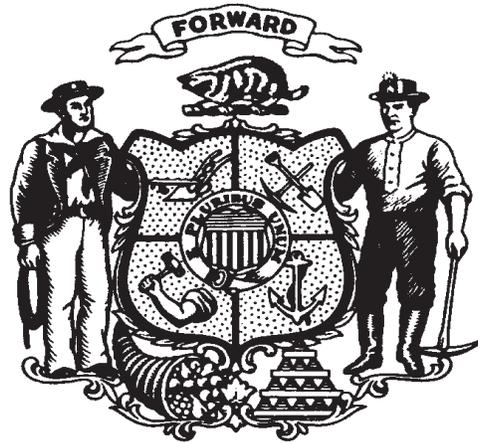


Wisconsin Administrative Register

No. 579



Publication Date: March 31, 2004

Effective Date: April 1, 2004



Revisor of Statutes Bureau
Suite 800, 131 West Wilson Street
Madison, Wisconsin 53703-3233

The 2001 – 02 Wisconsin Statutes and Annotations are now available in bound volumes or on the *WisLaw*[®] CD-ROM

Bound Volumes:

Prices for the 2001 – 02 Wisconsin Statutes and Annotations bound volumes are detailed below. Any sales tax due must be added to these prices:

Hard Cover <u>With Postage</u>	Hard Cover <u>Without Postage</u>	Soft Cover <u>With Postage</u>	Soft Cover <u>Without Postage</u>
\$151.00	\$144.00	\$126.00	\$120.00

Send orders to the Document Sales and Distribution Section at the address below or call (608) 266–3358. Unless exempt by law, all sales are subject to 5% state sales tax and, where applicable, 0.5% county sales tax and 0.1% stadium tax. Prepayment is required for all orders. Payments by check, money order, or credit card should be made payable to WI Department of Administration. Credit card orders using either VISA or MasterCard may be placed by calling (800) 362–7253 or (608) 264–9419.

WisLaw[®] CD-ROM:

Up-to-date *WisLaw*[®] CD-ROMs are released quarterly by the Revisor of Statutes Bureau. *WisLaw*[®] contains:

- Wisconsin Statutes and Annotations with Index
- Table of Cross-References and Table of Sections Affected by Acts
- Wisconsin Administrative Code with Index, Administrative Register, and Emergency Rules
- Executive Orders
- Wisconsin Acts with Index
- Supreme Court Rules and Internal Operating Procedures
- Recent Opinions of the Attorney General with Index
- Wisconsin Constitution with Annotations and Index
- U.S. Constitution
- Wisconsin Town Law Forms
- Wisconsin Code of Military Justice

All of the above *WisLaw*[®] Infobases are substantially integrated with hypertext links. The statutes now feature thousands of links between administrative rules and their authorizing statutes. State agencies are using *WisLaw*[®] for their legal research. *WisLaw*[®] is distributed by the Document Sales and Distribution Section to state agencies that submit a complimentary annual subscription form.

WisLaw[®] is available only by annual subscription. *WisLaw*[®] End-user license and subscription order forms are available at Document Sales or at <http://www.legis.state.wi.us/rsb>. CDs will be delivered only upon receipt of a signed license and subscription form and full payment. An annual subscription plus a license for no more than one simultaneous user costs \$99. Licenses for no more than 4 simultaneous users or for no more than 10 simultaneous users cost \$149 or \$199, respectively. Shipping is included. Unless exempt by law, all sales are subject to 5% state sales tax and, where applicable, 0.5% county sales tax and 0.1% Wisconsin stadium sales tax.

Orders by FAX will **not** be accepted; call (608) 266–3358 or TTY (608) 264–8499 or write to:

The State of Wisconsin
Department of Administration
Bureau of Document Services
Document Sales and Distribution Section
P.O. Box 7840
Madison, WI 53707–7840

Table of contents

Emergency rules now in effect.**Pages 4 to 8**

Agriculture, Trade and Consumer Protection:

Rules relating to the partial refund of certain agricultural producer security assessments required of grain dealers, grain warehouse keepers, milk contractors and vegetable contractors.

Chiropractic Examining Board:

Rules relating to passing and retaking the practical examination.

Employment Relations Commission:

Rules adopted relating to increased filing fees for matters transferred from the Personnel Commission.

Gaming:

Rule relating to the method of computing the purses earned by all individuals at the Wisconsin racetracks.

Health and Family Services:

Medical Assistance, Chs. HFS 100—

Rules relating to the Medicaid Family Planning Demonstration Project.

Insurance:

Rules relating to small employer uniform group health application.

Natural Resources:

Fish, Game, etc., Chs. NR 1—

Rules relating to Chronic Wasting Disease (CWD).

Public Instruction:

Rules relating to high school equivalency diplomas and certificates of general educational development.

Workforce Development:

Labor Standards, Chs. DWD 270–279

Rules relating to overtime pay for employees performing companionship services.

Public Works Construction, Chs. DWD 290–294

Rules relating to the adjustment of thresholds for application of prevailing wage rates and payment and performance assurance requirements.

Scope statements.**Pages 9 to 12**

Agriculture, Trade and Consumer Protection:

Rules relating to restrictions on the use of pesticides applied as fumigants that contain Chloropicrin as an active ingredient.

Chiropractic Examining Board:

Rules relating to qualification for instructors of continuing education for chiropractors and qualifications for instructors of unlicensed personnel.

Health and Family Services:

Rules relating to restaurants, and the Appendix to ch. HFS 196, known as the Wisconsin Food Code.

Natural Resources:

Rules relating to ch. NR 10, seasons and daily bag limits for migratory game bird hunting.

	Rules relating to ch. NR 46, Forest Tax Program, annual timber stumpage rate changes and management plan maps.
Veterans Affairs:	Rules relating to ch. VA 2, Tuition and Fee Reimbursement Grant and Part Time Study Grant Programs.
	Rules relating to ch. VA 18, stipend program for the training and recruitment of registered nurses at the Wisconsin Veterans Homes at King and Union Grove.
Workforce Development:	Rules relating to ch. DWD 301, migrant labor camps.

Submittal of rules to legislative council clearinghouse.**Page 13**

Natural Resources:

Rules affecting chs. NR 20 to 23 and 26, sport fishing regulation on inland, outlying and boundary waters of Wisconsin.

Rules affecting ch. NR 208, wastewater treatment works compliance maintenance.

Rules affecting chs. NR 463 and 484, national emission standards for hazardous air pollutants for facilities engaged in the secondary production of aluminum.

Rule-making notices.**Pages 14 to 17**

Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors Examining Board:

Hearing to consider rules relating to application contents for professional engineers.

Natural Resources:

Fish, Game, etc., Chs. NR 1—

Hearing relating to sport fishing regulations on the inland, outlying and boundary waters of Wisconsin.

Environmental Protection – WPDES

Hearings relating to wastewater treatment works compliance maintenance.

Submittal of proposed rules to the legislature.**Page 18**

Financial Institutions – Banking:

CR 04–001 – Ch. DFI–Bkg 17

Health and Family Services:

CR 03–111 – Ch. HFS 117

Kickapoo Reserve Management Board:

CR 03–108 – Ch. KB 1

Veterans Affairs:

CR 04–003 – Ch. VA 2

Workforce Development:

CR 04–006 – Chs. DWD 290 and 293

Rule orders filed with the revisor of statutes bureau.**Page 19**

Agriculture, Trade and Consumer Protection:

CR 03–076 – Ch. ATCP 30

Employment Relations Commission:

CR 03–115 – Chs. ERC 1, 10 and 20

Insurance:

CR 03–055 – Ch. Ins 8

Public Instruction:

CR 03–102 – Ch. PI 25

Revenue:

CR 03–104 – Ch. Tax 18

Tourism: CR 03-113 – Ch. Tour 1

Transportation: CR 03-117 – Ch. Trans 276

Rules published with this register and final regulatory flexibility analyses. Pages 20 to 21

Sections affected by rule revisions and corrections. Pages 22 to 23

Sections affected by revisor’s corrections not published. Page 24

Executive orders. Page 25

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 and Consumer Protection

Rules adopted creating **ss. ATCP 99.13, 99.25, 100.13 and 101.25**, relating to the partial refund of certain agricultural producer security assessments required of grain dealers, grain warehouse keepers, milk contractors and vegetable contractors.

