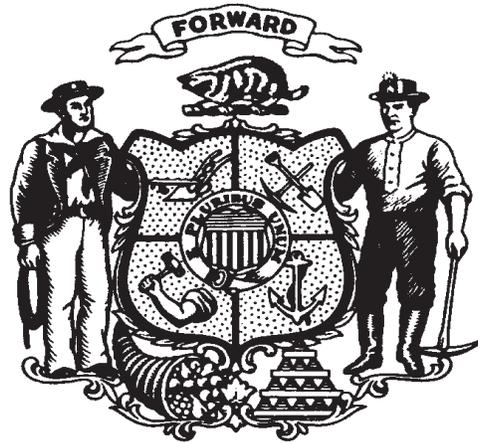


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Emergency rules now in effect

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

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

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

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

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

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

Agriculture, Trade & Consumer Protection

Rules adopted revising **chs. ATCP 10 and 11** relating to chronic wasting disease in cervids.

Finding of emergency

(1) Chronic wasting disease is a contagious disease known to affect several species of the cervid family, including elk, white-tailed deer, black-tailed deer, red deer and mule deer. The disease is always fatal. At the present time, there is no scientific evidence to suggest that chronic wasting disease is transmitted to non-cervids or to humans. But there is limited scientific knowledge about the disease, and this lack of knowledge has contributed to public concerns.

(2) The cause of chronic wasting disease is not fully understood. The disease appears to be related to aberrant protein molecules called prions. By an unknown mechanism, prions apparently cause other protein molecules in the cervid brain to take aberrant forms. The disease causes microscopic vacuoles (holes) in the brain. Diseased cervids become emaciated, display abnormal behavior patterns, and experience loss of bodily functions.

(3) Science does not understand how chronic wasting disease is spread. It is thought that infected cervids can transmit the disease to other cervids, either directly or by contaminating their environment. It appears that cervid-to-cervid contact facilitates the spread of the disease.

(4) On February 27, 2002, the national veterinary services laboratory informed Wisconsin that it had confirmed chronic wasting disease for the first time in this state. The laboratory confirmed the disease in test samples collected from 3 free-ranging white-tailed deer killed by hunters during the

November 2001 gun deer season. The Wisconsin Department of Natural Resources (DNR) collected these samples as part of a statewide disease surveillance program. With the voluntary cooperation of hunters, DNR collected test samples from deer killed and registered by hunters at selected hunting registration sites around the state. DNR collected a total of 345 samples statewide, including 82 samples at the Mt. Horeb registration station. The 3 deer that tested positive for chronic wasting disease were all registered at the Mt. Horeb station. The 3 deer were shot in close proximity to each other in Vermont Township in Dane County. We do not know how the 3 deer were exposed to chronic wasting disease, nor do we know the extent of infection in the free-ranging herd.

(5) We do not know whether any captive cervids in Wisconsin are infected with chronic wasting disease (there are no findings to date). If captive cervids are infected, the close proximity of cervids within a captive herd may facilitate the spread of disease within the herd. The movement of infected cervids between herds may spread the disease to other herds. Contact between free-ranging and captive cervids may also spread the disease.

(6) Persons importing captive cervids to Wisconsin must obtain an import permit from the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). Importers must identify the herd of origin and the herd of destination. A veterinarian must certify that the cervids appear to be in good health, and that they have been tested for tuberculosis and brucellosis. There is no chronic wasting disease testing requirement, because there is no way to test live cervids for the disease.

(7) Since 1995, a total of 2,604 captive cervids have been legally imported into Wisconsin. This includes 2,020 elk, 191 whitetail deer, 12 mule deer and 387 other cervids. Chronic wasting disease has been found in free-ranging herds or in some captive herds in Colorado, Nebraska, Oklahoma, Kansas, Montana, South Dakota, and Wyoming. Since 1995, a total of 410 captive cervids have been legally imported to Wisconsin from these states. Most other states lack active chronic wasting disease surveillance programs, so the full extent of the disease is not known with certainty.

(8) DATCP currently registers captive cervid herds, other than white-tail deer herds. DNR currently licenses captive white-tail deer herds. Since 1998, DATCP has sponsored a voluntary program to monitor for chronic wasting disease among the captive herds that it registers. Approximately 50 herd owners currently participate in this program.

(9) Since chronic wasting disease was confirmed in this state, there has been widespread public concern about the disease. The public has expressed concern about the health of free-ranging deer and elk, and about potential threats to humans, livestock and deer-related businesses. Hunters and consumers have expressed food safety concerns. There is currently no scientific evidence to suggest that chronic wasting disease is transmissible to non-cervids or to humans. But there is limited scientific knowledge about the disease, and this lack of knowledge has contributed to public concerns.

(10) In order to protect the public peace, health, safety and welfare, it is necessary to take immediate steps to prevent and control the spread of chronic wasting disease in this state. Among other things, it is necessary to impose further controls on the import and movement of captive cervids and to implement a mandatory monitoring program. DATCP may adopt rules to implement these measures.

(11) Normal rulemaking procedures require up to a year or more to complete. A temporary emergency rule is needed to protect the public peace, health, safety and welfare, pending the adoption of longer-term rules. This emergency rule will implement essential prevention and control measures on an immediate, interim basis.

Publication Date: April 9, 2002
Effective Date: April 9, 2002
Expiration Date: September 6, 2002
Hearing Date: May 22, 2002
Extension Through: May 31, 2003

Commerce

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

The Wisconsin Department of Commerce proposes an order to create **ch. Comm 118** relating to the Agricultural Development Zone Program.

Finding of emergency

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

Facts constituting the emergency are as follows:

1. In accordance with s. 560.798 (5), Stats., the Department of Commerce has the responsibility to promulgate rules for the operation of an agricultural development zone to provide for the attraction, promotion, retention, and expansion of agricultural businesses in the state.

2. Section 560.798 (3), Stats., makes available certain tax benefits for certified business within an agricultural development zone; tax credits first apply to tax years beginning on or after January 1, 2003.

3. Commerce, being the agency with primary authority for economic development in the state, recognizes that there is a verified need to attract, promote retain, and expand Wisconsin agricultural businesses. For example, over the past 50 years, Wisconsin has experienced an average of six dairy farms leaving production each day.

4. In the year 2001, state milk production declined by more than one billion pounds, resulting in a near 5% decline in milk production.

5. Western states have increased their cheese production, while Wisconsin experiences declining milk production and dairy processing activities; this program would immediately assist Wisconsin in regaining its prominence in dairy and dairy processing production.

6. The creation of this program combined with other economic development programs in the state is expected to increase the competitiveness of the Wisconsin dairy industry.

This emergency rule is being created in order that the process of designating an agricultural development zone be commenced as soon as possible and that such eligible businesses may become certified and participate in the tax benefits through the Agricultural Development Zone Program.

Publication Date: August 13, 2002
Effective Date: August 13, 2002
Expiration Date: January 10, 2003
Hearing Date: October 16, 2002
Extension Through: March 10, 2003

Corrections

Rules adopted amending **ch. DOC 316**, relating to medical, dental and nursing copayment charges.

Exemption from finding of emergency

The department of corrections adopts this emergency rule pursuant to the statutory requirements of 2001 Wis. Act 109. The Act provides, in relevant part:

“Using the procedure under section 227.24 of the statutes, the department of corrections shall promulgate the rules that are required under section 302.386 (4) (a) of the statutes relating to the deductible, coinsurance, copayment, or similar charge that must be imposed under section 302.386 (3) (b) of the statutes.”

and,

“Notwithstanding section 302.386 (3) (b) of the statutes, the rules shall require the department to require that, subject to the exception and waiver provisions under section 302.386 (3) (c) of the statutes, each person to whom section 302.386 (1) of the statutes applies pay a deductible, coinsurance, copayment, or similar charge of at least \$7.50 for each request that the person makes for medical or dental services.”

Currently, the department’s administrative rules provide for a \$2.50 copayment under such circumstances as described above. This emergency rule raises the copayment to \$7.50 as directed by 2001 Wis. Act 109.

In addition, pursuant to 2001 Wis. Act 109 the department makes no finding of emergency in promulgating this rule. 2001 Wis. Act 109 expressly exempts the department from the statutory requirements to do so.

Publication Date: September 3, 2002
Effective Date: September 3, 2002
Expiration Date: January 31, 2003
Hearing Date: November 18, 2002
Extension Through: March 31, 2003

Health and Family Services (2) (Medical Assistance, Chs. HFS 100—)

1. Rules adopted creating **ch. HFS 109**, relating to SeniorCare.

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:

The high cost of prescription drugs in Wisconsin and nationwide are especially burdensome on the elderly, many of whom live on a fixed income. Through 2001 Act 16, Wisconsin has addressed the problem those increasingly high costs pose to the elderly by creating section 49.688 of the statutes. Section 49.688 directs the Department to develop and administer the program of prescription drug benefits for the elderly that has come to be known as “SeniorCare.” The statute also directs the Department to develop administrative rules for implementing SeniorCare, which the Department has done by creating a new chapter of administrative rules, HFS 109. The rules address a variety of issues associated with operating the program in accordance with section 49.688, Stats., including specifying:

- what prescription drugs are covered;
- who is eligible for benefits and services;
- how the Department determines household income for the program’s eligibility determination;

- how the Department monitors compliance by pharmacists and pharmacies; and
- mechanisms for preventing fraud and abuse.

The Department drafted these rules to parallel the prescription drug provisions of the existing Medicaid rules in chs. HFS 101 to 108. The Department developed the program's administrative elements in consultation with an advisory committee composed of representatives of physicians, counties, seniors and pharmacies.

While the Department is currently in the process of promulgating ch. HFS 109 as permanent rules, s. 49.688 (5) (a) and (7) (a), Stats., mandate the initiation of some SeniorCare program elements beginning on September 1, 2002. To meet this deadline, the Department is issuing ch. HFS 109 as emergency rules to preserve the public welfare.

Publication Date: September 1, 2002
Effective Date: September 1, 2002
Expiration Date: January 29, 2003
Hearing Date: October 10, 2002
Extension Through: March 29, 2003

2. Rules adopted revising chs. HFS 101 to 107, relating to the Medicaid Family Planning Demonstration Project.

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:

On June 25, 1999, the Department submitted a request for a waiver of federal law to the Centers for Medicare and Medicaid Services (CMS), the agency within the United States Department of Health and Human Services that controls states' use of Medicaid funds. On June 14, 2002, the Centers for Medicare and Medicaid granted the waiver, effective January 1, 2003. The waiver allows the state to expand Medicaid services by providing coverage of family planning services for females of child-bearing age who would not otherwise be eligible for Medicaid coverage. Under the waiver, a woman of child-bearing age whose income does not exceed 185% of the federal poverty line will be eligible for most of the family planning services currently available under Medicaid, as described in s. HFS 107.21. Through this expansion of coverage, the Department hopes to reduce the number of unwanted pregnancies in Wisconsin.

Department rules for the operation of the Family Planning Demonstration Project must be in effect before the program begins. The program statute, section 49.45 (24r) of the statutes, became 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 the Family Planning Demonstration Project not later than July 1, 1998, or the effective date of the waiver, whichever date was later. After CMS granted the waiver, the Department determined that the Family Planning Demonstration Project could not be implemented prior to January 1, 2003, and CMS approved this starting date. Upon approval of the waiver, the Department began developing policies for the project and subsequently the rules, which are in this order. The Department is publishing the rules by emergency order so the rules take effect in February 2003, rather than at the later date required by promulgating permanent rules. In so doing, the Department can provide health care coverage already authorized by CMS as quickly as possible to women currently not receiving family planning services and unable to pay for them. The Department is also proceeding with promulgating

these rule changes on a permanent basis through a proposed permanent rulemaking order.

Publication Date: January 31, 2003
Effective Date: January 31, 2003
Expiration Date: June 30, 2003

Health and Family Services (3) **(Health, Chs. HFS 110—)**

1. Rules adopted creating s. HFS 115.04 (9) to (13), relating to screening newborn infants for congenital disorders.

Finding of emergency

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

The early identification of particular congenital and metabolic disorders that are harmful or fatal to persons with the disorders is critical to mitigating the negative effects of such disorders. Therefore, Wisconsin Statute 253.13 requires that every infant born be subjected to blood tests for congenital and metabolic disorders, as specified in administrative rules promulgated by the Department. Parents, however, may refuse to have their infants screened for religious reasons. The Department has issued ch. HFS 115, Screening of Newborns for Congenital and Metabolic Disorders, to administer this statutory requirement. Currently, s. HFS 115.04 lists eight congenital and metabolic disorders for which the state hygiene laboratory must test newborn blood samples.

In determining whether to add or delete disorders from the list under s. HFS 115.04, s. HFS 115.06 directs the Department to seek the advice of persons who have expertise and experience with congenital and metabolic disorders. For this purpose, the Department established the Wisconsin Newborn Screening Umbrella Advisory Group. Section HFS 115.06 also lists six criteria on which the Department must base its decision to add to or delete disorders from s. HFS 115.04. These criteria are:

1. Characteristics of the specific disorder, including disease incidence, morbidity and mortality.
2. The availability of effective therapy and potential for successful treatment.
3. Characteristics of the test, including sensitivity, specificity, feasibility for mass screening and cost.
4. The availability of mechanisms for determining the effectiveness of test procedures.
5. Characteristics of the screening program, including the ability to collect and analyze specimens reliably and promptly, the ability to report test results quickly and accurately and the existence of adequate follow-up and management programs.
6. The expected benefits to children and society in relation to the risks and costs associated with testing for the specific condition.

In consideration of these criteria, the Wisconsin Newborn Screening Umbrella Advisory Group recently recommended that the Department add five aminoacidopathies, i.e., amino acid-related disorders, to the eight disorders currently screened for and listed in s. HFS 115.04. These disorders are:

- Maple Syrup Urine Disease;
- Homocystinuria;
- Tyrosinemia;
- Citrullinemia; and

- Argininosuccinic Acidemia.

Persons with these disorders can experience serious medical consequences such as failure-to-thrive, developmental delays, seizures, mental retardation and death.

The additional costs associated with these five additional screening tests is less than a dollar per baby screened because the amino acids in the blood sample are measured simultaneously with the acylcarnitines for Fatty Acid Oxidation and Organic Acidemias. In the absence of this screening, the Department estimates the annual Wisconsin costs for these disorders to be \$144,909. The Department also estimates the annual Wisconsin costs of this screening to be \$29,134. Therefore, the cost benefit from these five screening tests is \$115,775.

The Advisory Group also recommended that the Department immediately begin screening newborns for these additional disorders. Before this testing can begin, the Department must change its rules to add the five new disorders to the existing list under s. HFS 115.04. Permanent rules require six or more months to take effect. Collectively, these disorders occur, on average, once in every 30,000 births. Given an annual birthrate of about 68,000 in Wisconsin, delaying the effective date of these rules by six or more months may result in one to three persons being born with one of these five disorders and that fact escaping detection. To eliminate this possibility and ensure that newborn testing begins as soon as possible, the Department has chosen to promulgate this rule change on an emergency basis while the Department promulgates a permanent rule.

