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WISCONSIN ADMINISTRATIVE REGISTER

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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.

Administration (2)

1. EmR1305 — The Department of Administration hereby adopts an order to repeal **Adm 2.14 (2) (vr) c.; to renumber and amend Adm 2.14 (2) (vr) a. and b.; to amend Adm 2.02 (1) (a), 2.04 (1), 2.04 (2), (3), (5), and (7), 2.07 (2), 2.08 (1) and (1) (d), 2.11, 2.14 (2), (2) (v), (2) (vm) and (2) (vm) 5.; and to create Adm 2.03 (3m), (3r), and (6m), 2.04 (1m) and (1r)**, relating to facility use.

The statement of scope for this rule, SS 028–13, was approved by the Governor on March 15, 2013, and published in Register No. 687 on March 31, 2013. This emergency rule was approved by the Governor on April 11, 2013.

Finding of Emergency

The Legislature has vested management authority over various state buildings and grounds, including those of the Wisconsin State Capitol, in the Department of Administration since 1979. Section 16.84 (1), Wis. Stats. Since 1979 the Department has permitted the use of these buildings and grounds for the free discussion of public questions and other purposes, so long as such uses did not interfere with the prime uses of these facilities, or otherwise infringe on interests of the

state. Section 16.845, Wis. Stats., and s. Adm 2.04, Wis. Adm Code.

Beginning February 2011, groups of persons began to occupy the Wisconsin State Capitol Building without permits. This included appropriating rooms and hallways in the Capitol building for purposes such as camping and storage of bulk supplies. To restore order to the building and return the building to a point where the work of the Wisconsin State Legislature and the Supreme Court of Wisconsin could perform their constitutionally authorized functions without undue disruption, the Department expended funds in excess of \$7,400,000 for law enforcement personnel. The continuous occupation of the State Capitol was formally terminated in March of 2011.

Groups of persons continue to occupy rooms in the Wisconsin State Capitol building without permits, including the Capitol rotunda. These groups constitute an exception to the norm.

The Wisconsin State Capitol Police (WSCP) issue more than 400 permits annually for the use of various state facilities. Permits are used for a variety of purposes, whether political, non-political, charitable or commercial. Permits are issued regardless of political party, affiliation or content.

Occupation of the Capitol rotunda and other areas has caused disruptions to the properly permitted events and normal government activities, including but not limited to, a Red Cross blood drive, a high school science exhibit, school group tours, general public tours, and legislative committee meetings and sessions. The State does not refuse permits for the lawful and safe use of State facilities by any group or groups. Neither can the State allow any group to occupy the Capitol in disregard of the rights of permit holders, public employees or visitors. It is imperative that the Department continue to gain greater compliance from user groups in order to protect the public safety and welfare.

Filed with LRB:	April 15, 2013
Publication Date:	April 16, 2013
Effective Dates:	April 16, 2013 through September 12, 2013
Hearing Date:	July 12, 2013

2. EmR1309 — The Department of Administration hereby adopts an order to create **Chapter Adm 93**, relating to the community development block grant program.

The statement of scope for this rule, SS 041–13, was approved by the Governor on April 15, 2013, and published in Register No. 688 on April 30, 2013, and approved by the Department of Administration Secretary, Mike Huebsch, effective May 13, 2013. This emergency rule was approved by the Governor on June 19, 2013.

Finding of Emergency

Each year the federal government makes funding available to the several states for economic and housing development through a program known as the Community Development Block Grant Program (CDBG). The CDBG is governed under 42 USC 5301 to 5319 and 24 CFR Part 570, and is administered by the US Department of Housing and Urban Development (HUD). Since the dissolution of the Wisconsin Department of Commerce, the Wisconsin Department of Administration (DOA) has received CDBG grants from HUD, and entered into agreements with the Wisconsin

Economic Development Corporation (WEDC) for the administration of those funds. Under this arrangement, state administrative code Chapter Commerce 108 was unneeded, as WEDC operated under substantially similar internal policies. Recently, DOA and WEDC have mutually determined that the expertise of DOA is better suited to administration of CDBG funds, while the expertise of WEDC is best suited to consultation with localities and businesses seeking to access CDBG funds. The parties intend to formalize the transfer of administrative responsibility of CDBG funds to DOA shortly. Consequently, it is imperative for the welfare of the State of Wisconsin that administrative code provisions concerning the CDBG program be made.

Filed with LRB: June 28, 2013
Publication Date: July 1, 2013
Effective Dates: July 1, 2013 through November 27, 2013

Agriculture, Trade and Consumer Protection (2)

1. EmR1311 — The state of Wisconsin Department of Agriculture, Trade and Consumer Protection hereby adopts the following emergency rule to amend **section ATCP 21.17 (1) (b)** and to create **section ATCP 21.17 (1) (c)**, relating to the quarantine of Jefferson County for emerald ash borer.

This emergency rule was approved by the Governor on July 15, 2013.

The blanket statement of scope for this rule, SS 0088–12, was approved by the Governor on November 8, 2012, published in Register No. 683, on November 30, 2012, and approved by the Board of Agriculture, Trade and Consumer Protection as required by s. 227.135 (2), Stats., on December 18, 2012.

Finding of Emergency

On June 25, 2013, the Wisconsin Department of Natural Resources positively identified Emerald Ash Borer (EAB) in Walworth County at the University of Wisconsin Whitewater Campus, about 750 meters from the Jefferson County line. EAB is an exotic, invasive pest that poses a dire risk to the ash forest. When APHIS declares quarantine, DATCP has regulatory authority for import controls and quarantine for EAB under s. ATCP 21.17. It is anticipated that APHIS will declare a quarantine for Jefferson County but that it will take six to eight weeks for APHIS to act. A six week delay until enactment of the federal quarantines leaves too much time for businesses or individuals to move potentially EAB infested material out of these counties to areas of Wisconsin or other states that are not infested with EAB.

DATCP is adopting this rule as a temporary emergency rule, pending completion of federal quarantine regulations. DATCP does not anticipate completing a permanent rule.

Filed with LRB: July 24, 2013
Publication Date: July 24, 2013
Effective Dates: July 24, 2013 through December 20, 2013

2. EmR1312 — The state of Wisconsin Department of Agriculture, Trade and Consumer Protection hereby adopts the following emergency rule to amend **section ATCP 21.17 (1) (b)** and to create **section ATCP 21.17 (1) (d)**, relating to the quarantine of Sauk County for emerald ash borer.

The blanket statement of scope for this rule, SS 08–12, was approved by the Governor on November 8, 2012, published in Register No. 683, on November 30, 2012, and approved by the Board of Agriculture, Trade and Consumer Protection (as required by s. 227.135 (2), Stats.) on December 18, 2012.

This emergency rule was approved by the Governor on August 1, 2013.

Finding of Emergency

On July 11, 2013, the United States Department of Agriculture — Animal and Plant Health Inspection Service (“APHIS”) positively identified Emerald Ash Borer (“EAB”) in Sauk County at Mirror Lake State Park. EAB is an exotic, invasive pest that poses a dire risk to the ash forest. When APHIS declares quarantine, DATCP has regulatory authority for import controls and quarantine for EAB under s. ATCP 21.17. It is anticipated that APHIS will declare a quarantine for Sauk County but that it will take six to eight weeks for APHIS to act. A six week delay until enactment of the federal quarantines leaves too much time for businesses or individuals to move potentially EAB infested material out of these counties to areas of Wisconsin or other states that are not infested with EAB.