Finding of emergency

(1) The Wisconsin department of agriculture, trade and consumer protection currently administers an agricultural producer security program under ch. 126, Stats. (“producer security law”). This program is designed to protect agricultural producers from catastrophic financial defaults by contractors who procure agricultural commodities from producers.

(2) Under the producer security law, contractors pay annual assessments to an agricultural producer security fund (“the fund”). If a contractor defaults in payments to producers, the department may compensate producers from the fund. A contractor’s annual fund assessment is based, in large part, on the contractor’s annual financial statement. The producer security law spells out a formula for calculating assessments. However, the department may modify assessments by rule.

(3) The fund assessment formula is designed to require higher assessments of contractors who have weak financial statements (and may thus present greater default risks). But the statutory formula may generate unexpectedly high assessments in some cases, where a contractor’s strong

financial condition is temporarily affected by financial transactions related to a merger or acquisition. This may cause unfair hardship, and may unfairly penalize some mergers or acquisitions that actually strengthen security for agricultural producers. This may have an unnecessarily adverse impact on contractors, producers and Wisconsin economic development.

(4) The department may adjust assessments by rule, in order to ameliorate unintended results. But the normal rulemaking process will require at least a year to complete. The temporary emergency rule is needed to address this matter in the short term, and to provide relief for contractors already affected.

Publication Date: January 29, 2004
Effective Date: January 29, 2004
Expiration Date: June 27, 2004

Chiropractic Examining Board

Rules adopted revising **ch. Chir 2**, relating to passing and retaking the practical examination.

Finding of emergency

The Chiropractic Examining Board finds that preservation of the public peace, health, safety or welfare necessitates putting the rule amendments described into effect prior to the time the amendments would take effect if the agency complied with the notice, hearing and publication requirements established for rule-making in ch. 227, Stats. The facts warranting adoption of these rule amendments under s. 227.24, Stats., are as follows:

On December 19, 2002, the Chiropractic Examining Board adopted the national practical examination conducted by the National Board of Chiropractic Examiners as the board’s practical examination for determining clinical competence in Wisconsin. The board has determined that the national practical examination is a better measure of competence than was the state examination previously administered by the board and that the public health, safety and welfare warrant that the national practical examination be instituted immediately. The rule changes herein conform the terminology used in the board’s rule with the textual description of the national practical examination and resolve doubts about the examination grades issued to applicants who complete the national practical examination.

The national practical examination describes the examination parts in different terms than are used in s. Chir 3.02, although the national practical examination covers the practice areas described in the existing rule. The rule amendments to s. Chir 2.03 (2) (intro.) resolve this difference.

This order deletes the reference in the board’s current rule to passing “each part” of the examination. The national practical examination has one part and an applicant receives one grade for the part. In utilizing the national examination, the board approves the grading and grading procedures of the National Board of Chiropractic Examiners. Grade review procedures in s. Chir 2.09 are superfluous and the rule is repealed. The rule requiring reexamination is modified to avoid confusion over examination parts. The board is

proceeding with promulgating these rule changes through a proposed permanent rule-making order.

Publication Date: June 28, 2003
Effective Date: June 28, 2003
Expiration Date: November 25, 2003
Hearing Date: October 16, 2003
Extension Through: March 23, 2004

Employment Relations Commission

Rules adopted amending **ss. ERC 1.06 (1) to (3), 10.21 (1) to (5) and 20.21 (1) to (4)**, relating to increased filing fees.

Finding of emergency

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

1. The Employment Relations Commission has a statutory responsibility in the private, municipal and state sectors for timely and peaceful resolution of collective bargaining disputes and for serving as an expeditious and impartial labor relations tribunal.

2. Effective July 26, 2003, 2003 Wisconsin Act 33 reduced the Employment Relations Commission's annual budget by \$400,000 in General Program Revenue (GPR) and eliminated 4.0 GPR supported positions. These reductions lowered the Employment Relations Commission's annual base GPR funding level and the number of GPR supported positions by more than 16%.

Act 33 also abolished the Personnel Commission and transferred certain of the Personnel Commission's dispute resolution responsibilities to the Employment Relations Commission.

3. 2003 Wisconsin Act 33 increased the Employment Relations Commission's Program Revenue (PR) funding and positions by \$237,800 and 2.0 PR positions respectively. The revenue to support these increases will be provided by increasing existing filing fees for certain dispute resolution services.

4. Unless the emergency rule making procedures of s. 227.24, Stats., are utilized by the Employment Relations Commission to provide the increased filing fee revenue needed to support the 2.0 PR positions, the Commission's ability to provide timely and expeditious dispute resolution services will be significantly harmed.

The emergency rules increase existing filing fees for Commission dispute resolution services in amounts necessary to fund 2.0 Program Revenue positions as authorized by 2003 Wisconsin Act 33.

Sections 111.09, 111.71, 111.94, 227.11 and 227.24., Stats., authorize promulgation of these emergency rules.

Publication Date: August 25, 2003
Effective Date: September 15, 2003
Expiration Date: February 12, 2004
Hearing Date: November 20, 2003
Extension Through: April 11, 2004

Gaming

Rules adopting repealing **s. Game 23.02 (2)** of the Wisconsin Administrative Code, relating to the computation of purses.

Finding of emergency

The Wisconsin Department of Administration finds that an emergency exists and that a rule is necessary in order to repeal an existing rule for the immediate preservation of the public welfare. The facts constituting the emergency are as follows:

Section Game 23.02 (2) was created in the Department's rulemaking order (03-070). The Department is repealing this section due to the unforeseen hardship that it has created on the Wisconsin racetracks. This financial hardship presents itself in multiple ways. The racetracks rely on an outside vendor to compute the purses earned by all individuals. The vendor produces a similar system for most greyhound racetracks in the country. The purses are generated by the amount of money wagered on all races over a period of time. The current system does not provide for bonus purses to be paid out based upon the residency of certain owners. The current system would have to be reprogrammed at a significant cost to the racetracks. Although the bonus purses could be calculated and paid without a computer, it would create excessive clerical work that would also be costly to the racetracks.

Additionally, Geneva Lakes Greyhound Track committed to paying a minimum payout of purses to the greyhound and kennel owners that race in Delavan. Geneva Lakes Greyhound Track will supplement out of their own money any purse amount that does not exceed the minimum payout. As a result of paying the bonus purse to Wisconsin owned greyhounds, the variance between the actual purse and the minimum purse is increased and the financial liability to the racetrack is increased. Since this supplement is voluntary, the racetrack has indicated that it will probably have to cease the supplemental purses to the participants. This would result in reduced payments to the vast majority of the kennel owners and greyhound owners participating at the racetrack.

In creating this rule, the Department did not intend to create the disadvantages caused by this rule.

Publication Date: January 8, 2004
Effective Date: January 8, 2004
Expiration Date: June 6, 2004
Hearing Date: March 16, 2004

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

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 Medicaid and Medicare 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, s. 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
Hearing Dates: April 25 & 28, 2003

* The Joint Committee for Review of Administrative Rules suspended this emergency rule on April 30, 2003

Insurance

The office of the commissioner of insurance adopts an order to create s. **Ins 8.49**, Wis. Adm. Code, relating to Small Employer Uniform Group Health Application.

Finding of emergency

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

The rule and the uniform small employer application are required by statute to be available by August 1, 2003. Due to implementation of 45 CFR 164 of HIPAA privacy provisions for covered entities, including health plans, and the commissioner's efforts to obtain clarification regarding authorization for release of personally identifiable health information provisions from the Office of Civil Rights a Division of Centers Medicare & Medicaid Services charged with enforcement of the privacy portions of HIPAA, it is not possible to complete the permanent rule process in time to meet the statutory requirement.

The first emergency rule was submitted and published on July 31, 2003, to meet the statutorily imposed deadline. However, subsequent to submission of the permanent rule by the Office, the legislative committees having jurisdiction over the rule requested the Office to modify the permanent rule. The notice requesting modification was received by the Office on December 18, 2003, less than 30 days from the date the emergency rule was set to expire.

Since it will not be possible to have the permanent rule finalized by December 29, 2003, and JCRAR was unable to grant an extension on the emergency rule, this rule is necessary for the immediate preservation of the public peace, health, safety, or welfare.

A hearing on the permanent rule was held on July 11, 2003, in accordance with s. 227.17, Stats., and the commissioner has had benefit of reviewing public comments and the clearinghouse report prior to issuing this emergency rule. A hearing on this emergency rule will be noticed and held within 45 days in accordance with ch. 227, Stats.

