service Commission**Rule Submittal Date**

On August 29, 1999, the Public Service Commission submitted proposed rules to repeal and recreate ch. PSC 111, Wis. Adm. Code, relating to strategic energy assessments, to the Legislative Council Rules Clearinghouse.

Analysis

These proposed rules affecting ch. PSC 111 were triggered by the enactment of 1997 Wis. Act 204, which replaced the advance plan process with strategic energy assessments. The proposed rules also revise the requirements for certificates of public conveniences and necessity (CPCNs).

Agency Procedure for Promulgation

In addition, the Commission, at its open meeting of August 26, 1999, approved a Notice of Hearing pursuant to s. 227.17 (1), Stats. The Notice of Hearing schedules public hearings to be held in the Amnicon Falls Hearing Room of the Public Service Commission Building, 610 North Whitney Way at 9:00 a.m., September 29, 1999.

A copy of the Notice of Hearing is being submitted to the Department of Administration pursuant to s. 227.17 (1) (bm), Stats. The Commission's Electric Division is the organizational unit responsible for preparing the rules.

Contact Information

If you have any substantive questions regarding the proposed rules, you may contact Electric Division Assistant Administrator Robert D. Norcross at 267-9229.

If you have any questions regarding the Commission's internal processing of the proposed rules, you may contact Attorney David A. Ludwig at 266-5621.

Revenue**Rule Submittal Date**

On September 1, 1999 the Wisconsin Department of Revenue submitted a proposed rule order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed rule order creates s. Tax 11.96, relating to delivery of an ordinance to adopt or repeal a county or premier resort area tax.

Agency Procedure for Promulgation

The Department intends to promulgate the proposed rule order without a public hearing, pursuant to s. 227.16 (2) (e), Stats. The Office of the Secretary is primarily responsible for the promulgation of the rule order.

Contact Information

If you have questions regarding this rule, you may contact:

Mark Wipperfurth
Income, Sales, and Excise Tax Division
Telephone (608) 266-8253

Transportation**Rule Submittal Date**

On September 2, 1999, the Department of Transportation submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rule-making order affects chs. Trans 138 and 139, relating to dealer facilities, records and licenses and motor vehicle trade practices.

Agency Procedure for Promulgation

A public hearing is required and a hearing is scheduled for Friday, November 12, 1999 at 1:00 p.m. in Room 421 of the Hill Farms State Transportation Building, at 4802 Sheboygan Avenue, Madison, Wisconsin. The Division of Motor Vehicles, Dealer Licensing and Regulation Section is the organizational unit responsible for promulgation of the proposed rule.

Contact Information

Julie A. Johnson, Paralegal
Telephone (608) 266-8810

Transportation**Rule Submittal Date**

On September 2, 1999, the Department of Transportation submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rule-making order affects ch. Trans 252, relating to escort vehicles.

Agency Procedure for Promulgation

A public hearing is required and a hearing is scheduled for Tuesday, October 12, 1999 at 1:00 p.m. in Room 551 of the Hill Farms State Transportation Building, at 4802 Sheboygan Avenue, Madison, Wisconsin. The Divisions of Motor Vehicles, Infrastructure Development and State Patrol are the organizational units responsible for promulgation of the proposed rule.

Contact Information

Julie A. Johnson, Paralegal
Telephone (608) 266-8810

Veterinary Examining Board**Rule Submittal Date**

On August 24, 1999, the Veterinary Examining Board submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

Statutory Authority: ss. 15.08 (5) (b), 227.11 (2) and 453.03 (1), Stats.

The proposed rule-making order relates to computerized examinations.

Agency Procedure for Promulgation

A public hearing is required and will be held on September 29, 1999 at 11:30 a.m. in Room 179A, at 1400 East Washington Avenue, Madison, Wisconsin.

Contact Information

Pamela Haack, Administrative Rules Coordinator
Telephone (608) 266-0495

NOTICE SECTION

Notice of Hearings

Agriculture, Trade & Consumer Protection [CR 99-133]

The State of Wisconsin Department of Agriculture, Trade and Consumer Protection announces that it will hold public hearings on proposed amendments to ch. ATCP 105, Wis. Adm. Code, relating to sales below cost. The public is invited to attend the hearings and make comments on the proposed rule. Following the public hearings, the hearing record will remain open until **November 5, 1999**, for additional written comments.

A copy of this rule and the proposed amendments may be obtained free of charge, from the Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Trade and Consumer Protection, 2811 Agriculture Drive, PO Box 8911, Madison, WI 53708, or by calling (608)224-4928. Copies will also be available at the public hearings.

An interpreter for the hearing impaired will be available on request for these hearings. Please make reservations for a hearing interpreter by September 30, 1999 either by writing to Kevin LeRoy, 2811 Agriculture Drive, PO Box 8911, Madison WI 53708-8911, (608/224-4928), or by contacting the message relay system (TDD) at 608/224-5058. Handicap access is available at the hearings.

Hearing Information

<p>October 11, 1999 Monday 1:00 pm until 4:00 pm</p>	<p>Marathon Co. Public Library 300 North 1st St. Wausau, WI</p>
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<p>October 12, 1999 Tuesday 1:00 pm until 4:00 pm</p>	<p>Wisconsin Department of Agriculture, Trade & Consumer Protection Board Room 2811 Agriculture Drive Madison, WI</p>
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<p>October 14, 1999 Thursday 1:00 pm until 4:00 pm</p>	<p>Department of Corrections Room 129 State Office Building 141 Northwest Barstow St. Waukesha, WI</p>
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Analysis Prepared by the Department of Agriculture, Trade and Consumer Protection

Statutory Authority: s. 93.07(1)

Statute Interpreted: s. 100.30

This rule interprets s. 100.30, Stats., which prohibits sales of motor fuel and other merchandise below cost. The term "cost" is extensively defined in s. 100.30, Stats., and DATCP rules under ch. ATCP 105, Wis. Adm. Code. But neither the statute nor the current rules define "selling price."

