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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.

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

Agriculture, Trade and Consumer Protection

EmR1012 — Rule adopted to create **section ATCP 70.03 (7) (e) and (f)**, relating to food processing plant license exemptions for certain home-canners and maple sap processors.

Finding of Emergency

(1) The Department of Agriculture, Trade and Consumer Protection (DATCP) administers state food processing plant license requirements under s. 97.29, Stats.

(2) Recent legislation (2009 Act 101, enacted on February 4, 2010) created a limited exemption from food processing plant license requirements under s. 97.29, Stats., for persons who home-can limited quantities of acidic, acidified or fermented vegetable and fruit products for retail sale at community and social events or at farmers' markets.

(3) Home-canned food products, if not properly canned, may pose a risk of serious food safety hazards such as botulism.

(4) DATCP has received many requests for clarification of the new license exemption under Act 101. In order to facilitate compliance and protect consumers from potentially serious food safety hazards, DATCP must adopt

administrative rules to clarify the scope, application and terms of the new license exemption.

(5) Implementing rules are urgently needed because of the seriousness of the potential food safety hazards, and the seasonal nature of the farmers' markets and other events at which home-canned products may be sold. The normal rulemaking process takes over a year to complete, and cannot be completed in time for this summer's farmers' markets (which begin as early as mid-April or May). Persons who wish to sell home-canned food products must clearly understand the scope of the license exemption, and the food safety standards that must be met in order to qualify.

(6) This temporary emergency rule clarifies the scope, application and terms of the new license exemption under Act 101, pending the completion of "permanent" rules by the normal rulemaking process. This emergency rule is needed to protect the public health, safety and welfare, and to facilitate fair and orderly implementation of the new license exemption.

(7) This emergency rule also exempts, from food processing plant license requirements under s. 97.29, Stats., a person who collects and processes relatively small quantities of maple sap to produce maple syrup or concentrated maple sap for sale to other processors for further processing. These small-scale processing activities pose minimal food safety risks, and the current license requirement imposes an unnecessary cost and compliance burden. An emergency rule is needed to relieve these cost and compliance burdens for the maple sap collection and processing season that typically begins in March. This emergency rule creates a temporary license exemption, pending the completion of "permanent" rules by the normal rulemaking process. This emergency rule clearly defines the scope, application and terms of the exemption, in order to protect public health, safety and welfare.

Publication Date: April 22, 2010
Effective Dates: April 22, 2010 through
 September 18, 2010
Hearing Date: May 25, 2010

Children and Families

Safety and Permanence, Chs. DCF 37–59

EmR0937 — Rule adopted revising **Chapters DCF 56 and 58**, relating to foster care and kinship care.

Finding of Emergency

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

2009 Wisconsin Act 28 assumes that court-ordered kinship care relatives will be applying for a license to operate a foster home beginning after January 1, 2010, and continuing throughout 2010. This rule creates the first two levels of the new levels of care system for foster care. The newly-licensed kinship care relatives will be incorporated into the foster care program. Licensing these relatives will allow the state to claim an additional \$6.5 million in Title IV-E funds for 2010. Act 28 appropriates this \$6.5 million to be expended in 2011.

Publication Date: December 30, 2009
Effective Dates: January 1, 2010 through
 May 30, 2010
Extension Through: July 29, 2010
Hearing Dates: March 17, March 31,
 April 8, 2010

Children and Families

Family and Economic Security, Chs. DCF 101–153

EmR1024 — Rule adopted creating **Chapter DCF 110**, relating to transitional jobs for low-income adults.

Finding of Emergency

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

Initial funding for the transitional jobs demonstration project will come from the Temporary Assistance to Needy Families (TANF) Emergency Contingency Fund under the American Recovery and Reinvestment Act of 2009. Spending for subsidized employment is one of the ways that the state can earn additional federal dollars under the TANF Emergency Contingency Fund. The deadline for earning the additional federal dollars is September 30, 2010.

Publication Date: June 30, 2010
Effective Dates: July 1, 2010 through
 November 27, 2010
Hearing Date: August 5, 2010

Children and Families (2)

Early Care and Education, Chs. DCF 201–252

1. **EmR1015** — Rule adopted revising **Chapter DCF 201**, relating to authorized hours of subsidized child care and affecting small businesses.

Finding of Emergency

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

2009 Wisconsin Act 28 assumes that implementation of s. 49.155 (6g), Stats., will save an estimated \$9 million over the 2009–2011 biennium.

Publication Date: May 17, 2010
Effective Dates: May 17, 2010 through
 October 13, 2010
Hearing Date: June 17, 2010

2. **EmR1027** — Rule adopted revising **Chapter DCF 201**, relating to child care subsidy program integrity.

Finding of Emergency

The Department of Children and Families finds that an emergency exists and that an emergency 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 Children and Families has determined that significant disparities currently exist between DCF 201 and the intent of 2009 Wisconsin Acts 28 and 77 regarding Wisconsin Shares program integrity efforts. The recent efforts of the legislature and the department to address child care fraud and program integrity are estimated to save \$100 million over the course of the biennium. Currently over \$7.1 million of child care provider overpayments have yet to be collected due to the lack of authority to use basic collections practices such as tax intercept, wage levy, and property liens. This rule will permit the department to more aggressively collect on these debts, strengthen the department's ability to further tighten requirements for child care providers wishing to do business with the Wisconsin Shares program, and better enforce the rules of the program. These changes will result in continued fiscal savings as well as ensure better quality child care for the children of Wisconsin.

Publication Date: July 9, 2010
Effective Dates: July 9, 2010 through
 December 5, 2010
Hearing Date: August 6, 2010

Commerce

Wis. Commercial Building Code, Chs. Comm 60–66

EmR1022 — Rule adopted creating s. **Comm 62.0400 (5)**, relating to no smoking signs.

Finding of Emergency

The Department of Commerce finds that an emergency exists within the state of Wisconsin and that adoption of an emergency rule is necessary for the immediate preservation of the public health, safety and welfare. A statement of the facts constituting the emergency is as follows.

1. Implementation of 2009 Wisconsin Act 12, s. 101.123, Stats., is to take effect July 5, 2010.
2. Under the Act, the department is to establish by rule uniform characteristics for no smoking signs.
3. Under the Act, the responsibilities of person in charge of a public conveyance or at a location where smoking is prohibited include the posting of no smoking signs.
4. The department believes that the emergency rules are necessary in order to clarify the minimum no smoking sign characteristics so that persons in charge may fulfill the statutory obligations.

Publication Date: June 28, 2010
Effective Dates: July 5, 2010 through
 December 1, 2010
Hearing Date: July 26, 2010

Commerce (4)

Financial Resources for Businesses and Communities, Chs. Comm 104—

1. **EmR1006**— Rule adopted to create **Chapter Comm 137**, relating to reallocations for recovery zone facility bonds as established under the federal American Recovery and Reinvestment Act of 2009, and affecting small businesses.

Exemption From Finding of Emergency

The Legislature, by Section 5 (1) (b) in 2009 Wisconsin Act 112, exempts the Department from providing evidence that

this emergency rule is necessary for the preservation of public peace, health, safety or welfare; and exempts the Department from providing a finding of emergency for the adoption of this rule.

Publication Date: March 5, 2010
Effective Dates: March 5, 2010 through August 1, 2010
 (subject to 2009 Wis. Act 112, s. 5)
Hearing Date: May 13, 2010
Hearing Date: May 26, 2010

2. **EmR1013** — Rule adopted to create **Chapter Comm 121**, relating to the small business innovation research assistance program, and affecting small businesses.

Exemption From Finding of Emergency

The Legislature, by Section 9110 (16u) of 2009 Wisconsin Act 28, exempts the Department from providing evidence that this emergency rule is necessary for the preservation of public peace, health, safety or welfare; and exempts the Department from providing a finding of emergency for the adoption of this rule.

Publication Date: April 21, 2010
Effective Dates: April 21, 2010 through September 17, 2010
Hearing Date: June 11, 2010

3. **EmR1019** — Rule adopted to create **Chapter Comm 135**, relating to tax credits for investments in food processing plants and food warehouses.

Finding of Emergency

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

The facts constituting the emergency are as follows. Under sections 71.07 (3rm), 71.28 (3rm) and 71.47 (3rm) of the Statutes, as created in 2009 Wisconsin Act 295, a taxpayer may claim a tax credit for investments in food processing plants and food warehouses during taxable years beginning after December 31, 2009.

Section 560.2056 (4) of the Statutes, as likewise created in 2009 Wisconsin Act 295, requires the Department to (1) implement a program for certifying taxpayers as eligible for the food processing plant and food warehouse investment credit, (2) determine the amount of credits to allocate to those taxpayers, and (3) in consultation with the Department of Revenue, promulgate rules to administer the program. No other provisions are established in the Statutes regarding the specific process for taxpayers to use in applying for the credits, and for the Department of Commerce to use in certifying eligible taxpayers and in allocating the credits.

Because of enactment of 2009 Wisconsin Act 295, a number of entities that may be eligible for the tax credits have contacted the Department with inquiries concerning the process for applying for the credits, for expenditures that have been or will be incurred during taxable years that began after December 31, 2009. In addition, section 71.07 (3rm) of the Statutes includes a \$1,000,000 tax-credit allocation that became available on May 27, 2010, and expires on June 30, 2010.

Although the Department of Commerce has begun promulgating the permanent rule that is required by 2009 Act 295, the time periods in chapter 227 of the Statutes for

promulgating permanent rules preclude the permanent rule from becoming effective in time to accommodate allocating the tax credits for the 2009–10 fiscal year. This emergency rule will enable the Department of Commerce to establish an application, certification, and tax credit allocation process for the entities that will be eligible for the allocation that expires on June 30, 2010.

Publication Date: June 8, 2010
Effective Dates: June 8, 2010 through November 4, 2010
Hearing Date: August 17, 2010

4. **EmR1026** — Rule adopted creating **Chapter Comm 139**, relating to rural outsourcing grants.

Exemption From Finding of Emergency

The Legislature, by Section 45 (1) (b) of 2009 Wisconsin Act 265, exempts the Department from providing evidence that this emergency rule is necessary for the preservation of public peace, health, safety or welfare; and exempts the Department from providing a finding of emergency for the adoption of this rule.

Publication Date: July 2, 2010
Effective Dates: July 2, 2010 through November 28, 2010

Corrections

- EmR0939** — Rule adopted revising **Chapter DOC 302**, relating to sentence calculations and prison release and to administrative review of inmate classification decisions.

Finding of Emergency

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

Under 2009 Wisconsin Act 28, the legislature provides for the release of inmates from prison if certain criteria are met. The Department is responsible for implementing several of those procedures. Specifically, the department is responsible for implementing the early release programs under: (1) s PAT (2) ERP/CIP (3) CER (4) Risk reduction (5) 75%/85%. In addition, the department is revising section 302.18 to facilitate the review of inmates for purposes of early release.

If the rule is not created promptly and immediately, the Department will not be able to proceed in reviewing inmates under these various release procedures. This could result in significant delay in the implementation of the statutory provisions which will negatively impact the ability of the Department to manage the inmate population in a safe and effective manner. In addition, a delay will affect the management and control of inmate population levels of correctional facilities with the resources necessary to maintain public safety.

The purpose of the emergency rule is to implement newly created statutory provisions providing for release of inmates under specified circumstances. The permanent rule process has been started. However, the permanent rule process will take approximately nine months to complete. Emergency rules are necessary for a prompt implementation of the legislative mandates concerning the release of inmates meeting established criteria while the permanent rules are being developed.

Publication Date: December 31, 2009
Effective Dates: December 31, 2009
through May 29, 2010
Extension Through: July 28, 2010
Hearing Date: February 25, 2010

Earned Release Review Commission

(Formerly Parole Commission)

EmR0940 — Rule adopted revising **Chapter PAC 1**, relating to the release of inmates through parole or other procedures.

Finding of Emergency

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

Under 2009 Wisconsin Act 28, the legislature provides for the release of inmates from prison if certain criteria are met. The Earned Release Review Commission (formerly the Parole Commission) is responsible for implementing several of those procedures. Specifically, the commission is responsible for considering the early release of inmates under: (1) section 304.06 (1) (bg)1. and 2., Stats., after the inmate has served the term of confinement of their bifurcated sentence less positive adjustment time, (2) section 304.06 (1) (bg) 3. and 4., Stats., after the inmate has served either 75 % or 85 % of their term of confinement, depending on the offense for which the inmate was sentenced, and (3) section 302.1135 (2) (a), (b), and (c), Stats., based on age or extraordinary health.

If the rule is not created promptly and immediately, the commission will not be able to proceed in reviewing inmates under these various release procedures. This could result in significant delay in the implementation of the statutory provisions which will negatively impact the ability of the department of corrections to manage the inmate population in a safe and effective manner. In addition, a delay will affect the management and control of inmate population levels of correctional facilities with the resources necessary to maintain public safety.

The purpose of the emergency rule is to implement newly created statutory provisions providing for release of inmates under specified circumstances. The permanent rule process has been started. However, the permanent rule process will take approximately nine months to complete. Emergency rules are necessary to respond the legislatively recognized need to review inmates who meet the requirements under the statutes for potential release while the permanent rules are being developed.

Publication Date: December 31, 2009
Effective Dates: December 31, 2009
through May 29, 2010
Extension Through: July 28, 2010
Hearing Date: February 23, 2010

Government Accountability Board

EmR1016 — Rule adopted to create **section GAB 1.91**, relating to organizations making independent disbursements.

Finding of Emergency

Pursuant to s. 227.24, Stats., the Government Accountability Board finds an emergency exists as a result of the United States Supreme Court decision *Citizens United v. FEC*, 558 U.S. ___, (No. 08–205)(January 21, 2010). Within the context of ch. 11, Stats, the rule provides direction to organizations receiving contributions for independent disbursements or making independent disbursements. Comporting with *Citizens United*, this emergency rule order does not treat persons making independent disbursements as full political action committees or individuals under s. 11.05, Stats., for the purposes of registration and reporting. With respect to contributions or in-kind contributions received, this emergency rule order requires organizations to disclose only donations “made for” political purposes, but not donations received for other purposes.

The Board adopts the legislature’s policy findings of s. 11.001, Stats., emphasizing that one of the most important sources of information to voters about candidates is available through the campaign finance reporting system. The Board further finds that it is necessary to codify registration, reporting and disclaimer requirements for organizations receiving contributions for independent disbursements or making independent disbursements so that the campaign finance information is available to voters. The rule must be adopted immediately to ensure the public peace and welfare with respect to the administration of current and future elections.

Publication Date: May 20, 2010
Effective Dates: May 20, 2010 through
October 16, 2010

Health Services (2)

Health, Chs. DHS 110—

- EmR1004** — Rule adopted to create **sections DHS 195.145 and 197.145**, relating to carbon monoxide detectors in hotels, motels, tourist rooming houses and bed and breakfast establishments, and affecting small businesses.

Finding of Emergency

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

Section 101.149 (2) and (3), Stats., requires the owners of lodging establishments, including hotels, tourist rooming houses, and bed and breakfast establishments that were constructed on or before October 1, 2008, or had plans reviewed by the department of commerce before October 1, 2008, to, not later than April 1, 2010, install carbon monoxide detectors in every residential building that has a fuel-burning appliance, unless, pursuant to s. 101.149 (5), Stats., the building does not have an attached garage and all fuel-burning appliances in the building have sealed combustion units that are either covered by the manufacturer’s warranty against defects or are inspected under rules promulgated by DHS.

Section 254.74 (1) (am), Stats., requires DHS to promulgate rules under which DHS would conduct inspections of sealed combustion units for carbon monoxide emissions, and rules that specify the conditions under which DHS may issue orders to correct violations of s. 101.149 (2) or (3), Stats.

Publication Date: March 1, 2010
Effective Dates: April 1, 2010 through August 28, 2010
Hearing Dates: April 21, 23, 27, 28, 30, 2010

2. **EmR1009** — Rule adopted to revise **Chapter DHS 137**, relating to anatomical gifts and the Wisconsin Donor Registry.

Finding of Emergency

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

There are over 105,000 people in the United States on the national waiting list for organ transplants including 1,500 in Wisconsin. Due to the limited availability of organs for transplantation, 18 people die each day in the United States.

As part of Wisconsin's response to the need for increased organ and tissue donation, the department, as authorized under s. 157.06 (20), Stats., has established the Wisconsin Donor Registry (Donor Registry).

The Donor Registry will make it easier for Wisconsin residents to become donors and for procurement organizations to identify donors, and thus it should increase the supply of available organs and tissues, which may save the lives of persons awaiting transplant.

Promulgating the rules for the Donor Registry as emergency rules will enable department-authorized procurement organizations to quickly determine whether a person who is at or near death has a record of gift. In addition, the Donor Registry makes it possible for individuals to immediately make anatomical gifts.

The Donor Registry will become available for use by the public upon the effective date of these emergency rules and may be accessed by the public at yesIwillwisconsin.com. Substantially identical permanent rules are being proposed concurrent to this emergency order.

Publication Date: March 29, 2010
Effective Dates: March 29, 2010 through August 25, 2010
Hearing Date: May 5, 2010

Insurance (4)

1. **EmR0925** — Rule adopted to create **section Ins 3.75**, relating to continuation of group health insurance policies.

Exemption From Finding of Emergency

Under 2009 Wisconsin Act 11, section 9126, a Finding of Emergency is not required for this emergency rule. The relevant portion of 2009 Act 11 reads as follows:

2009 Wisconsin Act 11, SECTION 9126. Nonstatutory provisions; Insurance.

(4) CONTINUATION COVERAGE RULES. (a) Notwithstanding section 632.897 of the statutes and subsections (1), (2), and (3), the commissioner of insurance may promulgate rules establishing standards requiring insurers to provide continuation of coverage for any individual covered at any time under a group policy who is a state eligible individual to whom subsection (2) or (3) applies or an assistance eligible individual, as defined under section 3001 (a) (3) of the federal

act, including rules governing election or extension of election periods, notice, rates, premiums, premium payment, application of preexisting condition exclusions, and election of alternative coverage.