Publication Date: January 7, 2004
Effective Date: January 7, 2004
Expiration Date: June 5, 2004

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

Rules were adopted revising **ch. NR 10**, relating to Chronic Wasting Disease (CWD) in Wisconsin.

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, bovine tuberculosis and other forms of transmissible diseases pose 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. These restrictions on deer baiting and feeding need to be implemented through the emergency rule procedure to help control and prevent the spread of CWD, bovine tuberculosis and other forms of transmissible diseases in Wisconsin's deer herd.

Publication Date: September 11, 2003
Effective Date: September 11, 2003
Expiration Date: February 8, 2004
Hearing Date: October 13, 2003
Extension Through: April 7, 2004

Public Instruction

Rules were adopted revising **ch. PI 5**, relating to high school equivalency diplomas and certificates of general educational development.

Finding of emergency

The Department of Public Instruction finds 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:

1. The GED Testing Service modified the GED test content and the standard score scale used to determine passing scores

dramatically from the previous test series causing an inconsistency with the current scoring requirements under ch. PI 5. The emergency rule reflects the current national GED test score of not less than 410 on each of the five tests, with an average of 450 on the five tests in the battery.

2. 2003 Wisconsin Act 33, the 2003–2005 biennial budget, eliminated general purpose revenue (GPR) used to support GED program administration and created a provision allowing the state superintendent to promulgate rules establishing fees for issuing a GED certificate or HSED. Act 33 presumed that GED program costs previously funded by GPR would be paid for by revenue fees generated as of January 1, 2004.

The department is issuing this emergency rule in order to ensure compliance with the more rigorous score standards and to ensure adequate funding for the program.

A corresponding permanent rule, Clearinghouse Rule 03–102, was developed with public hearings held on December 11 and 15, 2003. The department has had the benefit of reviewing public comments and the Clearinghouse Report prior to issuing this emergency rule.

Publication Date: January 2, 2004
Effective Date: January 2, 2004
Expiration Date: May 31, 2004
Hearing Date: February 13, 2004

**Workforce Development
(Labor Standards, Chs. DWD 270–279)**

Rules adopted revising **ss. DWD 274.015 and 274.03** and creating **s. DWD 274.035**, relating to overtime pay for employees performing companionship services.

Finding of emergency

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

On January 21, 2004, pursuant to s. 227.26(2)(b), Stats., the Joint Committee for Review of Administrative Rules directed the Department of Workforce Development to promulgate an emergency rule regarding their overtime policy for nonmedical home care companion employees of an agency as part of ch. DWD 274.

Analysis Prepared by the Department of Workforce Development

Statutory authority: Sections 103.005, 103.02, and 227.11, Stats.

Statutes interpreted: Sections 103.01 and 103.02, Stats.

Section 103.02, Stats., provides that “no person may be employed or be permitted to work in any place of employment or at any employment for such period of time during any day, night or week, as is prejudicial to the person’s life, health, safety or welfare.” Section 103.01 (3), Stats., defines “place of employment” as “any manufactory, mechanical or mercantile establishment, beauty parlor, laundry, restaurant, confectionary store, or telegraph or telecommunications office or exchange, or any express or transportation establishment or any hotel.”

Chapter DWD 274 governs hours of work and overtime. Section DWD 274.015, the applicability section of the

chapter, incorporates the statutory definition of “place of employment” and limits coverage of the chapter to the places of employment delineated in s. 103.01 (3), Stats., and various governmental bodies. Section DWD 274.015 also provides that the chapter does not apply to employees employed in domestic service in a household by a household.

Section 103.02, Stats., directs that the “department shall, by rule, classify such periods of time into periods to be paid for at the rate of at least one and one–half times the regular rates.” Under s. DWD 274.03, “each employer subject to this chapter shall pay to each employee time and one–half the regular rate of pay for all hours worked in excess of 40 hours per week.” Section DWD 274.04 lists 15 types of employees who are exempt from this general rule and s. DWD 274.08 provides that the section is inapplicable to public employees.

Nonmedical home care companion employees who are employed by a third–party, commercial agency are covered by the overtime provision in s. DWD 274.03. Section DWD 274.03 applies to all employees who are subject to the chapter and not exempt under ss. DWD 274.04 or 274.08. The chapter applies to companion employees of a commercial agency because under s. DWD 274.015 a commercial agency is considered a mercantile establishment. Section DWD 270.01 (5) defines a mercantile establishment as a commercial, for–profit business. The chapter does not apply to companion employees of a nonprofit agency or a private household. In addition, none of the exemptions to the overtime section in ss. DWD 274.04 or 274.08 apply to companion employees of a commercial agency.

The Joint Committee for the Review of Administrative Rules has directed DWD to promulgate an emergency rule regarding the overtime policy for nonmedical home care companion employees of an agency. This provision is created at s. DWD 274.035 to say that employees who are employed by a mercantile establishment to perform companionship services shall be subject to the overtime pay requirement in s. DWD 274.03. “Companionship services” is defined as those services which provide fellowship, care, and protection for a person who because of advanced age, physical infirmity, or mental infirmity cannot care for his or her own needs. Such services may include general household work and work related to the care of the aged or infirm person such as meal preparation, bed making, washing of clothes, and other similar services. The term “companionship services” does not include services relating to the care and protection of the aged or infirm person that require and are performed by trained personnel, such as registered or practical nurses.

This order also repeals and recreates the applicability of the chapter section and the overtime section to write these rules in a clearer format. There is no substantive change in these sections.

Publication Date: March 1, 2004
Effective Date: March 1, 2004
Expiration Date: July 29, 2004

**Workforce Development
(Public Works Construction, Chs. DWD
290–294)**

Rules adopted amending **ss. DWD 290.155 (1), 293.02 (1), and 293.02 (2)**, relating to the adjustment of thresholds for application of prevailing wage rates and payment and performance assurance requirements.

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 adjust thresholds for the application of prevailing wage laws on state or local public works projects and the application of payment and performance assurance requirements for a public improvement or public work. The thresholds are adjusted in proportion to any change in the construction cost index since the last adjustment.

If these new thresholds are not put into effect by emergency rule, the old thresholds will remain effective for approximately six to seven months, until the conclusion of the permanent rule-making process. The thresholds 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 adjust the thresholds of the application of the prevailing wage rates to avoid imposing an additional administrative burden on local governments and state agencies caused by an effective decrease of the thresholds due solely to inflation in the construction industry. The department is proceeding with this emergency rule to adjust the thresholds of the application of the payment and performance assurance requirements in s. 779.14, Stats., to avoid imposing an additional administrative burden on contractors for the same reason. Adjusting the thresholds by emergency rule will also ensure that the adjustments are effective on a date certain that is prior to the time of year that the relevant determinations are generally made.

Publication Date: December 18, 2003

Effective Date: January 1, 2004

Expiration Date: May 30, 2004

Hearing Date: February 19, 2004

Scope statements

Agriculture, Trade and Consumer Protection

Subject

Pesticide Product Restrictions.

Objectives of the rule. Modify the rule to create restrictions on the use of pesticides applied as fumigants that contain Chloropicrin as an active ingredient.

Policy analysis

DATCP regulates distribution and use pesticides under s. 94.67–94.71, Stats. Pesticides are substances or mixtures of substances labeled or intended for use in preventing, destroying, repelling or mitigating any pest, or as a plant regulator, defoliant or desiccant. Chloropicrin is a pesticide applied as fumigant.

Chloropicrin is a highly toxic pesticide that has been registered for use as a fumigant by the US Environmental Protection Agency. The EPA approved label for this registration specifies use directions and precautions to be followed by persons applying the pesticide. The compound has been used to a limited extent in Wisconsin to treat fields on which potatoes will be grown. The compound has also been used on strawberries, nursery crops and seed beds. During 2003, several people became ill related to exposure to the fumigant following an application made to a potato field located across the road. The EPA approved label directions and precautions appear inadequate to fully protect the public from exposure under Wisconsin conditions. It is likely that use of Chloropicrin will increase in Wisconsin due to pest problems.

The registration for Chloropicrin will be reviewed again by EPA, but no timeline for this process has been established by EPA. No other restrictions, outside of the registered label, are in place or are being proposed by EPA.

DATCP has adopted rules under ch. ATCP 30, Wis. Adm. Code, to regulate the use of specific pesticides to address product specific issues. Restrictions on the use of the fumigant Metam–sodium became effective on June 1, 1998 to address similar human exposure issues. The Metam–sodium related problems have not reoccurred.