While the Department is currently in the process of promulgating these amendments to the permanent rules, the Department must implement these changes immediately to preserve the public health. Therefore, the Department is issuing these identical amendments as an emergency order.

Publication Date: October 12, 2002
Effective Date: October 12, 2002
Expiration Date: March 11, 2003
Hearing Date: December 17, 2002

2. Rules adopted amending **chs. HFS 110 to 113**, relating to licensing of EMT's and certification of first responders, incorporating responding to acts of terrorism as a training component.

Finding of emergency

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

2001 Wisconsin Act 109 amended section 146.50 (6) (a) 2., (b) 2. and (8) (b) 3. by adding the requirement that as of January 1, 2003, to receive an initial or renewed EMS license or first responder certification, the applicant must have received training in response to acts of terrorism. Section 146.50 (6) (b) 2. of the statutes specifically directs the Department, in conjunction with the technical college system board, to promulgate rules specifying training, education, or examination requirements for training in response to acts of terrorism. The training must be completed by all persons desiring to receive an initial or renewed license or certification after January 1, 2003. To enforce and administer this statutory requirement, the Department must revise the administrative rules associated with the licensing of Emergency Medical Technicians (EMTs) – Basic and EMTs – Basic IV (found in ch. HFS 110), EMTs – Intermediate (found in ch. HFS 111), EMTs – Paramedic (found in ch. HFS 112) and First Responders (found in ch. HFS 113.)

The required rule changes will remove any question of whether the department had the authority to require persons to receive training for acts of terrorism. Such training is needed to promote the public's health and safety and due to the statutory effective date of January 1, 2003, the department is promulgating these rule changes through an emergency order. The department is also proceeding with promulgating these rule changes on a permanent basis through a proposed permanent rulemaking order.

Publication Date: December 31, 2002
Effective Date: December 31, 2002
Expiration Date: May 30, 2003
Hearing Date: February 17, 2003

3. Rules adopted revising **ch. HFS 163**, relating to certification for the identification, removal and reduction of lead-based paint hazards.

Finding of emergency

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

The presence of lead in paint and soil is believed to contribute to the level of lead found in the blood of persons, particularly children, living in the area. The federal Environmental Protection Agency (EPA) maintains regulations intended to reduce environmental lead hazards principally by:

- Specifying the thresholds for an environment to be considered as presenting a lead-based paint hazard; and
- Requiring training and certification of persons who perform lead hazard reduction activities or lead investigation activities so those persons are best able to prevent exposure of building occupants to hazardous levels of lead.

The federal government may authorize a state to administer its own lead training and certification program if the state has regulations governing certification of persons for the identification, removal and reduction of lead-based paint hazards that are as protective as those specified in the EPA regulations.

In Wisconsin, the Department of Health and Family Services administers the lead training and certification program. The Department has established administrative rules under chapter HFS 163 to guide its administration of the program. In 2000, the Department began work to extensively revise ch. HFS 163 to implement 1999 Wisconsin Act 113, which established a program for registering lead-free and lead-safe properties. The proposed rule was released for public review and comment on December 12, 2000. On January 5, 2001, in volume 66, number 4 of the Federal Register (66 FR 1206-1239), the EPA published regulations that established standards for lead-based paint hazards under 40 CFR Part 745, Subparts D and L, and required states with authorized lead training and certification programs under 40 CFR Part 745, Subpart Q, to implement the regulations by February 5, 2003. Because the proposed rule had already been released for public review and comment and the EPA standards for lead-based paint hazards would affect the lead-safe property standards under ch. HFS 163, the Department decided to educate the public about the new EPA standards for lead-based paint hazards before revising the rule to reflect the new EPA standards. If Wisconsin is to continue administering its program of training and certification of persons performing lead abatement and lead investigation activities (in lieu of a program operated by the EPA), the Department must revise ch. HFS 163 by February

3, 2003 to comply with those most recent and final federal regulations at 40 CFR Part 745, Subparts D, L and Q.

If the Department does not make these changes to ch. HFS 163, Wisconsin could lose some or all of its Federal lead grant funding and EPA's authorization for the Department's lead program. Since the federal regulation provides the first measurable definition of a lead-based paint hazard, the Department needs to adopt this definition in order to protect the state's citizens.

The most significant modification to the rules pertains to the permissible level of residual lead dust in window troughs. The current lead-safe property standards expressed under s. HFS 163.42 allow a higher level of lead dust in window troughs than is permissible in corresponding EPA regulations and also do not require properties to be free of soil-lead hazards. Making the changes to s. HFS 163.42 through this order will mean that persons removing lead-based paint hazards may need to clean window troughs more thoroughly to reduce the dust-lead levels and also may need to cover bare soil. Most lead investigation professionals in Wisconsin already perform lead investigation work in conformance with the more stringent lead levels specified in EPA's regulations to ensure a more protective environment for residents, especially when conducting clearance following abatement activities. Conformance with the more stringent EPA regulations is also currently required when lead hazard reduction work is performed using federal funds. Since most lead investigation professionals already use the more protective EPA standards, the rule changes should have little effect on persons conducting lead investigation or abatement activities.

Among the changes the Department is making through this order, the most significant are the following:

1. Prior to this order, section HFS 163.14 (5) (c) 8. required that, following lead abatement, a window well or trough may contain no more than 800 micrograms of lead dust per square foot. The revised EPA regulations specify a maximum level of 400 micrograms per square foot. To comply with federal regulations, the Department is reducing the permissible threshold to 400 micrograms per square foot.

2. Prior to this order, section HFS 163.15 (2) specified that a lead hazard is present in soil when the arithmetic mean for laboratory results for samples of bare soil is equal to or greater than 2,000 parts per million. The EPA revised regulations state that a lead hazard is present in soil when bare soil in a play area contains total lead content equal to or exceeding 400 parts per million or when bare soil in the rest of the yard contains an average of 1,200 parts per million of lead. To comply with the federal regulations, the Department is reducing the permissible threshold to that specified by the EPA.

3. The Department is adding standards, as section HFS 163.15 (3), for determining when a lead-based paint hazard exists.

4. The Department is modifying section HFS 163.42 (1) (b) and (c) to require that all exterior painted components, regardless of their height above the ground, be free of deteriorated paint unless the paint is proved to be lead-free.

5. The Department is revising its standards for lead-safe property under s. HFS 163.42 (1) (f) and (j) to reflect these lower levels for lead in dust and soil.

6. Finally, the Department is revising section HFS 163.42 (1) (j) to require that there be no soil-lead hazard on registered lead-safe property.

Publication Date: January 3, 2003

Effective Date: January 3, 2003

Expiration Date: June 2, 2003

Insurance

Rules adopted amending s. **Ins 3.39**, relating to Medicare Supplement insurance policies.

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 and welfare. The facts constituting the emergency are as follows:

These changes clarify the persons eligible who have the right to have policies guaranteed issued. The changes track the recent revisions in the NAIC model act implementing the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act ("BIPA"), by January 1, 2003. In order to provide more certainty and provide guaranteed issue to the appropriate persons in Wisconsin, it is necessary that the changes be put into effect as soon as possible. In addition, since insurers are required to be in compliance with the Federal law, implementing this rule effective on the same date will allow insurers to modify their policies one time rather than two.

The Commissioner is sending contemporaneously with this Emergency Rule, the permanent rule, Clearinghouse No. 02-118, to the Legislature for review. A hearing on the permanent rule, pursuant to published notice thereof, was held on November 7, 2002. The Office has received comment and revised the rule as necessary to incorporate comments from the public and as contained within the Clearinghouse Report.

Publication Date: December 16, 2002

Effective Date: December 16, 2002

Expiration Date: May 14, 2003

Natural Resources (5)

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

- Rules adopted revising **chs. NR 10 and 45**, relating to the control and management of chronic wasting disease.

Finding of emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The state legislature has delegated to the department rule-making authority in 2001 Wisconsin Act 108 to control the spread of Chronic Wasting Disease (CWD) in Wisconsin. CWD poses a risk to the health of the state's deer herd and citizens and is a threat to the economic infrastructure of the department, the state, its citizens and businesses.

Publication Date: July 3, 2002

Effective Date: July 3, 2002

Expiration Date: November 30, 2002

Hearing Date: August 12, 2002

Extension Through: April 1, 2003

2. Rules adopted repealing and recreating **s. NR 20.20 (49) (d) and (61) (c)**, relating to the closure of carp fishing on Cedar Lake and connected waters in Polk and St. Croix counties.

Finding of emergency

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

Spring viremia of carp virus is of international animal health concern. The virus affects fishes in the minnow family in nature. Minnows are extremely important forage fish for many important sport fishes in Wisconsin and are also important to the bait and aquaculture industries. Assuring the health of minnow populations and preventing the spread to other waters is important in preserving the welfare of Wisconsin citizens by protecting popular and economically valuable sport and bait fisheries. Little is currently known about the extent of the virus and until we can increase our knowledge, this closure will limit the potential spread from transport of fish and/or their parts and fluids.

Publication Date: October 3, 2002
Effective Date: October 3, 2002
Expiration Date: March 2, 2003
Hearing Date: November 11, 2002

3. Rules adopted amending **s. NR 25.06 (1) (a) 1. to 3.**, relating to commercial fishing in Lake Superior.

Finding of emergency

The waters of Lake Superior were not part of the extensive off-reservation treaty rights litigation known as the Voigt case. The parties stipulated that the Lake Superior rights would be dealt with, to the extent possible, by agreement rather than litigation. This rule represents the implementation of the most recent negotiated amendments to the agreement between the State and the Red Cliff and Bad River Bands. These amendments incorporate the results of a new population estimate that was not available previously. In order to comply with the terms of the agreement, the State must change its quotas and commercial fishing regulations at the earliest possible date. Failure of the State to do so will not only deprive state fishers of increased harvest opportunities available under the agreement, but could also jeopardize the agreement, putting the entire Lake Superior fishery at risk of litigation.

Publication Date: November 1, 2002
Effective Date: November 1, 2002
Expiration Date: March 31, 2003
Hearing Date: December 13, 2002

4. Rules adopted revising **chs. NR 16 and 19** and creating **ch. NR 14**, relating to captive wildlife.

Finding of emergency

2001 Wis. Act 56 was not enacted until April of 2002. It required standards for captive animals held under licenses issued under ch. 169, Stats., to be in place by January 1, 2003, the effective date of the change from licensing under ch. 29, Stats., to ch. 169, Stats. As the use of the permanent rule process would not allow these standards to be in place by January 1, 2003, the Department had no choice but to use the emergency rule procedures. Failure to have standards in place would result in the lack of humane care standards for wild animals held in captivity and the lack of pen standards necessary to prevent the interactions between captive and wild animals.

Publication Date: December 20, 2002
Effective Date: January 1, 2003
Expiration Date: May 31, 2003
Hearing Date: January 16, 2003

5. Rules adopted revising **ss. NR 10.07 (2), 12.06 and 19.60**, relating to the control and management of chronic wasting disease.

Finding of emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The state legislature has delegated to the department rule-making authority in 2001 Wisconsin Act 108 to control the spread of Chronic Wasting Disease (CWD) in Wisconsin. CWD poses a risk to the health of the state's deer herd and citizens and is a threat to the economic infrastructure of the department, the state, its citizens and businesses. This rule is needed to reduce the deer herd in the CWD eradication zone further than accomplished through the hunting seasons to help prevent the spread of CWD.

Initial Applicability. This emergency rule repeals and recreates portions of the original CWD emergency rule order (WM-32-02 (E)) which was adopted by the Natural Resources Board in June 2002. The effective period of this emergency rule will coincide with the effective period of the original CWD emergency rule order which has been extended by the Legislative Joint Committee on the Review of Administrative Rules until April 1, 2003, pursuant to 2001, Wisconsin Act 108.

Publication Date: January 11, 2003
Effective Date: January 11, 2003
Expiration Date: April 1, 2003
Hearing Date: February 11, 2003

Nursing

Rules adopted creating **s. N 4.10**, relating to malpractice insurance coverage for nurse-midwives.

Exemption from finding of emergency

Under Section 13 of 2001 Wisconsin Act 52, the Board of Nursing is directed to use the procedure under s. 227.24, Stats., in promulgating the rules required under s. 441.15 (5) (b) of the statutes. Under that procedure, the Board of Nursing may promulgate this rule for the period before permanent rules become effective. The Board of Nursing need not provide evidence of the necessity of preservation of the public peace, health, safety, or welfare in promulgating this rule.

Analysis prepared by the Department of Regulation

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats., and ss. 441.15 (2) (c), 441.15 (3) (a) 3. and 441.15 (5), as created by 2001 Wisconsin Act 52, and s. 441.15 (3) (bm), as amended by 2001 Wisconsin Act 52.

Statutes interpreted: s. 441.15 (2) (c), 441.15 (3) (a) 3., 441.15 (3) (bm) and 441.15 (5) (b), Stats.

2001 Wisconsin Act 52 makes a number of changes to the provisions affecting nurse-midwives, including that licensed nurse-midwives carry malpractice insurance in an amount determined by rules to be promulgated by the Board of Nursing. This rule establishes those requirements relating to malpractice coverage for nurse-midwives.

Using the procedure under s. 227.24, Stats., the Board of Nursing will promulgate the rules as created by 2001 Wisconsin Act 52, for the period before permanent rules become effective.

Publication Date: November 5, 2002
Effective Date: November 5, 2002
Expiration Date: April 4, 2003
Hearing Date: March 7, 2003

Veterans Affairs

Rules adopted amending s. VA 12.02 (7) and (16), relating to the maximum loan amount under the personal loan program.

Finding of Emergency

The Department of Veterans Affairs finds that an emergency exists and that a rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is as follows:

The Department administers a personal loan program that may be used by veterans and their dependents for various statutory purposes. The purposes include debt consolidation, payment of delinquent child support, education expenses, and medical and funeral expenses, and the purchase of a mobile home or business property. The current maximum loan amount, set by the Department at sec. VA 12.02 (7), Wis. Adm. Code, is \$10,000. The permissible statutory maximum loan amount may be \$15,000, as set by the Department by administrative rule.

The Department proposes to raise the amount to the statutory maximum for several compelling reasons. Raising the maximum loan amount will help stimulate the economy by providing additional resources for veterans and their families. Due to the state of the economy, veterans and their families have a significant need for financial assistance in the form of below market interest rate loans. Additionally, the personal loan program is the primary source of revenue for the veterans trust fund. Immediate infusion of additional assets in the form of personal loans will provide significant financial support for the trust fund. It is expected that increasing the maximum loan amount will result in approximately \$4,000,000 of new loan assets over the 8-month period in which it would take to promulgate this rule change using the regular promulgation procedure.