(b) The commissioner may promulgate the rules under paragraph (a) as emergency rules under section 227.24 of the statutes. Notwithstanding section 227.24 (1) (c) of the statutes, emergency rules promulgated under this paragraph may remain in effect for one year and may be extended under section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, **the commissioner is not required to provide evidence that promulgating a rule under this paragraph as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this paragraph.** [Emphasis Added]

Publication Date: October 1, 2009
Effective Dates: October 2, 2009 through October 1, 2010
Hearing Date: December 8, 2009

2. **EmR0945** — Rule adopted revising **section Ins 3.75**, relating to the continuation of group health insurance policies.

Exemption From Finding of Emergency

Under 2009 Wisconsin Act 11, section 9126, a Finding of Emergency is not required for this emergency rule. The relevant portion of 2009 Act 11 reads as follows:

2009 Wisconsin Act 11, SECTION 9126. Nonstatutory provisions; Insurance.

(4) CONTINUATION COVERAGE RULES (a) Notwithstanding section 632.897 of the statutes and subsections (1), (2), and (3), the commissioner of insurance may promulgate rules establishing standards requiring insurers to provide continuation of coverage for any individual covered at any time under a group policy who is a state eligible individual to whom subsection (2) or (3) applies or an assistance eligible individual, as defined under section 3001 (a) (3) of the federal act, including rules governing election or extension of election periods, notice, rates, premiums, premium payment, application of preexisting condition exclusions, and election of alternative coverage.

(b) The commissioner may promulgate the rules under paragraph (a) as emergency rules under section 227.24 of the statutes. Notwithstanding section 227.24 (1) (c) of the statutes, emergency rules promulgated under this paragraph may remain in effect for one year and may be extended under section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, **the commissioner is not required to provide evidence that promulgating a rule under this paragraph as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this paragraph.** [Emphasis Added]

Publication Date: January 7, 2010
Effective Dates: January 8, 2010 through January 7, 2011 (corrected)
Hearing Date: May 5, 2010

3. **EmR1005** — A rule adopted creating **section Ins 3.36**, relating to treatment of autism spectrum disorders and affecting small business.

Exemption From Finding of Emergency

The Commissioner of Insurance pursuant to s. 632.895 (12m) (f) 2., Stats., need not find that an emergency exists nor provide evidence that promulgating a rule is necessary for the preservation of the public peace, health, safety or welfare.

Publication Date: March 8, 2010
Effective Dates: March 8, 2010
 through August 4, 2010
 (subject to s. 632.895 (12m) (f), Stats.)
Hearing Date: May 26, 2010

4. **EmR1020** — Rule adopted to revise **Chapter Ins 17**, relating to annual injured patients and families compensation fund fees and medical mediation panel fees for the fiscal year beginning July 1, 2010, and may have an effect on small business.

Finding of Emergency

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

These changes must be in place with an effective date of July 1, 2010 for the new fiscal year assessments. The fiscal year fees were established by the Board of Governors at a meeting on May 18, 2010.

Publication Date: June 15, 2010
Effective Dates: June 15, 2010
 through November 11, 2010
Hearing Date: July 19, 2010

Natural Resources (2)

Fish, Game, etc., Chs. NR 1—

1. **EmR1014** — Rule adopted to create **section NR 45.13 (1m) (d)**, relating to the establishment of a slow–no–wake zone on the Wisconsin River at the Dells of Wisconsin River state natural area.

Finding of Emergency

The Department of Natural Resources finds that an emergency exists and that an emergency rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of the facts constituting the emergency is: Based on information received by the Department, user conflicts are increasing. Failure to enact this rule could lead to additional boating accidents and potential for injury during the upcoming high use season.

Publication Date: May 20, 2010
Effective Dates: May 20, 2010 through
 October 16, 2010
Hearing Date: June 22, 2010

2. **EmR1028** — Rule adopted to amend s. **NR 10.104 (7) (a)**, relating to the use of archery deer hunting licenses.

Finding of Emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public welfare. Deer populations are well below goal in much of northeast Wisconsin, causing great concern from hunters and others who value deer. This rule is one of the ways the department is trying to rebuild the populations there. The federal government and state legislature have delegated to the

appropriate agencies rule–making authority to control and regulate hunting wild animals. The State of Wisconsin must provide publications describing the regulations for deer hunting to approximately 250,000 archery deer hunters prior to the start of the season. These regulations must be legally in effect prior to printing nearly 1 million copies of the regulations publication. The timeline for the permanent version of this rule will not have it in effect in time for these deadlines.

Publication Date: July 8, 2010
Effective Dates: July 8, 2010 through
 December 4, 2010

Natural Resources

Environmental Protection — Hazardous Waste Management, Chs. NR 600—

- EmR1007** — Rule adopted revising **section NR 660.10**, relating to hazardous waste management.

Exemption From Finding of Emergency

Section 289.67 (2) (de), Stats., as created by 2009 Wisconsin Act 28 (the 2009–2011 biennial budget bill), requires the department to promulgate by rule definitions of “large quantity generator” and “small quantity generator” for purposes of the hazardous waste generator fees established by s. 289.67 (2) (b) 1., Stats., as amended by 2009 Wisconsin Act 28.

Section 9137 (2), a non–statutory provision in 2009 Wisconsin Act 28, authorizes the department to promulgate the required definitions using emergency rule making procedures, but is not required to provide evidence that promulgating a rule under that subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency.

Publication Date: March 17, 2010
Effective Dates: March 17, 2010 through
 July 1, 2011
Hearing Date: April 26, 2010

Public Instruction (3)

1. **EmR1018** — Rule adopted to create **Chapter PI 45**, relating to the use of race–based nicknames, logos, mascots, and team names by school boards.

Finding of Emergency

Pursuant to Section 3 of the nonstatutory provisions of 2009 Wisconsin Act 250, the Department of Public Instruction is not required to provide evidence that this rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency.

Publication Date: June 1, 2010
Effective Dates: June 1, 2010 through
 October 28, 2010
Hearing Date: July 29, 2010

2. **EmR1021** — Rule adopted to create **section PI 35.07**, relating to establishing a temporary, nonrenewable waiver from the requirement that a teacher have a bachelor's degree in order to teach in a private school under the Milwaukee Parental Choice Program.

Exemption From Finding of Emergency

Pursuant to Section 9139 (4r) of the nonstatutory provisions of 2009 Wisconsin Act 28, the Department of Public Instruction is not required to provide evidence that this rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency.

Publication Date: June 16, 2010
Effective Dates: June 16, 2010 through November 12, 2010
Hearing Date: July 12, 2010

3. **EmR1023** — Rule adopted creating **Chapter PI 43**, relating to education reform.

Finding of Emergency

The Department of Public Instruction finds that an emergency exists and that an emergency rule is necessary for the immediate preservation of the public welfare. The facts constituting the emergency are as follows:

2009 Wisconsin Act 215 requires the state superintendent to promulgate rules establishing criteria and procedures for determining whether a school or school district is in need of improvement and whether a school is among the lowest performing 5 percent of all public schools in the state. The Act became effective May 14, 2010 and review by the various interest groups was completed June 18, 2010. Rules must be in place as soon as possible to establish identification criteria prior to the upcoming school year.

Publication Date: June 28, 2010
Effective Dates: June 28, 2010 through November 24, 2010
Hearing Date: July 27, 2010

Regulation and Licensing (2)

1. **EmR0827** — Rule adopted creating **s. RL 91.01 (3) (k)**, relating to training and proficiency in the use of automated external defibrillators for certification as a massage therapist or bodyworker.

Exemption From Finding of Emergency

Section 41 (2) (b) of the nonstatutory provisions of 2007 Wisconsin Act 104 provides that notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department of regulation and licensing is not required to provide evidence that promulgating a rule as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated to implement 2007 Wisconsin Act 104. Notwithstanding s. 227.24 (1) (c) and (2) of the statutes, these emergency rules will remain in effect until the date on which the final rules take effect.

Publication Date: September 10, 2008
Effective Dates: September 10, 2008 through the date on which the final rules take effect
Hearing Dates: November 26, 2008
 April 13, 2009

2. **EmR0828** — Rules adopted to **amend s. RL 181.01 (2) (c); and to create ss. RL 180.02 (1m), (3m) and (11), 181.01 (1) (d), (2) (c) 1. and 2.**, relating to training and proficiency in the use of automated external defibrillators for licensure as a licensed midwife.

Exemption From Finding of Emergency

Section 41 (2) (b) of the nonstatutory provisions of 2007 Wisconsin Act 104 provides that notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department of regulation and licensing is not required to provide evidence that promulgating a rule as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated to implement 2007 Wisconsin Act 104. Notwithstanding s. 227.24 (1) (c) and (2) of the statutes, these emergency rules will remain in effect until the date on which the final rules take effect.

Publication Date: September 10, 2008
Effective Dates: September 10, 2008 through the date on which the final rules take effect
Hearing Date: November 26, 2008

Technical College System Board

- EmR1025** — Rule adopted to amend **Chapter TCS 17**, relating to training program grant funds.

Finding of Emergency

The Wisconsin Technical College System Board finds that an emergency exists and that an emergency rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting an emergency is:

In May 2010, the Wisconsin C.O.R.E. Jobs Act provided an additional \$1 million GPR for the training program grants authorized in Wis. Stats. §§ 20.292 (1) (eh) and 38.41. These funds were provided to address a critical need of Wisconsin employers for skills training and education necessary to protect the state's economic vitality and health, with a special emphasis on advanced manufacturing and welding.

The WTCS Board is required to award these funds by June 30, 2011, the end of the current 2009–11 biennium. In addition, s. TCS 17.06 (1), Wis. Adm. Code, requires that district boards or employers receiving skills training or education under the grant shall contribute matching funds, other than in-kind matching funds, equal to at least 25% of total approved project costs.

Due to the sustained decline in economic conditions and reduction in business revenues, technical college districts report that employers are withdrawing participation in approved training grants because of an inability to fund the 25% match. Therefore, to ensure that business and incumbent workers in need of skills training and other education may access these services and that appropriated funds are

distributed to technical college districts for this purpose before the end of the fiscal year, emergency administrative rules eliminating the 25% match requirement must be established immediately.

Publication Date: July 2, 2010
Effective Dates: July 2, 2010 through
 November 28, 2010

Transportation

EmR1017 — Rule adopted to create **section Trans 100.25**, relating to mandatory insurance exemptions.

Finding of Emergency

The Department of Transportation finds that an emergency exists and that an emergency rule is necessary for the immediate preservation of the public health and welfare. A statement of the facts constituting the emergency is the requirements of the mandatory insurance laws in Chapter 344, Stats., as created by 2009 Wis. Act 28, contain exceptions to furnishing proof of a motor vehicle liability insurance policy. This emergency rule defines the administration of those exceptions. These mandatory insurance requirements, and the exceptions, are effective June 1, 2010, thereby necessitating an emergency rule being put into place until the effective date of the permanent rule. Clarification of the mechanism to be used to qualify for an exception under the new statute will be useful to persons wishing to file for an exception. Persons whose religious beliefs preclude them from buying insurance will benefit from this rule making.

Publication Date: June 1, 2010
Effective Dates: June 1, 2010 through
 October 28, 2010
Hearing Date: June 24, 2010

Workforce Development

Labor Standards, Chs. DWD 270–279

EmR1011 — Rule adopted to create **Chapter DWD 273**, relating to the regulation of traveling sales crews.

Finding of Emergency

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

The statute which provides for the regulation of traveling sales crews became effective on April 1, 2010. The Department has completed its work on the proposed administrative rule which implements the statute, and submitted the proposed rule in final form for legislative review on April 13, 2010. Putting the provisions of the proposed rule into effect during the legislative review period will allow the Department to take any enforcement action that might be needed if there are complaints during this period about the operation of traveling sales crews without the permits required by statute.

Publication Date: April 19, 2010
Effective Dates: April 19, 2010 through
 September 15, 2010

Scope Statements

Agriculture, Trade and Consumer Protection

Subject

Revises Chapter ATCP 21, relating to certification of firewood dealers (Pest Control).

Objective of the Rule

This rule will do the following:

- Update and clarify the voluntary DATCP certification program for firewood dealers. Certification allows dealers to supply firewood to Wisconsin state parks. Department of Natural Resources (DNR) rules under ch. NR 45.045, Wis. Admin. Code prohibit firewood from entering state parks from more than 25 miles away, unless the firewood comes from a DATCP-certified source.
- Restrict the movement of untreated firewood into and within Wisconsin.
- Limit the risk of the human-caused spread of Emerald Ash Borer (EAB) *Agrilus planipennis* and other plant pests that are carried on firewood.

Policy Analysis

DATCP administers laws related to the control of plant pests. DATCP has authority under s. 93.06 (1p), Stats. to provide inspection and testing services related to all DATCP programs. DATCP has authority under s. 93.07 (12), Stats. to conduct surveys and inspections for the detection and control of pests injurious to plants, and to make, modify, and enforce reasonable rules needed to prevent the dissemination of pests. DATCP also has plant inspection and pest control authority under s. 94.01, Stats. DATCP may by rule impose restrictions on the importation or movement of serious plant pests, or items that may spread serious plant pests.

EAB is a very serious plant pest risk that has destroyed large numbers of ash trees in neighboring Midwestern states. EAB is an exotic pest that endangers Wisconsin's 770 million ash trees and ash tree resources. This insect has the potential to destroy entire stands of ash, including up to 20% of Wisconsin's urban street trees and residential landscaping trees, and can result in substantial losses to forest ecosystems. The insect can cause great harm to state lands, and to the state's tourism and timber industries. Currently, EAB has been identified in 13 states, including Wisconsin, and two Canadian provinces. Eleven Wisconsin counties have been quarantined to restrict the movement of untreated wood in order to prevent the spread of EAB. Human movement of infested firewood is the primary means of spread of EAB and other plant pests. Firewood can be processed or treated to mitigate the spread of pests.

DNR rule chapter NR 45.045, Wis. Adm. Code prohibits imports of firewood to a Wisconsin state park from any location outside this state and from any location within the state that is more than 25 miles from the state park, *except from sources approved by DATCP*.

This rule will update DATCP's existing voluntary certification program for firewood dealers that allows certified dealers to continue supplying firewood into

Wisconsin state parks. Certified dealers must implement control measures to ensure that firewood is free of pests. This rule will modify certification criteria, including required pest control measures. Certification will continue to be voluntary, but is required for those dealers who wish to supply firewood from out-of-state or from any location in the state that is more than 25 miles away from the firewood source into Wisconsin state parks. This rule also will be updated to restrict untreated firewood movement into and within Wisconsin.

Policy Alternatives

If DATCP does nothing, the existing rule will remain in place and the department will not be certifying firewood as safely or effectively as possible. In addition, Wisconsin and out-of-state firewood dealers will continue to be able to sell untreated firewood throughout Wisconsin, raising the potential of the more rapid spread of EAB and other plant pests.

There are no statutory alternatives at this time.

Statutory Authority

Sections 93.06 (1p), 93.07 (12) and 94.01, Stats.

Comparison with Federal Regulations

In order to limit the spread of EAB, the Animal and Plant Health Inspection Service of the United States Department of Agriculture (USDA-APHIS) has imposed quarantines on the movement of ash wood from Illinois, Indiana, Kentucky, Ohio, Pennsylvania, Maryland, Michigan, Minnesota, Missouri, New York, Virginia, West Virginia, and Wisconsin, as well as Ontario and Quebec. DATCP rules currently prohibit imports from any federally quarantined area, except under authorized conditions. This proposed rule is consistent with current state and federal rules.

Entities Affected by the Rule

The certification program under this rule would be entirely voluntary. This revised rule will benefit some firewood dealers who would otherwise be prohibited from supplying firewood to Wisconsin state parks. It may also benefit those out-of-state and Wisconsin firewood dealers who wish to sell firewood in Wisconsin to areas other than state parks.

Estimate of Time Needed to Develop the Rule

DATCP estimates that it will use approximately 0.1 FTE staff time to develop these rules. 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.

DATCP may not begin drafting this rule until the Board of Agriculture, Trade and Consumer Protection approves this scope statement. The Board may not approve this scope statement sooner than 10 days after this scope statement is published in the Wisconsin Administrative Register. If the Board takes no action on the scope statement within 30 days after the scope statement is presented to the board, the scope statement is considered approved. Before the department holds public hearings on this rule, the Board must approve the

hearing draft. The Board must also approve the final draft rule before the department adopts the permanent rule.

Commerce

Financial Resources for Businesses and Communities, Chs. Comm 100—

Subject

Creates Chapter Comm 140, relating to loans to manufacturing businesses.

Objective of the Rules

The rules to be proposed would implement the provisions of 2009 Wisconsin Act 332 that relate to loans to manufacturing businesses for energy improvements, clean energy operations, and corresponding employment or retooling.

Policy Analysis

The Department has rules for several other programs associated with economic and business development, but those rules and programs are not targeted specifically to loans to manufacturing businesses for energy improvements, clean energy operations, and corresponding employment or retooling.

The rules are expected to address (1) eligibility criteria for loans to manufacturing businesses for energy improvements, clean energy operations, and corresponding employment or retooling; (2) the documentation that must be submitted by applicants; (3) the Department's response to the submitted documentation; and (4) the reporting and other requirements subsequent to receiving a loan.

Policy Alternative

The alternative of not promulgating these rules would conflict with the directive in section 560.128 (2) of the Statutes, as created in 2009 Wisconsin Act 332, that requires this promulgation.