DATCP proposes to revise the current rule to impose restrictions and other requirements including:

- Mandatory setbacks between treatment sites and residences, schools and similar areas to reduce the potential for human exposure.
- Modification of use and post–treatment practices.
- Clarification of weather and site related limitations on use.
- Clarification of posting and other pre–application notification requirements.
- Specification of application monitoring, response and reporting requirements.
- Specification of reporting requirements.
- Other appropriate requirements based on evaluation of stakeholder input.

Policy Alternatives

No change. Use of the fumigant in Wisconsin is expected to increase. Current label restrictions do not appear adequate to prevent human exposure. If DATCP takes no action, it is likely that human exposure to the fumigant and subsequent adverse effects will increase.

Summary and comparison of existing or proposed federal regulation

See policy analysis.

Statutory authority

DATCP proposes to revise chapter ATCP 30, Wis. Adm. Code, under authority of ss.

93.07 and 94.69, Stats.

Staff time required

DATCP estimates that it will use approximately 0.5 FTE staff to develop this rule. This includes time required for investigation and analysis, rule drafting, preparing related documents, coordinating advisory committee meetings, holding public hearings and communicating with affected persons and groups. DATCP will use existing staff to develop this rule.

Chiropractic Examining Board

Subject

Qualifications for instructors of continuing education for chiropractors and qualifications for instructors of unlicensed personnel.

Objective of the rule. The proposed rule requires that instructors providing continuing education to chiropractors and training to unlicensed personnel meet certain qualifications.

Policy analysis

To assure that the continuing education that is provided to chiropractors and the training to unlicensed personnel is taught by qualified and knowledgeable instructors in the areas that are being presented.

Summary and comparison of existing or proposed federal regulation

A search was made for existing or proposed federal regulation and none was located.

Statutory authority

Sections 15.08 (5) (b), 227.11 (2) and 446.02, Stats.

Staff time required

100 hours.

Health and Family Services

Subject

To amend ch. HFS 196, relating to restaurants, and the Appendix to HFS 196, known as the Wisconsin Food Code. This is a revision to a Statement of Scope the Department originally published in the mid–December Wisconsin Administrative Register.

Policy analysis

The Department will propose to revising ch. HFS 196, relating to restaurants, including its Appendix, known as the Wisconsin Food Code.

The vast majority of the proposed rule changes pertain to the Wisconsin Food Code Appendix to ch. HFS 196. The Department, which regulates Wisconsin restaurants, and the Department of Agriculture, Trade, and Consumer Protection (DATCP), which regulates retail food establishments, such as grocery stores, both use the Food Code for their respective regulatory activities and jointly adopted the Wisconsin Food Code in 2001 for their respective regulatory activities. The existing Wisconsin Food Code is modeled after the 1999 Food and Drug Administration Model Food Code. The FDA last revised its Model Food Code in 2001. The Department proposes to update the Wisconsin Food Code to the 2001 FDA Model Food Code, which reflects the most currently available science and trends in food safety. In addition, the Department proposes to clarify or correct areas of the Wisconsin Food Code that do not reflect current Department policy. Revisions to the Wisconsin Food Code will also reflect modifications from both the Wisconsin Conference on Food Protection and the National Conference on Food Protection (NCFP), as well as mutually agreed upon suggestions derived from two years of field application by both the Department and DATCP.

The Department will also propose minor revisions to the body of HFS 196 for the purposes of:

- changing the use of the term “limited term restaurant” to “pre-packaged restaurant;”
- defining the terms “caterer,” “contract cook” and “pre-packaged restaurant;”
- modifying table HFS 196.04 to eliminate reference to the term “limited;”
- clarify that caterers operating from their permitted restaurants need not obtain additional permits for locations where the caterer serves food; and
- specifying acceptable operating requirements for contract cooks and clarifying that contract cooks are not required to obtain restaurant permits.

The Department believes that periodic rule updates are necessary for Wisconsin’s food industry to remain competitive on a nationwide basis. Failure to update the current rules may pose risks to Wisconsin’s retail and restaurant industry by not providing a current and updated regulation. These changes, which both the Department and DATCP intend to promulgate simultaneously, will positively affect operators of food service operations, state and local health inspectors, and the general public throughout the state by simplifying and clarifying the language of the Code. In addition, the proposed changes will allow health inspectors to spend more time in complex or problematic food establishments, thereby promoting a safer public food supply.

Statutory authority

Sections 227.11 (2) (a) and 254.74 (1) Stats.

Comparison to federal regulations

The U. S. Food and Drug Administration (FDA) publishes the *Food Code*, a model that assists food control jurisdictions at all levels of government by providing them with a scientifically sound technical and legally enforceable basis for regulating the retail and food service segment of the industry. Local, state, tribal, and federal regulators use the FDA *Food Code* as a model to develop or update their own food safety rules and to be consistent with national food regulatory policy. Wisconsin is one of 43 states that have

adopted administrative rules patterned after a version of the federal Model Food Code. The Food Code also serves as a reference of best practices for the retail and food service industries (restaurants and grocery stores and institutions such as nursing homes) on how to prevent foodborne illness. Many of the over 1 million retail and food service establishments apply *Food Code* provisions to their own operations.

Staff time required

One FTE for approximately 40 hours.

Natural Resources

Subject

Chapter NR 10 pertaining to seasons and daily bag limits for migratory game bird hunting.

Policy analysis

Attached for your review is the department’s request to begin the rules process for the 2004 migratory bird hunting season. As you know, we process both an emergency and permanent rule order simultaneously. I would like to bring the initial order to the May Natural Resources Board meeting for approval to go to public hearings. The hearings will be held in early August when my staff has returned from the Mississippi Flyway Council meetings and have received the U.S. Fish and Wildlife Service season framework proposals.

Statutory authority

Section 29.014, Stats.

Staff time required

Approximately 120 hours will be needed by the Department to develop the rule prior to and following the hearings.

Summary and comparison with existing or proposed federal regulations:

Under international treaty and Federal law, migratory game bird seasons are closed unless opened annually via the U.S. Fish and Wildlife Service (FWS) regulations process. In order to comply with the mandated Federal system, we must adopt all state regulations by emergency order at the August NRB meeting and follow the emergency rule with a permanent rule order. All seasons, bag limits and regulations included in this rule are established within the parameters recommended by the Mississippi Flyway Council and established by the FWS under 50 CFR 20.

Natural Resources

Subject

Section NR 46.30, Forest Tax Program, annual timber stumpage rate changes and s. NR 46.18 (1) (a) management plan maps.

Policy analysis

The issues needing to be addressed are routine and technical within the Managed Forest Law (MFL) program.

The department is required to assess the value of cut wood products based on the current stumpage value schedule. Current stumpage values are determined each year by surveying industry, private forestry consultants and DNR field staff on the prices obtained the previous year for wood products by species, product type, and zone. These values are recalculated annually using a weighted three-year average and published in s. NR 46.30. The stumpage value charts are used to determine severance and yield tax for participants in

the Forest Tax Law programs. It is important to adjust these values annually so that landowners are not paying too much in yield tax or too little.

NR 46.18 (1) (a) relates to a very specific component of the program dealing with the scale of property maps that must be submitted with the landowner's management plan for entry into the MFL. Currently only a scale of 8 inches to the mile is allowed. This scale is not the best for fitting all property sizes and shapes unto a mapped page. There are new map preparing programs that can produce a superior product but with different scales. The DNR would like to entertain suggestions from the public on how this requirement could be modified while still meeting the recording requirements by the Registers of Deeds.

Summary and comparison of applicable federal regulations

There are no known federal rules which apply to stumpage rates or map scales.

Statutory authority

Sections 77.06 (2) and 77.91 (1), Stats.

Staff time required

Approximately 31 hours will be needed by the department.

Veterans Affairs

Subject

Sections VA 2.02 and 2.04.

Objective of the rule. The Department seeks to amend the rules related to the Tuition and Fee Reimbursement Grant and the Part Time Study Grant programs to replicate, to the extent possible, the participation requirements of the National Guard Tuition Grant program.

Policy analysis

As a result of the enactment of 2003 Wis. Act 83, Guard members who have appropriate federal active duty service are now eligible for the Tuition and Fee Reimbursement Grant program. They continue to be eligible for the National Guard Tuition Grant program. Veterans eligible for both programs may use only one of the programs in the same semester. The Department believes that making the participation requirements similar for these programs, as well as the Part time Study Grant program, to the extent permissible under the relevant statutes, will provide a more equitable basis to determine whether an applicant is eligible for any of the grants.