Under s. 100.18(8), Stats., persons selling motor vehicle fuel at retail must post the retail sale price on the motor fuel pump. But many sellers now offer discounts such as customer loyalty discounts, fleet discounts, volume discounts, preferred payment

method discounts and other incentives that may affect the ultimate sale price.

This rule clarifies how a seller's retail motor fuel "selling price" is calculated, for purposes of s. 100.30, Stats. Under this rule, the retail "selling price" of motor vehicle fuel is the selling price which the seller is required to post under s. 100.18(8), Stats., less any discounts offered by the seller that are fully earned and determinable at the time of sale, except that discounts based solely on the purchaser's method of payment or receipt of credit do not reduce the "selling price" of motor vehicle fuel for purposes of s. 100.30, Stats.

Fiscal Estimate

The department does not expect this rule to have any fiscal impact on the department or local governments.

Initial Regulatory Flexibility Analysis

The proposed additions to ATCP 105, Wis. Adm. Code do not have a significant effect on small business. The proposed rule is a presentation of the department's interpretation of how preferred payment method discounts effect whether or not gasoline was sold below cost.

Chapter ATCP 105 interprets s. 100.30, Stats. (sometimes referred to as "The Unfair Sales Act" or "The Minimum Markup Law"). This statute prohibits retailers, wholesalers and refiners of motor vehicle fuel from selling products below cost. The term "cost" is substantially defined in both the statute and the current rule. However, there are no provisions in either the statute or current rule that provide interpretations on how businesses are to determine the selling price of their products.

This rule specifies that discounts, credits or rebates that are tied to the payment method do not reduce the selling price of motor vehicle fuel. The rule also specifies that discounts, credit or rebates offered to the customer that are not tied to the payment method must be considered as a reduction in the selling price of motor vehicle fuel.

Notice of Hearing

Kickapoo Valley Reserve Management Board [CR 99-124]

Notice is hereby given that pursuant to s. 41.41 (7) (k), Stats., the Kickapoo Reserve Management Board will hold a hearing at the time and place shown below to consider a proposed order to create ch. KB 1, relating to the use of the land, water and facilities in the Kickapoo Valley Reserve.

Hearing Information

<p>November 18, 1999 Thursday 4:00 p.m. to 8:00 p.m.</p>	<p>LaFarge Community Bldg. 202 North State St. LaFarge, WI</p>
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Written Comments

Written comments on the proposed rules may be sent to the contact person by Thursday, **December 2, 1999**. Written comments will receive the same consideration as written or oral testimony presented at the hearing.

Analysis Prepared by the Kickapoo Reserve Management Board

Statutory authority: ss. 44.41 (7) (k) and 227.11 (2) (a)

Statutes interpreted: ss. 44.40 and 44.41

The Kickapoo Reserve Management Board was created in 1994 to manage the Kickapoo Valley Reserve, which encompasses approximately 7,400 acres along 14 miles of the Kickapoo River in Vernon County. The 11 member board, which is appointed by the Governor, is required by statute to manage the land for low impact recreation. It currently does so under a management lease agreement with the U.S. Corps of Engineers, which purchased the land in the early 1970's as part of a large flood control and dam-building effort that was discontinued in 1975 because of environmental and cost concerns.

In 1996 federal legislation deauthorized the dam project and provided for ownership of approximately 7,400 acres to be transferred to the state when federal requirements are met. An additional 1,200 acres of tribally significant land is to be held in trust for the Ho-Chunk Nation by the Federal Bureau of Indian Affairs. The federal legislation that provides for the transfer of ownership does not specify a date by which title must be transferred but, it is anticipated that transfer of title to the 7,400 acres to the State will be completed in April of 2000.

The proposed rules contain the detail related to the Board management of the property, public use of the property and fees for public use of the property. The rules are very similar to Department of Natural Resources rules related to the use and management of state parks. (See Chapter NR 45.) In addition to general rules related to the management and use of the Reserve, the proposed rule regulates vehicle operation, animals, fires, use of firearms and hunting and camping on the Reserve. The proposed rule also provides for the charging of fees for camping and other recreational uses of the Reserve.

Initial Regulatory Flexibility Analysis

Notice is hereby given that pursuant to s. 227.14, Stats., the proposed rule will have minimal impact on small businesses. The initial regulatory flexibility analysis as required by s. 227.17 (3) (f), Stats., is as follows:

- 1) Type of small business affected by the rule: None.
- 2) The proposed reporting, bookkeeping and other procedures required for compliance with the rule: None.
- 3) The types of professional skills necessary for compliance with the rule: None.

Fiscal Estimate

The proposed rule provides for the charging of fees for camping and other recreational uses of the reserve. The fees will generate revenue for the Kickapoo Valley Reserve Management Board that will be used for management of the Reserve. Since fee rates and the amount of recreational uses are unknown, it is not possible to determine the amount of revenue that will be generated.

Copies of Rule and Contact Information

For additional information about or copies of the proposed rules contact:

Marcy West, Executive Director
Telephone (608) 625-2960
Kickapoo Reserve Management Board
505 North Mill Street
LaFarge, WI 54639

Notice of Hearings

Public Instruction

[CR 99-129]

Notice is hereby given that pursuant to ss. 43.09(2) and 227.11 (2) (a), Stats., and interpreting s. 43.09, Stats., the department of public instruction will hold public hearings as follows to consider

the amending of Chapter PI 6, relating to public librarian certification.

Hearing Information

October 5, 1999
Tuesday
10:00 a.m. – noon

Wausau
Marathon Co. Public Library
300 N. First Street, 3rd Flr.
Wausau Room

October 6, 1999
Wednesday
10:00 a.m. – noon

Madison
Reference & Loan Library
2109 S. Stoughton Road

The hearing sites are fully accessible to people with disabilities. If you require reasonable accommodation to access any meeting, please call Peg Branson, Continuing Education Consultant, at (608) 266-2413 or leave a message with the Teletypewriter (TTY) at (608) 267-2427 at least 10 days prior to the hearing date. Reasonable accommodation includes materials prepared in an alternative format, as provided under the Americans with Disabilities Act.