Statutory Authority

Sections 227.11 (2) (a) and 560.128 (2), Stats.

Comparison with Federal Regulations

A search for "renewable energy revolving loan program" and "energy efficiency revolving loan program" in the federal *Code of Regulations* indicates no *direct* loan program or revolving loan program regulations for clean energy manufacturing at the federal level. However, the US Department of Energy under 10 CFR 609 may issue loan guarantees for eligible projects, including to manufacturers, that "avoid, reduce, or sequester air pollutants or anthropogenic emissions of greenhouse gases" and "employ new or significantly improved technologies as compared to technologies in service in the United States at the time the guarantee is issued." Also, the US Department of Agriculture administers the Rural Energy for America Program (7 CFR 5001.104), which provides guaranteed loans to agricultural producers or rural small business "for the purchase, installation, expansion and/or other energy-related improvement of a renewable energy system or to make energy efficiency improvements."

A search for "renewable energy revolving loan program" and "energy efficiency revolving loan program" in the *Federal Register* for 2009 and 2010 did not identify any

proposed federal regulation that addresses clean energy manufacturing revolving loan programs.

Entities Affected by the Rule

The rules may affect manufacturing businesses that choose to apply for loans for energy improvements, clean energy operations, and corresponding employment or retooling.

Estimate of Time Needed to Develop the Rule

The staff time needed to develop the rules is expected to range from 80 to 120 hours, depending upon the associated complexity. This includes research, rule drafting, and processing the rules through public hearings, legislative review, and adoption. There are no other resources necessary to promulgate the rules.

Corrections

Subject

Repeals and recreates Chapter DOC 309, relating to resources for inmates.

Objectives of the Rules

- Eliminate outdated provisions;
- Clarify language;
- Update citations to statutes for accuracy;
- Amend the rule to reflect changes in the law and correctional practices and operations, relating resources provided to inmates while incarcerated; and
- Renumber and reorganize the rule chapter.

Policy Analysis

The department is responsible for the care and custody of persons convicted and sentenced to state prison. As part of that responsibility, the department provides inmates with access to a number of resources, including mail, news media, publications, visitation, special events, access to the courts, personal property, food, personal hygiene, leisure time activities, telephone calls, clothing, canteen, inmate account funds, inmate compensation, and religious practice.

The last significant rule amendment was in 2000. Since that time, there have been changes to the law and correctional practice which need to be addressed. There have also been court decisions which address a variety of conditions of confinement issues, including inmate publications, religious practices, food, and access to the courts. The rules need to be reviewed to take into consideration the court rulings.

There is a need to review the current rule to reflect the changes in the law and correctional practices. The alternatives to the proposed review would result in the department continuing to have outdated policies which do not adequately reflect the current state of the law and a rule which needs clarification and reorganization.

Statutory Authority

Sections 227.11 (2), 301.02, and 301.03 (2), Stats.

Comparison with Federal Regulations

There are no federal regulations which address the issues or activities covered by the proposed rule.

Entities Affected by the Rule

This rule will affect inmates, families of inmates, visitors, attorneys who represent inmates, volunteers, publishers of periodicals, representatives of the media, the public, victims, and DOC staff.

Estimate of Time Needed to Develop the Rule

The Department estimates that it will take approximately 200 hours to develop this rule, including drafting the rule and complying with rulemaking requirements.

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Corrections**Subject**

Repeals and recreates Chapter DOC 350, relating to county jails.

Objectives of the Rules

- Eliminate outdated provisions;
- Clarify language;
- Update citations to statutes for accuracy;
- Clarify and update standards for the physical plant of a jail;
- Clarify and update standards for jail operations; and
- Renumber and reorganize the rule chapter.

Policy Analysis

The department is responsible for establishing standards for the construction and operation of county jails and houses of corrections. The department is also responsible for inspecting the facilities on an annual basis and as necessary. The current rule which was last reviewed and amended in 1992 establishes minimum standards in jail operations. The issues addressed in the rule include: the review and approval of construction plans, physical plant requirements, occupancy limitations and requirements for single and double celling, health care, including health screening upon admission, medication administration, suicide prevention, and crisis intervention, fire safety, security, administrative confinement, discipline, programming, mail, visitation, canteen, religious programming, recreation, reading materials, records and reporting, and variances.

Since the last time the rule was amended, there have been changes in the statutes, case law, and correctional practices, relating to jail operations. For example, s. 302.36 dealing with inmate classification was amended; s. 302.388 dealing with inmate health care records was created; and issues concerning health care of inmates have become increasingly more important. There is a need to review the current rule to reflect the changes in the law and correctional practices. The alternatives to the proposed review would result in the department continuing to have outdated policies which do not adequately reflect the current state of the law and a rule which needs clarification and reorganization.

Statutory Authority

Sections 227.11 (2), 301.02, 301.03 (2), 301.37 (1), and 302.365, Stats.

Comparison with Federal Regulations

There are no federal regulations that impact county jails, except with respect to the housing of juveniles. Specifically, the federal Juvenile Justice and Delinquency Act (JJDPA), 42 USC 5601, et seq., and the implementing regulations (28 CRF Part 31) limit the housing of juveniles in adult jails.

Entities Affected by the Rule

The rule affects persons who are arrested or charged with or convicted of criminal offenses; county entities, including sheriffs, county boards, and jails; and DOC staff.

Estimate of Time Needed to Develop the Rule

The Department estimates that it will take approximately 200 hours to develop this rule, including drafting the rule and complying with rulemaking requirements.

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Public Instruction**Subject**

Revises Chapter PI 9, relating to pupil nondiscrimination based on sex.

Policy Analysis

The department is proposing to modify Chapter PI 9, Wis. Adm. Code, to clarify that discrimination on the basis of sex includes general identity and expression.

There are no existing relevant polices nor new policies to be included in the rule.

Policy Alternative

Maintain the current rule.

Statutory Authority

Sections 118.13 (3) (a) 2. and 227.11 (2) (a), Stats.

Comparison with Federal Regulations

N/A.

Entities Affected by the Rule

Public school districts.

Estimate of Time Needed to Develop the Rule

The amount of time needed for rule development by department staff and the amount of other resources necessary are indeterminable. The time needed to create the rule language itself will be minimal. However, the time involved with guiding the rule through the required rule promulgation process is fairly significant. The rule process takes more than six months to complete.

Submittal of Rules to Legislative Council Clearinghouse

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

Commerce

Licenses, Certifications and Registrations, Chs. Comm 5 CR 10–090

On July 15, 2010, the Department of Commerce submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order revises Chapter Comm 5, relating to thermal insulator credentials.

Agency Procedure for Promulgation

A public hearing is required and will be held on August 11, 2010. The Department's Safety and Buildings Division is responsible for promulgation of the proposed rules.

Contact Information

James Quast, Program Manager
Phone: (608) 266–9292
Email: jim.quast@wisconsin.gov

Commerce

Uniform Dwelling, Chs. Comm 20–25 CR 10–089

On July 15, 2010, the Department of Commerce submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order revises Chapters Comm 21 and 28, relating to carbon monoxide detectors in dwellings.

Agency Procedure for Promulgation

A public hearing is required and will be held on August 11, 2010. The Department of Commerce is responsible for promulgation of the proposed rules.

Contact Information

Larry Swaziek, Program Manager
Phone: (608) 267–7701
Email: larry.swaziek@wisconsin.gov

Government Accountability Board

CR 10–087

On July 7, 2010, the Government Accountability Board submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order creates section GAB 1.91, relating to organizations making independent disbursements.

Agency Procedure for Promulgation

A public hearing will be scheduled at a later time. The Government Accountability Board is primarily responsible for promulgation of the proposed rules.

Contact Information

Shane W. Falk, Staff Counsel
Government Accountability Board
212 E. Washington Avenue, 3rd Floor
P.O. Box 7984, Madison, WI 53707–7984
Phone: (608) 266–2094
Email: Shane.Falk@wisconsin.gov

Health Services

Management, Tech. & Strategic Finance, Chs. DHS 1— *Community Services, Chs. DHS 30—* *Health, Chs. DHS 110—* CR 10–091

On July 15, 2010, the Department of Health Services submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order revises Chapters DHS 12, 83, 88, 124, 127, 148, and 165, to update, correct, or remove outdated rule provisions and cross-references.

Agency Procedure for Promulgation

A public hearing is scheduled for August 26, 2010. Comments may be submitted to the agency contact person that is listed below until August 26, 2010, 4:30 p.m.

Contact Information

Pat Benesh, Quality Assurance Program Spec–Senior
Division of Quality Assurance
1 West Wilson Street, Room 534
Madison, WI 53701
Phone: (608) 264–9896
Fax: (608) 267–0352
Email: patricia.benesh@wisconsin.gov
Small Business Regulatory Coordinator:
Rosie Greer
Phone: (608) 266–1279
Email: greerrj@dhs.state.wi.us

Revenue

CR 10–095

On July 15, 2010, the Department of Revenue submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order revises Chapters Tax 1, 2 and 3, relating to electronic funds transfer; original and amended

corporation franchise and income tax returns; information returns and wage statements; returns of persons other than corporations; the recycling surcharge; estimated tax requirements; addback and disclosure of related entity expenses; pass-through entity withholding; and the dividends received deduction for corporations.

Agency Procedure for Promulgation

A public hearing is required and will be held on August 13, 2010. The Department's Office of the Secretary is primarily responsible for promulgation of the proposed rules.

Contact Information

Dale Kleven
Income, Sales and Excise Tax Division
Phone: (608) 266-8253
Email: dale.kleven@revenue.wi.gov

Revenue CR 10-093

On July 15, 2010, the Department of Revenue submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order creates sections Tax 4.001, 7.001, 8.001, and 9.001 and revises section Tax 11.01, relating to motor vehicle, alternate fuels, and general aviation fuel tax return and refund claim forms; fermented malt beverage tax return and refund claim forms; intoxicating liquor report, tax return, and refund claim forms; cigarette and tobacco products report, tax return, and refund claim forms; and sales and use tax, local exposition tax, and premier resort area tax return forms.

Agency Procedure for Promulgation

A public hearing is required and will be held on August 10, 2010. The Department's Office of the Secretary is primarily responsible for promulgation of the proposed rules.

Contact Information

Dale Kleven
Income, Sales and Excise Tax Division
Phone: (608) 266-8253
Email: dale.kleven@revenue.wi.gov

Revenue CR 10-094

On July 15, 2010, the Department of Revenue submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order revises Chapter Tax 11, relating to sales and use tax.

Agency Procedure for Promulgation

A public hearing is required and will be held on August 13, 2010. The Department's Office of the Secretary is primarily responsible for promulgation of the proposed rules.

Contact Information

Dale Kleven
Income, Sales and Excise Tax Division
Phone: (608) 266-8253
Email: dale.kleven@revenue.wi.gov

Transportation CR 10-088

On July 13, 2010, the Department of Transportation submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order revises Chapter Trans 131, relating to vehicle emission inspection process.

Agency Procedure for Promulgation

A public hearing is required and will be held on August 12, 2010. The Department's Division of Motor Vehicles, Bureau of Vehicle Services is primarily responsible for promulgation of the proposed rules.

Contact Information

Julie A. Johnson, Paralegal
Phone: (608) 267-3703
Email: Julie1.Johnson@dot.wi.gov

Workforce Development Public Works Construction Contracts, Chs. DWD 290-294 CR 10-092

On July 15, 2010, the Department of Workforce Development submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order revises Chapter DWD 290, relating to prevailing wages.

Agency Procedure for Promulgation

A public hearing is required and will be held on August 11, 2010. The Department's Equal Rights Division, Bureau of Labor Standards is primarily responsible for promulgation of the proposed rules.

Contact Information

Howard Bernstein, DWD Legal Counsel
Phone: (608) 266-9427
Email: Howard.Bernstein@dwd.wisconsin.gov

Julie Eckenwalder, Section Chief
Construction Wage Standards Section
Phone: (608) 266-3148
Email: Julie.Eckenwalder@dwd.wisconsin.gov

Rule–Making Notices

Notice of Hearing

Agriculture, Trade and Consumer Protection

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) announces that it will hold public hearings on a rule designating 12 agricultural enterprise areas (AEAs) encompassing a total of just under 200,000 acres pursuant to s. 91.84, Stats. An AEA is a contiguous land area, devoted primarily to agricultural use, which is locally targeted for agricultural preservation and agricultural development.

Hearing Information

DATCP will hold two public hearings at the times and locations shown below.

- Date:** August 12, 2010
Time: 2:00 PM to 6:00 PM
Location: Town of Washington Town Hall
 5750 Old Town Hall Road
 Eau Claire, WI 54701
- Date:** August 16, 2010
Time: 2:00 PM to 6:00 PM
Location: Dept. of Agriculture, Trade & Consumer Protection
 2811 Agriculture Drive
 Board Room, 1st Floor
 Madison, WI 53704

Hearing impaired persons may request an interpreter for these hearings. Please make reservations for a hearing interpreter by **August 5, 2010** by contacting Coreen Fallat, Department of Agriculture, Trade and Consumer Protection, Division of Agricultural Resource Management, P.O. Box 8911, Madison, WI 53708–8911, coreen.fallat@wi.gov, telephone (608) 224–4625. Alternatively, you may contact the DATCP TDD at (608) 224–5058. Handicap access is available at the hearings.

Submittal of Written Comments

DATCP invites the public to attend the hearings and comment on the rule. Following the hearing, the hearing record will remain open until **Tuesday, August 31** for additional written comments. Comments may be sent to the Division of Agricultural Resource Management, Attention Coreen Fallat, at 2811 Agriculture Drive, Madison, WI 53708, by email to DATCPWorkingLands@wisconsin.gov or online at <http://adminrules.wisconsin.gov>.

To provide comments or concerns relating to small business, you may also contact DATCP's small business regulatory coordinator Keeley Moll at the address above, or by emailing to Keeley.Moll@wi.gov or by telephone at (608) 224–5039.

Copies of Proposed Rule

You may obtain free copies of the proposed rule by contacting the Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Agricultural

Resource Management, 2811 Agriculture Drive, Attention Coreen Fallat, Madison, WI 53708. You may also obtain copies by calling (608) 224–4625 or emailing DATCPWorkingLands@wisconsin.gov. Copies will also be available at the hearing. To view the proposed rule online, go to: <http://adminrules.wisconsin.gov/Keeley.Moll@datcp.state.wi.us>.

Analysis Prepared by Department of Agriculture, Trade and Consumer Protection

This rule designates 12 agricultural enterprise areas (AEAs) pursuant to s. 91.84, Stats. An AEA is a contiguous land area, devoted primarily to agricultural use, which is locally targeted for agricultural preservation and agricultural development. The 12 AEAs designated by this rule encompass just under 200,000 acres. The AEAs include land in 11 counties and 27 towns (some of the AEAs cross town or county lines).

The designation of an AEA does not control or restrict land use. However, the owners of farms located within an AEA may enter into voluntary 15–year farmland preservation agreements with DATCP. That enables them to claim farmland preservation tax credits under s. 91.613, Stats.

Statutes interpreted

Section 91.84 and 91.86, Stats.

Statutory authority

Section 91.84 (1) and (2), Stats.

Explanation of Statutory Authority

Under s. 91.84 (1), Stats., DATCP may designate up to 15 AEAs, encompassing a total of not more than 200,000 acres, before January 1, 2012. DATCP may designate additional AEAs after January 1, 2012. DATCP may designate AEAs by a special abbreviated rulemaking process described in s. 91.84 (2), Stats.

DATCP may designate AEAs in response to local petitions under s. 91.86, Stats. Each petition must be signed by at least 5 farmers within the AEA, and by the affected county and local governments. Other persons may sign in support of a petition.

Related rules or statutes

Owners of farms located within an AEA may enter into voluntary 15–year farmland preservation agreements with DATCP, pursuant to s. 91.60, Stats. Those farmers may claim farmland preservation tax credits under s. 91.613, Stats. Tax credits are higher for farms that are also covered by a certified farmland preservation zoning ordinance under subch. III of ch. 91, Stats. An owner of a farm located within an AEA may enter into a farmland preservation agreement, regardless of whether the farm owner signed the petition requesting designation of the AEA.

Plain language analysis

This rule designates the following 12 AEAs, totaling just under 200,000 acres, in the following locations (the AEA's are specifically described by the maps shown in *Appendix A* to this rule):

AEA name	AEA Location (County and Town)
Antigo Flats AEA	Langlade County; Towns of Ackley, Antigo, Neva, Peck, Polar, Price and Rolling
Ashippun/Oconomowoc AEA	Dodge and Waukesha Counties; Towns of Ashippun and Oconomowoc
Bayfield AEA	Bayfield County; Town of Bayfield
Bloomer Area AEA	Chippewa County; Town of Bloomer
Cadott Area AEA	Chippewa County; Towns of Goetz and Delmar
La Prairie AEA	Rock County; Towns of La Prairie and Turtle
Maple Grove AEA	Shawano County; Town of Maple Grove
Rush River Legacy AEA	St. Croix County; Town of Rush River
Scuppernong AEA	Jefferson County; Towns of Cold Spring, Hebron, Palmyra and Sullivan
Squaw Lake AEA	Polk and St. Croix Counties; Towns of Alden, Farmington, Somerset and Star Prairie
Town of Dunn AEA	Dane County; Town of Dunn
Windsor AEA	Dane County; Town of Windsor

Comparison with federal regulations

There are no federal programs comparable to the AEA program implemented by this rule. Over 15 states have “agricultural district” programs that bear some resemblance to the AEA program implemented by this rule, including the neighboring states of Illinois, Iowa, and Minnesota. However, each of those state programs has its own unique features.