Publication Date: August 5, 2002
Effective Date: August 5, 2002
Expiration Date: January 2, 2003
Hearing Date: December 6, 2002
Extension Through: March 2, 2003

Workforce Development (Public Works Const. Contracts, Chs. DWD 290–294)

Rules adopted amending s. DWD 290.155 (1), relating to the annual adjustment of thresholds for application of prevailing wage rates.

Finding of Emergency

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

The Department of Workforce Development is acting under its statutory authority to annually adjust thresholds for the application of prevailing wage laws on public works projects. The thresholds are adjusted in accordance with any change in construction costs since the last adjustment. The last adjustment was initially by emergency rule in January 2002 based on changes in the construction cost index in 2001. The Department uses the construction cost index in the December issue of the *Engineering News-Record*, a national construction trade publication, to determine the change in construction costs over the previous year. The current construction cost index indicates a 2.7% increase in construction costs in 2002. This increase in construction costs results in an increase in the threshold for application of the prevailing wage laws from \$36,000 to \$37,000 for single-trade projects and from \$175,000 to \$180,000 for multi-trade projects.

If these new thresholds are not put into effect by emergency rule, the old thresholds will remain effective for approximately 7 months, until the conclusion of the permanent rule-making process. Between January 1, 2003, and August 1, 2003, a single-trade project with a minimum estimated project cost of more than \$36,000 but less than \$37,000 or a multi-trade project with an estimated cost of more than \$175,000 but less than \$180,000 would not be exempt from the prevailing wage laws, as they would be if the emergency rule were promulgated. The threshold adjustments for application of the prevailing wage laws are based on national construction cost statistics and are unlikely to be changed by the permanent rule-making process. The Department is proceeding with this emergency rule to avoid imposing an additional administrative burden on local governments and state agencies.

Publication Date: December 27, 2002
Effective Date: January 1, 2003
Expiration Date: May 31, 2003
Hearing Date: February 27, 2003

Scope statements

Employee Trust Funds

The Department of Employee Trust Funds (DETF) gives notice pursuant to s. 227.135, Stats., that it proposes to modify an existing administrative rule, specifically Wis. Admin. Code s. ETF 20.25 (1) (a) and (2). This proposed rule corresponds to an emergency rule being promulgated by DETF.

Subject

This proposed rule will affect the annual effective date of post-retirement annuity adjustments, or so-called “annuity dividends,” under ss. 40.27 (2) and 40.28 (2), Stats.

Policy Issues

All Wisconsin Retirement System annuities are paid, in part, from the fixed retirement investment trust. Some annuitants also participate in the variable retirement investment trust. There are often great differences between the annual “fixed” and “variable” dividends, but adjustment to both types of annuity are made at the same time each year.

Previously, annuity dividends for both the fixed retirement investment trust and the variable retirement investment trust were effective on April 1 of each year and therefore appeared on the May 1 annuity check. The April 1 date was set by administrative rule. Last year the DETF revised its rule. Clearinghouse Rule #02-049, effective on October 1, 2002, amended s. ETF 20.25 (1) (a) and (2) to alter the April 1 date to read “March 1.” See the Administrative Register, September 2002, No. 561.

The change to the earlier effective date for dividends was made at the request of annuitants, who wanted to receive the benefits of dividend increases as soon as possible. The April 1 date was originally the earliest the DETF could make the changes each year. However, due to improved automation of the calculation and distribution of the dividends, it is now administratively feasible to make the adjustments a month earlier than was previously possible. In addition, the change from April 1 to March 1 is more in accord with the timing of the actuary’s annual valuations.

The first dividend actually to be affected by the 2002 rule (CR #02-049) would be the dividend payable in early 2003. Projections indicate that, due in large part to the effect of three years of market declines, the fixed division dividend will likely be 0%. The annual change to variable division annuities, which is more volatile because it reflects only the past year’s performance, will be negative and in the range of -25 to -30%. This means that the portion of an annuitant’s annuity payable from the fixed division will not increase during 2003, while, if the annuitant receives a portion of his or her annuity from the variable annuity division, that portion of the annuity will be reduced.

Annuitants are understandably concerned about cuts to their annuities being made effective earlier this year than in previous years. The intention behind CR #02-049 was to give annuitants their dividends as early as possible. When drafting of the rule began in early 2002, the year-end market earnings were unknown. The DETF, Employee Trust Funds Board, Wisconsin Retirement Board and Teachers Retirement Board

are therefore reconsidering CR #02-049 and how its short-term effects may be mitigated.

This scope statement is for a proposed rule that would amend s. ETF 20.25 (1) (a) and (2), again. An emergency rule is being promulgated to effectively block implementation of the new March 1 date for this year. Since the emergency rule can remain in effect only for a limited time, either a new permanent rule must be promulgated or, by default, March 1 will be the effective date for future dividends in 2004 and afterwards.

Objectives of the Rule. To avoid additional short-term harm to individual WRS annuitants who will already bear the effects of the market downturn though a zero percent fixed annuity dividend and a double-digit negative variable change.

The proposed rule would not change the new, lower, one-tenth of one percent threshold for prorated fixed dividends created by CR #02-049. For fixed division annuities effective during the immediately preceding year, the full dividend payable to long-term annuitants is prorated, based on the number of full months (out of a possible 12) that the annuity had been in effect. However, no prorated dividend was payable unless it was over a threshold of 1%. Increased automation makes it administratively feasible to adjust annuities by a smaller amount. So, the 2002 rule-making lowered the threshold to payment of a prorated dividend on an annuity from the fixed retirement from the previous 1% to one-tenth of a percent (0.1%). The DETF and Boards are not reconsidering that aspect of CR #02-049, which did not affect variable annuities at all.

Policy Analysis

The proposed rule would restore the status quo ante, with respect to dividend effective dates, so that annuity dividends would be payable on the same schedule as before CR #02-049 was promulgated. The DETF, Employee Trust Funds Board, Wisconsin Retirement Board and Teachers Retirement Board will consider whether the effective repeal of the provisions of CR #02-049 changing “April 1” to “March 1” should be permanent, temporary until some specified future date, or temporary depending on market conditions.

DETF and the Boards are also proceeding with an emergency rule, to which this proposed rule is a companion, to block implementation of the March 1 date during 2003.

Policy Alternatives to the Proposed Rule

The policy alternatives are to:

1. Do nothing and allow future annuity “dividends,” whether positive or negative, to become effective March 1, 2004, and thereafter.
2. Change the effective date of the annual dividends from April 1 to March 1 but effective at some other time in the future.
3. Re-establish April 1 as the annual effective date for annuity dividends.

Statutory authority

Section 40.03 (1) (m), (2) (i), (7) (d) and (8) (d), Stats.

Staff time required

The Department estimates that state employees will spend 10 hours to develop this rule.

Natural Resources**Subject**

Chapter NR 20 pertaining to fishing regulations on inland waters particularly the establishment of a permit and reporting system for commercial wild bait harvest.

Policy analysis

The Department is beginning the administrative process of developing a permit and reporting system for commercial harvest of wild bait from the waters of Wisconsin.

In fall 1997 concerns were raised by a diverse group of angling interests regarding the Department's wild bait harvest policy. The concerns included: 1) lack of information on wild bait harvest, 2) enforcement concerns, 3) exotic species, 4) incidental catch of gamefish and threatened and endangered species, 5) impact of harvest on fish communities. The Department currently has very little information regarding wild bait harvest and in order to address many of the concerns listed, it is necessary to establish a means to collect information. The method proposed to gather such information is a permit system that requires mandatory reporting. The Department has worked closely with the wild bait industry over the past year on the details of the permitting and reporting system. Along with the Wild Bait industry, other interested parties include the aquaculture industry, angling and sporting groups.

Statutory authority

Sections 23.09 (2), 29.014, 29.014 (1), 29.509 (4) and (5), 29.604 (7) and 227.11 (2) (a), Stats.

Staff time required

The Department will need approximately 200 hours to develop the proposed rule.

Natural Resources**Subject**

Chapter NR 25 – Commercial fishing for white perch

Policy analysis

The white perch is a non-indigenous species that has proliferated in Green Bay. Commercial fishers may harvest limited numbers of white perch under contracts for the removal of rough and detrimental fish, but have not done so because until recently PCB concentrations exceeding 2 parts per million made the fish unmarketable under FDA rules. Recent surveys have shown that PCB levels in Green Bay white perch are now, in almost all cases, within the range that would allow legal sale in commercial markets, and some commercial fishers would like to harvest white perch for commercial sale. Under current rules, the harvest would be limited by the terms of the rough and detrimental fish removal contracts.

Department staff would like explore options for allowing increased harvest of white perch. These will include changing the terms of the current contracts and changing the administrative code. Consideration will be given to possible impacts of an enhanced white perch fishery on other species, including yellow perch and walleye.

Statutory authority

Sections 29.041, 29.014 (1), 29.424 (1), 29.519 (1) (b) and 227.11 (2) (a), Stats.

Staff time required

This may require 120 person-hours of staff time and will involve personnel from both the Fisheries and Law Enforcement programs.

Transportation**Subject**

Objective of the rule. This rule making will create ch. Trans 202 to implement a Wisconsin Scenic Byways program as specified by s. 84.106, Stats. The rule will establish the administrative process and criteria for eligibility, designation and implementation of certain state trunk highways as Wisconsin scenic byways. The program will allow local units of government to nominate certain state trunk highways for designation as a state scenic byway. A Scenic Byways Advisory Committee will be created to make recommendations to the secretary of the Department of Transportation on designation; the secretary will make the final determination.

The program will include a unique logo on designated routes and publication of a brochure or booklet similar to the Rustic Roads Booklet. It is anticipated that this program will promote tourism and economic development. It is complimentary to other initiatives including the Department's Rustic Roads program; the Department's Great Lakes Circle Tour routes and the Wisconsin Department of Tourism's Heritage Tourism program. Routes designated as state scenic byways may also qualify for discretionary grants from the National Scenic Byways Program of the Federal Highway Administration.

Policy analysis

The purpose of the Wisconsin Scenic Byways program is to identify, designate, promote and enhance a system of state trunk highways recognized for their outstanding scenic views and ability to offer travelers an exceptional travel experience. These byway corridors highlight the best scenic resources along with the natural, historic, archeological, cultural and recreational opportunities available in Wisconsin.

The following qualifications and criteria were developed with the input of a 16 member Scenic Byways Advisory Group which was appointed by the Secretary. It unanimously endorsed the following proposed program structure:

Qualifications for a proposed scenic byway:

- A state trunk highway segment
- Route at least 30-miles long
- Excludes Interstate and other Corridor 2020 backbone routes
- Route not scheduled or anticipated for improvement
- No significant safety problems
- Have scenic qualities as its "base" characteristic
- Local government sponsor(s) to demonstrate local support

Application procedure:

Applicants must complete a two-step process: an initial screening, followed by the more formal application.

Screening Form. A screening form will gather basic information about a proposed scenic byway corridor—its length, scenic qualities, and any historic, recreational, or educational attributes. A Scenic Byways Advisory

Committee will review the screening form and make a recommendation about whether the applicant should further pursue byway designation through the second step – the application process. The advisory committee will consist of representatives nominated by the Departments of Tourism, Commerce and Natural Resources, and the State Historical Society and approved by the secretary of the Department of Transportation. It will also include the chairpersons of the Senate and Assembly standing committees having jurisdiction over transportation matters and two members at large chosen by the secretary of the Department of Transportation.

Application. The application process gathers more detailed information about a potential scenic byway including: a mile-by-mile inventory of the route; resolutions of support from local governments along the corridor; and a corridor management plan that outlines a long-term management strategy for the byway. The Scenic Byways Advisory Committee reviews the application materials and makes a formal recommendation. The Secretary makes the final determination on a highway corridor's designation as a scenic byway.

Effect of scenic byway designation

The designation of a state trunk highway as a scenic byway will not:

- Inhibit or prevent safety or capacity improvements from being done.
- Stop private development from occurring.
- Invoke or trigger smart growth legislation or requirements.
- Turn state trunk highways into rustic or country roads.

Statutory authority

Sections 84.106, 85.16 and 227.11, Stats.

Staff time required

Approximately 500 hours.

Veterans Affairs

Subject

Amendment of s. VA 2.03 of the Wisconsin Administrative Code – Relating to the use of the on-the-job training provision of the retraining grant.

Objective of the rule. The proposed rule would identify new criteria that the department could use to administer the on-the-job training component of the retraining grant program.

Policy analysis

Under the current rule, retraining grant program requirements, including eligibility and the application

process, are well suited for the education portion of the grant. However, for the on-the-job training portion they greatly diminish its effectiveness by requiring that the application go through the county veterans service officer and bypass the state's veterans employment representatives in the job centers. Eligibility requirements and application procedures should be streamlined to encourage employers to use the grant as an incentive to hire veterans with barriers to entry-level positions. The proposed rule will identify criteria to enable the secretary to accomplish these goals.

Statutory authority

Section 45.397, Stats.

Staff time required

Approximately 40 hours of department of veterans affairs staff time will be needed to promulgate the rules.

Veterans Affairs

Subject

Amendment of s. VA 13.05 of the Wisconsin Administrative Code – Relating to the collection of monthly program fees from participants in the veterans assistance program.

Objective of the rule. The proposed rule would increase the amount of fees the Veterans Assistance Program may collect from residents of regional transitional housing sites.

Policy analysis

In accordance with the goal of the regional housing sites becoming more self-sustaining, the rule for program fees for residents receiving income allows the regional sites to collect revenue from those participants receiving income to offset the costs for food, shelter, security and management. Under the current rule, a maximum of 10% of gross income may be collected after debt service and the first check is exempt. Under the proposed change to the rule, a maximum of 30% may be collected to offset operational costs. The first check would not be exempt as to a lump sum award of back pension, compensation, salary or other entitlement income covering a period where the participant was a resident of a site. This will enable the Veterans Assistance Program additional revenue to offset operational costs and move toward the goal of fiscal independence.

Statutory authority

Section 45.357 (2).

Staff time required

Approximately 5 hours of Department of Veterans Affairs staff time will be needed to promulgate the rules.

Submittal of rules to legislative council clearinghouse

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

Commerce

Rule Submittal Date

On February 7, 2003, the Wisconsin Department of Commerce submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

The proposed rule affects ch. Comm 45, relating to mechanical refrigeration.

Agency Procedure for Promulgation

A public hearing is scheduled for March 19, 2003. The Safety and Buildings Division is primarily responsible for the promulgation of the proposed rules.

Contact

If you have questions regarding this rule, you may contact Ronald Acker at (608) 267-7907.