Copies of Rule and Contact Person

A copy of the proposed rule and the fiscal estimate may be obtained by sending an email request to lori.slauson@dpi.state.wi.us or by writing to:

Lori Slauson
Administrative Rules & Federal Grants Coordinator
Department of Public Instruction
125 South Webster Street
P.O. Box 7841
Madison, WI 53707

Written comments on the proposed rules received by Ms. Slauson at the above address no later than **October 13, 1999**, will be given the same consideration as testimony presented at the hearing. Comments submitted via email will not be accepted as formal testimony.

Analysis by the Department of Public Instruction

The proposed rules clarify and update the current public librarian certification rules by making the following modifications:

- Continuing education participation will be measured by contact hours rather than continuing education points.
- The required number of contact hours for continuing education will be the same for all grade levels.
- Provisional certificates will be granted for 5 years, rather than one year.
- Applicants who have not completed all of the library course requirements will be issued temporary certificates rather than provisional certificates.
- Temporary certificates will be available, depending on the grade level and the courses to be completed. These certificates must be renewed annually and may not be renewed after 3 years.
- Library directors in communities with a population increase will receive an upgraded provisional certificate for the same time period as the certificate being replaced.
- Library directors eligible for temporary certification must apply within 3 months of employment, rather than the current 6 months.
- Temporary certificates will be available to certain previously certified applicants whose certification has expired.

Fiscal Estimate

The proposed rules make minor, procedural changes and will not result in any increased state or local government costs.

Initial Regulatory Flexibility Analysis

The proposed rules are not anticipated to have a fiscal effect on small businesses as defined under s. 227.114(1)(a), Stats.

Notice of Hearing

Public Service Commission **[CR 99–131]**

Notice is hereby given that a hearing will be held to consider revision to ch. PSC 111, relating to strategic energy assessment, at the time and place indicated below, and continuing at times to be set by the presiding hearing examiner.

The Public Service Commission proposes to repeal and recreate ch. PSC 111, Wis. Adm. Code. These rules currently describe procedures for filing and reviewing Advance Plan information and applications for Certificates of Public Convenience and Necessity (CPCN) under s. 196.491, Stats. The enactment of 1997 Wis. Act 204, however, replaced Advance Plans with biennial Strategic Energy Assessments and revised the law regarding CPCNs. These proposed rules follow the statutory revisions.

Hearing Information

September 29, 1999
Wednesday
9:00 a.m.

Amnicon Falls Hrg. Room
Public Service Commission
610 North Whitney Way
Madison, WI

The Public Service Commission does not discriminate on the basis of disability in the provision of programs, services, or employment. This building is accessible to people in wheelchairs through the Whitney Way first floor (lobby) entrance. Parking for people with disabilities is available on the south side of the building. Any person with a disability who needs additional accommodations or who needs to obtain this document in a different format should contact the case coordinator listed below.

Contact Information

Persons who desire to actively participate as full parties must request full party status in writing. Full party status requests should be addressed to Jeffrey Patzke, Hearing Examiner, Public Service Commission of Wisconsin, Examining Division, P.O. Box 7854, Madison, Wisconsin 53707–7854.

Questions from the media may be directed to Jeffrey L. Butson, Public Affairs Director, at (608) 267–0912.

Questions regarding this matter may be directed to case coordinator Randel Pilo at (608) 267–1474.

Summary and Analysis of Rules

Statutory authority: ss. 196.02 (3), 196.491 (2) (ag) and (3) (a) 1., and 227.11

Statute interpreted: s. 196.491(2) and (3)

1997 Wis. Act 204 repealed the advance plan process for electric utilities. In its place, state law now requires that the Public Service Commission (Commission) biennially prepare a strategic energy assessment (SEA). The SEA will evaluate the reliability of Wisconsin's current and future electric supply. Public utilities, rural electric cooperatives, municipal utilities, merchant plant operators, and independent power producers are all involved in producing and providing electric power in Wisconsin, so each will be required to submit information for the SEA. New rules with respect to CPCNs are proposed to conform to the Commission's rules to the revisions made in the CPCN process by Act 204.

Preparation of an SEA will commence with a forecast of peak electric demand over the biennial period of an SEA, plus one additional year. The forecast will then be compared against electric power supply, to determine if capacity will be available to meet future Wisconsin demand and to provide the additional reserve margin needed for contingencies.

Electricity providers will be required to submit the information necessary to prepare the forecast of peak electric demand. This information will consist of monthly actual non-coincident peak load for a period preceding the SEA, and of predicted peak load for the 3-year period encompassing the SEA. The peak load information will then be offset by programs in place to control peak load, such as direct load control and interruptible load, and by net purchases of firm capacity, i.e., capacity backed up by reserves. Any contracts by an electricity provider to sell firm capacity with reserves will increase peak load, while any contracts to purchase capacity with reserves will offset the peak forecast. Subchapter II covers this assessment of electric demand.

Next, each provider's electric power supply will be evaluated. Each electricity provider will be required to submit information showing how much generating capacity it has installed in Wisconsin or is using to provide electricity to ultimate end-users in Wisconsin. This level of installed generating capacity must then be offset by plans to retire units and sell capacity without reserves during the 3-year period encompassing the SEA. Any plans to upgrade existing units, add new units, and purchase more capacity without reserves will increase the electric power supply. The total amount of electric power supply will then be compared against the forecasted peak electric demand. Subchapter III covers the assessment of electric power supply.

Purchases and sales of power depend on the electric transmission system to complete the transaction. To the extent that Wisconsin relies on such capacity arrangements to provide firm power, an evaluation of the transmission system's adequacy must also be completed. Electricity providers will be required to submit data on any firm reservations for use of the transmission system, while transmission providers will be required to describe plans for constructing new transmission lines during the 3-year period encompassing the SEA, and to file copies of long-term transmission studies that examine plans for transmission lines within and into Wisconsin. Subchapter V covers transmission system operation data.