None of the programs in other states is exactly comparable to the AEA program implemented by this rule, and some are more comparable to Wisconsin’s farmland preservation zoning program. Some include limits on non-farm development, local planning requirements, right-to-farm protection, rewards for conservation practices, per acre property tax credits, and eligibility for participation in a conservation easement program.

Summary of data and analytical methodologies

DATCP evaluated AEA petitions in consultation with a panel that included independent reviewers. DATCP and the reviewers considered factors identified in ss. 91.84 and 91.86, Stats., as well as a variety of other factors identified in the petition forms. Petitioners were invited to submit, and did submit, extensive data and information to support their petitions.

Environmental Impact

This rule, by itself, does not have a direct impact on the environment. This rule enables eligible farmers to enter into voluntary farmland preservation agreements with the state. Those agreements will have a positive effect on the environment by preserving agricultural land and promoting compliance with state soil and water standards.

This rule is not a “major action significantly affecting the quality of the environment,” for purposes of s. 1.11, Stats. No environmental impact statement is required under s. 1.11, Stats. or ch. ATCP 3, Wis. Adm. Code.

Small Business Impact

This rule, by itself, does not have any direct impact on farmers or other business owners. The designation of an AEA does not control or restrict land use. However, farm owners in an AEA are eligible to enter into voluntary 15-year farmland preservation agreements with DATCP. That enables

them to claim farmland preservation tax credits under s. 71.613, Stats.

Participating farmers may claim a significant tax credit benefit for the 15-year term of their agreement (\$5 per acre per year, or \$10 per acre per year if the land is also covered by a certified farmland preservation zoning ordinance). The AEA designation may also help reassure farmers and investors that the affected area will remain in agricultural use. The AEA designation may encourage, and help focus, agricultural investment and development.

Farmers who choose to enter into farmland preservation agreements (in order to qualify for tax credits) may incur some costs to keep their land in agricultural use for 15 years, and to comply with state soil and water conservation requirements. Some of these farmers may already be complying with conservation standards. In any case, the decision to enter into a farmland preservation agreement is voluntary. The cost of compliance for participating (if any) may be outweighed by the tax credit benefit.

Many of the farmers who will benefit from this rule are “small businesses.” This rule will have a positive effect on those small businesses. This rule will impose no new mandates on small business (farmland preservation agreements are entirely voluntary). This rule is not subject to the small business delayed effective date under s. 227.22 (2) (e), Stats.

Fiscal Estimate

As a result of this rule, farmers in the designated AEA’s will be able to enter into voluntary farmland preservation agreements with DATCP. That will enable them to claim farmland preservation tax credits under s. 71.613, Stats. For farms covered by agreements, farm owners may claim an income tax credit of \$5.00 per acre. If the land is *also* covered by a certified farmland preservation zoning ordinance, the farm owner may claim a tax credit of \$10.00 per acre. The tax credits, paid by the Wisconsin Department of Revenue, will be an annual cost to the State of Wisconsin. It is not possible to know exactly how many of the acres designated as an AEA will be entered into a farmland preservation agreement. An estimate of the cost of tax credits to the state assuming 40% of the acres are covered by an agreement can be found in the fiscal estimate.

The Department of Revenue will incur some added costs for personnel, supplies and services to process tax credit claim

forms and pay the tax credits. However, those costs can likely be absorbed within DOR's current operating budget.

DATCP will incur some added costs to publish in the state newspaper and for personnel, supplies and services to enter into farmland preservation agreements with farmers in the designated AEAs. However, those costs will be relatively small and can be absorbed within DATCP's current operating budget.

Farmers claiming tax credits in the designated AEAs must comply with state soil and water conservation requirements. Counties monitor compliance, and may suspend a farmer's tax credit eligibility if the farmer fails to comply. Counties in which the AEAs are located may incur some additional costs for personnel, supplies and services to monitor conservation compliance by farmers claiming tax credits pursuant to farmland preservation agreements in the designated AEAs. In many instances, that cost can be absorbed within the counties' current operating budgets.

Agency Contact Person

Questions and comments related to this rule may be directed to:

Coreen Fallat
Dept. of Agriculture, Trade and Consumer Protection
P.O. Box 8911
Madison, WI 53708-8911
Phone: (608) 224-4625
EMail: coreen.fallat@wisconsin.gov

Notice of Hearing

Commerce

Licenses, Certifications and Registrations, Ch. Comm 5 CR 10-090

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.02 (1) and (15), and 101.136, Stats., the Department of Commerce will hold a public hearing on proposed rules under Chapter Comm 5, relating to thermal insulator credentials.

Hearing Information

The public hearing will be held as follows:

Date: August 11, 2010
Time: 1:00 PM
Location: Thompson Commerce Building
Conference Room 3B
201 W. Washington Avenue
Madison, Wisconsin

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 a request from a person with a disability.

Submittal of Written Comments

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 **August 18, 2010**, 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 James Quast, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or Email at jim.quast@wi.gov.

Copies of Proposed Rule

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.wi.gov/SB/. Paper copies may be obtained without cost from Norma Sampson, at the Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, WI 53701-2689, or Email norma.sampson@wisconsin.gov, or at telephone (608) 267-7907 or TDD Relay dial 711 in Wisconsin or (800) 947-3529. Copies will also be available at the public hearing.

Analysis Prepared by Department of Commerce

Statutes interpreted

Section 101.136 (5), 2009 Wisconsin Act 16.

Statutory authority

Sections 101.02 (1) and (15), and 101.136, Stats., 2009 Wisconsin Act 16.

Related statutes or rules

Chapters Comm 61 to 66, Wisconsin Commercial Building Code.

Explanation of agency authority

Under 2009 Wisconsin Act 16, s. 101.136, Stats., on July 1, 2011, only individuals licensed as insulation mechanics or working under the direct supervision of licensed insulation mechanics may install or maintain thermal system insulation. The proposed rules implement the licensing mandates of Act 16. Thermal insulation is statutorily defined as a product that is used in a heating, ventilating, cooling, plumbing or refrigeration system to insulate any hot or cold surface, including a pipe, duct valve, boiler flue, or tank or equipment on or in a building.

Summary of proposed rules

The proposed rules establish administrative procedures for licensing and registration of individuals who install or maintain thermal insulation for heating, ventilating, cooling, plumbing or refrigeration systems. The proposed rules reflect the statutory provisions of s. 101.136, Stats. The rules create credentials for thermal insulation mechanics, apprentices and helpers. The rules allow acquisition of the insulation mechanic license by completing an apprenticeship or taking and passing a department licensure exam provided the individual has 1,000 hours per year of experience for at least 4 consecutive years. The rules also include a grandfathering provision to obtain the mechanic's license that would sunset on July 1, 2015. Continuing education obligations are proposed in order to renew the mechanics license.

The proposed rules also establish administrative forfeiture schedule for individuals who violate the credentialing provisions of the law or the rules.

Comparison with federal regulations

An internet search on U.S. federal regulations and U.S. federal register yielded no results regarding the licensing of thermal insulators.

Comparison with rules in adjacent states

An Internet-based search of thermal insulation mechanic licenses in the states of Illinois, Iowa, Michigan and Minnesota found that none of the states have specific rules or programs regarding these types of licenses.

Summary of factual data and analytical methodologies

The proposed rules were developed by reviewing the provisions under 2009 Wisconsin Act 16 in conjunction with the current licensing rules relating to businesses under ch. Comm 5.

Analysis and supporting documents used to determine effect on small business

The proposed credential rules implement the licensing mandates of 2009 Wisconsin Act 16. The rules most likely will affect HVAC contractors, plumbing contractors and mechanical refrigeration contractors. The fee for a thermal insulation mechanic's license is proposed at \$500. The fee for the registration of apprentices and helpers is proposed at \$15. The department estimates that 500 individuals will seek to acquire the mechanic's license and 250 individuals will seek to obtain the apprentice or helper registration. The mechanic's license, helper's registration and apprentice's registration are each valid for 2 years. The credential fees were established to offset the cost of the thermal insulation inspector position created under 2009 Wisconsin Act. 16.

An economic impact report has not been required pursuant to s. 227.137, Stats.

Small Business Impact***Initial regulatory flexibility analysis******Types of small businesses that will be affected by the rules.***

Under 2009 Wisconsin Act 16, s. 101.136, Stats., on July 1, 2011 and the proposed rules only individuals licensed as insulation mechanics or working under the direct supervision of licensed insulation mechanics may install or maintain thermal system insulation. Thermal insulation is statutorily defined as a product that is used in a heating, ventilating, cooling, plumbing or refrigeration system to insulate any hot or cold surface, including a pipe, duct valve, boiler flue, or tank or equipment on or in a building. The credential rules would most likely affect HVAC contractors, plumbing contractors, and mechanical refrigeration contractors.

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

The rules which reflect Act 16 allow acquisition of insulation mechanic license by completing an apprenticeship or taking and passing a department licensure exam provided the individual has 1,000 hours per year of experience for at least 4 consecutive years.

The renewal of thermal insulation mechanic licenses will continue to be contingent upon the fulfillment of continuing education obligations.

Types of professional skills necessary for compliance with the rules.

No other types of professional skills are necessary for compliance with the rules.

Rules have a significant economic impact on small businesses?

No.

Small business regulatory coordinator

The small business regulatory coordinator for the Department of Commerce is Carol Dunn, who may be contacted at telephone (608) 267-0297, or Email at carol.dunn@wisconsin.gov.

Environmental Impact

The Department has considered the environmental impact of the proposed rules. In accordance with chapter 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.

Fiscal Estimate***Assumptions used in arriving at fiscal estimate***

The proposed rules establish administrative procedures for licensing and registration of individuals who install or maintain thermal insulation for heating, ventilating, cooling, plumbing or refrigeration systems. The proposed rules reflect the statutory provisions of 2009 Wisconsin Act 16, s. 101.136, Stats. The Act requires credentialed individuals to perform thermal insulation work as of July 1, 2011. The rules create credentials for thermal insulation mechanics, apprentices and helpers. The department anticipates that workload associated with the credentialing processes can be absorbed within current resources and staff levels.

The credential rules would most likely affect HVAC contractors, plumbing contractors, and mechanical refrigeration contractors. The fee for a thermal insulation mechanic's license is proposed at \$500 which reflects statutory provisions. The fee for the registration of apprentices and helpers is proposed at \$15. The department estimates that 500 individuals will seek to acquire the mechanic's license and 250 individuals will seek to obtain the apprentice or helper registration. The mechanic's license and helper's registration is valid for 2 years and the apprentice's registration is valid for one year. Based upon these assumptions the department would realize an annual increase in revenue of \$126,875. The credential fees were established to offset the cost of the thermal insulation inspector position created under 2009 Wisconsin Act. 16.

State fiscal effect

Increase existing revenues.

Increased costs may be possible to absorb with agency's budget.

Fund sources affected

PRO.

Local government fiscal effect

None.

Long-range fiscal implications

No long-range fiscal implications are anticipated.

Agency Contact Person

James Quast, Program Manager

Phone: (608) 266-9292

jim.quast@wisconsin.gov

Notice of Hearing

Commerce

Uniform Dwelling, Chs. Comm 20–25 CR 10–089

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.63 (1), 101.73 (1), 101.82 (1), Stats., the Department of Commerce will hold a public hearing on proposed rules under Chapters Comm 21 and 28, relating to the carbon monoxide alarms in one- and 2-family dwellings and affecting small business.

Hearing Information

The public hearing will be held as follows:

Date: August 11, 2010
Time: 10:00 AM
Location: Thompson Commerce Building
 Conference Room 3B
 201 W. Washington Avenue
 Madison, Wisconsin

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 before 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 a request from a person with a disability.

Submittal of Written Comments

Interested persons are invited to appear at the hearing and present comments on the proposed rule. 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 **August 18, 2010**, 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 Larry Swaziek, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or Email at larry.swaziek@wisconsin.gov.

Copies of Proposed Rule

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.wi.gov/SB/. Paper copies may be obtained without cost from Larry Swaziek, at the Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, WI 53701-2689, or Email at larry.swaziek@wisconsin.gov, or at telephone (608) 267-7701 or (608) 264-8777 (TTY). Copies also will be available at the public hearing.

Analysis Prepared by Department of Commerce

Statutes interpreted

Sections 101.615 (1m) and 101.647, Stats., as created by 2009 Wisconsin Act 158.

Statutory authority

Sections 101.02 (1) and 101.63 (1), Stats., and ss. 101.615 (1m) and 101.647, Stats., as created by 2009 Wisconsin Act 158.

Related statute or rule

Section 101.149, Wis. Stats.

Chapters Comm 61 to 66, Commercial Building Code, Wis. Adm. Code

Explanation of agency authority

Under the statutes cited, the Department of Commerce protects public health, safety, and welfare by adopting rules that establish uniform, statewide standards for the construction of one- and 2-family dwellings. In addition, 2009 Wisconsin Act 158 specifically directs the department to address carbon monoxide alarms involving these types of buildings.

Summary of proposed rules

The proposed rules establish minimum requirements for the installation and maintenance of carbon monoxide alarms in one- and two-family dwellings. The requirements reflect the statutory mandates of 2009 Wisconsin Act 158.

The rules would require the following:

- Carbon monoxide alarms shall be installed in a dwelling, the initial construction of which was commenced before, on or after February 1, 2011.
- In new dwellings with electrical service, the carbon monoxide alarms shall be continuously powered by the house electrical service and interconnected so that activation of one alarm will cause activation of all alarms.
- The alarms are listed and labeled in conformance with UL 2034, Underwriters Laboratories Inc, *Standard for Safety Single and Multiple Station Carbon Monoxide Alarms*.

Comparison with federal regulations

An Internet-based search of the *Code of Federal Regulations* (CFR) and the *Federal Register* did not identify any federal requirements for the installation and maintenance of carbon monoxide alarms in one- and two-family dwellings.

Comparison with rules in adjacent states

An Internet-based search for carbon monoxide alarm regulations in the states of Illinois, Iowa, Michigan and Minnesota found the following:

Illinois:

Illinois requires the installation of carbon monoxide alarms under Public Act 094-0741, the Carbon Monoxide Alarm Detector Act, which was effective January 1, 2007. The act defines “dwelling unit” as a room or suite of rooms used for human habitation and includes a single-family residence as well as each living unit of a multiple-family residence and each living unit in a mixed-use building.

Iowa:

Iowa requires the installation of carbon monoxide alarms in single-family rental units and multiple-unit residential buildings.

Michigan:

Michigan has not enacted any carbon monoxide alarm regulations for single-family residences at this time. Michigan does require as of December 1, 2009, newly constructed hotels, motels and boarding houses to install an operational carbon monoxide device.

Minnesota:

Minnesota statute, 299F.50, requires carbon monoxide alarms in all single family homes and multifamily apartments units: New construction as of January 1, 2007; existing

single-family homes as of August 1, 2008; and existing multi-family and apartment buildings as of August 1, 2009.

Summary of factual data and analytical methodologies

In developing the proposed rules, the department reviewed the provisions under 2009 Wisconsin Act 158 in conjunction with the department's broad authority under ss. 101.02 (1) and 101.63 (1), Stats., to protect public health and safety regarding the construction of one- and two-family dwellings. For consistency, the proposed rules are modeled after other rules relating to smoke detectors, s. Comm 21.09, and carbon monoxide detectors in tourist rooming houses, s. Comm 21.097.

In addition, the review and assessment process involved the participation of the Uniform Dwelling Code (UDC) Council. The makeup of this Council is set under s. 15.157 (3), Stats. The members are appointed by the Governor's Office and represent the many stakeholders involved in the construction industry including designers, inspectors, labor and building contractors. (A listing of the UDC Council is provided at the end of this analysis.)

The UDC Council meets regularly, and the department gathers information and recommendations from its 18 members on the potential impacts of the administrative and technical requirements of the code.

Analysis and supporting documents used to determine effect on small business

The proposed rules implement the mandates imposed by 2009 Wisconsin Act 158. The Act affects the owners of one- and two-family dwellings. The department does not believe the rules will increase the effect on small businesses more than that imposed by the Act.

Battery or plug-in type carbon monoxide alarms typically range in cost from \$25 to \$50. New construction installation costs for a hard-wired type carbon monoxide alarm with battery backup and interconnection ranges from \$90 to \$110 if interconnection is involved. Combination carbon monoxide alarms and smoke alarms are also available. Smoke alarms are currently required for residential occupancies. The use of combination carbon monoxide alarms and smoke alarms should result in installation and labor cost savings over that for separate systems.

An economic impact report has not been required pursuant to s. 227.137, Stats.

Small Business Impact

Initial regulatory flexibility analysis

Types of small businesses that will be affected by the rule.

The proposed rules implement the mandates imposed by 2009 Wisconsin Act 158 relating to the installation and maintenance of carbon monoxide detectors in dwellings. The Act affects the owners of one- and two-family dwellings where fuel-burning appliances are installed.

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

There are no reporting, bookkeeping or other procedures required for compliance with the rule.

Types of professional skills necessary for compliance with the rule.

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

Rule has a significant economic impact on small businesses?
No.

Small business regulatory coordinator

The small business regulatory coordinator for the Department of Commerce is Carol Dunn, who may be contacted at telephone (608) 267-0297, or Email at carol.dunn@wisconsin.gov.

Environmental Impact

The Department has considered the environmental impact of the proposed rule. In accordance with chapter Comm 1, the proposed rule is 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 the rule 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.

Fiscal Estimate

Assumptions used in arriving at fiscal estimate

The proposed rules establish requirements for the installation and maintenance of carbon monoxide alarms in one- and two-family dwellings. The requirements reflect the statutory mandates of 2009 Wisconsin Act 158. For consistency, they are modeled after other rules relating to smoke detectors in dwellings and carbon monoxide detectors in tourist rooming houses. The promulgation of these rules will not affect department revenue or expenditures.