DATCP is adopting this rule as a temporary emergency rule, pending completion of federal quarantine regulations. DATCP does not anticipate completing a permanent rule.

Filed with LRB: August 13, 2013
Publication Date: August 14, 2013
Effective Dates: August 14, 2013 through January 10, 2014

Employment Relations Commission

EmR1310 — The Wisconsin Employment Relations Commission hereby creates **Chapters ERC 70, 71, and 80**, relating to annual certification elections.

This emergency rule was approved by the Governor July 3, 2013.

The statement of scope for this rule, SS 045–13, was approved by the Governor on April 19, 2013, published in Register 689, on May 14, 2013, and approved by the Wisconsin Employment Relations Commission on June 3, 2013.

Finding of Emergency

An emergency exists because the public peace, health, safety and welfare necessitate putting these rules into effect so that the Wisconsin Employment Relations Commission can meet its obligation to conduct annual certification elections as required by ss. 111.70 (4) (d) 3. b. and 111.83 (3) (b), Stats.

Filed with LRB: July 15, 2013
Publication Date: July 13, 2013
Effective Dates: July 13, 2013 through December 9, 2013

Insurance (2)

1. EmR1306 — The Commissioner of Insurance adopts an order to amend **sections Ins 17.01 (3) and 17.28 (3) (c)** and to repeal and recreate **section Ins 17.28 (6)**, Wis. Admin. Code, relating to Injured Patients and Families Compensation Fund Annual Fund and Mediation Panel Fees, and ISO code

amendments for the fiscal year beginning July 1, 2013, and affecting small business.

This emergency rule was approved by the Governor on June 4, 2013.

The statement of scope for this rule, SS 042–13, was approved by the Governor on April 16, 2013, published in Register No. 688, on April 30, 2013, and approved by the Commissioner on May 10, 2013.

Finding of Emergency

The Commissioner of Insurance finds that an emergency exists and that the attached 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 prior to July 1, 2013, in order for the new fiscal year assessments to be issued in accordance with s. 655.27 (3), Wis. Stats. The permanent rule-making process cannot be completed prior to the effective date of the new fee schedule. The fiscal year fund fees were established by the Board of Governors at the meeting held on December 19, 2012, and the mediation panel fees were established by the Board of Governors at the meeting held on March 20, 2013.

Filed with LRB: June 10, 2013
Publication Date: June 12, 2013
Effective Dates: June 12, 2013 through November 8, 2013
Hearing Date: July 23, 2013

2. EmR1314 — The Commissioner of Insurance proposes an order to create **Chapter Ins 6 subch. II, subch. II (title), and sections Ins 6.91 to 6.98**, relating to navigators, nonnavigator assisters, and related entities and affecting small business.

The statement of scope for this rule SS 078–13, was approved by the Governor on July 1, 2013, published in Register No. 691, on July 15, 2013, and approved by the Commissioner on July 26, 2013. This emergency rule was approved by the Governor on August 30, 2013.

Finding of Emergency

In accordance with s. 623.98, Stats., the commissioner may promulgate rules under ss. 227.24 (1) (a) and (3), Stats., without providing evidence that promulgating a rule is necessary for the preservation of the public peace, health, safety, or welfare and without a finding of emergency. The commissioner intends to publish the proposed rule sufficiently in advance of October 1, 2013 to permit proper licensing, certification, and training of navigators and nonnavigator assisters and to permit proper registration of navigator and nonnavigator assister entities. The commissioner intends to promulgate permanent rules close in time to the emergency rules so not to create a gap in requirements.

Filed with LRB: September 5, 2013
Publication Date: September 10, 2013
Effective Dates: September 10, 2013 through February 6, 2014
Hearing Date: September 27, 2013

Natural Resources (3)

Fish, Game, etc., Chs. NR 1–

1. EmR1210 (DNR # WM–09–12(E)) — The Wisconsin Natural Resources Board proposes an order to amend **sections NR 10.001 (25c), 10.02 (1), 10.06 (5) and (8) (intro.), 10.07 (2) (b) 2., 10.07 (2m) (intro.) and (e) (intro.), 10.07 (2m) (f) (intro.), 10.09 (1), 10.13 (1) (b) 9., 10.13 (1) (b) 15., 10.13 (1) (b) 16., 10.145 (intro), 10.145 (3) to (8), 12.10 (intro.), 12.10 (1) (a) 4., 12.10 (1) (b) 2., 12.15 (13) and 19.25** and to create **sections NR 10.001 (22q), 10.001 (23a), 10.001 (23am), 10.001 (23b), 10.001 (26g), 10.001 (33), 10.01 (3) (j), 10.07 (1) (m), 10.07 (2m) (em), 10.07 (2m) (g) 3., NR 10.07 (4), 10.13 (1) (b) 15m., 10.13 (1) (b) 18., 10.145 (1m), (1u) and Note, sections NR 10.16 (5), 10.295, 12.15 (11) (e), 12.60 to 12.63, 12.64 (1) (a) and (b) (intro.) 1., 12.64 (1) (b) 2. and 3., 12.64 (1) (b) 4. and 5., 12.64 (2) (a) to (c), 12.64 (2) (d), 12.64 (3) and 12.65**, relating to the wolf hunting and trapping season and regulations and a depredation program.

This emergency rule was approved by the Governor on August 10, 2010.

The statement of scope for this rule, SS 023–12, was approved by the Governor on April 12, 2012, published in Register No. 676, on April 30, 2012, and approved by the Natural Resources Board on May 23, 2012.

Finding of Emergency

A non–statutory provision, SECTION 21, of 2011 ACT 169 requires the department to submit rules necessary for implementation or interpretation and establishes that the department is not required to make a finding of emergency.

Filed with LRB: August 15, 2012
Publication Date: August 18, 2012
Effective Dates: August 18, 2012 through the

date on which the permanent rules take effect, as provided in 2011 Wisconsin Act 169, section 21.

2. EmR1215 (DNR # WM–16–12(E)) — The Wisconsin Natural Resources Board proposes an order to repeal and recreate **section NR 10.01 (3) (h) 1.**, relating to the coyote hunting season.

This emergency rule was approved by the Governor on August 30, 2012.

The statement of scope for this rule, SS 038–12, was approved by the Governor on May 29, 2012, published in Register No. 678, on June 14, 2012, and approved by the Natural Resources Board on June 27, 2012.

Finding of Emergency

A non–statutory provision, Section 21, of 2011 ACT 169 requires the department to submit rules necessary for implementation or interpretation and establishes that the department is not required to make a finding of emergency.

Filed with LRB: September 14, 2012
Publication Date: October 1, 2012
Effective Dates: October 1, 2012 through the

date on which the permanent rules take effect, as provided in 2011 Wisconsin Act 169, section 21.