Mark Mitchell

P.O. Box 8916, Madison, WI 53708-8916

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For questions concerning the department's rule promulgation process contact:

Rosie Greer

Administrative Rules Coordinator

P.O. Box 7850, Madison, WI 53707-7850

Ph. 608-266-1279

Fax 608-267-1434

Greerrj@dhfs.state.wi.us

Commerce

Rule Submittal Date

On February 6, 2003, the Wisconsin Department of Commerce submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

The proposed rule affects ch. Comm 48, relating to petroleum products.

Agency Procedure for Promulgation

A public hearing is scheduled for March 19, 2003. The Division of Environmental and Regulatory Services is primarily responsible for the promulgation of the proposed rules.

Contact

If you have questions regarding this rule, you may contact Ronald Acker at (608) 267-7907.

Health and Family Services

Rule Submittal Date

On February 10, 2003 the Wisconsin Department of Health and Family Services submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

The proposed rule affects chs. HFS 101 to 104 and 107, relating to Medicaid Waiver for Family Planning Demonstration Project.

Agency Procedure for Promulgation

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

Contact

Al Matano, 267-6848

Health and Family Services

Rule Submittal Date

On February 5, 2003, the Wisconsin Department of Health and Family Services submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

The proposed rule affects ch. HFS 39, relating to voluntarily relinquishing custody of a newborn who is 72 hours old or younger.

Agency Procedure for Promulgation

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

Contact

For questions concerning the subject matter of the proposed rule contact:

Health and Family Services

Rule Submittal Date

On February 10, 2003 the Wisconsin Department of Health and Family Services submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

The proposed rule affects ch. HFS 163, relating to lead abatement in paint and soil.

Agency Procedure for Promulgation

Statutory Authority: Sections 254.167, 254.172 and 254.179 (1) (a) and (2), Stats.

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

Contact

For questions concerning the subject matter of the proposed rule contact:

Gail Boushon, 608-267-2289

For questions concerning the department's rule promulgation process contact:

Rosie Greer, 608-266-1279

Natural Resources

Rule Submittal Date

On February 10, 2003 the Department of Natural Resources submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

The proposed rule affects chs. NR 10, 12 and 19, relating to hunting and trapping regulation changes.

Agency Procedure for Promulgation

A public hearing is scheduled for April 14, 2003.

Contact

Kurt Thiede, Bureau of Wildlife Management.

Natural Resources

Rule Submittal Date

On February 10, 2003 the Department of Natural Resources submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

The proposed rule affects ch. NR 20, relating to fishing on the inland and outlying waters of Wisconsin.

Agency Procedure for Promulgation

A public hearing is scheduled for April 14, 2003.

Contact

Pat Schmalz, Bureau of Fisheries Management and Habitat Protection.

Natural Resources

Rule Submittal Date

On February 10, 2003 the Department of Natural Resources submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

The proposed rule affects chs. NR 10 and 19, relating to feeding and baiting of deer.

Agency Procedure for Promulgation

Public hearings are scheduled for March 17, 18 and 19, 2003.

Contact

Kurt Thiede, Bureau of Wildlife Management.

Natural Resources

Rule Submittal Date

On February 10, 2003 the Department of Natural Resources submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

The proposed rule affects chs. NR 10, 19 and 45, relating to control and management of chronic wasting disease.

Agency Procedure for Promulgation

Public hearings are scheduled for March 17, 18 and 19, 2003.

Contact

Kurt Thiede, Bureau of Wildlife Management.

Natural Resources

Rule Submittal Date

On February 10, 2003 the Department of Natural Resources submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

The proposed rule affects chs. NR 10 and 15, relating to hunting and trapping regulations.

Agency Procedure for Promulgation

A public hearing is scheduled for March 11, 2003.

Contact

Kurt Thiede, Bureau of Wildlife Management.

Natural Resources

Rule Submittal Date

On February 10, 2003 the Department of Natural Resources submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

The proposed rule affects chs. NR 190 and 192, relating to lake management planning grants.

Agency Procedure for Promulgation

A public hearing is scheduled for March 20, 2003.

Contact

Carroll Schaal, Bureau of Fisheries Management and Habitat Protection.

Physical Therapists

Rule Submittal Date

On February 10, 2003, the Physical Therapists Affiliated Credentialing Board submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Agency Procedure for Promulgation

Statutory Authority: ss. 15.085 (5) (b) and 227.11 (2), Stats., and ss. 448.527, 448.55, 448.564, 448.567, Stats., as created by 2001 Wisconsin Act 70.

The proposed rule-making order relates to the licensing of physical therapists and physical therapy assistants, as well as continuing education.

A public hearing is required and will be held on March 4, 2003, at 9:00 a.m. in Room 179A, 1400 East Washington Avenue, Madison, Wisconsin, 53702.

Contact

Pamela Haack, Paralegal, Office of Administrative Rules, (608) 266-0495.

Workforce Development

Rule Submittal Date

On February 12, 2003 the Department of Workforce Development submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

The proposed rule affects ch. DWD 40, relating to the child support guidelines.

Agency Procedure for Promulgation

Statutory Authority: Sections 49.22 (9) and 227.11 (2), Stats.

Public hearings are required and will be held on March 17, 25, and 27, 2003.

The organizational unit responsible for the promulgation of the proposed rules is the DWD Division of Workforce Solutions.

Contact

Elaine Pridgen

608 267-9403

e-mail: elaine.pridgen@dwd.state.wi.us

Rule-making notices

Notice of Hearing
Commerce
(Mechanical Refrigeration, Ch. Comm 45)
[CR 03-012]

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.02 (15) (h) to (j), 101.17 and 101.177, Stats., the Department of Commerce will hold a public hearing on proposed rules relating to mechanical refrigeration.

The public hearing will be held as follows:

Date, Time and Location

Wednesday, **March 19, 2003** at 10:00 p.m.
 Room 3C, Thompson Commerce Center
 201 West Washington Avenue
 Madison

Analysis prepared by the Department of Commerce

Statutory Authority: Sections 101.02 (15)(h) to (j), 101.17 and 101.177, Stats.

Statutes Interpreted: Sections 101.02 (15)(h) to (j), 101.17 and 101.177, Stats.

The Division of Safety and Buildings within the Department of Commerce is responsible for protecting the health, safety and welfare of the public by establishing reasonable and effective safety standards for the construction, repair and maintenance of public buildings and places of employment. Chapter Comm 45 contains minimum safety standards for the design, construction, installation, operation, inspection, repair and maintenance of mechanical refrigeration systems.

The proposed rules consist of a complete update of ch. Comm 45 in order to bring the chapter up to date with current technology and nationally recognized standards. The current ch. Comm 45 is basically a rewritten version of a previous edition of the Safety Code for Mechanical Refrigeration, ASHRAE 15, published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE). The proposed rules require compliance with the 2000 edition of the International Mechanical Code (IMC), as incorporated by reference in the new Wisconsin Commercial Building Code. The proposed rules also include most of the requirements from the current edition of the ASHRAE 15 standard as well as the IAR 2 standard published by the International Institute of Ammonia Refrigeration, as referenced in the IMC. The proposed new ch. Comm 45 contains basically the same administration and enforcement provisions as the current chapter.

The proposed rules have been developed with the assistance of the Mechanical Refrigeration Code Advisory Council. The members of that citizen advisory council are as follows:

Name	Representing
Jeffrey G. Boldt	Madison Chapter ASHRAE
John Brenton	Wisconsin Assn. of Meat Processors
Brady Farrell	Mechanical Contractors Assn. of WI
David Guckelberger	Air-Conditioning & Refrigeration Institute
Gary Hammen	Wisconsin State AFL-CIO
Al Mlakar	Sheet Metal & Air-Conditioning Contractors Assn.
Randy S. Pucek	City of Milwaukee
Frederick Weidenfeller II	Vilter Manufacturing Corp.

Interested persons are invited to appear at the hearing and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until **April 2, 2003**, to permit submittal of written comments from persons who are unable to attend the hearing or who wish to supplement testimony offered at the hearing. Written comments should be submitted to Ronald Acker, Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689.

This hearing is held in an accessible facility. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 266-8741 or (608) 264-8777 (TTY) at least 10 days prior to the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon request by a person with a disability.

The proposed rules and an analysis of the proposed rules are available on the Internet at the Safety and Buildings Division web site at:

www.commerce.state.wi.us/SB/SB-HomePage.html. Paper copies may be obtained without cost from Roberta Ward, Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, WI 53701-2689, Email rward@commerce.state.wi.us, telephone (608) 266-8741 or (608) 264-8777 (TTY). Copies will also be available at the public hearing.

Environmental Analysis

Notice is hereby given that the Department has prepared a preliminary Environmental Assessment (EA) on the proposed rules. The preliminary recommendation is a finding of no significant impact. Copies of the preliminary EA are available from the Department on request and will be available at the public hearing. Requests for the EA and comments on the EA should be directed to:

Ronald Acker
 Division of Safety and Buildings
 Department of Commerce
 P.O. Box 2689
 Madison, Wisconsin 53701-2689
 Telephone (608) 267-7907
 or TTY (608) 264-8777

Written comments will be accepted until April 2, 2003.

Initial Regulatory Flexibility Analysis:

1. Types of small businesses that will be affected by the rules.

The rules will affect any business involved with the design, construction, installation, operation, inspection, repair or maintenance of mechanical refrigeration systems.

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

There are no new reporting or bookkeeping procedures required for compliance with the rules.

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

There are no types of professional skills necessary for compliance with the rules.

Fiscal Estimate

The Safety and Buildings Division is responsible for administering and enforcing ch. Comm 45. The proposed rules do not contain any changes in the Division's fees charged for administering and enforcing ch. Comm 45. Also, the proposed rules will not create any additional workload costs. Therefore, the proposed rules will not have any fiscal effect on the Division.

Notice of Hearing

Commerce (Petroleum Products, Ch. Comm 48)

[CR 03-011]

NOTICE IS HEREBY GIVEN that pursuant to ss. 168.04, 168.07 (2) and 168.16 (4), Stats., the Department of Commerce will hold a public hearing on proposed rules relating to petroleum products.

The public hearing will be held as follows:

Date, Time and Location

Wednesday, **March 19, 2003** at 1:00 p.m.
 Room 3C, Thompson Commerce Center
 201 West Washington Avenue
 Madison

Analysis prepared by the Department of Commerce

Statutory Authority: Sections 168.04, 168.07 (2) and 168.16 (4), Stats.

Statutes Interpreted: Sections 168.04, 168.07 (2) and 168.16 (4), Stats.

The Environmental and Regulatory Services Division within the Department of Commerce is responsible for the inspection of petroleum products that come into the state of Wisconsin. The petroleum products must meet minimum product grade specifications as prescribed by rule by the Department. The product grade specifications are contained in ch. Comm 48.

The proposed rules consist of a complete update of ch. Comm 48. The current ch. Comm 48 contains tables listing product grade specifications that petroleum products must

meet. The proposed rules remove the tables from ch. Comm 48 and replace them with the incorporation by reference of specification standards published by the American Society for Testing and Materials (ASTM). The ASTM specification standards are adopted for fuel oils, gasoline, diesel fuel oil, kerosene and biodiesel fuel. The standards are adopted as written, except for one modification to the specifications for diesel fuel oil. The flash point temperature for No. 2 diesel fuel oil is changed to 100 degrees Fahrenheit instead of the 125 degrees in the ASTM standard. The proposed rules contain several other miscellaneous changes for consistency with the Statutes.

The proposed rules have been developed with the assistance of the Petroleum Products Code Advisory Committee. The members of that citizen advisory committee are as follows:

Name	Representing
Don DeMaster	Wisconsin Small Engine Consortium
Robert S. Elvert	Wisconsin Petroleum Council
Curt Heller	Wisconsin Federation of Cooperatives
Greg Klimek	Wisconsin Motor Carriers Association
Tony Wanta	National Petrochemical & Refiners Association
Gary Welch	Renewable Fuels Association
Ed Wolf	Petroleum Marketers Association of Wisconsin

Interested persons are invited to appear at the hearing and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until April 2, 2003, to permit submittal of written comments from persons who are unable to attend the hearing or who wish to supplement testimony offered at the hearing. Written comments should be submitted to Ronald Acker, Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689.

This hearing is held in an accessible facility. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 266-8741 or (608) 264-8777 (TTY) at least 10 days prior to the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon request by a person with a disability.

Copies of the proposed rules may be obtained without cost from Ronald Acker, Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, Email racker@commerce.state.wi.us, telephone (608) 267-7907 or (608) 264-8777 (TTY). Copies will also be available at the public hearing.

Environmental Analysis

Notice is hereby given that the Department has considered the environmental impact of the proposed rules. In accordance with ch. Comm 1, the proposed rules are a Type III action. A Type III action normally does not have the potential to cause significant environmental effects and normally does not involve unresolved conflicts in the use of available resources. The Department has reviewed these rules and finds no reason to believe that any unusual conditions exist. At this time, the Department has issued this notice to serve as a finding of no significant impact.

Initial Regulatory Flexibility Analysis:

1. Types of small businesses that will be affected by the rules.

The proposed rules will affect any business that brings petroleum products into the state.

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

In addition to the reporting and bookkeeping requirements of the current code, the proposed rules contain a new requirement for reporting on shipping papers the percentages of petroleum-source diesel fuel and non-petroleum-source diesel fuel when mixtures of these fuels are distributed.

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

There are no types of professional skills needed for compliance with the proposed rules.

Fiscal Estimate

The Environmental and Regulatory Services Division is responsible for administering and enforcing ch. Comm 48. The proposed rules do not contain any changes in the Division's fees charged for administering and enforcing ch. Comm 48. Also, the proposed rules will not create any additional workload costs. Therefore, the proposed rules will not have any fiscal effect on the Division.

Notice of Hearing Medical Examining Board [CR 03-023]

NOTICE IS HEREBY GIVEN that pursuant to ss. 15.08 (5) (b) and 227.11 (2), Stats., and ss. 15.407 (2m), 440.08 (2) (a) 54m., 448.015 (1e), 448.015 (1m), 448.015 (1s), 448.03 (1) (c), 448.03 (2) (L), 448.03 (2) (m), 448.03 (2) (n), 448.03 (3) (f), 448.04 (1) (d), 448.04 (1) (e), 448.05 (3), 448.05 (6) (am), 448.13 (2), 448.40 (2) (b) and 448.40 (2) (c), Stats., as created by 2001 Wisconsin Act 89, and interpreting ss. 15.407 (2m), 440.08 (2) (a) 54m., 448.015 (1e), 448.015 (1m), 448.015 (1s), 448.03 (1) (c), 448.03 (2) (L), 448.03 (2) (m), 448.03 (2) (n), 448.03 (3) (f), 448.04 (1) (d), 448.04 (1) (e), 448.05 (3), 448.05 (6) (am), 448.13 (2), 448.40 (2) (b) and 448.40 (2) (c), Stats., will hold a public hearing at the time and place indicated below to consider an order to create chapter Med 22, relating to the licensure and regulation of perfusionists.

Hearing Date, Time and Location

March 19, 2003

8:45 a.m.