Act 158 does affect the owners of one- and two-family dwelling. The department does not believe the rules will increase the effect on small businesses more than that imposed by the Act. Battery or plug-in type carbon monoxide alarms typically range in cost from \$25 to \$50. New construction installation costs for a hard-wired type carbon monoxide alarm with battery backup and interconnection ranges from \$90 to \$110. Combination carbon monoxide alarms and smoke alarms are also available. Smoke alarms are currently required for residential occupancies. The use of combination carbon monoxide alarms and smoke alarms should result in installation and labor cost savings over that for separate systems.

State fiscal effect

None.

Local government fiscal effect

None.

Fund sources affected

FED.

Long-range fiscal implications

None are anticipated.

Agency Contact Person

Larry Swaziek, Program Manager

Phone: (608) 267-7701

Email: larry.swaziek@wisconsin.gov

Notice of Hearing

Commerce

Financial Resources for Businesses and Communities, Chs. Comm 100—

EmR1019

NOTICE IS HEREBY GIVEN that pursuant to section 560.2056 (4) of the Statutes, the Department of Commerce will hold a public hearing on emergency rules to create Chapter Comm 135, relating to food processing plant and food warehouse investment credits, and affecting small businesses.

Hearing Information

The public hearing will be held as follows:

Date: Tuesday, August 17, 2010
Time: 10:00 AM
Location: Thompson Commerce Building
 Third Floor, Room 3B
 201 W. Washington Avenue
 Madison, Wisconsin

This hearing will be held in an accessible facility. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call Sam Rockweiler at (608) 266-0797 or at Contact Through Relay 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 a request from a person with a disability.

Submittal of Written Comments

Interested persons are invited to appear at the hearing and present comments on the rules. Persons making oral presentations are requested to submit their comments in writing, via e-mail. Persons submitting comments will not receive individual responses. The hearing record on this rulemaking will remain open until **August 19, 2010**, 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. E-mail comments should be sent to sam.rockweiler@wi.gov. If e-mail submittal is not possible, written comments may be submitted to Sam Rockweiler, Department of Commerce, Division of Environmental and Regulatory Services, P.O. Box 14427, Madison, WI 53708-0427.

Copies of Proposed Rule

The rules and an analysis of the rules are available on the Internet by entering "Comm 135" in the search engine at the following Web site: <https://health.wisconsin.gov/admrules/public/Home>.

Paper copies may be obtained without cost from Sam Rockweiler at the Department of Commerce, Division of Environmental and Regulatory Services, P.O. Box 14427, Madison, WI 53707, or at sam.rockweiler@wi.gov, or at telephone (608) 266-0797, or at Contact Through Relay. Copies will also be available at the public hearing.

Analysis Prepared by Department of Commerce

Statutes interpreted

Sections 71.07 (3rm), 71.28 (3rm), 71.47 (3rm), and 560.2056 (4) — as created in 2009 Wisconsin Act 295.

Statutory authority

Sections 227.11 (2) (a) and 560.2056 (4), Stats.

Explanation of agency authority

Section 560.2056 (4) of the Statutes requires the Department to promulgate rules for implementing and administering a program to certify applicants and allocate tax credits for the food processing plant and food warehouse investments addressed in sections 71.07 (3rm), 71.28 (3rm) and 71.47 (3rm) of the Statutes. Section 227.11 (2) (a) of the Statutes authorizes the Department to promulgate rules interpreting the provisions of any Statute administered by the Department.

Related statute or rule

The Department has rules for several other programs associated with tax credits, but those programs are not targeted specifically to investments in food processing plants and food warehouses.

Summary of rule

The rules in this order address (1) the eligibility requirements for applicants; (2) the documentation that must be submitted by applicants to become certified as eligible for the food processing plant and food warehouse investment credit, and to receive acceptance of incurred expenses; (3) the Department's response to the submitted documentation; and (4) filing a claim with the Department of Revenue for the corresponding tax credit.

Comparison with federal regulations

Neither the Department nor the Department of Revenue is aware of any existing or proposed federal regulations that address this tax credit.

Comparison with rules in adjacent states

Minnesota, Illinois and Iowa have various tax-credit programs but nothing similar to the food processing plant and food warehouse investment credit addressed in these rules. Michigan has an Agricultural Processing Renaissance Zone program that offers abatement of certain taxes to agricultural processing facilities.

Summary of factual data and analytical methodologies

The data and methodology for developing these rules were derived from and consisted of (1) incorporating the criteria in 2009 Wisconsin Act 295; (2) incorporating applicable best practices the Department has developed in administering similar programs for economic development, business development, and tax-credit verification; (3) soliciting and utilizing input from the Department of Revenue; and (4) reviewing Internet-based sources of related federal, state and private-sector information.

Analysis and supporting documents used to determine effect on small business

The primary document that was used to determine the effect of the rules on small business was 2009 Wisconsin Act 295. This Act requires the Department to implement a program to certify taxpayers as eligible for the food processing plant and food warehouse investment credit under

sections 71.07 (3m), 71.28 (3m) and 71.47 (3m) of the Statutes, and requires the Department to promulgate rules for administering the program. This Act applies its private-sector requirements only to food processing plants and food warehouses for which a corresponding tax credit is desired.

Small Business Impact

The rules are not expected to impose significant costs or other impacts on small businesses because the rules address submittal of documentation only by applicants that choose to pursue tax credits for modernization or expansion of food processing plants and food warehouses.

Initial regulatory flexibility analysis

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

Owners and operators of food processing plants and food warehouses who choose to pursue the tax credits in sections 71.07 (3m), 71.28 (3m), and 71.47 (3m) of the Statutes, for investing in those facilities.

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

An application form prescribed by the Department must be completed and submitted to the Department.

Types of professional skills necessary for compliance with the rules.

No new professional skills are necessary for compliance with the rules.

Rules have a significant economic impact on small businesses?

No.

Small business regulatory coordinator

Any inquiries for the small business regulatory coordinator for the Department of Commerce can be directed to Sam Rockweiler, as listed above.

Fiscal Estimate

Assumptions used in arriving at fiscal estimate

Although the rules will newly result in review of documentation relating to certifying applicants as eligible to then claim allocated tax credits for investments in food processing plants and food warehouses, the number of these reviews and allocations is expected to be too small to result in significant changes in the Department's costs for administering its business development programs. Therefore, the proposed rules are not expected to have any significant fiscal effect on the Department.

The proposed rules are not expected to impose any significant costs on the private sector, because the rules address only voluntary submittal of documentation relating to tax credits for investments in food processing plants and food warehouses.

State fiscal effect

None.

Local government fiscal effect

None.

Long-range fiscal implications

None known.

Agency Contact Person

Steven Sabatke, Wisconsin Dept. of Commerce
Bureau of Business Finance and Compliance
P.O. Box 7970
Madison, WI 53707-7970
Phone: (608) 267-0762
Email: Steven.Sabatke@Wisconsin.gov.

Notice of Hearing

Health Services

***Management and Technology and Strategic Finance,
Chs. DHS 1—
Community Services, Chs. DHS 30—
Health, Chs. DHS 110—
CR 10-091***

NOTICE IS HEREBY GIVEN that pursuant to Sections 50.02 (2), 50.033 (2), 50.065 (1) (ag) 1. a. (2) (d), (4), (5) and (6) (b) and (c), 50.36 (1), 50.51 (2), 227.11 (2) (a), and 255.056 (7), Stats., the Department of Health Services will hold a public hearing on proposed permanent rules to consider revisions to Chapters DHS 12, 83, 88, 124, 127, 148, and 165, relating to Caregiver Background Checks, Community-Based Residential Facilities, Licensed Adult Family Homes, Hospitals, Rural Medical Centers, Cancer and Chronic Disease Drug Repository Program and Laboratory Certification.

Hearing Information

Date: August 26, 2010
Time: 1:00 PM to 3:00 PM
Location: Wisconsin State Office Building
1 West Wilson Street
Room 950B
Madison, Wisconsin

Accessibility

English

DHS is an equal opportunity employer and service provider. If you need accommodations because of a disability or need an interpreter or translator, or if you need this material in another language or in an alternate format, you may request assistance to participate by contacting Pat Benesh at 608-264-9896. You must make your request at least 7 days before the activity.

Spanish

DHS es una agencia que ofrece igualdad en las oportunidades de empleo y servicios. Si necesita algún tipo de acomodaciones debido a incapacidad o si necesita un interprete, traductor o esta información en su propio idioma o en un formato alterno, usted puede pedir asistencia para participar en los programas comunicándose con Pat Benesh al número 608-264-9896. Debe someter su petición por lo menos 7 días de antes de la actividad.

Hmong

DHS yog ib tus tswv hauj lwm thiab yog ib qhov chaw pab cuam uas muab vaj huam sib luag rau sawv daws. Yog koj xav tau kev pab vim muaj mob xiam oob qhab los yog xav tau ib tus neeg pab txhais lus los yog txhais ntaub ntawv, los yog koj xav tau cov ntaub ntawv no ua lwm hom lus los yog lwm hom ntawv, koj yuav tau thov kev pab uas yog hu rau Pat Benesh ntawm 608-264-9896. Koj yuav tsum thov qhov kev pab yam tsawg kawg 7 hnuv ua ntej qhov hauj lwm ntawd.

Submittal of Written Comments

Comments may be submitted to the agency contact person that is listed below until **August 26, 2010**, 4:30 p.m.

Copies of Proposed Rule

A copy of the rules may be obtained from the department at no charge by downloading the documents from www.adminrules.wisconsin.gov or by contacting:

Pat Benesh, Quality Assurance Program Spec–Senior
Division of Quality Assurance
1 West Wilson Street, Room 534
Madison, WI 53701
Phone: 608–264–9896
Fax: 608–267–0352
Email: patricia.benesh@wisconsin.gov

Analysis Prepared by Department of Health Services

Statute interpreted

Sections 50.03, 50.035, 50.065 (1) (e), 50.36 (5), 50.37, 255.056, Stats.

Statutory authority

Sections 50.02 (2), 50.033 (2), 50.065 (1) (ag) 1. a. (2) (d), (4), (5) and (6) (b) and (c), 50.36 (1), 50.51 (2), 227.11 (2) (a), and 255.056 (7), Stats.

Explanation of agency authority

Section 50.02 (2), Stats., authorizes the department to develop regulations and standards for the care, treatment, health, safety, rights, welfare and comfort of residents in community–based residential facilities for the construction, general hygiene, maintenance and operation to promote safe and adequate accommodations, care and treatment of residents and to promulgate rules consistent with this section.

Section 50.033 (2), Stats., authorizes the department to establish rules for the operation of licensed adult family homes designed to protect and promote the health, safety and welfare of adults receiving care and maintenance.

Section 50.065 (1) (ag) 1. a. (2) (d), (4), (5) and (6) (b) and (c), Stats., authorizes the department to establish standards for caregivers to protect from harm clients served by department–regulated entities by requiring uniform background screening of persons regulated and persons who are employees of or under contract to regulated entities or who are a nonclient resident of regulated entities.

Section 50.36 (1), Stats., authorizes the department to promulgate rules and standards for the operation of a hospital necessary to provide safe and adequate care and treatment and to protect the health and safety of patients in hospitals.

Section 50.51 (2), Stats., authorizes the department to promulgate rules for the operation of rural medical centers and standards that are designed to protect and promote the health, safety, rights and welfare of patients who receive health care services in rural medical centers.

Section 227.11 (2) (a), Stats., allows agencies to promulgate rules interpreting the provision of any statute enforced or administered by the agency if the agency considers it necessary to effectuate the purpose of the statute.

Section 255.056 (7), Stats., authorizes the department to promulgate rules for medical facilities and pharmacies to accept and dispense donated drugs or supplies including standards for accepting and dispensing donated drugs or supplies, eligibility criteria for individuals to receive donated

drugs or supplies, the maximum handling fee that a medical facility or pharmacy may charge for accepting, distributing, or dispensing donated drugs or supplies and drugs that are ineligible for donation.

Related statute or rule

See the “Statutes Interpreted” section.

Plain language analysis

- Chapter DHS 12, Appendix A, is a list of Wisconsin crimes and other offenses that the legislature under s. 50.065, Stats., determined either require rehabilitation review approval before a person may work as a caregiver, reside as a non–client resident at or contract with an entity, or that act to permanently bar a person from receiving approval to be a foster parent. Over the years, the legislature has revised the crimes and offenses listed in s. 50.065, Stats., making Appendix A incomplete and outdated. To ensure that the list of crimes and offenses now listed by the department in Appendix A is available to the public in an accurate and timely manner, the department intends to repeal Appendix A and publish the list of crimes and offenses affecting caregiver eligibility on the department’s website at dhs.wisconsin.gov.

The department also intends to update the list of entities, as defined under s. 50.065, Stats., which are subject to the caregiver background law, clarify rule provisions and correct a cross reference.

- The department intends to amend ch. DHS 83 to clarify and correct certain provisions in the rule relating to health monitoring, administrator training, resident assessment, doors and construction type, make other minor changes and to update charts, cross–references and links. The department also intends to update Appendix A which lists contact information for the Division of Quality Assurance, Bureau of Assisted Living, Regional Offices.
- 2007 Wisconsin Act 20 repealed ss. 50.033 (2r), (2s) and (2t), Stats., making the provisions in ss. DHS 88.06 (1) (a) 4. and (4) no longer valid. Section DHS 88.06 (1) (a) 4. and (4) requires an adult family home to provide information and referral of a prospective resident to the aging and disability resource center. These requirements were repealed under 2007 Wisconsin Act 20. The department intends to remove the information and referral requirements from ch. DHS 88.
- Section DHS 88.10 (5) (b) relating to resident grievance procedures contains an incorrect cross–reference concerning patient storage space. The department intends to correct the cross–reference and reference the grievance resolution procedures in ch. DHS 94. The department also intends to update Appendix A which lists contact information for the Division of Quality Assurance, Bureau of Assisted Living, Regional Offices.
- Section DHS 124.14 (3) (a) 16. relating to anatomical gifts contains a cross–reference to s. DHS 124.05 (3) (i) 1. which was repealed in a recent revision of ch. DHS 124. The department intends to correct the cross reference and refer to the patient’s health agent as defined in s. 157.06 (2) (a), Stats. The department also intends to repeal the outdated standard in Appendix A, Food and Nutrition Board, National Academy of Sciences, Recommended Daily Dietary Allowances, revised in 1980, and amend the reference to the standard in DHS 124.16 (5) (c).
- Section DHS 127.02 (2) defines an ambulatory surgery center to have the meaning given in s. 49.45 (6r) (a) 1., Stats. 1997 Wisconsin Act 252 repealed s. 49.45 (6r),

Stats., making the definition no longer valid. The department intends to amend the definition of ambulatory surgical center at s. DHS 127.02 (2), by adopting the federal definition given under 42 CFR 416.2, which defines an ambulatory surgical center (ASC) to mean any distinct entity that operates exclusively for the purpose of providing surgical services to patients not requiring hospitalization, has an agreement with the Centers of Medicare and Medicaid Services (CMS) to participate in Medicare as an ASC, and meets the conditions set forth in subparts B and C. Subparts B and C of 42 CFR 416.2 are the general conditions, requirements and specific conditions for coverage for ambulatory surgical services.

- 2009 Wisconsin Act 142, effective March 18, 2010, removes certain barriers to donating prescription drug samples and expands the drug repository program to allow individuals to donate unused prescription medications that are in the original packaging, not just drugs to treat cancer and other chronic diseases as previously specified. The department intends to amend ch. DHS 148 to reflect these changes.
- The department proposes to repeal ch. DHS 165 because the department has no statutory authority for the rule. In Wisconsin, laboratories are monitored under federal regulations contained in 42 CFR 493 and 42 CFR 1310 to 405.1317.

Comparison with federal regulations

Chapter DHS 12, Caregiver Background Checks.

There appear to be no existing or proposed federal regulations that address the activities to be regulated by the proposed rule.

Chapter DHS 83, Community-Based Residential Facilities.

There appear to be no existing or proposed federal regulations that address the activities to be regulated by the proposed rule.

Chapter DHS 88, Licensed Adult Family Homes.

There appear to be no existing or proposed federal regulations that address the activities to be regulated by the proposed rule.

Chapter DHS 124, Hospitals.

There appear to be no existing or proposed federal regulations that address clinical records to be maintained for anatomical gifts.

Chapter DHS 127, Rural Medical Centers.

There appear to be no existing or proposed federal regulations that address the activities to be regulated by the proposed rule.

Chapter DHS 148, Cancer and Chronic Disease Drug Repository Program.

The proposed rules are affected by 21 CFR 200–299, 21 CFR 1300–1302, and 21 CFR 1304–1308. These regulations constitute the Food and Drug Administration (FDA) and Drug Enforcement Agency (DEA) regulations that affect the type of medications that can be donated to the drug repository.

Chapter DHS 165, Laboratory Certification.

Similar federal regulations are contained in the 42 CFR 493 and 42 CFR 1310 to 405.1317.

Comparison with rules in adjacent states

Illinois:

Not applicable.

Iowa:

Not applicable.

Michigan:

Not applicable.

Minnesota:

Not applicable.

Summary of factual data and analytical methodologies

The department reviewed statutes, Acts, and the rules presented in this order to determine which rules needed to be repealed or revised.

Small Business Impact

The rules will not have a fiscal effect on businesses.

Fiscal Estimate

State fiscal effect

None.

Local government fiscal effect

None.

Private sector fiscal effect

None.

Long-range fiscal implications

None known.