3. EmR1304 (DNR # FH–23–12(E)) — The Wisconsin Natural Resources Board proposes an order to amend **sections**

NR 20.20 (73) (m) 4., 25.06 (1) (a), and 25.09 (1) (am) 3. e., relating to lake trout harvest limits in Lake Superior.

The statement of scope for this rule, SS 097-12, was approved by the Governor on December 14, 2012, published in Register No. 684 on December 31, 2012, and approved by the Natural Resources Board on January 23, 2013.

Finding of Emergency

Pursuant to s. 227.24, Stats., the department finds that an emergency exists and that this rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. The welfare of state-licensed commercial fishers, tribal commercial fishers, recreational anglers, and associated businesses is threatened by a decline in the lake trout population in the Apostle Islands vicinity of Lake Superior. The continued, persistent decline in lake trout population abundances and predicted further declines necessitate the current reductions in order to ensure a sustainable lake trout fishery over the long-term. Lake trout harvest limits were negotiated in October 2012 among the Department of Natural Resources and the Red Cliff and Bad River Bands of Lake Superior Chippewa and those changes must be ordered through administrative code. This emergency rule is needed to preserve the public welfare.

Filed with LRB: March 9, 2013
Publication Date: March 27, 2013
Effective Dates: March 27, 2013 through August 23, 2013
Hearing Date: April 11, 2013
Extension Through: October 22, 2013

Safety and Professional Services (3) *Professional Services, Chs. SPS 1-299*

1. EmR1302 — The Wisconsin Department of Safety and Professional Services hereby adopts an order to amend **sections SPS 60.01; SPS 61.02 (1) (a), (2) (a), (3) (a), and (4) (a); 62.10 (title) and 62.10; 65.01; 65.02 (1); 65.07; and 65.12 (1) (h) and (i) 6.**; and to create **chapter SPS 205** relating to barbers and to barbering and cosmetology schools and instructors, and affecting small business.

This emergency rule was approved by the Governor on February 5, 2013.

The statement of scope for this rule, SS 063-12, was approved by the Governor on August 10, 2012, published in Register 680, on August 31, 2012, and approved by Secretary Dave Ross on October 15, 2012.

Finding of Emergency

The Department of Safety and Professional Services 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.

On July 1, 2012, 2011 Wisconsin Act 190 transferred regulatory authority over barbers from the Barbering and Cosmetology Examining Board to the Department of Safety and Professional Services. Act 190 also changed the educational requirements for initial licensure of barbers, and the continuing-education requirements for renewal of barber licenses. Due to the transfer of authority and the changes in education requirements, immediate rulemaking by the Department is needed to implement corresponding rule

changes prior to April 1, 2013, which is the renewal date mandated by section 440.08 (2) (a) of the Statutes for all barbering licenses.

Filed with LRB: February 14, 2013
Publication Date: February 14, 2013
Effective Dates: February 14, 2013 through July 13, 2013
Hearing Date: April 30, 2013
Extension Through: November 9, 2013

2. EmR1307 — The Wisconsin Department of Safety and Professional Services adopts an order to repeal **section SPS 81.04 (1) (c) 3. and 4.**, and to amend **section SPS 81.04 (2)**, relating to reciprocity.

This emergency rule was approved by the Governor on May 20, 2013.

The statement of scope for this rule, SS 012-13, was approved by the Governor on January 28, 2013, published in Register No. 686 on February 14, 2013, and approved by the Department of Safety and Professional Services on February 28, 2013.

Finding of Emergency

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

Title XI of the Federal Financial Institutions Reform and Recovery Enforcement Act of 1989, as amended by the Dodd-Frank Act of 2010, dictates reciprocity requirements for real estate appraisers in each state. The federal body that oversees reciprocity requirements is the Appraisal Subcommittee (ASC). Currently, Wis. Admin. Code s. SPS 81.04 is not in compliance with the federal legislation. The Code must be brought into compliance by July 1, 2013. At that time, the ASC will conduct an audit to determine which states are in compliance. If Wisconsin is designated "out of compliance," then federally regulated financial institutions may not engage a Wisconsin certified or licensed appraiser to perform an appraisal of property for a federally related transaction and other states will not be required to recognize Wisconsin credentialed appraisers seeking reciprocity. In order to implement the federally mandated reciprocity requirements before July 1, 2013, an emergency rule is needed.

Filed with LRB: June 12, 2013
Publication Date: June 18, 2013
Effective Dates: June 18, 2013 through November 14, 2013

3. EmR1308 — The Wisconsin Department of Safety and Professional Services adopts an order to create **section SPS 34.04 (2) (a) 4.**, relating to training of firearms instructors for private security personnel, private detectives, and private investigators or special investigators, and affecting small business.

This emergency rule was approved by the Governor on May 29, 2013.

The statement of scope for this rule, SS 080-12, was approved by the Governor on October 2, 2012, published in Register No. 682 on October 31, 2012, and approved by the Department of Safety and Professional Services on December 4, 2012.

Finding of Emergency

The Department of Safety and Professional Services (DSPS) finds that an emergency exists and that this rule is

necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is as follows.

Under section SPS 34.02 (1), private security personnel, private detectives, and private investigators or special investigators, who are seeking a firearms permit from the Department must obtain a certificate of firearms proficiency. Section SPS 34.02 (2) mandates that the certification be received from a Department–approved firearms–proficiency certifier pursuant to section SPS 34.04.

Section SPS 34.04 currently accepts only those certifier applicants who have received training as a police or security firearms instructor and who have either (1) current approval as a firearms instructor by the Wisconsin Law Enforcement Standards Board (LESB); (2) current certification as a law enforcement firearms instructor by the National Rifle Association, Inc., (NRA) or; (3) approval on or after January 1, 1995, as a firearms instructor by the LESB or NRA and have completed a refresher course presented by a regional training school approved by the LESB or the NRA.

Due to enactment of 2011 Wisconsin Act 35 (commonly

referred to as the concealed carry law), which became effective on November 1, 2011, there is a greater need for additional entities who can provide training and approve applicants as firearms proficiency certifiers. Section 175.60 (4) of the Statutes currently allows technical colleges, colleges, and universities to provide this training for concealed–carry purposes. No such provision is made as it relates to private security personnel, private detectives, and private investigators or special investigators, for carrying a weapon openly. Moreover, the training needed for DSPS firearms certifiers differs significantly from that needed and provided by the LESB curriculum and under 2011 Act 35. To that end, a new standard needs to be developed and implemented, separate and distinct from the LESB standards. Because the need to approve applicants for firearm proficiency certifiers is immediate and pressing, emergency rules are warranted.

Filed with LRB: June 13, 2013
Publication Date: June 13, 2013
Effective Dates: June 13, 2013 through
November 9, 2013

Scope Statements

Public Instruction

SS 111–13

Per the Dane County Circuit Court order issued in *Coyne, et al. v. Walker, et al.*, Case No. 11–CV–4573, the Department of Public Instruction is not required to obtain the Governor’s approval for this statement of scope.

Rule No.

Revises Chapter PI 26.

Relating to

Education for Employment Plans and Program.

Rule Type

Permanent.

1. Finding/Nature of the Emergency (Emergency Rule Only).

N/A.