1400 East Washington Avenue

Room 179A

Analysis prepared by the Department of Regulation and Licensing

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats., and ss. 15.407 (2m), 440.08 (2) (a) 54m., 448.015 (1e), 448.015 (1m), 448.015 (1s), 448.03 (1) (c), 448.03 (2) (L), 448.03 (2) (m), 448.03 (2) (n), 448.03 (3) (f), 448.04 (1) (d), 448.04 (1) (e), 448.05 (3), 448.05 (6) (am), 448.13 (2), 448.40 (2) (b) and 448.40 (2) (c), Stats., as created by 2001 Wisconsin Act 89.

Statutes interpreted: ss. 15.407 (2m), 440.08 (2) (a) 54m., 448.015 (1e), 448.015 (1m), 448.015 (1s), 448.03 (1) (c), 448.03 (2) (L), 448.03 (2) (m), 448.03 (2) (n), 448.03 (3) (f), 448.04 (1) (d), 448.04 (1) (e), 448.05 (3), 448.05 (6) (am), 448.13 (2), 448.40 (2) (b) and 448.40 (2) (c), Stats.

This proposed rule-making order comes pursuant to 2001 Wisconsin Act 89. This Act creates licensure for perfusionists, and creates the Perfusionist Examining Council to serve the Medical Examining Board in an advisory

capacity. Section Med 22.02 creates definitions for "board," "council," "perfusion" and "perfusionist."

Section Med 22.03 creates includes the requirements for initial licensure. Section Med 22.04 provides the examination requirements as well as the requirements that would require an oral examination. It also includes and other examinations. Section Med 22.05 provides what is required for a temporary license and s. Med 22.06 lists the requirements for a locum tenens license.

Section Med 22.07 lists the criteria necessary for an applicant to review examinations and Med 22.08 provides the necessary criteria for a board review of an examination error.

Section Med 22.09 defines the scope of practice of perfusion. The practice of perfusion is defined as those functions necessary for the support, treatment, measurement or supplementation of the cardiopulmonary and circulatory system of the patient. A perfusionist is a skilled person, qualified by academic and clinical education, who operates extracorporeal circulation equipment during any medical situation where it is necessary to support or replace the patient's cardiopulmonary/circulatory function and ensures the proper management of physiologic functions by monitoring the necessary variables.

The perfusionist is knowledgeable concerning the variety of equipment available to perform extracorporeal circulation functions and is responsible, in consultation with the physician, for selecting the appropriate equipment and tecunicvues to be used. The perfusionist may be administratively responsible for purchasing supplies and equipment, assuring periodic maintenance of same, as well as for appropriate personnel and departmental management. Management duties may include development and implementation of policies and procedures, quality assurance measures and staff development. Education and research are a fundamental part of the perfusionist's scope of practice.

And, finally, s. Med 22.10 describes continuing education requirements.

Fiscal Estimate

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

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

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

Initial Regulatory Flexibility Analysis

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

Copies of Rule and Contact Person

Copies of this proposed rule are available without cost upon request to: Pamela Haack, Department of Regulation and Licensing, Office of Administrative Rules, 1400 East Washington Avenue, Room 171, P.O. Box 8935, Madison, Wisconsin 53708 (608) 266-0495

Notice of Hearing Natural Resources (Fish, Game, etc., Chs. NR 1—)

[CR 03-015]

NOTICE IS HEREBY GIVEN that pursuant to ss. 23.09 (2), 29.014 and 227.11, Stats., interpreting ss. 29.164 (2) and

29.171, Stats., the Department of Natural Resources will hold a public hearing on revisions to chs. NR 10 and 15, Wis. Adm. Code, relating to hunting and trapping regulations. The proposed rule contains minor changes that provide clarifications to current rules, updated definitions, increasing management efficiency and altering limitations on hunters. The proposed changes include:

1. Current terminology for conibear-type traps (“killer”) as it relates to trapping needs to be updated and replaced with proper and modern terminology. The references are changed to “body-gripping”.

2. Creates a definition of a “cable restraint” and clarifies the difference between “cable restraints” and “snares”.

3. Corrects inaccurate citations and references within chs. NR 10 and 15.

4. Clarifies the date of the October Zone T season and assures that the hunt will always coincide with the southern Wisconsin teachers conference as requested by the Assembly Natural Resources Committee. In addition, this section clarifies that units with earn-a-buck seasons will participate in the Zone T hunts.

5. Clarifies that a turkey hunter may not use shot larger than no. 2 steel or no. 4 lead or other no. 4 non-steel shot while hunting for wild turkeys. This change would help clarify shot restrictions as they relate to turkey hunting for muzzleloader hunters.

6. Clarifies that the prohibition on rifles in shotgun zones applies to all deer seasons. This rule change would clarify that rifles larger than .22 rim-fire may not be used during any period in shotgun only portions of the state when hunting for deer with firearms is allowed, including regular deer seasons and herd control and CWD hunts (unless exempted specifically by rule).

7. Clarifies which deer seasons the 24-hour firearm restriction applies to. This change would help clarify that the 24-hour prohibition on possessing a loaded or uncased firearm in the field only applies to the “regular 9-day” deer gun season and not to the Zone T hunts or other special deer hunting with firearms dates such as the CWD herd control hunts.

8. Replaces “overwinter” with “preharvest” as it relates to popular goals for fisher, bobcat and otter. These changes result in achieving two goals. First, this change corrects the code to match the department’s management focus to preharvest or fall population goals rather than a “post harvest” or overwinter goal. The department has been managing bobcat, fisher and otter for years as a preharvest population goal, not a post harvest population goal. Secondly, adding the word “minimum” to the otter goal corrects an earlier rule that was passed via the statewide spring hearings and the Natural Resources Board and the word was inadvertently omitted.

9. Places Rock Island State Park under the section that correctly identifies this park as a shotgun only park, rather than a park where the use of rifles are authorized for gun deer hunting.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have an economic impact on small businesses.

NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the

Department’s consideration of the impacts of the proposal and reasonable alternatives.

Date, Time and Location

NOTICE IS HEREBY FURTHER GIVEN that the hearing will be held on:

Tuesday, **March 11, 2003** at 1:00 p.m.

Room 511, GEF #2

101 South Webster Street

Madison

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Kurt Thiede at (608) 267-2452 with specific information on your request at least 10 days before the date of the scheduled hearing.

Fiscal Estimate

These changes are minor in nature and are largely administrative changes that are not anticipated to result in added revenues or costs.

Written comments on the proposed rule may be submitted to Mr. Kurt Thiede, Bureau of Wildlife Management, P.O. Box 7921, Madison, WI 53707 no later than March 13, 2003. Written comments will have the same weight and effect as oral statements presented at the hearing. A copy of the proposed rule [WM-02-03] and fiscal estimate may be obtained from Mr. Thiede.

Notice of Hearings

Natural Resources (Fish, Game, etc., Chs. NR 1—)

[CR 03-016 and CR 03-017]

NOTICE IS HEREBY GIVEN that pursuant to ss. 29.014, 29.033, 29.307, 29.335, 29.885 and 227.11, Stats., interpreting ss. 29.033, 29.177, 29.307, 29.335 and 29.361, Stats., the Department of Natural Resources will hold public hearings on revisions to chs. NR 10, 19 and 45, Wis. Adm. Code, relating to the control and management of chronic wasting disease. The proposed rules create regulations designed to eradicate chronic wasting disease (CWD) in Wisconsin’s wild deer herd. The rules propose reducing deer populations to as close to zero as possible in infected CWD eradication zones and to reduce surrounding deer populations within 40 miles to 10 deer per square mile of deer range. These rules also propose to prohibit practices that may lead to the spread or transfer of the disease.

Natural Resources Board Order No. WM-09-03 proposes elimination of baiting and feeding deer statewide. The Department could authorize landowners and their agents to shoot deer over bait by permit in an eradication zone. Natural Resources Board Order No. WM-05-03 proposes:

1. Criteria for establishment of CWD management zones.
2. Extension of deer seasons within the CWD management zones.
3. Creation of an earn-a-buck deer hunt requirement in the CWD management zones.
4. Codification of the conditions for landowner permits to remove deer within the eradication zone.
5. Creation of a protocol for department use of aircraft to help reduce deer numbers within the eradication zone.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have a significant regulatory impact on small businesses.

However, these rules, specifically those relating to the use of food for the feeding and baiting of deer may affect the sale of feeding materials which may have a significant economic impact on wildlife feed stores, feed mills and other sellers of deer feed.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 1.11, Stats., and ch. NR 150, Wis. Adm. Code, the Department has prepared an Environmental Impact Statement (EIS) for this action. The Department will consider comments on the EIS when deciding whether to certify that the EIS meets the requirements of applicable state statutes and codes. The EIS includes:

Section 1. Background (History of the disease, current scientific knowledge regarding the disease, and previous actions taken by Wisconsin and other states to control the disease).

Section 2. Depopulation (Analysis of the proposed action and tools used to depopulate the deer herd and likely effects, and an analysis of all alternatives considered).

Section 3. Herd Reduction (Analysis of the proposed action and tools used to reduce the deer herd and likely effects, and an analysis of all alternatives considered).

Section 4. Baiting and Feeding (Analysis of the proposed baiting and feeding ban, the effects of the ban and an analysis of all alternatives considered).

Copies of the EIS are available for public review at public libraries in Wisconsin, DNR Service Centers and on the Department's website at <http://www.dnr.state.wi.us>.

Interested persons or their representatives will be given an opportunity to comment on and present their views regarding the proposed rules, the EIS and the environmental review process under s. 1.11, Stats., the Wisconsin Environmental Policy Act (WEPA), at the hearings. Oral presentations may be limited if it appears the hearing will be unduly lengthened by repetition.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. NR 2.085 (4), Wis. Adm. Code, any person may petition for the opportunity to cross examine the person or persons responsible for a specific portion of the environmental impact statement or to present witnesses or evidence. The opportunity to cross examine or present witnesses or evidence will follow the public hearings if a petition has been properly filed.

A petition to cross examine or present evidence shall include a statement of position on the action or proposal and specific statements and issues on which the person wishes to cross-examine or present evidence or witnesses. Petitions shall be filed within 20 days after the date on which this notice is published. Failure to file a petition under s. NR 2.085 (4),

Fiscal Estimate

The costs associated with the management and control of chronic wasting disease in the state will pose a significant financial burden including reduced revenues and increased costs in subsequent years.

Increased Costs Totals:

Salary and fringe: \$1,532,687

Mileage, meals and supplies: \$3,007,198

Decreased Total Revenues: \$634,004

Cost and decreased revenue details follows.

WM-05-03 Fiscal Estimate: Assumptions used in arriving at the fiscal estimate

This fiscal estimate is created based on the department's current knowledge of the distribution of CWD positive deer in the state. These estimates could change significantly if new positives are found in other parts of the state.

Increased Costs Details

Carcass Disposal: Based on the figures for the 2002 deer season statewide and in the CWD zones, we anticipate similar numbers to be generated for the 2003 seasons.

Wis. Adm. Code, shall preclude the opportunity to cross examine.

NOTICE IS HEREBY FURTHER GIVEN that the Department will hold an informational meeting beginning at 6:00 p.m. for one hour prior to each public hearing to present information and answer questions on the proposed rules and Environmental Impact Statement.

NOTICE IS HEREBY FURTHER GIVEN that the hearings on the proposed rules and the Environmental Impact Statement will be held on:

Monday, March 17, 2003 at 7:00 p.m.:

Conference Center, WITC, 2100 Beaser Ave., Ashland
Blackhawk Technical College, 6004 Prairie Road, Beloit
Theisen Middle School, 525 E. Pioneer Road, Fond du Lac
Brown County Central Library, 515 Pine Street, Green Bay
Copper Top Theater, UW-Richland Ctr, Hwy. 14, Richland Center
Shell Lake Primary School, 601 South 3rd Street, Shell Lake
Gymnasium, Union Grove High School, 3422 S. Colony Ave., Union Grove
Performing Arts Ctr., Lincoln High Sch., 180 116th St. S, Wis. Rapids

Tuesday, March 18, 2003 at 7:00 p.m.

Dodger Bowl, Hwy. 18 West, Dodgeville
Auditorium, Onalaska High School, 700 Hilltopper Place, Onalaska
Fitchburg Community Center, 5510 Lacy Road, Fitchburg
Auditorium, James Williams Jr. High School, 915 Acacia Lane, Rhinelander
Country Inn Hotel and Conference Center, 2810 Golf Road, Waukesha
Wausaukee High School, N11941 U.S. Hwy. 141, Wausaukee

Wednesday, March 19, 2003 at 7:00 p.m.

Auditorium, Eau Claire Memorial High School, Keith Street, Eau Claire
Auditorium, Park Falls High School, 400 9th Street North, Park Falls
Northwoods Conf. Center, Stoney Creek Inn, 1100 Imperial Ave., Mosinee

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call the Bureau of Wildlife Management at (608) 266-8204 with specific information on your request at least 10 days before the date of the scheduled hearing.

Anticipated Herd Reduction Zone and Outstate Disposal Costs

	Number of Carcasses	Cost
Carcasses directly landfilled	2,000	\$20,000.00
Carcasses picked up at off times	4,000	\$ 80,000.00
Carcasses disposed of in dumpsters	10,000	50,000.00
Outstate head disposal costs	28,000	\$ 35,000.00
Total		\$285,000.00

Anticipated Intensive Harvest Zone and Eradication Zone Disposal Costs based on 10,000 deer

Shipping Cost	\$314,050.00
Storage Cost	\$440,000.00
Cremation Cost	\$29,700.00
Landfill Cost	\$26,675.00
Misc. Disposal Cost 1	\$433,500.00
Other Misc. Costs 2	\$65,000.00
Total	\$1,308,925.00

1) Anticipated grand total for statewide carcass disposal \$1,593,925

Aerial Operations: The costs associated with supplies, staff and flight time if the department contracts with USDA –wildlife services to conduct aerial shooting and herding of deer in the eradication zone and the cost associated with the aerial surveys to estimate remaining deer populations in the CWD zones.

Aerial Gunning and Herding:

APHIS Staff:	\$206,774
Aircraft (20 hours/week for 12 weeks x 2 helicopters x \$700 / hr.):	\$336,000
Materials and supplies:	\$254,548
Total:	\$797,322

Aerial Surveys:

DNR Staff (6 FTE's x \$21.63/hour x 3 weeks)	\$15,574
Aircraft (35 hours/week for 3 weeks x \$600/hr.)	\$63,000
Materials:	\$10,000
Total:	\$88,574

2) Anticipated totals for aerial operations

Salary and Fringe:	\$15,575
Materials and Expenses:	\$870,322

CWD Deer Hunts: The costs associated with the implementation of the expanded deer hunt in the CWD intensive harvest and herd reduction zones assuming only the current zones are affected and new zones are not created:

Law Enforcement: The additional hunts will require 8 additional hours per pay period for each of the 26 wardens in the South Central Region. Added to this would be any necessary meals, miles, etc.