Agency Contact Person

Pat Benesh, Quality Assurance Program Spec–Senior
Division of Quality Assurance
1 West Wilson Street, Room 534
Madison, WI 53701
Phone: 608–264–9896
Fax: 608–267–0352
Email: patricia.benesh@wisconsin.gov

Notice of Hearing

Revenue CR 10–095

NOTICE IS HEREBY GIVEN That pursuant to ss. 73.029 and 227.11 (2) (a), Stats., the Department of Revenue will hold a public hearing to consider rules revising Chapters Tax 1, 2, and 3, relating to electronic funds transfer; original and amended corporation franchise and income tax returns; information returns and wage statements; returns of persons other than corporations; the recycling surcharge; estimated tax requirements; addback and disclosure of related entity expenses; pass-through entity withholding; and the dividends received deduction for corporations.

Hearing Information

The hearing will be held:

Date: August 13, 2010
Time: 1:00 PM
Location: Events Room
State Revenue Building
2135 Rimrock Road
Madison, Wisconsin

Handicap access is available at the hearing location.

Copies of Proposed Rules

A copy of the full text of the proposed rule order and the full fiscal estimate may be obtained at no cost by contacting the department. See *Agency Contact Person* listed below.

Submission of Written Comments

Interested persons are invited to appear at the hearing and may make an oral presentation. It is requested that written comments reflecting the oral presentation be given to the department at the hearing. Written comments may also be submitted to the contact person shown under *Agency Contact Person* listed below no later than **August 20, 2010**, and will be given the same consideration as testimony presented at the hearing.

Analysis Prepared by the Department of Revenue

Statutes interpreted

Sections 71.01 (5g), 71.19, 71.22 (2m), 71.255, 71.63 (3m) and (3r), 71.68 (2), 71.775, 71.80 (20) and (23), 73.029, 77.982 (2), and 77.9941 (4), Stats.

Statutory authority

Sections 73.029 and 227.11 (2) (a), Stats.

Explanation of agency authority

Section 73.029, Stats., provides that the department may require electronic funds transfer only by promulgating rules. Section 227.11 (2) (a), Stats., provides that each agency may promulgate rules interpreting the provisions of any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute.

Related statute or rule

Sections Tax 2.60 to 2.67, Wisconsin Administrative Code.

Plain language analysis

The proposed rule order will:

- Expand the taxes, fees, and other amounts required to be paid or deposited using electronic funds transfer (EFT) and the returns, reports, and refund claims the department may require be filed electronically.
- Incorporate the statutory provisions of 2009 Wisconsin Acts 2 and 28 into the administrative provisions of Chapters Tax 1, 2, and 3.
- Provide further interpretation and explanation of the statutory provisions for disclosure of related entity expenses and the related addition and subtraction modifications.
- Provide additional guidance with respect to the statutory provisions for pass-through entity withholding tax.

Comparison with federal regulations

There is no existing or proposed federal regulation that is intended to address the activities to be regulated by the rule order.

Comparison with rules in adjacent states

Illinois:

Illinois Administrative Code, title 86, sec. 100.2430, provides that addbacks are required for interest and intangible expenses paid to 80–20 companies (companies that cannot be included in unitary group because 80% or more of their activities are outside U.S.), to the extent such amounts exceed taxable dividends received.

Iowa:

Iowa Admin. Code r. 701–46.4(2) provides that withholding is required against income distributable to nonresident individuals.

Summary of factual data and analytical methodologies

The department processes hundreds of thousands of paper checks, refund claims, reports, and returns each year. Each one costs more to process and takes more staff time to handle than if submitted electronically. The department has determined that in order to operate in the most cost effective and efficient manner possible, it is necessary to expand its electronic filing and payment requirements.

In addition, this rule order has been created to incorporate and provide further interpretation, explanation, and guidance with respect to the statutory provisions of 2009 Wisconsin Acts 2 and 28 and the statutory provisions relating to related entity expenses and pass-through entity withholding.

Analysis and supporting documents used to determine effect on small business

The department provides methods to electronically file and pay taxes with little or no cost. In addition, an exception to the requirements to file and pay electronically for situations where an undue hardship is caused is provided in the rule. Based on this, the department has concluded that this rule order does not have a significant effect on small business.

As explained above, this proposed rule order also has been created to reflect changes in and provide further interpretation, explanation, and guidance with respect to Wisconsin's tax laws. As the rule itself does not impose any significant financial or other compliance burden, the department has determined that it does not have a significant effect on small business.

Small Business Impact

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

Fiscal Estimate

The provisions relating to 2009 Wisconsin Acts 2 and 28 and related entity expenses interpret existing statutes and therefore have no fiscal effect. The provisions relating to treatment of withholding for pass-through entities are expected to generate minimal administrative savings. The provisions relating to electronic fund transfer payments and to electronic filing of returns, reports, and refund claims are anticipated to reduce administrative expenditures by an estimated \$152,900 annually as described below.

The Department of Revenue estimates a potential 88% decrease in paper sales tax filings (from 422,000 to 48,000 annually) under the proposed rule, which translates into a cost savings of \$152,900. This also would result in electronic sales tax filings increasing from 52% to 95% of all sales tax filings (increasing from 462,300 to 835,900 of 884,259 total sales tax returns based on a recent 12-month period). Additional cost savings may also be achieved as other filings, especially individual income tax withholdings, are shifted to electronic form. The timeline for cost savings, however, will be dependent on the pace at which this shift is implemented. Cost savings will also be reduced to the degrees to which waivers from the proposed rule are granted.

Anticipated costs incurred by private sector

This proposed rule order does not have a significant fiscal effect on the private sector.

Agency Contact Person

Dale Kleven, Dept. of Revenue
 Mail Stop 6-40
 2135 Rimrock Road
 PO Box 8933
 Madison, WI 53708-8933
 Phone: (608) 266-8253
 Email: dale.kleven@revenue.wi.gov

Notice of Hearing
Revenue
CR 10-093

NOTICE IS HEREBY GIVEN That pursuant to s. 227.21 (2) (a), Stats., the Department of Revenue will hold a public hearing to consider the creation of Tax 4.001, 7.001, 8.001, and 9.001 and revision of Tax 11.01, relating to motor vehicle, alternate fuels, and general aviation fuel tax return and refund claim forms; fermented malt beverage tax return and refund claim forms; intoxicating liquor report, tax return, and refund claim forms; cigarette and tobacco products report, tax return, and refund claim forms; and sales and use tax, local exposition tax, and premier resort area tax return forms.

Hearing Information

The hearing will be held:

Date: August 11, 2010
Time: 1:00 PM
Location: Events Room
 State Revenue Building
 2135 Rimrock Road
 Madison, Wisconsin

Handicap access is available at the hearing location.

Submission of Written Comments

Interested persons are invited to appear at the hearing and may make an oral presentation. It is requested that written comments reflecting the oral presentation be given to the department at the hearing. Written comments may also be submitted to the contact person shown under *Agency Contact Person* listed below no later than **August 17, 2010**, and will be given the same consideration as testimony presented at the hearing.

Analysis by the Department of Revenue**Statutes interpreted**

77.982(2), 77.9941(4), 78.005(6m), 78.39(4m), 78.55 (2r), 139.01(2r), 139.30 (4m), and 139.75 (4m), Stats.

Statutory authority

Section 227.11 (2) (a), Stats.

Explanation of agency authority

Section 227.11 (2) (a), Stats., provides that each agency may promulgate rules interpreting the provisions of any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute.

Related statute or rule

There are no other applicable statutes or rules.

Plain language analysis

This rule order expands the returns, reports, and refund claims the department may require be filed electronically.

Comparison with federal regulations

There is no existing or proposed federal regulation that is intended to address the activities to be regulated by the rule.

Comparison with rules in adjacent states

The department is not aware of a similar rule in an adjacent state.

Summary of factual data and analytical methodologies

The department processes hundreds of thousands of refund claims, reports, and returns each year. Each one costs more to process and takes more staff time to handle than if submitted electronically. The department has determined that in order to operate in the most cost effective and efficient manner possible, it is necessary to expand its electronic filing requirements.

Analysis and supporting documents used to determine effect on small business

The department provides methods to electronically file with little or no cost. In addition, an exception to the requirements to file electronically for situations where an undue hardship is caused is provided in the rule. Based on this, the department has concluded that this rule order does not have a significant effect on small business.

Small Business Impact

This rule order does not have a significant effect on small business.

Fiscal Estimate**Assumptions used in arriving at fiscal estimate**

The Department of Revenue (DOR) processes millions of reports, returns and refund claims every year. To improve the department's efficiency, modern technologies are continuing to be deployed to increase the use of electronic processing, and, as a result, reduce dependency on paper transactions requiring manual processing. For example, the portion of individual income tax returns filed electronically increased from 66.7% in 2009 to 74.4% in 2010 (as measured through May 2010). Similarly, the portion of sales and use tax returns filed electronically increased from 52.6% for the entirety of 2009 to 75.5% during the first five months of 2010.

Section 227.11 (2) (a) of the statutes allows the department to promulgate rules interpreting the provisions of any statute enforced or administered by the department, if it considers the rule necessary to effectuate the purpose of the statute.

Utilizing the authority provided by this statute, the proposed rule permits DOR to require additional tax reports, tax returns, and refund claims to be filed electronically. Specifically, the rule would allow DOR to require electronic filing of the following forms and returns:

- Motor vehicle fuel, alternate fuel, and general aviation fuel tax returns and refund claim forms.
- Fermented malt beverage tax returns and refund claim forms.
- Intoxicating liquor reports, tax returns, and refund claim forms.
- Cigarette and tobacco products reports, tax returns, and refund claim forms.
- Local exposition tax returns.
- Premier resort area tax returns.

Consistent with certain forms for which the department may already require electronic filing, the proposed rule

includes an exception which allows the DOR Secretary to waive the requirement to file electronically when the Secretary determines that the requirement causes an undue hardship.

Since the proposed rule will increase the number of transactions filed electronically, it will reduce paper based transactions and lead to a more efficient use of DOR's resources. Individuals and businesses submitting returns to DOR may also benefit by electronic increased electronic filing.

While cost savings will be achieved as various tax filings are shifted to electronic form, the timeline for these savings, will depend on the pace at which this shift is implemented. Some of these savings have already been realized as 64% of local exposition tax returns, 59% of premier resort area returns, and all liquor tax returns are already received electronically. In addition, DOR's cost savings will be reduced to the degree to which waivers from the proposed rule are granted.

Based on DOR estimates, the switch-over of certain excise tax forms from paper to electronic format will require the department to incur transitional costs of approximately \$5,000 per changeover (for form revisions, informational letters, and other one-time costs). These transitional costs are expected to be absorbed within existing expenditure authority and permit subsequent long-term savings.

State fiscal effect

Increase costs — may be possible to absorb within agency's budget.

Fund sources affected

GPR.

Affected Ch. 20 appropriations

Section 20.566 (1) (a), Stats.

Local government fiscal effect

None.

Anticipated costs incurred by private sector

This rule order does not have a significant fiscal effect on the private sector.

Text of Proposed Rule

SECTION 1. Tax 4.001 is created to read:

Tax 4.001 Motor vehicle, alternate fuels, and general aviation fuel tax return and refund claim forms. (1) FORMS. The department shall provide official forms for filing motor vehicle, alternate fuels, and general aviation fuel tax returns and refund claims. Except as approved by the department, tax returns and refund claims may only be filed using these official forms.

(2) FILING RETURNS. (a) Forms filed with the department shall be submitted by one of the following means:

1. Mailing them to the address specified by the department on the forms or in the instructions.
2. Delivering them to the department or to the destination that the department prescribes.
3. Filing them electronically by means prescribed by the department.

(b) The department may require motor vehicle, alternate fuels, and general aviation fuel tax returns and refund claims be filed electronically. The department shall notify a person at least 90 days prior to the due date of the first return required

to be filed electronically of the requirement to file electronically.

(c) The secretary of revenue may waive the requirement to file electronically when the secretary determines that the requirement causes an undue hardship, if the person does all of the following:

1. Requests the waiver in writing.

Note: Written requests should be e-mailed to excise@revenue.wi.gov, faxed to (608) 261-7049, or addressed to Mandate Waiver Request, Wisconsin Department of Revenue, Mail Stop 5-107, PO Box 8900, Madison WI 53708-8900.

2. Clearly indicates why the requirement causes an undue hardship.

(d) In determining whether the requirement to file electronically causes an undue hardship, the secretary of revenue may consider the following factors:

1. Unusual circumstances that may prevent the person from filing electronically.

Example: The person does not have access to a computer that is connected to the internet.

2. Any other factor that the secretary determines is pertinent.

Note: Section Tax 4.001 interprets ss. 78.005 (6m), 78.39 (4m), and 78.55 (2r), Stats.

SECTION 2. Tax 7.001 is created to read:

Tax 7.001 Fermented malt beverage tax return and refund claim forms. (1) FORMS. The department shall provide official forms for filing fermented malt beverage tax returns and refund claims. Except as approved by the department, tax returns and refund claims may only be filed using these official forms.

(2) FILING RETURNS. (a) Forms filed with the department shall be submitted by one of the following means:

1. Mailing them to the address specified by the department on the forms or in the instructions.
2. Delivering them to the department or to the destination that the department prescribes.
3. Filing them electronically by means prescribed by the department.

(b) The department may require fermented malt beverage tax returns and refund claims be filed electronically. The department shall notify a person at least 90 days prior to the due date of the first return required to be filed electronically of the requirement to file electronically.

(c) The secretary of revenue may waive the requirement to file electronically when the secretary determines that the requirement causes an undue hardship, if the person does all of the following:

1. Requests the waiver in writing.

Note: Written requests should be e-mailed to excise@revenue.wi.gov, faxed to (608) 261-7049, or addressed to Mandate Waiver Request, Wisconsin Department of Revenue, Mail Stop 5-107, PO Box 8900, Madison WI 53708-8900.

2. Clearly indicates why the requirement causes an undue hardship.

(d) In determining whether the requirement to file electronically causes an undue hardship, the secretary of revenue may consider the following factors:

1. Unusual circumstances that may prevent the person from filing electronically.

Example: The person does not have access to a computer that is connected to the internet.

2. Any other factor that the secretary determines is pertinent.

Note: Section Tax 7.001 interprets s. 139.01 (2r), Stats.

SECTION 3. Tax 8.001 is created to read:

Tax 8.001 Intoxicating liquor report, tax return, and refund claim forms. (1) FORMS. The department shall provide official forms for filing intoxicating liquor reports, tax returns, and refund claims. Except as approved by the department, reports, tax returns, and refund claims may only be filed using these official forms.

(2) FILING FORMS. (a) Forms filed with the department shall be submitted by one of the following means:

1. Mailing them to the address specified by the department on the forms or in the instructions.

2. Delivering them to the department or to the destination that the department prescribes.

3. Filing them electronically by means prescribed by the department.

(b) The department may require intoxicating liquor reports, tax returns, and refund claims be filed electronically. The department shall notify a person at least 90 days prior to the due date of the first report or tax return required to be filed electronically of the requirement to file electronically.

(c) The secretary of revenue may waive the requirement to file electronically when the secretary determines that the requirement causes an undue hardship, if the person does all of the following:

1. Requests the waiver in writing.

Note: Written requests should be e-mailed to excise@revenue.wi.gov, faxed to (608) 261-7049, or addressed to Mandate Waiver Request, Wisconsin Department of Revenue, Mail Stop 5-107, PO Box 8900, Madison WI 53708-8900.

2. Clearly indicates why the requirement causes an undue hardship.

(d) In determining whether the requirement to file electronically causes an undue hardship, the secretary of revenue may consider the following factors:

1. Unusual circumstances that may prevent the person from filing electronically.

Example: The person does not have access to a computer that is connected to the internet.

2. Any other factor that the secretary determines is pertinent.

Note: Section Tax 8.001 interprets s. 139.01 (2r), Stats.

SECTION 4. Tax 9.001 is created to read:

Tax 9.001 Cigarette and tobacco products report, tax return, and refund claim forms. (1) FORMS. The department shall provide official forms for filing cigarette and tobacco products reports, tax returns, and refund claims. Except as approved by the department, reports, tax returns, and refund claims may only be filed using these official forms.

(2) FILING FORMS. (a) Forms filed with the department shall be submitted by one of the following means:

1. Mailing them to the address specified by the department on the forms or in the instructions.

2. Delivering them to the department or to the destination that the department prescribes.

3. Filing them electronically by means prescribed by the department.

(b) The department may require cigarette and tobacco products reports, tax returns, and refund claims be filed electronically. The department shall notify a person at least 90 days prior to the due date of the first report or return required to be filed electronically of the requirement to file electronically.

(c) The secretary of revenue may waive the requirement to file electronically when the secretary determines that the requirement causes an undue hardship, if the person does all of the following:

1. Requests the waiver in writing.

Note: Written requests should be e-mailed to excise@revenue.wi.gov, faxed to (608) 261-7049, or addressed to Mandate Waiver Request, Wisconsin Department of Revenue, Mail Stop 5-107, PO Box 8900, Madison WI 53708-8900.

2. Clearly indicates why the requirement causes an undue hardship.

(d) In determining whether the requirement to file electronically causes an undue hardship, the secretary of revenue may consider the following factors:

1. Unusual circumstances that may prevent the person from filing electronically.

Example: The person does not have access to a computer that is connected to the internet.

2. Any other factor that the secretary determines is pertinent.

Note: Section Tax 9.001 interprets ss. 139.30 (4m) and 139.75 (4m), Stats.

SECTION 5. Tax 11.01(title) and (1) (intro.), (a), (b), and (c) are amended to read:

Tax 11.01(title) Sales and use tax, local exposition tax, and premier resort area tax return forms.

Tax 11.01(1) (intro.) For filing sales and use tax, local exposition tax, and premier resort area tax returns, the following forms shall be used:

(a) Form MV-1. A department of transportation form for occasional and dealer sales of motor vehicles, ~~mobile homes recreational vehicles as defined in s. 348.01 (48r), Stats., trailers, and semi-trailers.~~

(b) Form S-012. Also called form ST-12. The monthly, quarterly, or annual return used to report state, county, and stadium taxes by persons holding a Wisconsin seller's permit, use tax registration certificate, or consumer's use tax registration certificate. This form is also used to file refund claims or report additional taxes for prior periods.