As part of its SEA, the Commission must assess the extent that competition is contributing to a reliable, low-cost electric system. In addition, the Commission must assess the regional bulk power market's effect on the adequacy and reliability of electric supply in Wisconsin, and the reasonableness of electric prices. To accomplish these ends, the proposed rules require information on system dispatch costs and average energy production costs. The Commission must also evaluate whether competition is contributing to an environmentally sound electric system, consider the public interest in environmental protection, identify and describe activities to discourage inefficient and excessive power use, and perform an environmental assessment of each SEA. Conservation information is also required to comply with the state energy goals and priorities under ss. 1.12 and 196.025, Stats., when the Commission makes determinations within the SEA. As a result, the proposed rules require information on pollutant emissions and conservation. The required cost, emissions, and conservation information is covered in Subchapter IV.

Subchapter VI relates to the filing of applications for CPCNs. Included in the subchapter are the minimum data requirements for any application to build a large electric generating facility or high-voltage transmission line.

Anyone wishing to receive a free copy of the proposed rules and the template for submitting and organizing the required data should contact the case coordinator listed below.

Fiscal Estimate

These rules revise ch. PSC 111 and have no fiscal effect, independent of the fiscal effect of s. 196.491 (2) and (3), Stats., as created in 1997 Wis. Act 204. The Public Service Commission relies upon the fiscal analysis prepared for Assembly Bill 940, which ultimately resulted in the enactment of 1997 Wis. Act 204, as the starting point for its fiscal analysis. The fiscal analysis of Assembly Bill 940 indicates that there is no expected effect on local governments and that the costs of the Commission may increase, but the increase may be possible to absorb within the agency's budget.

1997 Wis. Act 204 created statutes replacing the Advance Plan process with the biennial Strategic Energy Assessment (SEA) and modified the process for filing applications for Certificates of Public Convenience and Necessity. Under s. 196.491 (2) (a), Stats., the Commission is to prepare a biennial SEA that evaluates the adequacy and reliability of Wisconsin's current and future electrical supply.

Initial Regulatory Flexibility Analysis

The proposed rules would apply to any entity that has or expects to have generation in Wisconsin greater than 5 MW, or that provides electric service to ultimate end users in Wisconsin, including self-providers and any entity providing transmission service in Wisconsin. Based on the Commission's investigation, it is unlikely that any such providers would be a small business as defined in s. 227.114, Stats. The proposed rules are therefore not expected to affect small businesses as defined in s. 227.114, Stats.

Notice of Proposed Rule

Revenue

[CR 99-105]

Notice is hereby given that pursuant to s. 227.11 (2) (a), Stats., and interpreting ss. 77.51 (4), (12), (13), (14) (intro.), (h) and (L), (15), (20) and (22) (a) and (b) and 77.52 (1), (2) (a) and (2m) (a) and (b), Stats., and according to the procedure set forth in s. 227.16 (2) (e), Stats., the Department of Revenue will adopt the following rules as proposed in this notice without public hearing unless, within 30 days after publication of this notice on **September 15, 1999**, it 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.

Contact Information

Please contact Mark Wipperfurth at (608) 266-8253, if you have any questions regarding this proposed rule order.

Analysis by the Dept. of Revenue

Statutory authority: s. 227.11 (2) (a)

Statutes interpreted: ss. 77.51 (4), (12), (13), (14) (intro.), (h) and (L), (15), (20) and (22) (a) and (b) and 77.52 (1), (2) (a) and (2m) (a) and (b)

Sections 1 and 2. Tax 11.67 (2) (a) is revised, to update language and to remove examples from the text of the rule and set them forth separately, per Legislative Council Rules Clearinghouse ("Clearinghouse") standards.

Tax 11.67(3) (e) 2. is revised and Tax 11.67 (3) (e) 3. is repealed, to clarify that the taxability of materials used in constructing a prototype depends on the primary objective of the customer, and that determining whether a transaction is a purchase and sale of a prototype, or a research and development service with the prototype being incidental, is done on a case-by-case basis.

Section 3. Tax 11.67 (3) (f), (h) and (j) are revised, to conform language and punctuation to Clearinghouse standards.

Section 4. Tax 11.67 (3) (L) to (n) are renumbered Tax 11.67(3)(k) to (m), to conform numbering to Clearinghouse standards. As renumbered, Tax 11.67 (3) (L) is revised, to conform punctuation to Clearinghouse standards.

Text of Proposed Rule

SECTION 1. Tax 11.67 (2) (a) and (3) (e) 2. are amended to read:

Tax 11.67 (2) (a) Since persons engaged in the business of furnishing services are consumers, not retailers, of the tangible personal property which they use incidentally in rendering their services, tax applies to the sale of such the tangible personal property to them. Examples are physicians, lawyers and accountants.

Note to Revisor: Insert the following example following Tax 11.67 (2) (a):

Example: Persons engaged in the business of furnishing services include physicians, lawyers and accountants.

(3)(e)2. In certain instances under a research and development contract, the information cannot be developed without the production of a prototype. In this situation, ~~the researcher owes tax on the materials used to construct the prototype since it is used to compile the data, designs, drawings and whatever else is provided to the customer. The measure of the tax is the cost of the materials going into the production of the prototype as well as all other materials consumed in performing the contract. The transfer of the prototype is incidental to the transfer of information, and for sales tax purposes, is deemed not a sale of tangible personal property. However, if the prototype is transferred to a customer for use in its business or for the purpose of reselling it, the researcher may purchase the materials used to construct the prototype without tax as property for resale if the primary objective of the customer in the transaction is to obtain tangible personal property, such as a prototype, the researcher may purchase the material used to construct the prototype without tax as property for resale. The subsequent sale of the prototype by the researcher to the customer is subject to tax unless an exemption applies. If the primary objective of the customer is to obtain the information resulting from production of the prototype, the prototype is considered transferred to the customer incidental to the research and development services. The researcher is subject to tax on the material purchased and used to construct the prototype. Determinations shall be made on a case-by-case basis.~~

Note to Revisor: Remove the examples following Tax 11.67(3)(e)2. and insert the following note:

Note: For a ruling on whether a specific transaction is a sale of a prototype or a research and development service with the prototype transferred incidental to the research and development service, write to Wisconsin Department of Revenue, Administration Technical Services, P.O. Box 8933, Madison, WI 53708-8933. The transaction should be described in detail.