2. Detailed Description of the Objective of the Proposed Rule

The Department of Public Instruction (DPI) is required to create a new rule to ensure that school boards are providing academic and career planning services to pupils enrolled in grades 6 to 12 beginning in the 2017–18 school year. The DPI will modify ch. PI 26 to align the Education for Employment Program with the new academic and career plans.

3. Description of the Existing Policies Relevant to the Rule, New Policies Proposed to be Included in the Rule, and an Analysis of Policy Alternatives

Aligning the Education for Employment Program with the new academic and career plans will avoid duplication and result in increased efficiency and effectiveness.

4. Detailed Explanation of Statutory Authority for the Rule (Including the Statutory Citation and Language)

121.02 School district standards

(1) Except as provided in s. 118.40 (2r) (d), each school board shall:

(m) Provide access to an education for employment program approved by the state superintendent. Beginning in the 1997–98 school year, the program shall incorporate applied curricula; guidance and counseling services under par. (e); technical preparation under s. 118.34; college preparation; youth apprenticeship under s. 106.13 or other job training and work experience; and instruction in skills relating to employment. The state superintendent shall assist school boards in complying with this paragraph.

5. Estimate of Amount of Time that State Employees will Spend Developing the Rule and of Other Resources Necessary to Develop the Rule

The amount of time needed for rule development by department staff and the amount of other resources necessary are minimal.

6. List with Description of all Entities that may be Affected by the Proposed Rule

This rule change will affect school districts.

7. Summary and Preliminary Comparison with any Existing or Proposed Federal Regulation that is Intended to Address the Activities to be Regulated by the Proposed Rule

N/A.

8. Anticipated Economic Impact of Implementing the Rule (Note if the Rule is Likely to Have a Significant Economic Impact on Small Businesses)

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

9. Agency Contact

Bureau for Policy and Budget
Katie Schumacher
(608) 267–9127
katie.schumacher@dpi.wi.gov

Public Instruction

SS 112–13

Per the Dane County Circuit Court order issued in *Coyne, et al. v. Walker, et al.*, Case No. 11–CV–4573, the Department of Public Instruction is not required to obtain the Governor’s approval for this statement of scope.

Rule No.

Revises Chapter PI 40 and creates Chapter PI 50.

Relating to

2013–15 budget changes to youth options and course options.

Rule Type

Permanent.

1. Finding/Nature of the Emergency (Emergency Rule Only)

N/A.

2. Detailed Description of the Objective of the Proposed Rule

The objective of the proposed rulemaking is to create a separate rule chapter and update the part–time open

enrollment portion of ch. PI 36 to reflect the course option structure that was created in the 2013–15 budget. Additionally, the youth options rule chapter may need to be updated to align with the changes in the course options rule chapter.

3. Description of the Existing Policies Relevant to the Rule, New Policies Proposed to be Included in the Rule, and an Analysis of Policy Alternatives

The 2013–15 budget, 2013 Wisconsin Act 20, made significant changes to the part–time open enrollment program. As a result, the rule chapters for the part–time open enrollment program and youth options program need to be updated.

4. Detailed Explanation of Statutory Authority for the Rule (Including the Statutory Citation and Language)

Under s. 227.11 (2) (a) (intro), Stats., “Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.” A rule is necessary to effectively administer the course options program under s. 118.52, Stats.

5. Estimate of Amount of Time that State Employees will Spend Developing the Rule and of Other Resources Necessary to Develop the Rule

The amount of time needed for rule development by department staff and the amount of other resources necessary are minimal.

6. List with Description of all Entities that may be Affected by the Proposed Rule

School districts will be affected by this rule.

7. Summary and Preliminary Comparison with any Existing or Proposed Federal Regulation that is Intended to Address the Activities to be Regulated by the Proposed Rule

N/A.

8. Anticipated Economic Impact of Implementing the Rule (Note if the Rule is Likely to Have a Significant Economic Impact on Small Businesses)

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

9. Agency Contact

Bureau for Policy and Budget
Katie Schumacher
(608) 267–9127
katie.schumacher@dpi.wi.gov

Public Instruction

SS 113–13

Per the Dane County Circuit Court order issued in Coyne, et al. v. Walker, et al., Case No. 11–CV–4573, the Department of Public Instruction is not required to obtain the Governor’s approval for this statement of scope.

Rule No.

Repeals Chapter PI 42.

Relating to

School Breakfast Program.

Rule Type

Permanent.

1. Finding/Nature of the Emergency (Emergency Rule Only)

N/A.

2. Detailed Description of the Objective of the Proposed Rule

This rule change will eliminate ch. PI 42, the rule chapter for the School Breakfast Program.

3. Description of the Existing Policies Relevant to the Rule, New Policies Proposed to be Included in the Rule, and an Analysis of Policy Alternatives

1999 Wisconsin Act 9 eliminated the grants awarded under the School Breakfast Program. Since there is no longer any statutory authority to award school breakfast grants, the rules are no longer necessary. Thus, this rule change will eliminate ch. PI 42.

4. Detailed Explanation of Statutory Authority for the Rule (Including the Statutory Citation and Language)

There is no statutory authority for this rule anymore because 1999 Wisconsin Act 9 eliminated the grants awarded under the School Breakfast Program.

5. Estimate of Amount of Time that State Employees will Spend Developing the Rule and of Other Resources Necessary to Develop the Rule

The amount of time needed for rule development by department staff and the amount of other resources necessary are minimal.

6. List with Description of all Entities that may be Affected by the Proposed Rule

This rule change should not affect any entity since the statutory authority for awarding grants has already been rescinded.

7. Summary and Preliminary Comparison with any Existing or Proposed Federal Regulation that is Intended to Address the Activities to be Regulated by the Proposed Rule

N/A.

8. Anticipated Economic Impact of Implementing the Rule (Note if the Rule is Likely to Have a Significant Economic Impact on Small Businesses)

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

9. Agency Contact

Bureau for Policy and Budget
Katie Schumacher
(608) 267–9127
katie.schumacher@dpi.wi.gov

Public Instruction

SS 114–13

Per the Dane County Circuit Court order issued in Coyne, et al. v. Walker, et al., Case No. 11–CV–4573, the Department

of Public Instruction is not required to obtain the Governor’s approval for this statement of scope.

Rule No.

Creates Chapter PI 49.

Relating to

Academic and career plans.

Rule Type

Permanent.

1. Finding/Nature of the Emergency (Emergency Rule Only)

N/A.

2. Detailed Description of the Objective of the Proposed Rule

The Department of Public Instruction (DPI) proposes to create a new rule that outlines how to ensure that every school board is providing academic and career planning services to pupils enrolled in grades 6 to 12 beginning in the 2017–18 school year.

3. Description of the Existing Policies Relevant to the Rule, New Policies Proposed to be Included in the Rule, and an Analysis of Policy Alternatives

The DPI is required by statute to promulgate rules relating to academic and career planning.

4. Detailed Explanation of Statutory Authority for the Rule (Including the Statutory Citation and Language)

115.28 General duties. The state superintendent shall:

(59) ACADEMIC AND CAREER PLANNING. (a) Ensure that, beginning in the 2017–18 school year, every school board is providing academic and career planning services to pupils enrolled in grades 6 to 12 in the school district.