With an average salary of about \$25, with an additional \$10 for benefits and fringe, this works out as follows:

26 Wardens x 8 hours/pay period = 208 hrs/pay period x 10 pay periods = 2080/hrs x \$35/hr salary and fringe = **\$72,800** salary and fringe. In addition, there will be the added cost of approximately **\$8,840** meals and **\$9,486** in mileage (meals and miles based upon previous cost estimates for CWD efforts).

Wildlife Management: The costs associated with the implementation of the new CWD deer herd control hunts including the testing and permit issuance during the extended season at registration stations will result in an additional staff time including the use of an LTE's, as well as mileage and other equipment expenses.

10 LTE's x 20 hours/week = 200 hours x 10 pay periods = 2000 hours x \$10/hour = **\$20,000**

10 hours of overtime / pay period x 75 (50% of the wildlife staff) = 750 hours x 10 pay periods = 7,500 hours x \$28/hour (salary and fringe) = **\$210,000**

Meals, mileage and other 1614 appropriations based on the first 14 weeks of CWD operation expenditures (~ \$12,000 / wk): 20 weeks x \$12,000 = **\$240,000**

An additional cost will be the production of a regulation pamphlet to explain the CWD special hunt framework regulations and requirements.

Regulation Pamphlet 550,000 x \$.02 = **\$11,000**

Customer Service and Licensing: The production of special permits associated with the implementation of the special CWD hunts.

Est # Special Carcass Tags

(200k EAB, 100k Antlered, 15k Disease Replacement)	315,000
Cost per form	<u>\$0.075</u>
	\$ 23,625

An additional cost will be the time required by staff to answer CWD related questions and issue the special permits.

Equivalent FTE positions

(Assuming SCR&CO staff @ 15% & NOR,WCR,NER,SER staff @ 5%)	10.1
Average Annual CS Salary (not including benefits)	<u>\$ 29,200.00</u>
	\$294,920.00

Parks and Recreation: Signage and maps will need to be produced for the 8 state park properties where expanded herd control measures will be in effect.

Supplies and Services: Printing or updating Maps, Signs, Permits and Instructions:

\$500.00 for 8 other parks which have previously been open to deer hunting (\$500x 8) = **\$4,000**

Supplies and Services: Vehicle Maintenance and Expenses for Increased Patrol

\$1,000 per park x 8 = **\$8,000**

Salaries and Fringes – \$30 per hour: Determination of Hunting Boundaries, Preparing/Revising Maps and Signs, Posting Signs

16 hours 8 parks which have previously been open to deer hunting (16 x 8 x \$30) = **\$3,840**

Salaries and Fringes – \$30 per hour: Distributing Permits, Law Enforcement, Admitting Hunters to Park and/or Documenting Permits

4 hours per park per day x \$30 per hour x 8 x 38 days (based on the average number of days all 8 parks will be open to hunting) = **\$36,480**

3) Anticipated grand total for hunting season implementation

Salary and Fringe: \$637,240

Materials and Expences: \$304,951

Eradication Zone Efforts: The printing and issuance of permits, sharp shooting, carcass collection and registration are all areas where staff time and resources will be required.

Permit issuance and landowner contacts = 10 perm. employees x 10 additional hours/pay period x 4 pay periods = 400 x \$28 / hour = **\$11,200** salary and fringe.

Sharp shooting = 12 perm. employees x 20 additional hours/pay period x 14 pay periods = 3,360 x \$28 / hour = **\$94,080** salary and fringe.

Carcass pick-up crews = 8 perm. employees x 20 additional hours/pay period x 4 pay periods = 640 x \$28 / hour = **\$17,920** salary and fringe.

Baiting crews =

180 tons of bait @ \$200/ton **\$36,000**

Vehicle Mileage – 100,000 miles @ \$0.30/mile **\$30,000**

Salary and Fringe – 20 FTEs x \$21.63/hr. in salary and fringe x 8 weeks **\$138,432**

Registration Stations = 16 perm. employees x 20 additional hours/pay period x 4 pay periods = 1,280 x \$28 / hour = **\$35,840** salary and fringe.

Meals, mileage and other 1614 appropriations based on the first 14 weeks of CWD operation expenditures (~ \$12,000 / wk): 11 weeks x \$12,000 = **\$132,000**

Baiting and Feeding Enforcement: Respond to and investigate violations pertaining to the statewide ban on baiting and feeding. The new regulations will require approximately 8 FTE worth of effort statewide for Law Enforcement wardens.

2080 hours (1 FTE) x 8 x \$35/ hour (salary and fringe): **\$582,400**

Miscellaneous materials including ammunition, office supplies and field equipment: \$40,000

4) Anticipated grand total for eradication zone activities

Salary and Fringe: \$879,872

Materials and Expenses:**\$238,000****Decreased Revenue Details:**

There will be a loss in revenue stemming from the absence of bonus permit sales in the CWD zones.

Est # of OTC Bonus Sales lost (assumed 50% loss in split units)	24,048
Dollar figure assumes 4:1 ratio of Resident:Non-resident sales	<u>\$13.60</u>
	\$327,052.80
Est # of Bonus Sales lost thru mail (assumed 50% loss in split units)	22,570
Dollar figure assumes 4:1 ratio of Resident:Non-resident sales	<u>\$13.60</u>
	\$306,952.00

We assume that the loss in hunters was a product of some apprehension on behalf of our hunters who chose to sit out the year until statewide test results are returned. If CWD is confined to the south central part of the state we can assume that license sales will return to pre CWD levels. Even if we do not recover the lost hunters, we do anticipate the loss to stabilize and the hunters that purchased a license in 2002 will again purchase licenses into the future.

1) Anticipated total loss in revenue**\$634,004.80**

Written comments on the proposed rule and Environmental Impact Statement may be submitted to Mr. Kurt Thiede, Bureau of Wildlife Management, P.O. Box 7921, Madison, WI 53707 no later than March 31, 2003. Written comments will have the same weight and effect as oral statements presented at the hearings. A copy of the proposed rule [WM-05-03 and WM-09-03], fiscal estimate and Environmental Impact Statement may be obtained from Mr. Thiede.

Notice of Hearings**Natural Resources
(Fish, Game, etc., Chs. NR 1—)****[CR 03-014 and CR 03-018]**

NOTICE IS HEREBY GIVEN that pursuant to ss. 23.09 (2) (c), 29.014 (1), 29.041, 29.614 and 227.11 (2), Stats., interpreting ss. 29.014 (1) and 29.041, Stats., the Department of Natural Resources will hold public hearings on revisions to ch. NR 20, Wis. Adm. Code, relating to fishing on the inland and outlying waters of Wisconsin. The proposed rule will:

1. Eliminate tagging of fish unless an individual obtains a scientific collectors permit.
2. Change the closing date for the general inland hook and line fishing season, rough fish spearing seasons, and hook and line seasons on the Great Lakes and tributaries that currently close March 1 to the first Sunday in March.
3. Create a separate sturgeon carcass tag for the upriver lakes (Lakes Poygan, Winneconne and Butte des Morts) and Lake Winnebago during the special sturgeon spearing seasons held on the upriver lakes every 5 years (the next of which will be held in 2005). The upriver lakes tag would be usable only on the upriver lakes.
4. Reduce the season length from 2 days to one day for sturgeon spearing on the upriver lakes (Lakes Poygan, Winneconne and Butte des Morts) of the Winnebago system waters held every 5 years (the next of which will be held in 2005).
5. Identify waters open to hook and line lake sturgeon fishing and close all other waters to hook and line lake sturgeon fishing.
6. Close the hook and line fishing season for shovelnose sturgeon on the Chippewa river downstream from Interstate Highway 94 bridge at Eau Claire including its tributaries upstream to the first dam or lake.
7. Increase the minimum length limit from 34" to 45" for muskellunge on Lakes Waubesa and Monona, and from 40" to 45" for muskellunge on Lake Wingra, Dane county.
8. Increase the minimum length limit from 34" to 50" for muskellunge on Boom lake, Minocqua chain, Rhinelander

flowage, Thunder lake and Willow flowage and from 40" to 50" on Rainbow flowage, Oneida county.

9. Increase the minimum length limit from 34" to 50" for muskellunge on Big T. Germain lake, Big Sand lake, Content lake, Fawn lake, Long lake, Manitowish chain, Plum lake, Presque Isle chain, Star lake, and White Sand lake; increase the minimum length limit from 40" to 50" for muskellunge on Big Muskellunge lake, Crab lake, Kentuck lake and Papoose lake; increase the minimum length limit from 45" to 50" for muskellunge on Trout lake, Vilas county.

10. Extend the 40" minimum length limit for muskellunge currently in effect on Holcombe flowage (Chippewa and Rusk counties) to coincide with the walleye regulations for the Holcombe flowage and tributaries by increasing the minimum length limit from 34" to 40" for muskellunge on the Jump river, Price county; the Chippewa river and all tributaries upstream to the first dam or lake, the Flambeau river upstream to the Thornapple flowage dam including all tributaries upstream to the first dam or lake, and the Jump river and its tributaries upstream to the first dam or lake, Rusk county; the Chippewa river and all its tributaries upstream to the first dam or lake, Sawyer county; and the Jump river and tributaries upstream to the first dam or lake, Taylor county.

11. Change the size restriction from no minimum length limit with only one fish longer than 14" allowed to the statewide minimum size limit of 15" for walleye on East Horsehead lake and Manson lake, Oneida county.

12. Increase the minimum length limit from 15" to 28" and decrease the daily bag limit from 5 to one for walleye in Black Oak lake, Vilas county.

13. Increase the minimum length limit from 15" to 18" and decrease the daily bag limit from 5 to 3 for walleye in Found lake, Vilas county.

14. Increase the minimum length limit from 9" to 15", reduce the daily bag limit from 3 in total to one in total, and establish an artificial lure only restriction for trout on Ben Nutt creek, Mill creek, and the Onion river upstream from CTH E, Sheboygan county.

15. Increase the minimum length limit from 7" to 9" and reduce the daily bag limit from 5 in total to 3 in total for trout on Wood creek, Taylor county to coincide with regulations on the Rib river into which Wood creek flows and which is

commonly fished along with Wood creek by anglers on the same trip.

16. Reduce the daily bag limit from 25 in total to 10 in total for panfish on Thompson lake, Pepin county.

17. Decrease the daily bag limit from 25 in total to 10 in total for panfish on Sand lake, Sawyer county.

18. Increase the minimum length limit from 14" to 18" and decrease the daily bag limit from 5 in total to one in total for largemouth and smallmouth bass, increase the minimum length limit from none to 32" and reduce the daily bag limit from 5 to one for northern pike, and decrease the daily bag limit from 25 in total to 10 in total for panfish on Dry Dam lake, St. Croix county.

19. Decrease the daily bag limit from 25 in total to 10 in total for panfish on Squaw lake, St. Croix county.

20. Increase the minimum length limit from 14" to 18" and decrease the daily bag limit from 5 in total to one in total for largemouth and smallmouth bass on Hartford lake, Waushara county.

21. Decrease the daily bag limit from 25 in total to 10 in total for panfish on Hartford lake, Waushara county.

22. Create a 20" to 27" protected slot limit for walleye on the Mississippi river Pool 12 and reduce the daily bag limit for walleye and sauger from 10 in aggregate of which no more than 6 may be walleye to 6 in aggregate on the Wisconsin-Iowa boundary waters.

23. Establish a fish refuge beginning December 1 of each year and lasting through March 15 of the following year in, on or along the Mississippi river from lock and dam number 11 downstream to the STH 61 and 151 bridge on the Wisconsin-Iowa boundary waters.

24. Increase the minimum length limit from 14" to 18" and decrease the daily bag limit from 5 in total to one in total for largemouth and smallmouth bass on the Lower Wisconsin River from the Prairie du Sac dam downstream to the STH 80 bridge at Muscoda.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to ss. 23.09 (2), 29.014, 29.182 and 227.11 (2), Stats., interpreting ss. 29.182, 29.347, 29.361, 29.595 and 29.889, Stats., the Department of Natural Resources will hold public hearings on revisions to chs. NR 10, 12 and 19, Wis. Adm. Code, relating to hunting and trapping regulation changes. The proposed rules:

1. Allow the use of muzzleloading handguns for deer and bear hunting.

2. Modify the Metro Deer Management Unit season framework to eliminate overlapping regulations and seasons.

3. Eliminate the south muskrat and mink zone and incorporate these areas into the central zone.

4. Modify the zone boundary where bear hunting with dogs is allowed.

5. Authorize the use of dry land cable restraints for late-season fox and coyote trapping.

6. Create an elk hunting season framework, zones and update agricultural damage rules.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rules will have an economic impact on small businesses.

NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental

analysis before proceeding with the proposal. This environmental review document would summarize the Department's consideration of the impacts of the proposal and reasonable alternatives.

NOTICE IS HEREBY FURTHER GIVEN that at 7:00 p.m. on Monday, April 14, 2003, the County Conservation Congress for each county will hold its election of delegates. Upon completion of the delegate election, the joint spring hearing/Conservation Congress meeting will convene to take comments on the above rule modifications.

NOTICE IS HEREBY FURTHER GIVEN that the hearings will be held on **Monday, April 14, 2003 at 7:00 p.m.** at the following locations:

Adams – Adams Co. Courthouse, County Board Room, 402 Main St., Friendship

Ashland – Ashland High School, 1900 Beaser Ave., Ashland

Barron – Barron County Courthouse, Lecture Hall, 330 E.

LaSalle, Barron

Bayfield – Bayfield Co. Courthouse, 117 E 5th, Washburn

Brown – Southwest High School, Auditorium, 1331

Packerland Dr., Green Bay

Buffalo – Alma Area High School, Auditorium, S1618 STH

'35', Alma

Burnett – Burnett County Government Center, Rm. 165, 7410

Co. Rd. K, Siren

Calumet – Chilton Middle School, Gymnasium, 421 Court

Street, Chilton

Chippewa – Chippewa Falls Middle School, Auditorium A,

750 Tropicana Blvd., Chippewa Falls

Clark – Greenwood High School, Cafetorium, 306 W.

Central, Greenwood

Columbia – Poynette Village Hall, 106 South Main, Poynette

Crawford – Crawford County Courthouse, 220 N. Beaumont

Rd., Prairie du Chien

Dane – Alliant Energy Center (Dane Co. Expo Center), John

Nolan Dr. & Rimrock Rd., Madison

Dodge – Horicon City Hall, 404 E. Lake Street, Horicon

Door – Door County Courthouse, Room A150, 421 Nebraska,

Sturgeon Bay

Douglas – Northwestern Elementary School, 10499 E. U.S.