SECTION 2. Tax 11.67 (3) (e) 3. is repealed.

SECTION 3. Tax 11.67 (3) (f), (h) and (j) are amended to read:

Tax 11.67 (3) (f) *Recording studios.* When a recording studio agrees to furnish or supply records, acetates or other tangible personal property which becomes the property of others, the tax applies to the total gross receipts resulting from the sale of such the tangible personal property. Gross receipts ~~shall~~ may not be reduced for labor or service costs, including charges for the use or rental of studio facilities, even though ~~such those~~ costs may be itemized in billing the customer.

(h) *Drafting.* Charges made by a self-employed person for commercial drafting are subject to the tax when the charge is for detailed drawings based entirely on specifications and data supplied by architects, engineers, or other business firms. These charges are taxable if the concepts, ideas, specifications or designs depicted in the drawings produced are the customer's and the person performing the drafting simply transfers the details supplied by the customer to paper thereby producing a drawing, which is tangible personal property, for use by the customer. When the person performing drafting services uses his or her own concepts and ideas in producing detailed drawings for a customer, the sale of the drawings is not a sale of tangible personal property.

(j) *Detonating explosives.* Detonating explosives is a non-taxable service. A person who performs ~~such that~~ service and furnishes the explosives used in conjunction with the service is the consumer of the explosives.

SECTION 4. Tax 11.67 (3) (L) to (n) are renumbered Tax 11.67 (3) (k) to (m) and, as renumbered, Tax 11.67(3) (L) is amended to read:

Tax 11.67(3) (L) *Car washes.* The gross receipts of persons providing car wash service, including those providing coin-operated self-service car washes consisting of a pressurized spray of soap and water, are taxable. These persons are the consumers of the tangible personal property, such as soap, brushes, and towels; they purchase, except for the wax, air freshener and protectants physically transferred to a customer's vehicle. Thus,

suppliers may accept a resale certificate for wax, air freshener and protectants sold to car wash operators, but suppliers are liable for the tax on all other sales of supplies to these operators.

Initial Regulatory Flexibility Analysis

This proposed rule order does not have a significant economic impact on a substantial number of small businesses.

Fiscal Estimate

The proposed order updates the Department of Revenue's administrative code relating to taxable sales by service enterprises, and the taxability of components utilized in the production of research and development prototypes. The changes clarify existing language to reflect the Department's current position, and alter style and format to conform to Legislative Council Clearinghouse standards. These rule changes do not have a fiscal effect.

Notice of Hearing

Transportation **[CR 99–135]**

Notice is hereby given that that pursuant to ss. 85.16 (1), 110.06, 218.01 (5), 227.11 (2), Stats., and interpreting ss. 218.01 (1) (e) and (n), (2) (d) 1., (2a), (3) (a) 6., 9., 14., 18., 19., 22. and 30., (3) (bf), (7a), 218.30, 218.32 (2) and (4) (c), 227.51 (2), 341.51 (3), 342.16 (1m) and (2), Stats., the Department of Transportation will hold a public hearing at the time and place indicated below to consider the amendment of chs. Trans 138 and 139, Wis. Adm. Code, relating to dealer facilities, records and licenses and motor vehicle trade practices.

Hearing Information

November 12, 1999
Friday
1:00 p.m.

Room 421
Hill Farms State Trans. Bldg.
4802 Sheboygan Ave.
Madison, WI

Parking for persons with disabilities and an accessible entrance are available on the north and south sides of the Hill Farms State Transportation Building.

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

Written Comments

The public record on this proposed rule-making will be held open until close of business **November 26, 1999**, to permit the submission of written comments from persons unable to attend the public hearing or who wish to supplement testimony offered at the hearing. Any such comments should be submitted to Cathy Skaar, Policy Analyst, Department of Transportation, Dealer Licensing Section, Room 806, P. O. Box 7909, Madison, WI 53707–7909.

Analysis Prepared by the Wis. Dept. of Transportation

Statutory authority: ss. 85.16 (1), 110.06, 218.01 (5), 227.11 (2)

Statutes interpreted: ss. 218.01 (1) (e) and (n), (2) (d) 1., (2a), (3) (a) 6., 9., 14., 18., 19., 22. and 30., (3) (bf), (7a), 218.30, 218.32 (2) and (4) (c), 227.51 (2), 341.51 (3), 342.16 (1m) and (2)

General Summary of Proposed Rule. Chapters Trans 138 and 139 regulate the conduct of motor vehicle dealers, salespeople, and other licensees in Wisconsin and provide protection for consumers from unfair trade practices. The proposed rule amends these regulations to incorporate some new consumer protections and some changes requested by the motor vehicle dealer industry intended to facilitate commerce.

A detailed description of all proposed changes is given in the Statement of Scope for this rule-making, published in the 11–1–98

Wisconsin Administrative Register. The following are the proposed changes:

1. Amend current s. Trans 138.02 (10) definition of “sell” a motor vehicle, to include delivering a vehicle from a seller in another jurisdiction to a retail consumer in Wisconsin. The change would bring under dealer licensing authority those people who currently deliver vehicles to Wisconsin consumers for out-of-state sellers.

2. Exempt from dealer licensing requirements those retail auctions that sell, at one time, heavy (over 16,000 lbs.) construction motor vehicles owned by several businesses, when those sales are incidental to the vehicle owners' primary business activities.

3. Change the definition of a “new” vehicle to allow any number of miles for manufacturer tests, pre-delivery test, dealer exchange or delivery, plus up to 200 miles for any other purpose (including the purchasing consumer's test drive).

4. To modify used motor vehicle disclosure requirements applicable to motorcycles. The Department proposes to exempt motorcycle dealers from the requirement of displaying the Wisconsin Buyer's Guide label on the motorcycle. Customers would have to be provided with an opportunity to review the Wisconsin Buyer's Guide prior to entering into a contract to purchase a motorcycle.

5. To create new protections for people who sell vehicles on consignment through a dealer and to protect the people who buy those consignment vehicles.