(b) Procure, install, and maintain information technology, including computer software, to be used statewide by school districts to provide academic and career planning services to pupils in grades 6 to 12.

(c) Provide guidance, training, and technical assistance to school districts and school district staff, including teachers and counselors, on how to implement model academic and career plans, including training and technical assistance that is necessary to implement the information technology under par. (b).

(d) Promulgate rules to implement this subsection.

5. Estimate of Amount of Time that State Employees will Spend Developing the Rule and of Other Resources Necessary to Develop the Rule

The amount of time needed for rule development by department staff and the amount of other resources necessary are minimal.

6. List with Description of all Entities that may be Affected by the Proposed Rule

This rule change will affect school districts.

7. Summary and Preliminary Comparison with any Existing or Proposed Federal Regulation that is Intended to Address the Activities to be Regulated by the Proposed Rule

N/A.

8. Anticipated Economic Impact of Implementing the Rule (Note if the Rule is Likely to Have a Significant Economic Impact on Small Businesses)

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

9. Agency Contact

Bureau for Policy and Budget

Katie Schumacher

(608) 267–9127

katie.schumacher@dpi.wi.gov

Public Instruction

SS 115–13

Per the Dane County Circuit Court order issued in *Coyne, et al. v. Walker, et al.*, Case No. 11–CV–4573, the Department of Public Instruction is not required to obtain the Governor’s approval for this statement of scope.

Rule No.

Revises Chapters PI 11, 18, and 24.

Relating to

Changes as a result of 2011 Wisconsin Act 105.

Rule Type

Permanent.

1. Finding/Nature of the Emergency (Emergency Rule Only)

N/A.

2. Detailed Description of the Objective of the Proposed Rule

This proposed rule change will align chs. PI 11, 18, and 24 with the statutory changes made as a result of 2011 Wisconsin Act 105. Any other changes to chs. PI 11, 18, and 24 that are needed to align these rules with current statutes will also be made.

3. Description of the Existing Policies Relevant to the Rule, New Policies Proposed to be Included in the Rule, and an Analysis of Policy Alternatives

This is a technical change to align these PI rule chapters with statutes.

4. Detailed Explanation of Statutory Authority for the Rule (Including the Statutory Citation and Language)

Under s. 227.11 (2) (a) (intro), Stats., “Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.” As such, ch. PI 11 is required to effectively implement and provide transparency to the programs involving children with disabilities under Subchapter V of ch. 115, Stats.

PI 18 has statutory authority under s. 118.33 (2), Stats.

118.33 High school graduation standards; criteria for promotion.

(2) The state superintendent shall:

(c) Establish course requirements under sub. (1) (a) and approve any school board’s high school graduation standards policy that is equivalent to the requirements under sub. (1).

(m) Adopt policies to accommodate pupils with exceptional educational interests, needs or requirements, not limited to children with disabilities, as defined under s. 115.76 (5).

(4) (a) The state superintendent shall establish procedures for school boards to certify to the state superintendent whether they are in compliance with the requirements under sub. (1) and the rules promulgated under sub. (2).

(b) The state superintendent may periodically review school district high school graduation standards and shall notify any school board not in compliance with the requirements under sub. (1) or the rules promulgated under sub. (2), identifying the changes necessary.

PI 24 has statutory authority under s. 118.43 (6m), Stats.

118.43 Achievement guarantee contracts; state aid.

(6m) RULES. The department shall promulgate rules to implement and administer the payment of state aid under sub. (6).

5. Estimate of Amount of Time that State Employees will Spend Developing the Rule and of Other Resources Necessary to Develop the Rule

The amount of time needed for rule development by department staff and the amount of other resources necessary are minimal.

6. List with Description of all Entities that may be Affected by the Proposed Rule

No entities should be affected by this rule change since the change will only be done to align the PI rule chapters with the statutes.

7. Summary and Preliminary Comparison with any Existing or Proposed Federal Regulation that is Intended to Address the Activities to be Regulated by the Proposed Rule

N/A.

8. Anticipated Economic Impact of Implementing the Rule (Note if the Rule is Likely to Have a Significant Economic Impact on Small Businesses)

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

9. Agency Contact

Bureau for Policy and Budget
Katie Schumacher
267–9127
katie.schumacher@dpi.wi.gov

Transportation

SS 110–13

This statement of scope was approved by the governor on August 12, 2013.

Rule No.

Amends Chapter Trans 309.

Relating to

Ambulance inspection.

Rule Type

Permanent.

1. Finding/Nature of Emergency (Emergency Rule Only):

N/A.

2. Detailed Description of the Objective of the Proposed Rule

Section 341.085, Stats., authorizes the Wisconsin Department of Transportation (WisDOT) to inspect all ambulances prior to issuing an original or renewal registration, and authorizes the adoption of rules necessary for the administration of the ambulance inspection program. It also authorizes the adoption of rules necessary to prescribe ambulance service equipment and standards. Chapter Trans 309, which governs the ambulance inspection program in the State of Wisconsin, has not been updated or technically modified since 1999. As a result of requests by the Wisconsin Assembly and Senate Transportation Committees, and to comply with the Governor's Executive Order #61, WisDOT believes it must consider changes to industry standards, practices, and regulations since 1999 to appropriately revise ch. Trans 309. Given the significant changes to industry standards, practices, and regulatory compliance, corrections, updates, and modifications are warranted. The proposed changes to ch. Trans 309 will consider the Department of Health Service's (DHS's) administrative rule ch. DHS 110, industry standards, regulatory compliance, and technological changes to ensure the highest possible level of ambulance vehicle safety for the public that uses ambulance services in the State of Wisconsin.

3. Description of the Existing Policies Relevant to the Rule, New Policies Proposed to be Included in the Rule, and an Analysis of Policy Alternatives

Some definitions are outdated, irrelevant, inaccurate, or obsolete. The sequencing of vehicle inspection intervals, personnel resource allocation, and registration requirements are inaccurate. Some practices and procedures require modernization, modification, elimination, or replacement.

4. Detailed Explanation of Statutory Authority for the Rule (Including the Statutory Citation and Language)

Section 341.085, Stats., provides the statutory authority of the department regarding ambulance inspection.

Section 227.11 (2) (a), Stats., grants general rule-making authority to WisDOT to enforce or administer Section 341.085, Stats.

341.085 Registration of ambulances. (1) The department shall inspect all ambulances prior to issuing an original or renewal registration to determine that the vehicles meet requirements specified by law or administrative rule as to specifications, medical equipment, supplies and sanitation.

(2) The department may adopt rules necessary for administration of this section and prescribe ambulance service equipment and standards therefor, except that any ambulance which does not conform to rules adopted by the department may be used until December 30, 1979.

History: 1977 c.29.

Cross-reference: See also ch. Trans 309, Wis. adm. code.

Trans 309.01 Purpose and scope; construction.

(1) The purpose of this chapter is to prescribe minimum vehicle and medical equipment specifications for ambulances and to establish administrative procedures for implementing the ambulance inspection program under s. 341.085, Stats.