Hwy. 2, Poplar

Dunn – Dunn County Fish and Game Club, 1900 Pine Ave.,

Menomonie

Eau Claire – South Middle School, Auditorium, 2115

Mitscher, Eau Claire

Florence – Wild Rivers Interpretive Center, Hwys. 2 & 101,

Florence

Fond du Lac – Theisen Jr. High School, Auditorium, 525 E.

Pioneer Rd., Fond du Lac

Forest – Crandon School, Auditorium, U.S. Hwy. 8, Crandon

Grant – Lancaster High School, Hillary Auditorium, 806 E.

Elm Street, Lancaster

Green – Pleasant View Annex, Auditorium, 3150 Hwy 81,

Monroe

Green Lake – Green Lake High School, School Gym, 612

Mill St., Green Lake

Iowa – Dodgeville High School, Gymnasium, 912 W. Chapel,

Dodgeville

Iron – Iron County Courthouse, 300 Taconite Street, Hurley

Jackson – Black River Falls Middle School, LGI Room, 1202

Pierce, Black River Falls

Jefferson – Jefferson County Fair Grounds, Activity Center,

503 N. Jackson St., Jefferson

Juneau – Juneau County Courthouse, Courtroom, 220 E. State

St., Mauston

Kenosha – Bristol Grade School, Gymnasium, 20121 83rd St., Bristol

Kewaunee – Kewaunee County Courthouse, Courtroom #1, 613 Dodge St., Kewaunee

La Crosse – Onalaska High School, Auditorium, 700 Hilltop Pl., Onalaska

Lafayette – Darlington Community High School Gym., 11838 Center Hill Rd., Darlington

Langlade – Langlade Co. Fairgrounds, Multipurpose Building, 1581 Neva Rd., Antigo

Lincoln – Tomahawk School Complex, Auditorium, 1048 E. King Rd., Tomahawk

Manitowoc – UW Center–Manitowoc, Theater, 705 Viebahn St., Manitowoc

Marathon – John Muir Middle School, 1400 W. Stewart Ave., Wausau

Marinette – Wausaukee High School, Auditorium, N11941 Hwy. 141, Wausaukee

Marquette – Montello High School, Community Rm., 222 Forest Ln., Montello

Menominee – Menominee County Courthouse, Basement Meeting Room, Keshena

Milwaukee – Greenfield High School, Auditorium, 4800 S. 60th St., Greenfield

Monroe – Sparta Meadowview High School, Cafeteria, 1225 N. Water Street., Sparta

Oconto – Suring High School, Cafeteria, 411 E. Algoma, Suring

Oneida – Rhinelander High School, 665 Coolidge Ave., Rhinelander

Outagamie – Riverview Middle School, Auditorium, 101 Oak St., Kaukauna

Ozaukee – Webster Middle School, Auditorium, W75 N624 Wauwatosa Road, Cedarburg

Pepin – Pepin County Government Center, County Board Room, 740 7th Ave. W., Durand

Pierce – Ellsworth Senior High School, Auditorium, 323 Hillcrest, Ellsworth

Polk – Unity High School, 1908 150th Street/Hwy. 46, Balsam Lake

Portage – Ben Franklin Junior High School, Auditorium, 2000 Polk St., Stevens Point

Price – Price County Courthouse, 126 Cherry Street, Phillips

Racine – Union Grove High School, Auditorium, 3433 S. Colony Ave., Union Grove

Richland – Richland County Courthouse, Circuit Court Room, 181 W. Seminary, Richland Center

Rock – Moose Lodge, 2701 Rockport Rd, Janesville

Rusk – Ladysmith High School, 1700 Edgewood Ave. E., Ladysmith

St. Croix – WI Indianhead Tech College, Cashman Auditorium, 1019 S Knowles Ave., New Richmond

Sauk – Al Ringling Theater, 136 4th Ave., Baraboo

Sawyer – Hayward High School, Greenwood Lane, Hayward

Shawano – Shawano Community Middle School, Room LGI, 1050 S. Union St., Shawano

Sheboygan – Sheboygan Falls High School, Auditorium, 220 Amherst Ave., Sheboygan Falls

Taylor – Taylor County Fairgrounds, Multi–purpose Bldg., Medford

Trempealeau – Whitehall City Center, Auditorium, 36245 Park St., Whitehall

Vernon – Viroqua Middle School, Large Lecture Room, Blackhawk Drive, Viroqua

Vilas – Plum Lake Community Building, Golf Course Rd., Sayner

Walworth – Delavan Darien High School, Auditorium, 150 Cummings St., Delavan

Washburn – Agriculture Research Station, W6646 Hwy. 70, Spooner

Washington – Washington County Fairgrounds, Exhibit Hall, 3000 Hwy. P.V., West Bend

Waukesha – Waukesha County Expo Center Arena, 1000 Northview Rd., Waukesha

Waupaca – Waupaca High School, Auditorium, E2325 King Rd., Waupaca

Waushara – Waushara Co. Courthouse, 2nd Floor Courtroom, 209 S. St. Marie Street, Wautoma

Winnebago – Webster Stanley Middle School, Auditorium, 915 Hazel Street, Oshkosh

Wood – Pittsville High School, Auditorium, 5459 Elementary Avenue, Pittsville

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call AnnMarie Kutzke at (608) 266–2952 with specific information on your request at least 10 days before the date of the scheduled hearing.

Fiscal Estimate

The following rule proposals have been considered as part of this fiscal analysis and are not anticipated to result in a negative or positive impact to the state:

- Allow the use of muzzleloading handguns for deer and bear hunting.
- Modification of the Metro Deer Management Unit season framework to eliminate overlapping regulations and seasons.
- Eliminates the South muskrat and mink zone and incorporates these areas into the Central zone.
- Modify the zone boundary where bear hunting with dogs is allowed.
- Authorize the use of dry land cable snares for trapping.

The aspects of the rule that are anticipated to generate a fiscal impact are those associated with the development of an elk hunting season framework, zones and agricultural damage language.

Fiscal impacts on the Wildlife Damage Abatement and Claims Program for the first 10 years will be minimal to non-existent, though just having them included in the damage program will cost something in administration costs. The current attitude of the public, including agriculturists in the Clam Lake area support of the elk herd and tolerant of their presence. People historically are more tolerant in this area to deer damage and will likely be as tolerant if not more so to elk damage.

While the fees were set by statute, the rule implementing the hunting season allows the revenue to be generated. Based on permit and license sales numbers from Michigan, Arkansas and Pennsylvania (other states with introduced elk herds and hunting seasons), we have determined that we can anticipate approximately 19,000 applicants in our first year of issuing permits. At \$3 per application this equates to \$57,000. We anticipate having approximately 4–6 permits available in the initial seasons, these licenses will be available to hunters at \$41 will provide approximately only \$164 to \$246 in revenue. These revenues have been earmarked for elk

management and will be used to offset the costs associated with implementing the elk hunter education classes, enforcement during the elk season or the infrastructure and staff time required to issue permits and develop outreach and regulations relating to the hunt.

Long-Range Fiscal Implications:

Unable to determine long range fiscal impact since this is a first time hunt in the state and the hunt is not anticipated to begin until 2005. Based on the costs and revenues in the initial years of the hunt, the department will then have an opportunity to gauge the long term fiscal implications.

Written comments on the proposed rule revisions for wildlife may be submitted to Mr. Kurt Thiede, Bureau of Wildlife Management, P.O. Box 7921, Madison, WI 53707. Written comments on the proposed rule revisions for fisheries may be submitted to Mr. Pat Schmalz, Bureau of Fisheries Management and Habitat Protection, P.O. Box 7921, Madison, WI 53707. Written comments shall be postmarked no later than April 15, 2003. Written comments will NOT, however, be counted as spring hearing votes.

A copy of the proposed rules (FH-04-03 and WM-01-03) and fiscal estimates may be obtained from Ms. AnnMarie Kutzke, Bureau of Legal Services, P.O. Box 7921, Madison, WI 53707 or by calling (608) 266-2952.

Notice of Hearing

Natural Resources (Environmental Protection-General, Chs. NR 100—)

[CR 03-013]

NOTICE IS HEREBY GIVEN that pursuant to ss. 281.68 (3), 281.69 (6) and 227.11 (2) (a), Stats., interpreting s. 281.68 (3), Stats., the Department of Natural Resources will hold public hearings on revisions to ch. NR 190 and the repeal of ch. NR 192, Wis. Adm. Code, relating to lake management planning grants. The lake management planning grant program provides financial assistance to local governments and lake organizations for education and planning activities for protecting and improving inland lakes. Amendments are proposed to comply with changes in the enabling legislation that make qualified school districts eligible sponsors and allow the department to set dues levels qualified lake associations may charge to be eligible sponsors. In addition to minor housekeeping changes, the proposal will make the following changes:

1. Change the value of donated labor that can be used as match from the federal minimum wage to a flat rate of \$8 per hour.
2. Require that new applications for participation in the department's expanded self-help citizen lake monitoring program (chemistry monitoring) can only be made in August.
3. Specify the requirements for a complete application for large scale planning grants.
4. Clarify the process for approving a recommendation in an implementation plan as eligible for a ch. NR 191 lake protection grant.

Chapter NR 192 originally provided for the administration of grants for nonprofit conservation organizations to provide statewide technical support to county lake classification efforts. Statutory revisions changed this grant making authority to a contract making authority for which rules are not required. Therefore, ch. NR 192 is obsolete and is being repealed.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have an economic impact on small businesses.

NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the Department's consideration of the impacts of the proposal and reasonable alternatives.

NOTICE IS HEREBY FURTHER GIVEN that the hearing will be held on:

Thursday, March 20, 2003 at 3:30 p.m.

Room 511, GEF #2,
101 South Webster Street
Madison

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Mr. Carroll Schaal at (608) 261-6423 with specific information on your request at least 10 days before the date of the scheduled hearing.

Fiscal Estimate

There is no fiscal impact to the state. While the proposed rule will mean more sponsors will be eligible for grants and the local share may be easier to raise for some projects, the appropriated amount statewide will not increase.

While we expect that participation may increase slightly, at this time it is not possible for the department to estimate the impact on the lake grant program.

Written comments on the proposed rule may be submitted to Mr. Carroll Schaal, Bureau of Fisheries Management and Habitat Protection, P.O. Box 7921, Madison, WI 53707 no later than March 21, 2003. Written comments will have the same weight and effect as oral statements presented at the hearings. A copy of the proposed rule [FH-16-03] and fiscal estimate may be obtained from Mr. Schaal.

Notice of Hearings

Public Instruction [CR 03-006]

NOTICE IS HEREBY GIVEN That pursuant to s. 227.11 (2) (a), Stats., and interpreting s. 121.55 (1) (b) and (3), Stats., the Department of Public Instruction will hold public hearings as follows to consider the creation of Subchapter II of ch. PI 7, relating to pupil transportation. The hearings will be held as follows:

Date, Time and Location:

March 26, 2003 from 3:30 p.m. – 5:30 p.m.

GEF 3 Building
125 South Webster St.
Room 041
Madison

April 10, 2003 from 3:30 p.m. – 5:30 p.m.

North Central Technical College
1000 W. Campus Drive
Room E102
Wausau

April 24, 2003 from 3:30 – 5:30 p.m.

CESA 1
19601 W. Bluemound Road
Suite 200
Brookfield

The hearing sites are fully accessible to people with disabilities. If you require reasonable accommodation to access a meeting, please call Merry Larsen, School Administration Consultant, at (608) 266-2146 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

The administrative rule is available on the internet at <http://www.dpi.state.wi.us/dpi/dfm/pb/trans.html>. 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 and 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 May 7, 2003, 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 rule clarifies current law relating to procedures school districts must follow in offering parent contracts for transportation to ensure greater consistency among school districts in the application of the law under ss. 121.55 (1) (b) and (3), Stats. The proposed rule clarifies the difference between the two types of parent contracts available for use by school districts and assists districts in calculating the amount of compensation to be provided in parent contracts.

Section 121.55 (1) (b), Stats., allows a school board to provide transportation to a public or private school pupil by contracting with that pupil's parent or guardian to provide the transportation. The rules and present practice require the amount of compensation to be mutually agreed upon by the school board and the parent or guardian.

Section 121.55 (3), Stats., allows a school board to provide transportation to a private school pupil by contracting with that pupil's parent or guardian to provide the transportation if the estimated cost of transporting that pupil is more than 1.5 times the school district's average cost per pupil for bus transportation in the previous year, exclusive of transportation for kindergarten pupils during the noon hour and for pupils with disabilities. The rules provide a uniform worksheet for school districts to use in calculating their average cost per pupil for bus transportation. Currently, the method of calculating average cost per pupil for bus transportation varies from district to district.

The impetus for this rule is an on-going circuit court case involving a school district and the parent of a private school pupil living in that district. After the circuit court judge ordered the Department of Public Instruction to determine the amount of compensation provided in the parent contracts in question, the department held an administrative hearing in March, 2002. Both the circuit court judge and the

administrative law judge expressed the opinion that the department should promulgate rules to assist school districts in applying the provisions of s. 121.55, Wis. Stats., relating to parent contracts for pupil transportation.

Fiscal Estimate

The proposed rules establish procedures for school districts to follow when offering parent contracts for pupil transportation. The rules apply only to contracts to transport a pupil to and from school for the purpose of attending curricular programs or activities. The rules will ensure greater consistency among school districts in applying the law under ss. 121.55 (1) (b) and (3), Stats.

Section 121.55 (1) (b), Stats., allows a school board to provide transportation to a public or private school pupil by contracting with that pupil's parent or guardian to provide the transportation. The rules and present practice require the amount of compensation to be mutually agreed upon by the school board and the parent or guardian. Therefore, the rules should not have a fiscal effect on a school district or the department.

Section 121.55 (3), Stats., allows a school board to provide transportation to a private school pupil by contracting with that pupil's parent or guardian to provide the transportation if the estimated cost of transporting that pupil is more than 1.5 times the school district's average cost per pupil for bus transportation in the previous year, exclusive of transportation for kindergarten pupils during the noon hour and for pupils with disabilities. The rules provide a uniform worksheet for school districts to use in calculating their average cost per pupil for bus transportation. Currently, the method of calculating average cost per pupil for transportation varies from district to district. Providing a standardized method for calculating the average cost per pupil may increase or decrease a school district's cost depending on how that district currently calculates its average cost per pupil for bus transportation. However, these costs are indeterminate. The rules should not have a fiscal effect on the department.

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 Hearings

Workforce Development (Economic Support, Chs. DWD 11-59)

[CR 03-022]

NOTICE IS HEREBY GIVEN that pursuant to ss. 49.22 (9) and 227.11, Stats., the Department of Workforce Development proposes to hold three public hearings to consider changes to ch. DWD 40, relating to the child support guidelines.

Hearing Information:

March 17, 2003 at 1:00 p.m.

GEF 1 Building, Room D203
201 E. Washington Avenue
Madison, WI

March 25, 2003 at 1:00 p.m.