6. To clarify that a dealer may accept a subsequent offer on a vehicle when an accepted offer is already pending, and to specify required disclosures to the consumer whose offer is subject to an earlier pending offer.

7. To clarify that there are two allowed methods for dealerships to document changes to the motor vehicle purchase contract after the dealer has accepted the offer.

8. Amend s. Trans 138.05 (5) to give the auctions 14 rather than 12 days to provide clear title before a dealer can rescind a purchase.

9. To restrict fraudulent consumer loan application practices made possible by artificial adjustments to the price of a vehicle.

10. Amend current s. Trans 139.05 (2) (g) to permit dealers to provide a total cash price for a vehicle on the face of the motor vehicle purchase contract and to incorporate by reference a computer printout or other document that itemizes the components of that price. The consumer would sign the incorporated sheet.

11. Regulate adjustments to the amount due on delivery when a lien pay-off is an estimate.

12. Allow a consumer to rescind a contract without penalty when a rebate conditioned on consumer or vehicle eligibility is unavailable at the time of delivery.

13. Require dealers to pay off loans on a trade-in vehicle within 7 business days of acquiring the vehicle.

14. Make the penalty warning more apparent to the consumer by moving it next to the contract signature block.

15. Require a dealer either (a) to cancel a purchase contract within 5 business days of its execution if the credit terms disclosed in the contract cannot be obtained for the customer or (b) be bound to delivery of the vehicle on those terms.

16. Specify time periods that a dealer must wait for a consumer to accept or reject proposed credit terms, in different circumstances of contract signature and vehicle delivery.

17. To clarify that a dealer may cancel a purchase contract by a date specified in the contract if the contract is subject to the consumer obtaining acceptable financing of the consumer's choice, and the consumer does not notify the dealer in writing that financing has been secured.

18. Exclude audio equipment and molding damage when calculating whether a new vehicle has been damaged to the extent of more than 6% of its value when that equipment is replaced with identical manufacturer's original equipment.

19. Clarify that a dealer may complete a purchase contract for a vehicle without inspecting and disclosing it if the vehicle is exempt by rule from inspection and disclosure.

20. To eliminate use of the term "service agreement" in the proposed rule and to use "service contract" throughout instead.

21. Restore several warranty disclosure requirements to the proposed rule which were removed from the rule in previous amendment. Misinformation regarding warranties has resurfaced as a problem since the provision was removed from the code.

Fiscal Estimate

This proposed rule will have no fiscal impact on the Department or the Transportation Fund. No fiscal impact on local governments is anticipated.

Initial Regulatory Flexibility Analysis

This proposed rule will have little net effect on small businesses. On the one hand, business activities of dealers are improved by some streamlined requirements; on the other hand, disclosures of sales practices are required to provide adequate consumer protection. Specifically:

1. Amend current s. Trans 138.02 (10) definition of "sell" a motor vehicle, to include delivering a vehicle from a seller in another jurisdiction to a retail consumer in Wisconsin. The change would bring under dealer licensing authority those people who currently deliver vehicles to Wisconsin consumers for out-of-state sellers. *This provision will require some out-of-state dealers to become licensed in Wisconsin and follow Wisconsin reporting and trade practice law for sales in Wisconsin.*

2. Exempt from dealer licensing requirements those retail auctions that sell, at one time, heavy (over 16,000 lbs.) construction motor vehicles owned by several businesses, when those sales are incidental to the vehicle owners' primary business activities. *This provision will reduce paperwork burden for these small businesses.*

3. Change the definition of a "new" vehicle to allow any number of miles for manufacturer tests, pre-delivery test, dealer exchange or delivery, plus up to 200 miles for any other purpose (including the purchasing consumer's test drive). *This change will require dealers to keep track of reasons for miles; on the other hand, this provision will enable dealers to sell as "new" some vehicles which the previous definition had not allowed, an aid to the business.*

4. To modify used motor vehicle disclosure requirements applicable to motorcycles. The Department proposes to exempt motorcycle dealers from the requirement of displaying the Wisconsin Buyer's Guide label on the motorcycle. Customers would have to be provided with an opportunity to review the Wisconsin Buyer's Guide prior to entering into a contract to purchase a motorcycle. *This provision will reduce small business costs associated with protecting and/or replacing labels as is required under current law; however, requiring that the label be provided to the consumer before a contract becomes binding creates a new function for businesses to perform. Without that step, however, the significant consumer protections provided by the labels would be lost.*

5. To create new protections for people who sell vehicles on consignment through a dealer and to protect the people who buy those consignment vehicles. *This provision will require dealers selling vehicles on consignment to file UCC financing statements as well as follow Wisconsin dealer regulations.*

6. To clarify that a dealer may accept a subsequent offer on a vehicle when an accepted offer is already pending, and to specify required disclosures to the consumer whose offer is subject to an earlier pending offer. *This provision will allow dealers' more flexibility in structuring transactions to protect consumers in this circumstance, this provision requires dealers to provide clear disclosure to consumers as to the status of their offers.*

7. To clarify that there are two allowed methods for dealerships to document changes to the motor vehicle purchase contract after the dealer has accepted the offer. *This provision will reduce paperwork by allowing a new contract in addition to making changes on the current contract; however, to provide necessary consumer protections, dealers will be required to obtain consumer signature of new contract and must attach all superseded contracts.*

8. Amend s. Trans 138.05 (5) to give the auctions 14 rather than 12 days to provide clear title before a dealer can rescind a purchase. *This provision will ease administrative burden on small businesses.*

9. To restrict fraudulent consumer loan application practices made possible by artificial adjustments to the price of a vehicle. *This provision will require dealers to specify true prices and discounts on the purchase contract, to protect consumers from fraudulent consumer loan applications; on the other hand, this requirement will help dealers by assuring that the vehicle loan will more likely be made and the purchase will close.*