Statutory authority

Sections 45.25 and 45.396.

Staff time required

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

Summary and preliminary comparison of any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule.

The educational programs are entirely administered under the authority of state law. There is no existing or proposed federal regulation that has any bearing upon the proposed rule.

Veterans Affairs

Subject

Chapter VA 18.

Objective of the rule. The creation of ch. VA 18 would implement the legislature's authorization to administer a stipend program for the training and recruitment of registered nurses at the Wisconsin Veterans Homes at King and Union Grove. The legislature authorized the program in the 2003 Wis. Act 33. The statute creating the program, s. 45.365 (7), authorized the department to "promulgate administrative rules related to the program, including the application process, eligibility criteria, stipend amount, repayment provisions, and other provisions that the department determines are necessary to administer the program." The objective is to create a stipend program that fulfills the legislature's directive while identifying the department's greatest need relating to recruitment and continued employment.

Policy analysis

The need for qualified registered nurses at the Homes is significant. In a position paper dated May 7, 2003, prepared by the Legislative Reference Bureau (LRB) for the Joint Committee on Finance, the LRB identified significant vacancy rates, turnover rates, and projected retirement rates for registered nurses at the Veterans Home at King (Home). The vacancy rate for registered nurse at the Home at the end of 2001-02 was 30%. Although no specific turnover rates were identified, the LRB noted that the Home indicated that turnover rates were significantly higher with newer employees. Finally, the LRB noted that approximately half of the current nurse positions at the Home are 50 years of age or older.

The data supports an aggressive registered nurse recruitment and retention program at the Home. A stipend program has been used successfully by other employers and will provide the Home with a competitive tool to recruit and retain registered nurses.

Statutory authority

Section 45.365 (7).

Staff time required

Approximately 40 hours of Department of Veterans Affairs staff time will be needed to promulgate the rules.

Summary and preliminary comparison of any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule.

The stipend program is entirely administered under the authority of state law. There is no existing or proposed federal regulation that has any bearing upon the proposed rule.

Workforce Development

Subject

Migrant Labor, Chapter DWD 301.

Policy analysis

The proposed rule will include the following issues related to migrant labor camps:

- Provide that newly-constructed migrant housing must be at least 500 feet from livestock and existing migrant housing must be at least 200 feet from livestock. Federal law requires migrant housing to be at least 500 feet from livestock.

Current DWD informal policy requires housing to be at least 200 feet from livestock.

- Define what constitutes recruitment for the purpose of the worker agreement requirement
- Require that the ending date of a work agreement be specific
- Clarify that a worker must come to Wisconsin for employment covered by the migrant labor laws to be considered a migrant worker
- Define what is considered a single family for the purpose of determining who may live in single-family housing
- Clarify that each worker must receive an individual wage statement showing wages earned and any other amounts deducted

- Describe where smoke detectors in migrant housing units must be located
- Replace obsolete ILHR building code references with current Commerce building code references
- Repeal obsolete compliance dates in the code

Statutory authority

Sections 103.905 (1), 103.005 (1), and 227.11, Stats.

Staff time required

75 hours.

Summary and preliminary comparison of any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule.

Federal regulations do not address issues in the proposed rule other than the distance of migrant housing from livestock.

Submittal of rules to legislative council clearinghouse

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

Natural Resources

Rule Submittal Date

On March 16, 2004, the Department of Natural Resources submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rule–order relates to chs. NR 20, 21, 22, 23 and 26, sport fishing regulation on inland, outlying and boundary waters of Wisconsin.

Agency Procedure for Promulgation

A public hearing will be held April 19, 2004.

Contact

Patrick Schmalz
Bureau of Fisheries Management and Habitat Protection
608 266–8170

Natural Resources

Rule Submittal Date

On March 15, 2004, the Department of Natural Resources submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rule–order relates to ch. NR 208, wastewater treatment works compliance maintenance.

Agency Procedure for Promulgation

Public hearings will be held April 14, 15 and 16, 2004.

Contact

Jack Saltes
Bureau of Watershed Management
608 264–6045

Natural Resources

Rule Submittal Date

On March 15, 2004, the Department of Natural Resources submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rule–order relates to chs. NR 463 and 484, national emission standards for hazardous air pollutants for facilities engaged in the secondary production of aluminum.

Agency Procedure for Promulgation

Public hearings will be scheduled at a later date.

Contact

Robert Eckdale
Bureau of Air Management
608 266–2856

Rule-making notices

Notice of Hearing

Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors Examining Board [CR 03-087]

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors in ss. 15.08 (5) (b), 227.11 (2) and 443.10 (1) and (2), Stats., and interpreting s. 443.10 (1) and (2), Stats., the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors will hold a public hearing at the time and place indicated below to consider an order to renumber and amend s. A-E 4.09 (intro.), (1) to (4); and to create s. A-E 4.09 (2), relating to application contents for professional engineers.

Hearing Date, Time and Location

Date: April 15, 2004
Time: 8:00 A.M.
Location: 1400 East Washington Avenue
 Room 179
 Madison, Wisconsin

Appearances at the Hearing

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Regulation and Licensing, Office of Administrative Rules, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received by April 15, 2004 to be included in the record of rule-making proceedings.

Analysis prepared by the Department of Regulation and Licensing

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 443.10 (1) and (2), Stats.

Statutes interpreted: s. 443.10 (1) and (2), Stats.

Current rules define contents of applications for registration for professional engineers. Section A-E 4.09 provides that applications for registration will include specific information and documentation that will verify the applicant's education, experience and training. The current rules do not provide specific application requirements for different types of applicants. For example, applications for initial registration now require the same documentation as applications by comity. Because applicants by comity are already registered and practicing in another state, the documentation needed by the professional engineer section to determine their eligibility for registration in Wisconsin is not the same as that needed for an applicant for initial registration.

Fiscal Estimate

The Department of Regulation and Licensing will incur \$500 in costs to print and distribute the rule change.

Initial Regulatory Flexibility Analysis

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Wis. 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.) [CR 04-024]

NOTICE IS HEREBY GIVEN that pursuant to ss. 29.104 (1), 29.041 and 227.11 (2), Stats., interpreting ss. 29.014 (1) and 29.041, Stats., the Department of Natural Resources will hold a public hearing on revisions to chs. NR 20, 21, 22, 23 and 26, Wis. Adm. Code, relating to sport fishing regulations on the inland, outlying and boundary waters of Wisconsin. The proposed housekeeping and minor noncontroversial revisions were suggested by field and central office staff in the Bureaus of Fisheries Management and Habitat Protection and Law Enforcement. These changes are not expected to have any impact on the fishing public. Instead these changes provide clarity to existing rules and fix minor wording mistakes in the administrative code. The proposed order contains the following revisions:

1. Amends the definitions of bag limit and possession limit in order to clarify that bag limits apply to individual waters or portions of waters and that anglers can fish multiple waters and combine those bag limits up to the total daily bag limit. Creates a definition for total daily bag limit and creates those for all sport fish species based on current statewide daily bag limits.
2. Amends the definition of "trout stream" to clarify it may apply to portions of waters and not the entire water.
3. Clarifies that a sturgeon that is caught and not immediately released must not only be immediately tagged, but that the tag must be validated.
4. Clarifies that underwater spearing of white bass, yellow bass, rock bass, panfish and bullheads by skin or scuba diving are subject to the same seasons, size limits and bag limits that apply to hook and line anglers.
5. Deletes reference to the sale of turtles from ch. NR 20 because it is now covered by captive wildlife rules and adds a note referring to ch. NR 19.
6. Clarifies the boundary up to which trolling is allowed on tributaries to Chippewa River flowages in Chippewa and Eau Claire counties by defining an easily observed marker (bridge).
7. Clarifies the downstream boundary for the catch and release only stretch of Black Earth creek, Dane county, by identifying the specific location of "Park Street" as being immediately east of the village of Black Earth.
8. Eliminates unnecessary language referring to sloughs, bayous and flowages of the Chippewa river in Pepin county.

9. Extends the ending date for the trout fishing season on Clarey lake, Crescent lake, Ice House lake and Lower Pine lake in Polk county from September 30 to the first Sunday in March. These trout lakes, which are managed to provide an ice fishery for trout as well as an open water fishery, were inadvertently put in the countywide regulation category for Polk county during the major trout regulation simplification in 2002.