State Office Building, Room 45
819 North 6th Street
Milwaukee, WI

March 27, 2003 at 1:00 p.m.

Portage County Public Library

Pinery Room
1001 Main Street
Stevens Point, WI

Interested persons are invited to appear at the hearings and will be afforded the opportunity to make an oral presentation of their positions. Persons making oral presentations are requested to submit their facts, views, and suggested rewording in writing. If you have special needs or circumstances that may make communication or accessibility difficult at the hearings, please call (608) 267-9403 at least 10 days prior to the hearing date. Accommodations such as ASL interpreters, English translators, or materials in audiotape format will be made available on request to the fullest extent possible.

Analysis Prepared by the Department of Workforce Development

Statutory authority: Sections 49.22 (9) and 227.11, Stats.

Statutes interpreted: Sections 49.22 and 767.25, Stats.

Section 49.22 (9), Stats., requires the department to adopt standards for courts to use in determining a child support obligation under s. 767.25, Stats. Chapter DWD 40 establishes these standards based on a percentage of income of either or both parents. Chapter DWD 40 also contains special provisions that a court may use in determining the child support obligations for a serial payer, a split-custody payer, and shared-placement parents. The percentage standards and special circumstance provisions are based on the principle that a child's standard of living should not be adversely affected because his or her parents are not living together.

In spring 2001, with input from members of the legislature, the DWD Secretary appointed an advisory committee to provide guidance to the department on revisions to ch. DWD 40. The advisory committee included members of the courts, state bar, community-based organizations, county child support agencies, citizens, and the department. The committee recommended changes to the provision affecting shared-placement parents and new special provisions for high-income payers and low-income payers.

Shared-placement parents. The concept behind the special provision for shared-placement parents is that the shared-placement order is smaller than a full percentage order because the parent has significant placement and is covering the child's basic support expenses while with that parent. The current threshold for application of the shared-placement provision is placement of at least 30%. If a parent's placement falls between 30% and 40%, that parent pays the other parent a child support amount that is less than the full percentage standards but there is no determination or offset of any obligation of the other parent. If the period of placement with the parent with less time is above 40%, the current rule reduces the child support obligation of the parent with less time and requires the determination and offset of the obligation of the parent with more time. Because the current formula does not proportionately reduce the paying parent's share of support at the same rate as the increase in placement, it creates a cliff effect that encourages litigation between the parties.

The proposed shared-placement provision is based on the premise that when both parents have significant periods of placement the formula should take into account the duplicated costs of child rearing in both households and both parents' incomes as a more realistic and equitable basis to set child support. The court may apply the proposed formula when both parents have a court-ordered period of placement of at least 25% overnights or the equivalent and each parent is

ordered to assume the child's basic support costs in proportion to the time that the parent has placement of the child. Basic support costs are defined as food, shelter, clothing, transportation, personal care, and incidental recreational costs.

The first step in calculating the child support obligations of shared-placement parents is determining each parent's obligation under the percentage standards. In determining whether to impute income based on earning capacity for an unemployed parent or a parent employed less than full time, the court shall consider the benefit to the child of having a parent remain in the home during periods of placement and the additional variable day care costs that would be incurred if the parent worked more. The next steps are multiplying the obligation under the percentage standards for each parent by 150% to account for household maintenance expenditures duplicated by both parents, such as a bedroom, clothes, and personal items; multiplying that amount for each parent by the proportion of time that the child spends with the other parent; and offsetting resulting amounts against each other. The shared-placement payer will pay the lesser of the amount determined under the shared-placement formula or the straight percentage standards. If the shared-placement payer is also a low-income payer, the parent will pay the lesser of the amount determined under the shared-placement formula or the low-income schedule.

High-income payers. The proposed special provision for high-income payers is based on the premise that above certain income levels, parents share a smaller percentage of their income with their children. The payer's full monthly income is considered in determining the child support obligation. The standard percentages of 17% for 1 child, 25% for 2 children, 29% for 3 children, 31% for 4 children, and 34% for 5 or more children apply to a payer's income less than \$150,000 per year. The court may apply approximately 80% of the full percentage standards to the portion of a payer's annual income that is greater than or equal to \$150,000 and less than or equal to \$198,000. These percentages are 14% for 1 child, 20% for 2 children, 23% for 3 children, 25% for 4 children, and 27% for 5 or more children. The court may apply approximately 60% of the full percentage standards to the portion of the payer's annual income that is above \$198,000. These percentages are 10% for 1 child, 15% for 2 children, 17% for 3 children, 19% for 4 children, 20% for 5 or more children.

Low-income payers. The proposed special provision for low-income payers is based on the premise that many low-income payers have insufficient income to pay current ordered amounts. Lower support levels for low-income payers may enable them to pay current support and accrue fewer arrears. Lower support levels may also increase their emotional and financial investment in their children.

Under the proposed low-income provision, the court may determine a low-income payer's obligation by referring to a special schedule. The schedule provides a minimum monthly support amount for payers with income below approximately 70% of the federal poverty level. For monthly income between approximately 70% and 150% of the federal poverty level, the schedule provides graduated percentage rates that result in a child support obligation that is between the minimum monthly support amounts and the child support determined by applying the full percentage standards. For one child, the graduated rates range from 4.25% or \$21/month to 17% or \$183/month. The court may deviate from the support amounts in the schedule based on the factors listed in s. 767.25 (1m), Stats., or the total economic circumstances of the low-income payer, including any in-kind benefits such as food and shelter, that are available to the low-income payer and impact his or her ability to pay child support. The

department will revise the schedule every four years based on changes in the federal poverty level since the schedule was last revised. This coincides with the federal requirement at 42 USC 667(a) that states review their child support guidelines at least once every 4 years.

Miscellaneous. The department proposes the following additional changes:

- **Assigning responsibility for payment of variable costs.** The court shall assign responsibility for payment of the child's variable costs in proportion to each parent's share of physical placement, with due consideration to a disparity in the parents' incomes. The court shall direct the manner of payment to be either between the parties or from a party to a third-party service provider and not to the department or the department's designee. Variable costs are reasonable costs above basic support costs, including child care, tuition, a child's special needs, and other activities that involve substantial cost.

- **Income imputed based on earning capacity.** In determining a parent's ability to earn, the court shall consider a parent's earnings during previous periods and physical and mental health, in addition to the current factors of education, training and work experience, and availability of work in or near the parent's community. A requirement is added that evidence must be presented that due diligence has been exercised to ascertain information on the parent's actual income or ability to earn and that information is unavailable before the court may impute income at 40 times the federal minimum hourly wage.

- **Shared-placement order with serial families.** The concept behind the special provision for shared-placement parents is that the order is smaller than a full percentage order because the parent has significant placement and is covering the child's basic support expenses while with that parent. A shared-placement parent with one child is spending approximately 17% of his or her income on the child even though the child support order may be substantially less than that amount if the parents' placement periods and incomes are similar. The concept behind the special provision for serial families is to give credit for the amount spent on the first family before determining the order for children in the next family. The current serial family provision only gives credit for the amount of the order and does not consider the special situation of shared-placement parents with serial families. The proposed provision on shared-placement orders in serial families gives credit for the full percentage standard.

- **Social Security disability insurance.** The court may include social security benefits received by a child based on a parent's entitlement to federal disability insurance in the parent's gross income and may adjust the parent's child support obligation by subtracting the amount of the child's social security benefit. In no case may this adjustment require the payee to reimburse the payer for any portion of the child's benefit.

- **Maintenance.** If a payer will have obligations for both child support and maintenance in a particular case, the court shall determine the payer's child support obligation before the maintenance obligation.

- **Effect of rule change.** A modification of any provision of ch. DWD 40 shall not be considered a substantial change in circumstances sufficient to justify a revision of a judgment or order under s. 767.32, Stats.

- **Trust.** The court may create a trust for the child if the payer's child support obligation exceeds the amount necessary to maintain the standard of living the child would have if the child were living with both parents.

- **Undistributed income of a closely held corporation.** Further detail is proposed to clarify when to include undistributed corporate income in gross income. The rule currently provides that undistributed income is included if the payer has ownership interest sufficient to individually exercise control or access the business earnings. The proposed rule defines undistributed income as federal taxable income of the closely held corporation, partnership, or other entity plus depreciation claimed on the entity's federal income tax return less a reasonable allowance for economic depreciation using the straight line method. The court may adjust gross income to include undistributed income not determined reasonably necessary for the growth of the business.

- **Terminology.**

- “Monthly income available for child support” is the proposed term to refer to the monthly income at which the child support obligation is determined. It includes gross income, or if applicable, income modified for business expenses; income imputed based on earning capacity; and income imputed from assets. “Monthly income available for child support” is similar to the current term “base,” except “base” does not include income imputed based on earning capacity. A support obligation based on earning capacity is a separate calculation under the current rule.

- The proposed rule uses the term “split-placement” in place of “split-custody,” which is incorrectly used in the current rule.

- The split-placement subsection is rewritten because the current rule refers to the payer and payee at the beginning of the calculation before it can be accurately known who will be the payer or payee.

Initial Regulatory Flexibility Analysis

The proposed rule changes do not affect small business.

Fiscal Impact

The proposed rule changes do not have a fiscal effect on state or local government.

Contact Information

The proposed rules are available on the DWD web site at <http://www.dwd.state.wi.us/dwd/hearings.htm>.

A paper copy may be obtained at no charge by contacting:

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Written Comments

Written comments on the proposed rules received at the above address no later than March 31, 2003, will be given the same consideration as testimony presented at the hearing.

Submittal of proposed rules to the legislature

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

**Educational Approval Board
(CR 02-135)**

Chs. EAB 1, 3, 4, 7 and 8, relating to the regulation of for-profit postsecondary schools; out-of-state, nonprofit colleges and universities; and in-state, nonprofit institutions incorporated after 1991.

**Health and Family Services
(CR 02-112)**

Ch. HFS 95, relating to the custody and control of sexually violent persons placed at facilities.

**Health and Family Services
(CR 02-115)**

Ch. HFS 115, relating to screening of newborns' blood for congenital and metabolic disorders.

**Health and Family Services
(CR 02-117)**

Ch. HFS 116, relating to a birth defect prevention and surveillance system.

**Health and Family Services
(CR 02-154)**

Ch. HFS 109, relating to SeniorCare.

**Natural Resources
(CR 02-064)**

Ch. NR 447, relating to citation authority for asbestos

program violations.

**Natural Resources
(CR 02-114)**

Ch. NR 169, relating to reimbursement of response action costs for response actions taken at eligible dry cleaning facilities.

**Natural Resources
(CR 02-122)**

Ch. NR 191, relating to lake protection and classification grants.

**Natural Resources
(CR 02-134)**

Chs. NR 140 and 811, relating to groundwater quality standards and the development of an aquifer storage recovery well or the operation of an ASR system by a municipal water utility.

**Psychology Examining Board
(CR 02-124)**

Chs. Psy 1 to 5, relating to examinations, supervised experience, qualifications and responsibilities of supervisors, licensure by comity, reciprocity, holders of the certificate of professional qualification and senior psychologists, continuing education, renewal and professional conduct.

Rule orders filed with the revisor of statutes bureau

The following administrative rule orders 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 date of these rules could be changed. Contact the Revisor of Statutes Bureau at gary.poulson@legis.state.wi.us or (608) 266-7275 for updated information on the effective dates for the listed rule orders.

**Health and Family Services
(CR 02-112)**

An order affecting ch. HFS 95, relating to the custody and control of sexually violent persons placed at facilities.
Effective 4-1-03.

**Health and Family Services
(CR 02-117)**

An order affecting ch. HFS 116, relating to a birth defect prevention and surveillance system.
Effective 4-1-03.

**Health and Family Services
(CR 02-136)**

An order affecting ch. HFS 115, relating to screening of newborns' blood for congenital and metabolic disorders.
Effective 4-1-03.

**Natural Resources
(CR 02-060)**

An order affecting ch. NR 549, relating to recycling efficiency incentive grants.
Effective 4-1-03.

**Workforce Development
(CR 02-104)**

An order affecting ch. DWD 56, relating to the administration of child care funds.
Effective 4-1-03 (corrected).

Rules published with this register and final regulatory flexibility analyses

The following administrative rule orders have been adopted and published in the February 28, 2003, Wisconsin Administrative Register. Copies of these rules are sent to subscribers of the complete Wisconsin Administrative Code and also to the subscribers of the specific affected Code.

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

Financial Institutions – Savings Institutions (CR 98-137)

An order affecting chs. DFI-SB 1 and 15, DFI-SL 1 and 15, relating to codifying a policy authorizing savings banks and savings and loan associations to invest in subsidiary limited liability companies. Effective 3-1-03.

Summary of Final Regulatory Flexibility Analysis

This rule will provide that all savings banks and S&Ls, including savings banks and S&Ls included in the definition of “small business” under s. 227.114 (1) (a), Stats., may invest in subsidiary LLCs. Exempting small businesses from this rule would be contrary to this objective and not in the best interests of the institutions and the public

Summary of Comments of Legislative Standing Committees

No comments were received.

Natural Resources (CR 02-089)

An order affecting ch. NR 10, relating to small game and expanded spring turkey hunting in state parks. Effective 3-1-03.

Summary of Final Regulatory Flexibility Analysis

The rules are applicable to individual hunters and state park users. Therefore, a final regulatory flexibility analysis is not required.

Summary of Comments of Legislative Standing Committees

The proposed rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Environmental Resources. On October 9, 2002, the Assembly Committee on Natural Resources held a public hearing. no modifications were requested as a result of this hearing. On October 28, 2002, the Senate Committee on Environmental Resources requested the Department of consider modifications. The Department did not propose any modifications to the rule and the Senate Committee did not object.

Sections affected by rule revisions and corrections

The following administrative rule revisions and corrections have taken place in **February 2003**, and will be effective as indicated in the history note for each particular section. For additional information, contact the Revisor of Statutes Bureau at (608) 266-7275.

Revisions

Financial Institutions:

Ch. DFI-SB 1

S. DFI-SB 1.03 (7m) and (11)

Ch. DFI-SB 15

S. DFI-SB 15.01 (1) (b), (d) and (3) (c)

Ch. DFI-SL 1

S. DFI-SL 1.03 (8m) and (14)

Ch. DFI-SL 15

S. DFI-SL 15.01 (1) (b), (d) and (3) (c)

Natural Resources:

Ch. NR 10

S. NR 10.01 (2) (a), (c), (e), (f) and (g), (3) (bt), (c), (f) and (h)

S. NR 10.275

Executive orders

The following are recent Executive Orders issued by the Governor.

Executive Order 1. Recreating non–statutory entities.

Executive Order 2. Relating to a special session of the legislature.

Executive Order 3. Relating to a proclamation that the flags of the United States and the state of Wisconsin be flown at half–staff as a mark of respect for those who died as a result of the tragic loss of the Space Shuttle Columbia.

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