10. Amend current s. Trans 139.05 (2) (g) to permit dealers to provide a total cash price for a vehicle on the face of the motor vehicle purchase contract and to incorporate by reference a computer printout or other document that itemizes the components of that price. The consumer would sign the incorporated sheet. *This provision reduces dealer paperwork by allowing attached references to price components; to provide necessary consumer protection, however, the provision requires that the consumer sign the incorporated sheet.*

11. Regulate adjustments to the amount due on delivery when a lien pay-off is an estimate. *This provision will protect consumers from contract obligation that they cannot meet; and it also protects dealers by making it clear that a vehicle sale will or will not close.*

12. Allow a consumer to rescind a contract without penalty when a rebate conditioned on consumer or vehicle eligibility is unavailable at the time of delivery. *This provision provides necessary consumer protections for sales involving rebates and provides no hardship to dealers.*

13. Require dealers to pay off loans on a trade-in vehicle within 7 business days of acquiring the vehicle. *This provides necessary consumer protections and involves no hardship to dealers.*

14. Make the penalty warning more apparent to the consumer by moving it next to the contract signature block. *This provides necessary consumer protections and involves no hardship to dealers.*

15. Require a dealer either (a) to cancel a purchase contract within 5 business days of its execution if the credit terms disclosed in the contract cannot be obtained for the customer or (b) be bound to delivery of the vehicle on those terms. *This provides necessary consumer protections and involves no hardship to dealers.*

16. Specify time periods that a dealer must wait for a consumer to accept or reject proposed credit terms, in different circumstances of contract signature and vehicle delivery. *This provision improves dealer cost situation by removing uncertainty as to purchase consummation. However, to provide necessary consumer protections the provision specifies disclosure requirements in different circumstances.*

17. To clarify that a dealer may cancel a purchase contract by a date specified in the contract if the contract is subject to the consumer obtaining acceptable financing of the consumer's choice, and the consumer does not notify the dealer in writing that financing has been secured. *This provision reduces dealer uncertainty as to whether a sale will close. However, to provide necessary consumer protections the provision requires dealers and consumers to agree in contract to a date.*

18. Exclude audio equipment and molding damage when calculating whether a new vehicle has been damaged to the extent of more than 6% of its value when that equipment is replaced with identical manufacturer's original equipment. *This provision reduces small business costs without hardship to consumers.*

19. Clarify that a dealer may complete a purchase contract for a vehicle without inspecting and disclosing it if the vehicle is exempt by rule from inspection and disclosure. *This provision reduces small business costs without hardship to consumers.*

20. To eliminate use of the term "service agreement" in the rule and to use "service contract" throughout instead. *This provision is technical and has no substantive effect.*

21. Restore several warranty disclosure requirements to the rule which were removed from the rule in previous amendment. Misinformation regarding warranties has resurfaced as a problem since the provision was removed from the code. *This provides*

necessary consumer protections and involves no hardship to dealers.

Copies of Proposed Rule and Contact Information

Copies of the proposed rule may be obtained upon request, without cost, by writing to Cathy Skaar, Policy Analyst, Department of Transportation, Dealer Licensing Section, Room 806, P. O. Box 7909, Madison, WI 53707–7909 or by calling (608) 267–3635. Copies may also be viewed and printed at the following website: www.watda.org/links/trans139. Hearing–impaired individuals may contact the Department using TDD (608) 266–3096. Alternate formats of the proposed rule will be provided to individuals at their request.

Notice of Hearing

Transportation

[CR 99–136]

Notice is hereby given that pursuant to s. 348.25 (3), Stats., and interpreting s. 348.25 (3), Stats., the Department of Transportation will hold a public hearing at the time and place indicated below to consider the amendment of ch. Trans 252, Wis. Adm. Code, relating to escort vehicles.

Hearing Information

October 12, 1999	Room 551
Tuesday	Hill Farms State Trans. Bldg.
1:00 p.m.	4802 Sheboygan Ave.
	Madison, WI

Parking for persons with disabilities and an accessible entrance are available on the north and south sides of the Hill Farms State Transportation Building.

An interpreter for the hearing–impaired will be available on request for this hearing. Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

Written Comments

The public record on this proposed rule–making will be held open until close of business **October 15, 1999**, to permit the submission of written comments from persons unable to attend the public hearing or who wish to supplement testimony offered at the hearing. Any such comments should be submitted to Kathleen Nichols, Department of Transportation, Motor Carrier Services Section, Room 151, P. O. Box 7980, Madison, WI 53707–7980.

Analysis Prepared by the Wis. Dept. of Transportation

Statutory authority: s. 348.25 (3)

Statute interpreted: s. 348.25 (3)

General Summary of Proposed Rule. This proposed rule will amend ch. Trans 252, relating to escort vehicles, to update some requirements reflecting changes in vehicle manufacturing and industry practices. The rule is amended to expand vehicles which may be used as escort vehicles to include single–unit trucks up to 32,000 pounds actual gross vehicle weight, gross vehicle weight rating, or registered weight. The proposed amendment clarifies the reference to a Type 1 automobile as defined in state law, and clarifies that any escort vehicle must meet the “overhang” requirements of s. 348.09, Stats., when carrying the required sign. The rule allows either the current sign or a smaller (5’ long) sign. Finally, the proposed rule amendment eliminates the requirement that escort vehicles display flags on the bumpers but, instead, requires flashing lights or strobe lights that are visible all around (360 degrees).

Fiscal Estimate

The proposed rule will have no fiscal impact on the State or local units of government.

Initial Regulatory Flexibility Analysis

The proposed rule amendment will benefit small businesses involved in oversize/overweight load transport. The amendment reflects changes in vehicle manufacturing and industry practices, and thus should reduce business costs in complying with escort vehicle requirements. Escort vehicle requirements are necessary to adequately protect safety of the traveling public which may encounter an oversize/overweight load in transit.

Copies of Proposed Rule and Contact Information

Copies of the proposed rule may be obtained upon request, without cost, by writing to Kathleen Nichols, Department of Transportation, Motor Carrier Services Section, Room 151, P. O. Box 7980, Madison, WI 53707–7980, or by calling (608) 266–6648. Hearing–impaired individuals may contact the Department using TDD (608) 266–3096. Alternate formats of the proposed rule will be provided to individuals at their request.