Note: To be licensed as an ambulance service provider in Wisconsin, all ambulances used by the ambulance service provider must be first inspected by Wisconsin DOT per ch. Trans 309.

5. Estimate of Amount of Time that State Employees will Spend Developing the Rule and of Other Resources Necessary to Develop the Rule

Approximately 160 hours.

6. List with Description of all Entities that may be Affected by the Proposed Rule

Entities affected by the proposed rule may include:

The citizens of Wisconsin who rely on dependable, safe, and efficient emergency services transportation for both emergency and nonemergency medical transportation;

Wisconsin emergency medical services providers who are or may become licensed to operate ambulances;

The Wisconsin Department of Health Services (DHS) which regulates and approves all Wisconsin emergency medical services providers;

WisDOT, Division of State Patrol, Ambulance Inspection Program;

Local and Municipal government in Wisconsin.

7. Summary and Preliminary Comparison with any Existing or Proposed Federal Regulation that is Intended to Address the Activities to be Regulated by the Proposed Rule

The following regulations/standards may be used or referenced: Federal Specification Standard KKK 1822 (or current);

49 CFR Federal Motor Carrier Safety Regulations;

49 CFR 571 Federal Motor Vehicle Safety Standards.

8. Anticipated Economic Impact of Implementing the Rule (Note if the Rule is Likely to Have a Significant Economic Impact on Small Businesses)

It is not anticipated that the rule changes will have more than a very modest impact (positive or negative) to the industry and department as a whole. It is expected to require some minimal expenses necessary for changing operational procedures or adding medical personnel or equipment.

9. Contact Person

Bernard Coxhead, (608) 261–5858.

Submittal of Proposed Rules to Legislative Council Clearinghouse

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

Natural Resources
Fish, Game, etc., Chs. NR 1—
CR 13–067

(DNR # WM–05–13)

On August 30, 2013, the Department of Natural Resources submitted a proposed rule to the Legislative Council Rules Clearinghouse.

The scope statement for this rule, SS 017–13, was approved by the Governor on February 18, 2013, published in Register No. 687 on March 14, 2013, and approved by the Natural Resources Board on April 24, 2013, as required by

Analysis

The proposed rule revises Chapter NR 10, Wis. Adm.

Code, relating to bobcat hunting and trapping and elk management.

Agency Procedure for Promulgation

Public hearings will be held, beginning at 7:00 p.m. at each of the following locations:

October 1, 2013 South Central Region Department of Natural Resources office, 3911 Fish Hatchery Rd., Fitchburg.

October 2, 2013 Lunda Theater — Middle School Auditorium, 1202 Pierce, St. Black River Falls.

Name and Organizational Unit of Agency Contacts

Scott Loomans, Bureau of Wildlife Management, (608) 267–2452.

Linda Haddix, Bureau of Legal Services, (608) 266–1959.

Rule–Making Notices

Notice of Hearing

Agriculture, Trade and Consumer Protection EmR1311

The state of Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) announces that it will hold a public hearing on its emergency rule, s. ATCP 21.17, Wis. Adm. Code, relating to the quarantine of Jefferson County for the emerald ash borer beetle.

DATCP will hold a public hearing at the time and place shown below.

Hearing Information

Date: Thursday, September 26, 2013
Time: 1:00 p.m.
Location: Conference Room 211
 (2nd floor, left at elevators)
 Department of Agriculture, Trade and
 Consumer Protection
 2811 Agriculture Drive
 Madison, WI 53718

Hearing impaired persons may request an interpreter for this hearing. Please make reservations for a hearing interpreter by September 19, 2013, by writing to Barbara Stalker, Division of Agricultural Resource Management, P.O. Box 8911, Madison, WI 53708–8911, telephone (608) 224–4660. Alternatively, you may contact the DATCP TDD at (608) 224–5058. The hearing facility is accessible to disabled users.

Appearances at the Hearings, Copies of Proposed Rule, and Submittal of Written Comments

DATCP invites the public to attend the hearing and comment on the emergency rule. Following the public hearing, the hearing record will remain open until Friday, October 4, 2013, for additional written comments. Comments may be sent to the Division of Agricultural Resource Management at the address below, to christopher.deegan@wisconsin.gov or at <http://adminrules.wisconsin.gov>.

You may obtain a free copy of this emergency rule by contacting the Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Agricultural Resource Management, 2811 Agriculture Drive, P.O. Box 8911, Madison, WI 53708. You can also obtain a copy by calling (608) 224–4573 or emailing christopher.deegan@wisconsin.gov. Copies will also be available at the hearing. To view the emergency rule online, please go to: <http://adminrules.wisconsin.gov>

To provide comments or concerns relating to small business, please contact DATCP’s small business regulatory coordinator, Keeley Moll, at the address above, by emailing to keeley.moll@wisconsin.gov or by telephone at (608) 224–5039.

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

This emergency rule creates a quarantine for Jefferson County for emerald ash borer (EAB). Under this rule, the Department of Agriculture, Trade and Consumer Protection (DATCP) quarantines Jefferson County to mitigate the movement of emerald ash borer to other areas of Wisconsin and other states.

DATCP is adopting this temporary emergency rule pending the adoption of a federal regulation to quarantine Jefferson County. The emergency rule will take effect immediately upon publication in the official state newspaper, and will remain in effect for 150 days. The Legislature’s Joint Committee for Review of Administrative Rules may extend the emergency rule for up to 120 additional days.

Statutes interpreted

Sections 93.07 (12) and 94.01, Stats.

Statutory authority

Sections 93.07 (1), 93.07 (12), 94.01, and 227.24, Stats.

Explanation of statutory authority

DATCP has broad general authority, under s. 93.07 (1), Stats., to adopt regulations to enforce laws under its jurisdiction. DATCP also has broad general authority, under ss. 93.07 (12) and 94.01, Stats., to adopt regulations to prevent and control plant pest infestations. Emerald ash borer quarantines created by this rule are part of an overall state strategy to prevent and control plant pest infestations, including EAB infestations. DATCP is adopting this temporary emergency rule, under authority of s. 227.24, Stats., pending the adoption of federal regulations on the same subject.

Background

The Wisconsin Department of Natural Resources (“DNR”) positively identified EAB in Walworth County at the University of Wisconsin Whitewater Campus on June 25, 2013. This detection is located about 750 meters or half a mile from the Jefferson County border. This emergency rule creates a DATCP quarantine for Jefferson County. Federal quarantines will be enacted approximately six to eight weeks after a formal submission by the state plant regulatory official. Emerald ash borer is carried and spread by untreated ash wood products. An eight–week delay until enactment of the federal quarantine leaves too much time for businesses or individuals to move potentially EAB–infested material out of this county to areas of Wisconsin or other states that are not infested with EAB.

Emerald ash borer is an injurious exotic pest that now endangers Wisconsin’s 750 million ash trees and ash tree resources. This insect has the potential to destroy entire stands of ash, and any incursion of emerald ash borer can result in substantial losses both to forest ecosystems and urban trees, as well as the state’s vital tourism and timber industries. The emerald ash borer has killed over fifty million trees in the Midwest and has cost several hundred million dollars annually in losses to the woodlot, nursery, and landscape

industries and municipalities. The United States Department of Agriculture predicts the national urban impact from this pest could exceed \$370 billion.