10. Updates the reference to ch. NR 20 on the use of nets for smelt on the St. Louis river. The current code refers to the section in ch. NR 20 prior to a major rewrite.

11. Corrects a misprint in the location of a refuge on Squaw creek, Price county.

12. Eliminates a refuge on the Fox river, Marquette county after removal of the dam at which the refuge was located.

Initial Regulatory Flexibility Analysis

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:

Monday, April 19, 2004 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 Pat Schmalz at (608) 266-8170 with specific information on your request at least 10 days before the date of the scheduled hearing.

Fiscal Estimate

No fiscal impact is anticipated.

Copies of Rule and Contact Person

Written comments on the proposed rule may be submitted to Mr. Patrick Schmalz, Bureau of Fisheries Management and Habitat Protection, P.O. Box 7921, Madison, WI 53707 no later than April 21, 2004. Written comments will have the same weight and effect as oral statements presented at the hearing. A copy of the proposed rule and fiscal estimate may be obtained from Mr. Schmalz.

Notice of Hearings

Natural Resources (Environmental Protection – WPDES)

[CR 04-022]

NOTICE IS HEREBY GIVEN that pursuant to s. 227.11 (2), Stats., interpreting ss. 283.001, 283.31 and 283.55, Stats., the Department of Natural Resources will hold public hearings on the repeal and recreation of ch. NR 208, Wis. Adm. Code, relating to wastewater treatment works

compliance maintenance. The Compliance Maintenance Annual Report (CMAR), required under ch. NR 208, has been a self-evaluation reporting requirement for publicly and privately owned domestic wastewater treatment works since 1987. The rule encourages, and, where necessary, provides a mechanism requiring owners of domestic wastewater treatment systems to take actions preventing violations of permit effluent limits and avoiding water quality degradation. The self-evaluation required by the rule effectively encourages actions which promote the owner's awareness and responsibility for wastewater collection and treatment needs; maximizes the useful life of the sewerage system through improved operation and maintenance; and initiates formal planning, design and construction for needed system upgrades. Municipalities use the CMAR as a tool for long-term planning and budgeting for future wastewater treatment needs. The CMAR program reduces the likelihood of enforcement actions because problems are prevented or corrected.

The proposed rule revisions update CMAR requirement so they are consistent with other WPDES and wastewater-related rule changes over the past 10 years. The proposed CMAR rule revisions create a new letter grading system to assess overall performance and operation. A new web-based CMAR form provided by the Department will contain data previously submitted by the owner, thereby helping to streamline the reporting process for both the owner and the Department. Electronic submittal of the CMAR form will be required in 2005 for data gathered during calendar year 2004.

From 1996 through 2000, there were 480 instances in which 162 Wisconsin communities had sanitary sewer overflows into Wisconsin waters without treatment. To help address this problem, approximately 310 collection systems that have been issued a WPDES general permit for these systems will be subject to the CMAR requirements under the proposed rule for the first time.

Initial Regulatory Flexibility Analysis

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 hearings will be held on:

Wednesday, April 14, 2004 at 10:00 a.m.

Room 511, GEF #2 Bldg.
101 South Webster St.
Madison

Thursday, April 15, 2004 at 1:30 p.m.

Rooms 158 and 185
DNR West Central Region Hdqrs.
1300 W. Clairmont, Eau Claire

Thursday, April 15, 2004 at 1:30 p.m.

Room 3
DNR Northern Region Hdqrs.

107 Sutliff Avenue
Rhineland

Friday, April 16, 2004 at 10:00 a.m.

Brown County Library
2680 Riverview Drive
Green Bay

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 Jack Saltes at (608) 264-6045 with specific information on your request at least 10 days before the date of the scheduled hearing.

Fiscal Estimate

The rule revisions affect 979 wastewater treatment works permittees. Permittees are required to document the performance of their treatment works by submitting a Compliance Maintenance Annual Report (CMAR) electronically using the Department of Natural Resources' (DNR) web-based form. Approximately 310 sanitary sewer collection systems currently covered by WPDES Bypassing General Permits will be subject to the annual self-evaluation reporting requirements for the first time.

I. LOCAL EXPENDITURES:

One-time computer costs: Some municipalities who do not own a computer may use employee-owned personal computers or library computers to fill out and electronically submit the CMAR. We estimate about 100 permittees who do not have a computer will want to buy a computer.

Estimated costs for the computer, connection/service and training are \$1,500 x 100 facilities = \$150,000 one time costs related to purchasing a computer.

Annual computer costs: Annualized internet access costs for new computer users to prepare CMAR's are based upon an estimated annual use of one month per year: \$360 yr/facility x 100 facilities x 1 month/12 months = \$3,000.

CMAR form completion costs: It is estimated it will take the same amount of time for current permittees to fill out the computer CMAR form as the current paper copy form for the first two years of the electronic submittal program. After this two year period, there should be local cost savings because operators will be familiar with the computer form. Third year cost savings are estimated to be 669 current permittees (979 total permittees - 310 collection system permittees) x 2 hrs/permittee x \$16.25/hr = \$21,743. There will be an annual copying/ mailing savings for permittees of \$1,243 once electronic submittal is in place: this cost savings will occur during the first year of the program and thereafter.

Beginning January 2006, an estimated 310 municipalities with separate collection systems will be required to complete the CMAR for the first time. We estimate 4 hours to organize data and complete the form. Estimated additional costs for the second year of the program are: 310 facilities x 4/hr facility x \$16.25/hr = \$20,180. After operators become familiar with filling out the form electronically, we estimate 3 hours to organize data and complete the form. Third year costs are estimated to be 310 facilities x 3 hr/facility x \$16.25/hr = \$15,113.

Operation and Needs Review (ONR): An additional 50 facilities may need to do an Operation and Needs Review (ONR) follow-up to the CMAR form as a result of the rule revisions. We estimate 50 hours to complete the ONR. ONRs

can be completed by a consulting firm or the municipality's employees. Estimated annualized costs for the ONR reviews are 50 facilities x 50 hrs/facility x \$50/hr = \$125,000.

Total local expenditures include a one time cost for computers of \$150,000. In addition, first, second and third year cost estimates are as follows:

Local Cost Summary Table

	First Year	Second Year	Third Year
Computer access	\$ 3,000	\$3,000	\$3,000
CMAR form completion savings for current permittees			-21,743
CMAR form for collection systems		20,150	15,113
Mailing/Postage savings	- 1,243	- 1,243	- 1,243
Operation & Needs Review preparation (ONR's)	125,000	125,000	125,000
Totals	\$ 126,757	\$ 146,907	\$ 120,127

Third year costs represent annualized costs.

II. STATE EXPENDITURES:

CMAR reviews: We estimate it will take the same amount of time for DNR Basin Engineers and Specialists to review and reply to questions regarding the computer CMAR form as the current paper copy form for the first two years of the electronic submittal program. After a two year phase-in period, there will be state cost savings because operators will be more familiar with the computer form and there will be fewer errors requiring follow-up. Third year savings in review time for current facilities is estimated to be 669 facilities x 2 hrs/facility x \$25/hr = \$33,450.

DNR Basin Engineers and Specialists will review an additional 310 collection system CMAR forms beginning in July 2006. The annualized cost estimate for this activity is 310 facilities x 2 hrs/facility x \$25/hr = \$15,500.

ONR reviews: We estimate the submittal of an additional 50 Operation and Needs Review (ONR) follow-ups to the CMAR form as a result of the rules revision. Estimated costs for DNR Basin Engineers and Specialists to review the ONRs are 50 ONRs x 10 hrs/ONR x \$25/hr = \$12,500.

Program Phase-In Staff Assistance to Permittees: We estimate there will be a half hour of DNR staff CMAR form assistance for each facility for the first two years. This estimate also includes one-on-one staff time to work with facilities who have not used a computer. Cost estimates are 979 facilities x 0.5 hr/facility x \$20/hr = \$9,790 for the first two years of the program. In the third year, this work activity will be eliminated.

Copying/Mailing/Data Entry: Annual costs to print and mail the paper CMAR form are \$1,242. A DNR staff person currently enters limited data from CMAR forms into a database at a cost of 312 hrs/yr x \$15.50/hr = \$4,836. A basin engineer helps reconcile data in the database at a cost of 40 hrs x \$30/hr = \$1,200. Once the web-based CMAR form is available, these tasks will be eliminated resulting in an annual savings of \$7,278 (\$1,242 + \$4,836 + \$1,200). These cost reductions will off-set the increases in costs to provide staff assistance to permittees during the first two years.