Notice of Hearing

Veterinary Examining Board

[CR 99–127]

Notice is hereby given that pursuant to authority vested in the Veterinary Examining Board in ss. 15.08 (5) (b), 227.11 (2) and 453.03 (1), Stats., and interpreting s. 453.065, Stats., the Veterinary Examining Board will hold a public hearing at the time and place indicated below to consider an order to amend ss. VE 2.01 (2) and 3.03 (intro.), relating to computerized examinations.

Hearing Information

September 29, 1999	Room 179A
Wednesday	1400 East Washington Ave.
11:30 a.m.	Madison, WI

Written Comments

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Regulation and Licensing, Office of Administrative Rules, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received by **October 6, 1999** to be included in the record of rule–making proceedings.

Analysis Prepared by the Dept. of Regulation and Licensing

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 453.03 (1)

Statute interpreted: s. 453.065

In this proposed rule–making order the Veterinary Examining Board amends its rules relating to the administration of the examinations, as well as changes to the application deadline date. The Professional Examination Service (PES) will computerize the national examinations in November 2000, and will require first, that an applicant may sit for the examinations not more than six months prior to graduation; and second, that an applicant may not apply for the examination less than 60 days prior to its administration. These proposed rules set forth the deadlines for eligibility to sit for the new computerized examination as well as the new application procedures.

Text of Rule

SECTION 1. VE 2.01 (2) is amended to read:

VE 2.01 (2) To be qualified to sit for the national board examination and clinical competency test, an applicant must ~~have~~ either have graduated from or be a last year student who is scheduled to graduate in not more than 6 months at a school of veterinary medicine approved by the board or a foreign school of veterinary medicine listed by the AVMA. To be qualified to sit for the examination on state laws and rules, an applicant must meet the requirements of s. VE 3.03.

SECTION 2. VE 3.03 (intro.) is amended to read:

VE 3.03 Application procedures for veterinary applicants to take board examinations. An applicant shall file a completed application with the board at least ~~30~~ 60 prior to the date of the scheduled examination. All supporting documents shall be provided in English. An application is not complete until the board receives all of the following:

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 Information

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

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

Telephone (608) 266-0495

*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.

**Architects, Landscape Architects, Professional
Engineers, Designers and Land Surveyors Examining
Board (CR 99–102):**

Chs. A–E 1, 2, 8 and 10 – Relating to professional geologist registration, and removal of all references to “professional geologists,” “professional geology” and “geological.”

Insurance, Commissioner of (CR 98–183):

SS. Ins 3.39, 3.48, 3.50, 3.52, 3.67, 6.11, 51.80 and ch. Ins 9 – Relating to revising requirements for managed care plans and limited service health organization plans to comply with recent changes in state laws.

Medical Examining Board (CR 99–1):

Ch. Med 8 – Relating to licensure and regulation of physician assistants.

Medical Examining Board (CR 99–98):

Chs. Med 6, 13 and 21 and ss. Med 10.02 and 17.02 – Relating to the repeal of rules relating to the practice of podiatry.

Transportation (CR 98–168):

Ch. Trans 102 – Relating to operator’s licenses and identification cards.

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.

Commerce (CR 99-29):

An order affecting ch. Comm 7, relating to explosive materials.

Effective 11-01-99.

Commerce (CR 99-50):

An order affecting chs. Comm 16 and 17, relating to electrical construction and inspection.

Effective 10-01-99.

Commerce (CR 99-75):

An order affecting ch. Comm 112, relating to the Wisconsin Development Zone program.

Effective 11-01-99.

Natural Resources (CR 99-24):

An order affecting ss. NR 10.01, 10.145, 10.31, 15.022, 15.024, 15.03 and 27.03, relating to hunting and trapping.

Part effective 10-01-99.

Part effective 11-01-99.

Part effective 03-01-00.

Natural Resources (CR 99-42):

An order affecting ss. NR 10.01, 10.106, 10.13, 10.24, 15.03 and 19.07, relating to hunting and trapping.

Effective 10-01-99.

Public Service Commission (CR 99-3):

An order repealing and recreating ch. PSC 135, relating to gas safety.

Effective 11-01-99.

Revenue (CR 99-35):

An order creating s. Tax 1.12, relating to electronic funds transfer.

Effective 10-01-99.

Revenue (CR 99-54):

An order affecting ss. Tax 11.05, 11.87 and 11.94, relating to governmental units; meals, food, food products and beverages; and Wisconsin sales and taxable transportation charges.

Effective 11-01-99.

PUBLIC NOTICE

Public Notice
Dept. of Financial Institutions
(Division of Credit Unions)

**ARTICLES OF DISSOLUTION
OF
WISCONSIN CREDIT UNION SAVINGS INSURANCE CORPORATION**

The undersigned, being a natural person of the age of eighteen (18) years or more, hereby adopts the following Articles of Dissolution for Wisconsin Credit Union Savings Insurance Corporation ("Corporation"):

ARTICLE I

Name

The name of the Corporation is Wisconsin Credit Union Savings Insurance Corporation.

ARTICLE II

Members

Dissolution was approved by a sufficient vote of the Board of Trustees and the Members. Authority to dissolve the Corporation was granted by the following vote of the Members at a special meeting of the members duly convened and held on May 8, 1999:

ENTITLED TO VOTE

Number of Members Indisputably Outstanding	Number of Votes Entitled to be Cast	Number of Votes Voting on Dissolution
358	358	239

VOTES CAST

Number of Undisputed
Votes Cast FOR Dissolution

233

A quorum being present, the number of votes cast for dissolution was sufficient for approval of dissolution of the Corporation and these Articles of Dissolution.

This instrument was drafted by and is returnable to:

Gregory P. Mejer, Esq.
Michael Best & Friedrich LLP
One S. Pinckney St., #700
P.O. Box 1806
Madison, WI 53701-1806

Telephone (608) 257-3501

THE STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
BUREAU OF INTEGRATED DOCUMENT SERVICES
DOCUMENT SALES AND DISTRIBUTION SECTION
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