DATCP has plant inspection and pest control authority under s. 94.01, Stats., to adopt rules establishing quarantines or other restrictions on the importation into or movement of plants or other materials within this state, if these measures are necessary to prevent or control the spread of injurious plant pests. A quarantine order may prohibit the movement of any pest, or any plant, pest host, or pest–harboring material, which may transmit or harbor a pest.

Emergency Rule Content

The emergency rule will do the following:

- Create a quarantine for EAB for Jefferson County that prohibits the movement of all hardwood species of firewood, and nursery stock, green lumber, and other material living, dead, cut or fallen, including logs, stumps, roots, branches, and composted and uncomposted chips of the genus *Fraxinus* (Ash wood), out of the contiguous quarantined area.
- Provide an exemption for items that have been inspected and certified by a pest control official and are accompanied by a written certificate issued by the pest control official (some products, such as nursery stock, cannot be given an exemption).
- Provide an exemption for businesses that enter into a state or federal compliance agreement. The compliance agreement describes in detail what a company can and cannot do with regulated articles.

Summary of factual data and analytical methodologies

Data for this analysis was obtained from DATCP nursery license records, local business directories and field surveys of the wood products industry (e.g. timber, lumber, firewood) in the area. This analysis was based on the regulatory language of s. ATCP 21.17 and 7 CFR 301.53, on the observations of DATCP nursery inspectors, and on conversations with stakeholders in the nursery and other timber–related industries.

Analysis and supporting documents used to determine effect on small business

DATCP searched its nursery license database to obtain current records for licensed nursery growers operating in Jefferson County. Based on previous and ongoing work with Wisconsin’s Gypsy Moth and firewood certification programs, DATCP staff also identified known saw mills, wood products and firewood industry concerns. Finally, online Yellow Pages business listings were also searched to find related tree nursery, timber, firewood and tree service companies.

Fiscal Impact

DATCP will have additional workload related to enforcing the quarantine but it will be able to absorb the projected workload and costs within DATCP’s current budget and with current staff. The presence of emerald ash borer may produce additional workload for local governments in Jefferson County, but the quarantine itself will not produce any local fiscal impact.

Business Impact

This emergency rule may have an impact on persons or companies that deal in any hardwood firewood or ash materials in Jefferson County. The affected businesses are all small businesses. This emergency rule restricts the sale or distribution of ash products plus any hardwood firewood from Jefferson County to locations outside of any contiguously quarantined counties, and to neighboring states.

The business impact of this emergency rule depends on the number of nurseries that sell/distribute ash nursery stock outside the county, firewood producers/dealers that sell/distribute outside the county, saw mills that move untreated ash stock outside the county, and green wood waste that is moved outside the county.

Jefferson County has a total of ten licensed nursery growers that could possibly be growing ash nursery stock. Those growers will not be able to sell ash nursery stock outside of the quarantine area, though discussions with the Wisconsin Nursery Association indicate that few, if any, nurseries continue to sell ash trees. There are also an estimated ten known firewood dealers in Jefferson County. Firewood dealers would need to be certified under s. ATCP 21.20 to sell firewood outside of the quarantine area. To obtain certification a firewood dealer pays a \$50 annual certification fee to DATCP and treats the firewood in a manner that ensures it is free of EAB. There are two sawmills in Jefferson County and an estimated fourteen other tree service/wood processing facilities that deal with ash. To sell ash wood products outside of the quarantine area they will need to enter into a compliance agreement with DATCP or APHIS that authorizes movement of ash products outside of the quarantine only when there is assurance that the movement will not spread EAB to other locations. Certification and compliance agreements will require some additional recordkeeping on the part of those businesses.

Environmental Impact

This emergency rule will not have a significant impact on the environment.

Federal and Surrounding State Programs

Federal programs

Under the federal Plant Protection Act, APHIS has responsibility for excluding, eradicating and controlling serious plant pests, including emerald ash borer. APHIS has instituted statewide quarantines on the movement of all ash wood for Illinois, Indiana, Ohio, Pennsylvania, Virginia, and West Virginia, in addition to portions of Connecticut, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New York, and Tennessee. APHIS has also enacted quarantines for Brown, Kenosha, Racine, Walworth, Rock, Milwaukee, Waukesha, Ozaukee, Washington, Sheboygan, Fond du Lac, Trempealeau, La Crosse, Vernon, and Crawford Counties in Wisconsin. The quarantines include restrictions on the movement of any hardwood (non–coniferous) firewood.

Surrounding state programs

Surrounding states where emerald ash borer has been identified (Illinois, Indiana, Iowa, Minnesota, and Michigan) have state and federal quarantines that prohibit the movement

of regulated articles out of quarantined areas. A regulated article can only move out of quarantined areas after it is certified by USDA or state officials.

DATCP Contact

Questions and comments (including hearing comments) related to this rule may be directed to:

Brian Kuhn or Christopher Deegan
 Department of Agriculture, Trade and Consumer Protection
 P.O. Box 8911
 Madison, WI 53708–8911
 Telephone (608) 224–4590 or (608) 224–4573
 E–Mail: brian.kuhn@wisconsin.gov or
christopher.deegan@wisconsin.gov.

Notice of Hearing

Agriculture, Trade and Consumer Protection EmR1312

The state of Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) announces that it will hold a public hearing on its emergency rule, s. ATCP 21.17, Wis. Adm. Code, relating to the quarantine of Sauk County for the emerald ash borer beetle.

DATCP will hold a public hearing at the time and place shown below.

Hearing Information

Date: Thursday, September 26, 2013
Time: 1:30 p.m.
Location: Conference Room 211
 (2nd floor, left at elevators)
 Department of Agriculture, Trade and Consumer Protection
 2811 Agriculture Drive
 Madison, WI 53718

Hearing impaired persons may request an interpreter for this hearing. Please make reservations for a hearing interpreter by September 19, 2013, by writing to Barbara Stalker, Division of Agricultural Resource Management, P.O. Box 8911, Madison, WI 53708–8911, telephone (608) 224–4660. Alternatively, you may contact the DATCP TDD at (608) 224–5058. The hearing facility is accessible to disabled users.

Appearances at the Hearings, Copies of Proposed Rule, and Submittal of Written Comments

DATCP invites the public to attend the hearing and comment on the emergency rule. Following the public hearing, the hearing record will remain open until Friday, October 4, 2013, for additional written comments. Comments may be sent to the Division of Agricultural Resource Management at the address below, to christopher.deegan@wisconsin.gov or at <http://adminrules.wisconsin.gov>.

You may obtain a free copy of this emergency rule by contacting the Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Agricultural Resource Management, 2811 Agriculture Drive, P.O. Box 8911, Madison, WI 53708. You can also obtain a copy by calling (608) 224–4573 or emailing christopher.deegan@wisconsin.gov. Copies will also be available at the hearing.

To view the emergency rule online, please go to: <http://adminrules.wisconsin.gov>

To provide comments or concerns relating to small business, please contact DATCP’s small business regulatory coordinator, Keeley Moll, at the address above, by emailing to keeley.moll@wisconsin.gov or by telephone at (608) 224–5039.