CMAR form computer programmer maintenance contract costs: There will be a higher first year programming cost to maintain the CMAR web-based form of 350 hours X \$65/hr = \$22,750. The second year programming cost to maintain the CMAR web-based form is estimated to be 175 hrs x \$65/hr = \$11,375. Third year annualized costs are 50 hrs x \$65/hr = \$3,250. Computer maintenance work will be contracted out by the Department.

Summary of First, Second and Third Year State Costs:

DNR Cost Summary Table			
	First Year	Second Year	Third Year
CMAR form review savings for current permittees			\$ -33,450
CMAR form review for collection systems		\$ 15,500	15,500
Operation and Needs Report reviews (ONR's)	\$ 12,500	12,500	12,500
Program Phase-in Staff Assistance		9,790	9,790
Copying/Mailing/Data Entry Savings	-7,278	-7,278	-7,278
Computer Maintenance (contracted out)	22,750	11,375	3,250
Totals	\$37,762	\$41,887	\$ -9,478

State expenditures for staff will not increase to cover the program revisions. Other state activities associated with wastewater management will be curtailed or modified to implement the program revisions. Third year costs represent annualized costs. Cost decreases in the third year represent decreased staff time allocated to CMAR program reviews which will be allocated to other priority wastewater workload activities. There will be no reduction in state revenues associated with state cost decreases.

Copies of Rule and Contact Person

Written comments on the proposed rule may be submitted to Mr. Jack Saltes, Bureau of Watershed Management, P.O. Box 7921, Madison, WI 53707 no later than April 30, 2004. Written comments will have the same weight and effect as oral statements presented at the hearings. A copy of the proposed rule and fiscal estimate may be obtained from Mr. Saltes.

Submittal of proposed rules to the legislature

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

Financial Institutions – Banking**(CR 04–001)**

Relating to the process for the organization of interim banks.

Health and Family Services**(CR 03–111)**

Relating to ch. HFS 117, fees for copies of health care records.

Kickapoo Reserve Management Board**(CR 03–108)**

Relating to hunting limits.

Veterans Affairs**(CR 04–003)**

Relating to the ch. VA 2.05, recovery of erroneous payments made under the tuition and fee reimbursement, part–time study, and retraining grant programs.

Workforce Development**(CR 04–006)**

Relating to the chs. DWD 290 and 293, adjustment of thresholds for application of prevailing wage rates and performance assurance requirements.

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.

Agriculture, Trade and Consumer Protection (CR 03-076)

An order affecting ch. ATCP 30, Appendix A, relating to pesticide product restrictions.
Effective 5-1-04.

Employment Relations Commission (CR 03-115)

An order affecting chs. ERC 1, 10 and 20, relating to increased filing fees.
Effective 5-1-04.

Insurance (CR 03-055)

An order affecting ch. Ins 8, relating to Small Employer Group Health Insurance Uniform Application.
Effective 5-1-04.

Public Instruction (CR 03-102)

An order affecting ch. PI 5, relating to high school equivalency diplomas.
Effective 5-1-04.

Revenue (CR 03-104)

An order affecting ch. Tax 18, relating to assessment of agricultural land.
Effective 5-1-04.

Tourism (CR 03-113)

An order affecting ch. Tour 1, relating to the joint effort marketing program.
Effective 5-1-04.

Transportation (CR 03-117)

An order affecting ch. Trans 276, relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.
Effective 5-1-04.

Rules published with this register and final regulatory flexibility analyses

*The following administrative rule orders have been adopted and published in the **March 31, 2004**, 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.

Commerce (CR 03-047)

An order affecting ch. Comm 18, relating to elevators, escalators and lift devices. Effective 4-1-04.

Summary of Final Regulatory Flexibility Analysis

Sections 101.13, 101.132, and 101.17, Stats., direct the Department to promulgate rules for the construction and inspection of elevators, escalators and lifting devices in public buildings and places of employment. The proposed rules of Clearinghouse Rule 03-047 are minimum requirements to meet the directives of the Statutes.

New requirements for small business owners include the following:

- Owners of hydraulic elevators installed prior to January 1, 1975 and that have below ground cylinders will be required to have an annual pressure test or a static test performed to determine if there is an unexplained loss of oil. If the tests show an unexplained loss of oil, the hydraulic cylinders will need to be replaced.

- Owners of buildings with elevators, escalators, or lift devices will be required to keep a log of the maintenance performed on their equipment, and to make this log available to inspectors.

Summary of Comments by Legislative Review Committees

No comments were received.

Insurance (CR 03-083)

An order affecting ch. Ins 25, relating to exceptions to the annual notice and limits on disclosure of nonpublic personal financial information. Effective 4-1-04.

Summary of Final Regulatory Flexibility Analysis

The Office of the Commissioner on Insurance has determined that this rule will not have a significant economic impact on a substantial number of small businesses and therefore, a final regulatory flexibility analysis is not required.

Summary of Comments by Legislative Review Committees

No comments were received.

Medical Examining Board (CR 03-023)

An order affecting ch. Med 22, relating to the licensure and regulation of perfusionists. Effective 4-1-04.

Summary of Final Regulatory Flexibility Analysis

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

Summary of Comments by Legislative Review Committees

No comments were received.

Natural Resources (CR 03-037)

An order affecting chs. NR 460, 465, 468, and 484, relating to national emission standards for hazardous air pollutants for facilities that apply surface coatings to large appliances. Effective 4-1-04.

Summary of Final Regulatory Flexibility Analysis

The department identified approximately 21 potentially affected facilities through preliminary screening efforts. Under the rule, existing facilities have until July 23, 2004, to submit an initial notification through which they self-identify as an affected facility. These facilities could still reduce emissions to achieve synthetic minor source status.

Summary of Comments by Legislative Review Committees

The rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Environment and Natural Resources. No requests for modifications were received.

Natural Resources (CR 03-067)

An order affecting ch. NR 809, relating to arsenic in public water systems. Effective 4-1-04.

Summary of Final Regulatory Flexibility Analysis

Typically the department has little flexibility with drinking water regulations since Wisconsin rules can be no less stringent than the federal regulation. The department will use the flexibility in the rule to reduce monitoring costs and complexity wherever possible.

Summary of Comments by Legislative Review Committees

The rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Environment and Natural Resources. No requests for modifications were received.

Natural Resources (CR 03-074)

An order affecting ch. NR 5, relating to waiver of the slow-no-wake speed restriction on Elkhorn Lake, Walworth county. Effective 4-1-04.

Summary of Final Regulatory Flexibility Analysis

The proposed rule does not regulate small businesses; therefore, a final regulatory flexibility analysis is not required.

Summary of Comments by Legislative Review Committees

The proposed rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Environment and Natural Resources. There were no comments.

**Public Instruction
(CR 03-103)**

An order affecting ch. PI 25, relating to the children at risk program. Effective 4-1-04.

Summary of Final Regulatory Flexibility Analysis

Rules do not affect small business.

Summary of Comments by Legislative Review Committees

No comments were received.

**Regulation and Licensing
(CR 02-103)**

An order affecting ch. RL 2, relating to extension of disciplinary action time limits. Effective 4-1-04.

Summary of Final Regulatory Flexibility Analysis

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

Summary of Comments by Legislative Review Committees

No comments were received.

**Transportation
(CR 03-109)**

An order affecting ch. Trans 276, relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways. Effective 4-1-04.

Summary of Final Regulatory Flexibility Analysis

The provisions of this proposed rule adding highway segments to the designated system have no direct adverse effect on small businesses, and may have a favorable effect on those small businesses which are shippers or carriers using the newly-designated routes.

Summary of Comments by Legislative Review Committees

No comments were received.

**Transportation
(CR 03-114)**

An order affecting ch. Trans 250, relating to oversize and overweight permits for vehicles and loads. Effective 4-1-04.

Summary of Final Regulatory Flexibility Analysis.

The department anticipates that this rule making will have no direct adverse effect on small businesses. This rule making establishes no additional compliance, bookkeeping, or reporting requirements for small businesses which choose to apply for oversize/overweight permits through the telephone call-in or Internet service procedure.

Summary of Comments by Legislative Review Committees

No comments were received.

**Veterans Affairs
(CR 03-110)**

An order affecting ch. VA 17, relating to the administration of the military funeral honors program. Effective 4-1-04.