(c) Form SU-050. Also called form UT-5. For consumers other than persons holding a Wisconsin seller's permit, use tax registration certificate, or consumer's use tax registration certificate.

SECTION 6. Tax 11.01(1) (h) and (i) are created to read:

Tax 11.01(1) (h) Form EX-012. The return used to report local exposition taxes. This form is also used to file refund claims or report additional taxes for prior periods.

Tax 11.01(1) (i) Form PRA-012. The return used to report premier resort area taxes. This form is also used to file refund claims or report additional taxes for prior periods.

SECTION 7. Tax 11.01(2) (a) 3. and (b) are amended to read:

Tax 11.01(2) (a) 3. Filing them electronically via the department's sales internet process, or "SIP," or some other electronic means as prescribed by the department.

Note to LRB: Remove the note at the end of Tax 11.01(2) (a) 3.

(b) ~~The~~ Except as provided in par. (c), the department may require a person registered or required to be registered for Wisconsin sales and use tax purposes to file its sales and use tax return ~~by electronic means~~ electronically. The department shall notify the person at least 90 days prior to the due date of the first sales and use tax return required to be filed ~~by electronic means~~ electronically of the requirement to file ~~by electronic means~~ electronically. In its notice, the department shall indicate the period covered for the first return to be filed ~~by electronic means~~ electronically.

SECTION 8. Tax 11.01(2) (bg) and (br) are created to read:

Tax 11.01(2) (bg) Except as provided in par. (c), the department may require a person registered or required to be registered for Wisconsin sales and use tax purposes to file its premier resort area tax return electronically. The department shall notify the person at least 90 days prior to the due date of the first premier resort area tax return required to be filed electronically of the requirement to file electronically. In its notice, the department shall indicate the period covered for the first return to be filed electronically.

Tax 11.01(2) (br) Except as provided in par. (c), the department may require a person registered or required to be registered for Wisconsin local exposition tax purposes to file its local exposition tax return electronically. The department shall notify the person at least 90 days prior to the due date of the first local exposition tax return required to be filed electronically of the requirement to file electronically. In its notice, the department shall indicate the period covered for the first return to be filed electronically.

SECTION 9. Tax 11.01(2) (c) (intro.) and (d) (intro.) and 1. are amended to read:

Tax 11.01(2) (c) (intro.) The secretary of revenue may waive the requirement ~~for a person to file by electronic means~~ electronically when the secretary determines that the requirement causes an undue hardship, if the person does all of the following:

Note to LRB: Replace the note at the end of Tax 11.01(2) (c) 1. with the following:

Note: Written requests should be e-mailed to DORWaiverRequest@revenue.wi.gov, faxed to (608) 264-7776, or addressed to Mandate Waiver Request, Wisconsin Department of Revenue, Mail Stop 5-77, PO Box 8949, Madison WI 53708-8949.

Tax 11.01(2) (d) (intro.) In determining whether the electronic ~~means~~ filing requirement causes an undue hardship, the secretary of revenue may consider the following factors:

Tax 11.01(2) (d) 1. Unusual circumstances that may prevent the person from ~~using electronic means~~ filing electronically.

Note to LRB: Replace the notes at the end of Tax 11.01(2) (d) 2. with the following:

Note: Section Tax 11.01 interprets ss. 77.51(3r), 77.58, 77.75, 77.982 (2), and 77.9941 (4), Stats.

Agency Contact Person

Dale Kleven, Dept. of Revenue
Mail Stop 6-40
2135 Rimrock Road
PO Box 8933
Madison WI 53708-8933
Phone: (608) 266-8253
Email: dale.kleven@revenue.wi.gov

Notice of Hearing Revenue CR 10-094

NOTICE IS HEREBY GIVEN That, pursuant to s. 227.11 (2) (a), Stats., the Department of Revenue will hold a public hearing to consider rules revising Chapter Tax 11, relating to sales and use tax.

Hearing Information

The hearing will be held:

Date: August 13, 2010
Time: 9:00 AM
Location: Events Room
State Revenue Building
2135 Rimrock Road
Madison, Wisconsin

Handicap access is available at the hearing location.

Copies of Proposed Rules

A copy of the full text of the proposed rule order and the full fiscal estimate may be obtained at no cost by contacting the department. See *Agency Contact Person* listed below.

Submission of Written Comments

Interested persons are invited to appear at the hearing and may make an oral presentation. It is requested that written comments reflecting the oral presentation be given to the department at the hearing. Written comments may also be submitted to the contact person shown under *Agency Contact Person* listed below no later than **August 20, 2010**, and will be given the same consideration as testimony presented at the hearing.

Analysis Prepared by the Department of Revenue

Statutes interpreted

Sections 73.03 and 77.51 to 77.79, Stats.

Statutory authority

Section 227.11 (2) (a), Stats.

Explanation of agency authority

Section 227.11 (2) (a), Stats., provides that each agency may promulgate rules interpreting the provisions of any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute.

Related statute or rule

There are no other applicable statutes or rules.

Plain language analysis

This proposed rule order does the following:

- Reflects recent law changes relating to sales and use tax.
- Makes various other changes to improve readability.

- Adds examples where needed for clarification purposes.
- Updates certain department procedures to follow, such as the various methods to register to collect Wisconsin sales or use tax and how to inactivate a seller's permit.

Comparison with federal regulations

There is no existing or proposed federal regulation that is intended to address the activities to be regulated by the rule order.

Comparison with rules in adjacent states

Minnesota, Michigan, and Iowa:

Minnesota, Michigan, and Iowa administer their sales and use tax laws in a manner consistent with Wisconsin. These states do this through a combination of statutory provisions and administrative rules.

Illinois:

Illinois does not administer its sales and use tax laws in a manner substantively consistent with Wisconsin.

Summary of factual data and analytical methodologies

2009 Wisconsin Acts 2, 28, 204, and 330 adopted statutory changes to Wisconsin's sales and use tax statutes. The department has created this proposed rule order to reflect these changes in Wisconsin's sales and use tax laws.

Analysis and supporting documents used to determine effect on small business

As explained above, this proposed rule order is created to reflect changes in Wisconsin's sales and use tax laws. As the rule itself does not impose any significant financial or other compliance burden, the department has determined that it does not have a significant effect on small business.

Small Business Impact

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

Fiscal Estimate

The proposed rule updates Chapter Tax 11 of the Administrative Code, pertaining to the sales and use tax, to reflect certain sales tax changes adopted during the 2009 Legislative session. Specifically, the proposed rule updates Chapter Tax 11 to conform, or more clearly conform, this chapter of the administrative code to sales tax provisions contained in the following 2009 Acts:

- Act 2 — 2008–09 Budget Adjustment Legislation
- Act 28 — 2009–11 Budget Bill
- Act 204 — Food Sold by Child Welfare Facilities
- Act 330 — Streamlined Sales and Use Tax Agreement Changes

The proposed rule modifies Chapter Tax 11 to reflect law changes, improve clarity, and add examples to illustrate the tax treatment of certain items.

The proposed rule includes:

- Updates and clarifications to reflect amendments to the Streamlined Sales and Use Tax Agreement.
- Act 204's sales tax exemption for food, except soft drinks, sold by any child welfare facility licensed or certified under Chapter 48.
- Examples of items not directly used in manufacturing (to facilitate the administration of Act 28's modifications to the definition of manufacturing).

- Clarifications to earlier changes pertaining to Act 2 and Act 28.

The fiscal effects of these rule changes were included in the fiscal estimates of 2009 Acts 2, 28, 204 and 330. Consequently, these rule changes have no fiscal effect.

Anticipated costs incurred by private sector

This proposed rule order does not have a significant fiscal effect on the private sector.

Agency Contact Person

Dale Kleven, Dept. of Revenue
Mail Stop 6–40
2135 Rimrock Road
PO Box 8933
Madison WI 53708–8933
Phone: (608) 266–8253
Email: dale.kleven@revenue.wi.gov

Notice of Hearing Transportation CR 10–088

NOTICE IS HEREBY GIVEN that pursuant to ss. 110.06, 110.20 (9) and 227.11 (2), Stats., the Department of Transportation will hold a public hearing to consider the amendment of Chapter Trans 131, Wis. Adm. Code, relating to the vehicle emission inspection process.

Hearing Information

The hearing will be held:

Date: August 12, 2010
Time: 11:00 AM
Location: Hill Farms State Transportation Bldg.
Room 254
4802 Sheboygan Avenue
Madison, WI

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 Carson Frazier at (608) 266–7857 with specific information on your request at least 10 days before the date of the scheduled hearing. Accommodations such as interpreters, English translators, or materials in alternative format will, to the fullest extent possible, be made available upon a request from a person with a disability to accommodate your needs.

Copies of Proposed Rule

A copy of the rule may be obtained upon request from Carson Frazier, Department of Transportation, Bureau of Vehicle Services, Room 253, P. O. Box 7911, Madison, WI 53707–7911. You may also contact Ms. Frazier by phone at (608) 266–7857 or via e-mail: carson.frazier@dot.state.wi.us to obtain copies of the proposed rule. Copies will also be available at the hearing.

Submittal of Written Comments

The public record on this proposed rule making will be held open until close of business the day of the hearing to permit the submission of comments in lieu of public hearing testimony or comments supplementing testimony offered at the hearing. Any such comments should be submitted to Carson Frazier, Department of Transportation, Bureau of Vehicle Services, Room 253, P. O. Box 7911, Madison, WI

53707–7911. You may also contact Ms. Frazier by phone at (608) 266–7857 or via e–mail: carson.frazier@dot.state.wi.us.

To view the proposed amendments to the rule, view the current rule, and submit written comments via e–mail/internet, you may visit the following website: <http://www.dot.wisconsin.gov/library/research/law/rulenotices.htm>.

Analysis Prepared by the Department of Transportation

Statutes interpreted

Section 110.20, Stats.

Statutory authority

Sections 110.06, 110.20 (9) and 227.11 (2), Stats.

Explanation of agency authority

Section 110.20, Stats., requires the Wisconsin Department of Transportation to administer a motor vehicle emission inspection and maintenance program to verify that vehicles customarily kept in a ‘non–attainment’ county meet motor vehicle emission standards. Most private automobiles are subject to the emission limits, although certain newer and older vehicles are exempt. A non–attainment county is one that has air pollution that exceeds the federal Clean Air Act standards. Section 110.20 (13), Stats., requires the Department to waive compliance with emission standards if the vehicle owner proves that despite attempted repairs the vehicle cannot meet the standards and that the actual costs of repairs exceeded the repair cost limit. In general, a vehicle is tested every two years. The waiver is valid for 2 years, after which additional repairs may be required as a condition of registration. Current law at s. 110.20 (9) (b), Stats., requires the Department to promulgate rules prescribing a procedure for determining whether the cost of necessary repairs and adjustments exceeds the limit under sub. (13). The Department of Natural Resources determines the repair cost limits in an amount required by the federal Clean Air Act.

Related statute or rule

Sections 110.20, 285.30, Stats., and chs. NR 485 and Trans 131.

Plain language analysis

Current law requires vehicles registered in counties that do not meet federal Clean Air Act standards to be tested to ensure they meet pollutant emission limitations. In general, vehicles that are required to be tested and emit too many air pollutants cannot be registered. Chapter Trans 131 governs the vehicle emission inspection process. If a vehicle does not meet emission standards after repairs — up to the maximum cost required under law—the vehicle owner may request from the Department of Transportation a waiver of compliance that allows the polluting vehicle to be registered and used. When an owner requests a waiver to register a polluting vehicle, the vehicle must be inspected for evidence of tampering or disrepair. Section Trans 131.05 establishes the items that must be inspected, and their condition, that may show evidence of tampering. If tampering is evident, the Department may not issue a waiver of compliance from emission test standards.

Trans 131.05(1)(j) requires that to pass an anti–tampering inspection a Malfunction Indicator Light (MIL) must be operational and non–active (that is, not lit). It is expected that an adequate vehicle repair will cause the MIL to turn off, since

the underlying condition triggering illumination of the MIL is corrected. In prior years, the Department inspected vehicles by direct tailpipe emission sampling, regardless of the MIL status. However, the Department now administers only the OBD II test, which reads engine performance and pollutant output through the vehicle’s on–board diagnostic computer with no direct sampling of tailpipe emissions. The rule that prohibits issuing a repair cost waiver whenever a MIL is illuminated effectively prevents issuing a cost waiver to all tested vehicles, regardless of the amount spent on repairs. This is because a vehicle that cannot be repaired to meet pollutant emission standards under the repair–cost limit is polluting, and a properly functioning MIL should be illuminated to indicate those emissions. This creates a circularity problem: only a polluting vehicle will need a waiver from compliance, but if the vehicle’s computer knows it is polluting and the MIL is lit, the waiver cannot be issued.

This proposed rule making amends s. Trans 131.05 (1) (j) to allow a “cost waiver” (a waiver of emission inspection based on the vehicle owner having spent an amount of money for repairs exceeding cost thresholds established in NR 485.045 and the vehicle still failing emission inspection) even if a vehicle’s MIL is unable to be turned off.

This rule making makes two other clarifications to the rule. First, ch. Trans 131 refers to the vehicle emission inspection also as an “emission test.” The proposed rule changes reference to “inspection,” and reserves the term “test” to refer to the vehicle’s internal computer check of diagnostic codes. In addition, the term “test” continues in the reference to the “remote sensing test” method of assessing vehicle emissions. Second, the proposed rule expands reference to the functions of the Technical Assistance Center to clarify that those functions may be performed by an inspector that the Department designates who may issue waivers of compliance. This is because program operations in the future may not simply rely on a physical location called a Technical Assistance Center for these functions to be carried out.

Comparison with federal regulations

Wisconsin’s vehicle emission inspection program complies with U.S. Environmental Protection Agency (EPA) law and regulation. Wisconsin Department of Natural Resources (DNR) manages program compliance with EPA rules and laws through the Wisconsin State Implementation Plan. DNR administrative rule establishes the repair cost limit in accordance with EPA guidance for adjusting the repair cost limit.

Comparison with rules in adjacent states

Michigan:

Michigan does not have a vehicle emission inspection and maintenance program at this time.

Minnesota:

Minnesota does not have a vehicle emission inspection and maintenance program at this time.

Illinois:

Illinois performs the OBD II inspection. Illinois allows a vehicle owner to receive a “cost waiver” if, after certain expenditure, the vehicle still is non–compliant. Illinois allows a cost waiver even if the MIL cannot be turned off.

Iowa:

Iowa does not have a vehicle emission inspection and maintenance program at this time.

Summary of factual data and analytical methodologies

Trans 131.05 (1) (j) requires that to pass an anti-tampering inspection a Malfunction Indicator Light (MIL) must be operational and non-active (that is, not lit). It is expected that an adequate vehicle repair will cause the MIL to turn off, since the underlying condition is corrected. In prior years, the Department also provided an alternative test allowing a vehicle to be inspected regardless of the MIL status. However, now that the Department administers only the OBD II test, the Department's Office of General Counsel has determined that Trans 131.05 (1) (j) is contrary to the availability of repair cost waivers required in s. 110.20 (13), Stats., since the rule prevents issuing a cost waiver to all tested vehicles, regardless of the amount spent on repairs.

The proposed rule clarifies that the functions performed by the Technical Assistance Center need not be performed simply in a particular physical location, so that program operation may have flexibility in performing those functions. The proposed rule also makes some changes in language for consistency of reference to the vehicle emission inspection without making any substantive change.

Analysis and supporting documentation used to determine effect on small businesses

The proposed amendment codifies the Department's policy and practice to issue a cost waiver even if the MIL is unable to be turned off. Since the Department is following this policy currently, the proposed amendment will not affect small business. If, however, the Department's current policy were not in effect, this proposed rule would have the effect of potentially reducing cost for small business, as well as any other vehicle owner, since without this proposed rule, no cost waiver would be possible.

The proposed rule clarifies that the function performed by the Technical Assistance Center need not be performed in a particular physical location. This clarification has no effect on small business or any other vehicle owner. The functions will continue to be carried out.

Finally, language changes to refer to the vehicle emission inspection consistently throughout the rule have no substantive effect on small business or any other vehicle owner.

Small Business Impact

The proposed rule will have no effect on small business. The Department's Regulatory Review Coordinator may be contacted by e-mail at ralph.sanders@dot.state.wi.us, or by calling (414) 438-4585.

Fiscal Estimate

The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district, sewerage district, or federally-recognized tribes or bands.

The Department estimates that there will be no fiscal impact on state or private sector revenues or liabilities.

Agency Contact Person

Carson Frazier, Dept. of Transportation
Bureau of Vehicle Services, Room 253
P. O. Box 7911, Madison, WI 53707-7911
Phone: (608) 266-7857
Email: carson.frazier@dot.state.wi.us

Notice of Hearing**Workforce Development****Public Works Construction Contracts,
Chs. DWD 290-294
CR 10-092**

NOTICE IS HEREBY GIVEN that pursuant to sections 103.005 (1) and 227.11 (2), Stats., the Department of Workforce Development proposes to hold a public hearing to consider the amendment of rules relating to the state prevailing wage program and affecting small businesses.

Hearing Information

Date: August 11, 2010
Time: 10:00 AM
Location: MADISON
G.E.F. 1 Building, Room F 305
201 East Washington Avenue

Visitors to the GEF 1 building are requested to enter through the left East Washington Avenue door and register with the customer service desk. The entrance is accessible via a ramp from the corner of Webster Street and East Washington Avenue. If you have special needs or circumstances regarding communication or accessibility at the hearing, please call (608) 266-9427 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.