Summary of Final Regulatory Flexibility Analysis

Rules will have little, if any, impact on small businesses.

Summary of Comments by Legislative Review Committees

No comments were received.

**Workforce Development
(CR 03-092)**

An order affecting chs. DWD 218, 220, 221, 224 and 225 and PC 1, 2, 4, 5 and 7, relating to the transfer of Personnel Commission responsibilities to the Equal Rights Division and other revisions to civil rights rules. Effective 4-1-04.

Summary of Final Regulatory Flexibility Analysis

The transfer of Personnel Commission responsibilities affects only state respondents and individuals filing complaints against state respondents. Other changes may affect small businesses but the changes will not have a significant economic impact on those businesses.

Summary of Comments by Legislative Review Committees

The Assembly Committee on Labor held a public hearing on January 7, 2004. No action was taken.

No comments were received.

**Workforce Development
(CR 03-101)**

An order affecting ch. DWD 59, relating to the child care local pass-through program. Effective 4-1-04.

Summary of Final Regulatory Flexibility Analysis

A final regulatory flexibility analysis is not required because the rule does not affect small business as defined in s. 227.114, Stats.

Summary of Comments by Legislative Review Committees

No comments were received.

Sections affected by rule revisions and corrections

The following administrative rule revisions and corrections have taken place in **March 2004**, 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

Commerce

Ch. Comm 18 (Entire chapter)

Insurance

Ch. Ins 25

S. Ins 25.13 (4)

S. Ins 25.50 (1) (a) and (am)

S. Ins 25.95 (3)

Medical Examining Board

Ch. Med 22 (Entire chapter)

Natural Resources

Ch. NR 5

S. NR 5.21 (4)

Ch. NR 460

S. NR 460.02 (intro.)

Ch. NR 465

S. NR 465.01 (1) (a), (b), (c), (d), (f) and (2)

S. NR 465.02 (1), (11), (41) and (42)

S. NR 465.03 (intro.)

S. NR 465.04 (1) (a) and (2) (a)

S. NR 465.05 (2), (5), (12) (a), (b) and (d)

S. NR 465.055 (1)

S. NR 465.07 (1) (a), (b) and (c), (2) (a), (3) and (4)

S. NR 465.08 (1) (a), (b), (c), (d), (2) (a) and (b), (3) and (4)

S. NR 465.10 (6) to (9)

SS. NR 465.105 and 465.11

SS. NR 465.21 to 465.28

Ch. NR 484

S. NR 484.04 (9) and (24)

S. NR 484.10 (22), (39e) and (55m)

S. NR 484.11 (6)

Ch. NR 809

S. NR 809.04 (54), (55)

S. NR 809.09 (2)

S. NR 809.11 (1) (b) to (e), (2) (a), (4) (a), (5)

S. NR 809.12 (3) (intro.), (g), (4) (intro.), (5) (intro.), (9) (b), (c), (13), (14) (d), (e)

S. NR 809.21 (10) (a), (e) and (18)

S. NR 809.25 (13) (a), (d) to (f) and (22)

S. NR 809.725

S. NR 809.833 (3) (c), (e), (5) (c), (d)

S. NR 809.835 (2), (3), (5)

Public Instruction

Ch. PI 25

S. PI 25.02 (6)

S. PI 25.05 (2)

S. PI 25.07 (1) (b) and (2) (a)

Regulation and Licensing

Ch. RL 2

S. RL 2.20

Transportation

Ch. Trans 250

S. Trans 250.04

Ch. Trans 276

S. Trans 276.07 (6), (8), (16) and (34g)

Veterans Affairs

Ch. VA 17 (Entire chapter)

Workforce Development

Ch. DWD 23 (Entire chapter)

Ch. DWD 59

S. DWD 59.05

S. DWD 59.07 (1), (1) (f), (2) (b), (2) (d), and (2) (e)

Ch. DWD 218

S. DWD 218.02 (2m), (9)

S. DWD 218.03 (6)

S. DWD 218.05 (2), (3)

S. DWD 218.06 (1), (3)

S. DWD 218.12 (1), (2)

S. DWD 218.14 (2), (4)

S. DWD 218.15 (1)

S. DWD 218.17

S. DWD 218.19 (3)

S. DWD 218.21 (1)

S. DWD 218.24

Ch. DWD 220

S. DWD 220.04 (7)

S. DWD 220.05 (2), (3)

S. DWD 220.07

S. DWD 220.15

S. DWD 220.18 (2), (4)

S. DWD 220.20

Ch. DWD 221

S. DWD 221.03 (6)

S. DWD 221.04 (2), (3)

S. DWD 221.08 (3)

S. DWD 221.14

S. DWD 221.17 (2) and (4)
S. DWD 221.22 (1)
Ch. DWD 224 (Entire chapter)

Ch. DWD 225
S. DWD 225.01 (1) (bm), (f), (h), (L)
SS. DWD 225.06 to 225.26

Editorial corrections

Corrections to code sections under the authority of s. 13.93 (2m) (b), Stats., are indicated in the following listing.

Health and Family Services

Ch. HFS 254 (Entire chapter)

Ch. NR 809

S. NR 809.60 (4)

Insurance

Ch. Ins 25
S. Ins 25.60 (1) (intro.)

Transportation

Ch. Trans 250
S. Trans 250.03

Natural Resources

Ch. NR 465
S. NR 465.105 (4)

Workforce Development

Ch. DWD 221
S. DWD 221.02 (9)

Sections affected by revisor's corrections not published

Revisor's corrections under s. 13.93 (2m) (b), Stats., identified in this Wis. Adm. Register.

Subscriber's note: Please make corrections (manually) in your printed code. The affected sections are shown as corrected on the Revisor of Statutes Internet site, [Http://www.legis.state.wi.us/rsb/](http://www.legis.state.wi.us/rsb/), and on the WisLaw® CD-ROM. Printed code will be shown as corrected in its next printing.

Location of invalid cross-reference	Invalid cross-reference	Correction
Comm 2.15 (1)	Comm 18.09	Comm 18.1013
NR 115.02	30.12 (4) (a)	30.2022 (1)
NR 120.16 (3) (a) 1.	30.12 (4)	30.2022
NR 151.26 (1)	30.12 (4)	30.2022
NR 151.26 (1)	30.12 (4) (b)	30.2022 (2)
NR 300.06 (1)	30.12 (3) (a) 2., 2m., or 3.	30.12 (1g) (c) or (d)
NR 302.07 (1) and (2)	30.12 (4)	30.2022
NR 322.01 (1)	30.19 (1) (a)	30.19 (1g) (a)
NR 322.02	30.12 (3) (a) 3. and 4., and 30.19 (1) (a)	30.12 (3) (a) 4. and 30.19 (1g) (a)
NR 322.03 (5)	30.12 (3) and (4) and 30.19 (1)	30.12 (3), 30.19 (1g), and 30.2022
NR 322.11 (3)	30.12 (3) (a) 3. and 4., and 30.19 (1) (a)	30.12 (3) (a) 4. and 30.19 (1g) (a)
NR 323.04 (1)	30.12 (2) and (3)	30.12 (3)
NR 323.06	30.12 (3) (a) 2m. or 30.12 (3) (bn)	30.12 (1g) (d)
NR 327.01 (1)	30.12 (2)	Delete reference
NR 350.02	30.12 (4)	30.2022
PI 40.04 (4) (a) 3.	118.55 (4) (a) and (d)	118.55 (4) (a)
Trans 207.02 (1) (a)	30.12 (4)	30.2022
Trans 401.01 (1)	30.12 (4)	30.2022
Trans 401.01 (2)	30.12 (4) (a) and (b)	30.2022 (1) and (2)
Trans 401.07 (1j) (d) 1.	30.12 (4)	30.2022

Executive orders

The following are recent Executive Orders issued by the Governor.

Executive Order 38. Relating to a proclamation that the Flag of the United State and the Flag of the State of Wisconsin be flown at half-staff as a mark of respect for Specialist Nichole M. Frye of the United States Army who lost her life during Operation Iraqi Freedom.

**The State of Wisconsin
Department of Administration
Bureau of Document Services
Document Sales and Distribution Section
P.O. Box 7840
Madison, Wisconsin 53707-7840**

First Class

U.S. POSTAGE PAID

Madison, Wisconsin

Permit Number 1369

First Class Mail

*Wisconsin
Administrative
Register*

Dated Material. Please Do Not Delay!