Submittal of Written Comments

Interested persons are invited to appear at the hearing 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.

Comments may be submitted to Howard Bernstein, Office of Legal Counsel, Dept. of Workforce Development, P.O. Box 7946, Madison, WI 53707-7946 or Howard.Bernstein@dwd.wisconsin.gov. The deadline for submission is **August 13, 2010**.

Copies of Proposed Rule

The proposed rules are available at the website <http://adminrules.wisconsin.gov>. This site allows you to view documents associated with this rule's promulgation, register to receive email notification whenever the Department posts new information about this rulemaking order, and submit comments and view comments by others during the public comment period. You may receive a paper copy of the rule by contacting Howard Bernstein at the addresses given above or by telephone at (608) 266-9427.

Analysis Prepared by the Department of Workforce Development**Statutory authority**

Sections 103.005(1) and 227.11(2), Stats.

Statutes interpreted

Sections 66.0903, 66.0904 and 103.49, Wis. Stats.

Explanation of agency authority

The state prevailing wage laws require that when a state agency or local governmental unit contracts for the erection, construction, remodeling, repairing, or demolition of a public works project, it must obtain a prevailing wage rate

determination from the Department of Workforce Development and require that the contractors and subcontractors on the project pay their employees in accordance with those wage rates. Changes to the state prevailing wage law were enacted in 2009 Wisconsin Act 28, including:

- A new threshold level determines the applicability of the law. Under the current law, any project of public works with an estimated completion cost of at least \$25,000 requires a prevailing wage rate determination.
- Contractors are required to provide a monthly report of wage payments made to employees on public works projects. These reports are posted on an internet website maintained by the department. A contractor may submit a copy of its collective bargaining agreement (CBA) if the payments made under the CBA meet the prevailing wage requirements.
- Under sec. 66.0904, Stats., the prevailing wage law now also covers a private project which receives \$1,000,000 or more in direct financial assistance from a local governmental unit.

Summary of the proposed rule

The proposed rule amends the Department's existing rule on the prevailing wage program to reflect the changes made by 2009 Wisconsin Act 28. In addition, the proposed rule covers the following issues:

- The proposed rule clarifies that, depending on its actions, a state agency or a local governmental unit may be an "employer" or a "contractor."
- The proposed rule provides that the Department may conduct wage surveys by electronic means.
- The proposed rule provides that the Department may determine residential rates as a percentage of building or heavy construction rates rather than as a separate survey category.
- The proposed rule provides that no corrections or recalculations to an annual survey may be completed after March 1 of each year.
- The proposed rule provides that, if a state agency, local governmental unit, or developer receiving more than \$1,000,000 in direct financial assistance has not requested a prevailing wage rate determination for a project covered by the law, and the Department later issues a prevailing wage rate determination for such a project, then, in addition to the payment of the increased wages which the state agency, local governmental unit or developer must make to reimburse the employer of workers who were not correctly paid, the state agency, local governmental unit or developer must also reimburse the employer for any liquidated damages that employers may have been required to pay.

Comparison with federal regulations

The federal prevailing wage law (known as the Davis Bacon Act) applies to a federal public works project for which

the contract cost is greater than \$2,000. It does not apply to a private project which receives financial assistance from public funds unless the assistance is on such a scale that the project is determined to be a public project.

Comparison with rules in adjacent states

Minnesota:

Minnesota has a statutory threshold of \$2,500 for a single-trade project and \$25,000 for a multi-trade project. In addition to public works projects, the Minnesota law covers the construction of a "value-added agricultural product processing facility" that is financed in whole or part with certain state loans or grants.

Illinois:

Illinois does not have a threshold in its prevailing wage law. The law covers public works projects and defines public works projects as projects financed under various other specified laws. The Illinois law requires certified monthly payroll reports.

Michigan:

Michigan does not have a threshold in its prevailing wage law. The law covers projects that must be bid and relies on other agencies to determine the thresholds for what projects must be bid.

Iowa:

Iowa does not have a prevailing wage law.

Summary of factual data and analytical methodologies

The proposed rule is based on the new or amended requirements the statutes as affected by 2009 Act 28.

Small Business Impact

Because the proposed rule carries forward the new or amended requirements of the statutes as affected by 2009 Act 28, the proposed rule of itself does not have an effect on small business.

Fiscal Estimate

Assumptions used in arriving at fiscal estimate

The proposed rule does not create any new costs in the administration of the state prevailing wage program.

State fiscal effect

None.

Local government fiscal effect

None.

Long-range fiscal implications

None.

Agency Contact Person

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Submittal of Proposed Rules to the Legislature

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

Administration CR 10-027

A rule-making order to create Chapter Adm 80, relating to administrative procedures for the Wisconsin Covenant Scholars program.

Commerce *Licenses, Certifications and Registrations, Ch. Comm 5* CR 10-039

A rule-making order to revise Chapter Comm 5, relating to building contractor registration.

Commerce *Petroleum Products, Ch. Comm 48* CR 10-006

A rule-making order to revise Chapter Comm 48, relating to petroleum and other liquid fuel products.

Commerce *Financial Resources for Businesses and Communities, Chs. Comm 100—* CR 10-041

Creates Chapter Comm 137, relating to reallocations for recovery zone facility bonds.
Effective 9-1-10.

Commerce *Financial Resources for Businesses and Communities, Chs. Comm 100—* CR 10-054

Creates Chapter Comm 121, relating to small business innovation and research assistance grants.
Effective 9-1-10.

Corrections CR 09-039

A rule-making order to revise Chapter DOC 346, relating to juvenile detention facilities and juvenile portions of a county jail.

Natural Resources *Environmental Protection — General, Chs. NR 100—* CR 09-112 (DNR # WT-14-08)

A rule-making order to revise Chapter NR 115, relating to urban nonpoint source water pollution abatement and the Storm Water Management grant program; Chapter NR 151, relating to runoff management; and Chapter NR 153, relating to targeted runoff management and the Notice of Discharge grant program.

Natural Resources *Environmental Protection — General, Chs. NR 100—* *Environmental Protection — WPDES, Chs. NR 200—* CR 10-035 (DNR # WT-25-08)

A rule-making order to revise Chapter NR 102, relating to water quality standards for Wisconsin surface waters and Chapter NR 217, relating to effluent standards and limitations.

Natural Resources *Environmental Protection — Water Regulation, Chs. NR 300—* CR 10-032 (DNR # WT-21-09)

A rule-making order to revise Chapter NR 335, relating to the Municipal Dam grant program and Chapter NR 336, relating to the Dam Removal grant program.

Rule Orders Filed with the Legislative Reference Bureau

The following administrative rule orders have been filed with the Legislative Reference 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 Legislative Reference Bureau at bruce.hoesly@legis.wisconsin.gov or (608) 266-7590 for updated information on the effective dates for the listed rule orders.

Administration

CR 08-025

Revises Chapter Adm 21, relating to construction bidding and contracting.
Effective 9-1-10.

Commerce

Fee Schedule, Ch. Comm 2

Boilers and Pressure Vessels, Ch. Comm 41

Mechanical Refrigeration, Ch. Comm 45

CR 10-011

Revises Chapters Comm 2, 41, and 45, relating to mechanical refrigeration.
Effective 9-1-10.

Government Accountability Board

CR 09-013

Revises section GAB 1.28, relating to the definition of the term "political purpose."
Effective 8-1-10.

Health Services

Medical Assistance, Chs. DHS 101—

Health, Chs. DHS 110—

CR 09-107

Revises Chapters DHS 105, 106 and 133, relating to personal care agencies and providers, and affecting small businesses.
Effective 9-1-10.

Health Services

Health, Chs. DHS 110—

CR 10-015

Revises Chapters DHS 195 and 197, relating to carbon monoxide detectors in hotels, motels, tourist rooming houses, and bed and breakfast establishments, and affecting small businesses.
Effective 9-1-10.

Justice Assistance

CR 10-010

Creates Chapter OJA 1, relating to the collection and analysis of motor vehicle traffic stop information.
Effective 9-1-10 and 1-1-11.

Veterans Affairs

CR 09-091

Revises section VA 2.01, relating to the Assistance to Needy Veterans grant program.
Effective 9-1-10.

Workforce Development

Labor Standards, Chs, DWD 270-279

CR 09-110

Creates Chapter DWD 273, relating to the regulation of traveling sales crews.
Effective 9-1-10.

Rules Published with this Register and Final Regulatory Flexibility Analyses

The following administrative rule orders have been adopted and published in the July 31, 2010, 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

Financial Resources for Businesses and Communities, Chs. Comm 100— CR 09-121

Creates Chapter Comm 136, relating to Midwestern Disaster Area Bonds. Effective 8-1-10.

Summary of Final Regulatory Flexibility Analysis

Less stringent requirements are not included for small businesses because the directive under which these rules are adopted, Executive Order #288, does not provide such flexibility.

No issues were raised by small businesses during the rulemaking process, and no substantive reporting will be imposed on small businesses.

The rules are not expected to impose significant costs on small businesses because the rules address submittal of documentation, and other activities, only by applicants that choose to benefit from tax-exempt private activity bonds.

Summary of Comments by Legislative Review Committees

No comments were received.

Employee Trust Funds CR 10-004

Revises Chapters ETF 10, 20, 40, 41, and 60, relating to domestic partner benefits and the expansion of health insurance coverage to adult dependents up to the age of 27 years. Effective 8-1-10.

Summary of Final Regulatory Flexibility Analysis

There is no effect on small business.

Summary of Comments by Legislative Review Committees

No comments were reported.

Government Accountability Board CR 09-013

Revises section GAB 1.28, relating to the definition of the term "political purpose." Effective 8-1-10.

Summary of Final Regulatory Flexibility Analysis

The creation of this rule does not affect business.

Summary of Comments by Legislative Review Committees

No comments were reported.

Natural Resources

Fish, Game, etc., Chs. NR 1— CR 09-077

(DNR # LF-08-09)

Creates Chapter NR 52, relating to ensuring that lands acquired with funding from the stewardship program under ss. 23.0915 and 23.0917, Stats., are open to public hunting, trapping, fishing, hiking and cross country skiing. Effective 8-1-10.

Summary of Final Regulatory Flexibility Analysis

No specific direct effect on small business is anticipated. This rule provides further guidance for the implementation of existing programs. No new funding or business activity will be created.

Summary of Comments by Legislative Review Committees

The Senate Committee on the Environment and Assembly Natural Resources Committee both held hearings on the rule in March. Changes were recommended by both committees. Changes were made to the rule based on the recommendations made by the committees and as a result of discussions with stakeholder groups that participated in the hearings.

Natural Resources

Environmental Protection — General, Chs. NR 100— WPDES, Chs. NR 200— Water Regulation, Chs. NR 300— Water Supply, Chs. NR 800— CR 09-123

Revises Chapters NR 102, 103, 105, 106, 108, 110, 114, 200, 203, 205, 210, 214, 299, 328, 341 and 812, relating to minor modifications to rules affecting the Bureau of Watershed Management. Effective 8-1-10.

Summary of Final Regulatory Flexibility Analysis

The rule changes are not expected to have a significant effect on small business. There are no significant changes to these rules that would affect small businesses.

Summary of Comments by Legislative Review Committees

No comments were reported.

Public Defender Board CR 10-022

Creates Chapter PD 8, relating to payments for copies of discovery material provided to staff and private attorneys appointed to represent state public defender clients in legal proceedings. Effective 8-1-10.

Summary of Final Regulatory Flexibility Analysis

Small businesses are not affected by the rule.

Summary of Comments by Legislative Review Committees

No comments were reported.

**Revenue
CR 10-005**

Creates section Tax 1.17, relating to the ambulatory surgical center assessment. Effective 8-1-10.

Summary of Final Regulatory Flexibility Analysis

This rule does not have a significant effect on small business.

Summary of Comments by Legislative Review Committees

No comments were reported.

Transportation

CR 10-030

Repeals sections Trans 196.04 (1) (d) and 250.04, and creates Chapter Trans 198, relating to motor vehicle convenience fees. Effective 8-1-10.

Summary of Final Regulatory Flexibility Analysis

The Department concludes that there is no effect on small business as a result of this rule.

The Department's Regulatory Review Coordinator may be contacted by e-mail at ralph.sanders@dot.state.wi.us, or by calling (414) 438-4585.

Summary of Comments by Legislative Review Committees

No comments were reported.

Sections Affected by Rule Revisions and Corrections

The following administrative code sections had rule revisions and corrections take place in **July 2010**, and will be effective as indicated in the history note for each particular section. For additional information, contact the Legislative Reference Bureau at (608) 266-7590.

Revisions

Commerce

Ch. Comm 136 (Entire Chapter)

Employee Trust Funds

Ch. ETF 10

ETF 10.01 (1L), (1r), (2), (3m), (9)

ETF 10.70 (1)

ETF 10.78 (2)

Ch. ETF 20

ETF 20.055

ETF 20.08

ETF 20.10

Ch. ETF 40

ETF 40.01 (2m), (3)

Ch. ETF 41

ETF 41.02 (1) (a)

Ch. ETF 60

ETF 60.60 (8) (d)

Government Accountability Board

Ch. GAB 1

GAB 1.28

Natural Resources

Ch. NR 52 (Entire Chapter)

Ch. NR 102

NR 102.10 (1) (b), (d), (f), (1m)

NR 102.11 (1) (b), (d)

Ch. NR 103

NR 103.05 (3)

NR 103.08 (1k) (e), (1m)

Ch. NR 105

NR 105.06 (5) (h), (8) (a), Tables 4B, 5

NR 105.08 (4) Table 8

NR 105.09 (3) Table 9

Ch. NR 106

NR 106.03 (6)

NR 106.05 (5) (a)

NR 106.06 (4) (e) (title)

NR 106.07 (2) (intro.), (a), (b)

NR 106.08 (5) (a)

NR 106.115 (1)

NR 106.88 (3)

Ch. NR 108

NR 108.04 (2) (b), (5)

Ch. NR 110

NR 110.03 (3) to (6), (9), (12g), (20), (22), (24), (33)

NR 110.05 (2) (c), (4), (5) (c), (g), (6)

NR 110.08 (3) (a), (b)

NR 110.09 (2) (j), (8) (b)

NR 110.13 (1) (d), (2) (i), (k), (5) (a), (e) to (h)

NR 110.14

NR 110.15 (2) (a), (3) (e), (4) (c)

NR 110.18 (2) (d)

NR 110.19 (5) (b), (6) (b)

NR 110.21 (4) (b), (d), (5) (b), (c), (6) (a), (b)

NR 110.22 (5) (b), (c), (6) (c), (7) (c)

NR 110.23 (2) (d), (e)

NR 110.24 (2) (b), (3) (d), (4) (d), (6) (a) to (c)

NR 110.25 (5) (b), (c)

Ch. NR 114

NR 114.153 (4m), (5)

NR 114.16 (1)

NR 114.18

NR 114.19 (8)

NR 114.20 (1) (e)

NR 114.23 (1), (2), (4), (5)

NR 114.24 (1)

Ch. NR 200

NR 200.03 (1)

NR 200.06 (2)

Ch. NR 203

NR 203.02 (3) (j), (k)

NR 203.03 (3), (4) (g)

NR 203.06 (2) (o)

NR 203.13 (2) (g), (j), (3) (b),

Ch. NR 205

NR 205.07 (1) (r), (u), (v), (2) (d)

Ch. NR 210

NR 210.03 (9m)

NR 210.08 (1) (a), (b), (2)

NR 210.11

Ch. NR 214

NR 214.02 (2)

NR 214.12 (4) (c)

NR 214.13 (4) (c)

NR 214.14 (4) (c)

NR 214.15 (4) (c)

NR 214.16 (2) (d) to (f), (3) (e), (4) (c), (6)

NR 214.17 (5) (c)

NR 214.18 (5) (d)

Ch. NR 299

NR 299.04 (1) (b)

NR 299.05 (3) (f), (fm)

Ch. NR 328

NR 328.03 (9), (15)

NR 328.05 (6)

NR 328.35 (3) (p)

Ch. NR 341

NR 341.09 (1) (b), (c)

Ch. NR 812

NR 812.08 (4) (b)

Public Defender

Ch. PD 8 (Entire Chapter)

Revenue

Ch. Tax 1

Tax 1.17

Transportation

Ch. Trans 196

Trans 196.04 (1) (d)

Ch. Trans 198 (Entire Chapter)

Ch. Trans 250

Trans 250.04

Editorial Corrections

Corrections to code sections under the authority of s. 13.92 (4) (b), Stats., are indicated in the following listing.

Employee Trust Funds

Ch. ETF 10

ETF 10.78 (3)

Ch. ETF 20

ETF 20.08 (Title)

ETF 20.10 (3) (e)

Natural Resources

Ch. NR 102

NR 102.05 (6) (a)

Ch. NR 106

NR 106.08 (4)

NR 106.145 (10) (d)

Ch. NR 110

NR 110.01

NR 110.26 (5) (b), (8) (b)

Ch. NR 214

NR 214.03 (2), (9), (16), (18)

NR 214.04 (2)

NR 214.06 (2) (c)

Ch. NR 812

NR 812.07 (28), (56)

NR 812.17 (3) (a)

NR 812.18

NR 812.22 (6) (b)

NR 812.33 (3)

Transportation

Ch. Trans 196

Trans 196.04 (2)

Executive Orders

The following are recent Executive Orders issued by the Governor.

Executive Order 319. Relating to a Proclamation That the Flag of the United States and the Flag of the State of Wisconsin be Flown at Half-Staff as a Mark of Respect for Lieutenant Colonel Paul Bartz of the United States Army Who Lost His Life while Serving His Country in Operation Enduring Freedom.

Executive Order 320. Relating to a Declaration of a State of Emergency.

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