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

This emergency rule creates a quarantine for Sauk County for emerald ash borer (EAB). Under this rule, the Department of Agriculture, Trade and Consumer Protection (DATCP) quarantines Sauk County to mitigate the movement of emerald ash borer to other areas of Wisconsin and other states.

DATCP is adopting this temporary emergency rule pending the adoption of a federal regulation to quarantine Sauk County. The emergency rule will take effect immediately upon publication in the official state newspaper, and will remain in effect for 150 days. The Legislature’s Joint Committee for Review of Administrative Rules may extend the emergency rule for up to 120 additional days.

Statutes interpreted:

Sections 93.07 (12) and 94.01, Stats.

Statutory authority

Sections 93.07 (1), 93.07 (12), 94.01, and 227.24, Stats.

Explanation of statutory authority

DATCP has broad general authority, under s. 93.07 (1), Stats., to adopt regulations to enforce laws under its jurisdiction. DATCP also has broad general authority, under ss. 93.07 (12) and 94.01, Stats., to adopt regulations to prevent and control plant pest infestations. Emerald ash borer quarantines created by this rule are part of an overall state strategy to prevent and control plant pest infestations, including EAB infestations. DATCP is adopting this temporary emergency rule, under authority of s. 227.24, Stats., pending the adoption of federal regulations on the same subject.

Background

The United States Department of Agriculture – Animal and Plant Health Inspection Service (“APHIS”) positively identified EAB in Sauk County at Mirror Lake State Park on July 11, 2013. This emergency rule creates a DATCP quarantine for Sauk County. Federal quarantines will be enacted approximately six to eight weeks after a formal submission by the state plant regulatory official. Emerald ash borer is carried and spread by untreated ash wood products. An eight–week delay until enactment of the federal quarantine leaves too much time for businesses or individuals to move potentially EAB–infested material out of this county to areas of Wisconsin or other states that are not infested with EAB.

Emerald ash borer is an injurious exotic pest that now endangers Wisconsin’s 750 million ash trees and ash tree resources. This insect has the potential to destroy entire stands of ash, and any incursion of emerald ash borer can result in substantial losses both to forest ecosystems and urban trees, as well as the state’s vital tourism and timber industries. The emerald ash borer has killed over fifty million trees in the Midwest and has cost several hundred million dollars annually in losses to the woodlot, nursery, landscape industries, and municipalities. The United States Department of Agriculture predicts the national urban impact from this pest could exceed \$370 billion.

DATCP has plant inspection and pest control authority under s. 94.01, Stats., to adopt rules establishing quarantines or other restrictions on the importation into or movement of plants or other materials within this state, if these measures are necessary to prevent or control the spread of injurious plant pests. A quarantine order may prohibit the movement of any pest, or any plant, pest host, or pest–harboring material, which may transmit or harbor a pest.

Emergency rule content

The emergency rule will do the following:

- Create a quarantine for EAB for Sauk County that prohibits the movement of all hardwood species of firewood, and nursery stock, green lumber, and other material living, dead, cut or fallen, including logs, stumps, roots, branches, and composted and uncomposted chips of the genus *Fraxinus* (Ash wood), out of the contiguous quarantined area.
- Provide an exemption for items that have been inspected and certified by a pest control official and are accompanied by a written certificate issued by the pest control official (some products, such as nursery stock, cannot be given an exemption).
- Provide an exemption for businesses that enter into a state or federal compliance agreement. The compliance agreement describes in detail what a company can and cannot do with regulated articles.

Summary of factual data and analytical methodologies

Data for this analysis was obtained from DATCP nursery license records, local business directories and field surveys of the wood products industry (e.g. timber, lumber, firewood) in the area. This analysis was based on the regulatory language of s. ATCP 21.17 and 7 CFR 301.53, on the observations of DATCP nursery inspectors, and on conversations with stakeholders in the nursery and other timber–related industries.

Analysis and supporting documents used to determine effect on small business

DATCP searched its nursery license database to obtain current records for licensed nursery growers operating in Sauk County. Based on previous and ongoing work with Wisconsin’s Gypsy Moth and firewood certification programs, DATCP staff also identified known saw mills, wood products, and firewood industry concerns. Finally, online Yellow Pages business listings were also searched to find related tree nursery, timber, firewood, and tree service companies.

Fiscal Impact

DATCP will have additional workload related to enforcing the quarantine but it will be able to absorb the projected workload and costs within DATCP’s current budget and with current staff. The presence of emerald ash borer may produce additional workload for local governments in Sauk County, but the quarantine itself will not produce any local fiscal impact.

Business Impact

This emergency rule may have an impact on persons or companies that deal in any hardwood firewood or ash materials in Sauk County. The affected businesses are all

small businesses. This emergency rule restricts the sale or distribution of ash products plus any hardwood firewood from Sauk County to locations outside of any contiguously quarantined counties, and to neighboring states.

The business impact of this emergency rule depends on the number of nurseries that sell/distribute ash nursery stock outside the county, firewood producers/dealers that sell/distribute outside the county, saw mills that move untreated ash stock outside the county, and green wood waste that is moved outside the county.

Sauk County has a total of eleven licensed nursery growers that could possibly be growing ash nursery stock. Those growers will not be able to sell ash nursery stock outside of the quarantine area, though discussions with the Wisconsin Nursery Association indicate that few, if any, nurseries continue to sell ash trees. There are also seven known firewood dealers in Sauk County. Firewood dealers would need to be certified under s. ATCP 21.20 to sell firewood outside of the quarantine area. To obtain certification a firewood dealer pays a \$50 annual certification fee to DATCP and treats the firewood in a manner that ensures it is free of EAB. There are five sawmills in Sauk County and an estimated seventeen other tree service/wood processing facilities that deal with ash. To sell ash wood products outside of the quarantine area they will need to enter into a compliance agreement with DATCP or APHIS that authorizes movement of ash products outside of the quarantine only when there is assurance that the movement will not spread EAB to other locations. Certification and compliance agreements will require some additional recordkeeping on the part of those businesses.

Environmental Impact

This emergency rule will not have a significant impact on the environment.

Federal and Surrounding State Programs

Federal programs

Under the federal Plant Protection Act, APHIS has responsibility for excluding, eradicating and controlling serious plant pests, including emerald ash borer. APHIS has instituted statewide quarantines on the movement of all ash wood for Illinois, Indiana, Ohio, Pennsylvania, Virginia, and West Virginia, in addition to portions of Connecticut, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New York, and Tennessee. APHIS has also enacted quarantines for Brown, Kenosha, Racine, Walworth, Rock, Milwaukee, Waukesha, Ozaukee, Washington, Sheboygan, Fond du Lac, Trempealeau, La Crosse, Vernon, and Crawford Counties in Wisconsin. The quarantines include restrictions on the movement of any hardwood (non–coniferous) firewood.

Surrounding state programs

Surrounding states where emerald ash borer has been identified (Illinois, Indiana, Iowa, Minnesota, and Michigan) have state and federal quarantines that prohibit the movement of regulated articles out of quarantined areas. A regulated article can only move out of quarantined areas after it is certified by USDA or state officials.

DATCP Contact

Questions and comments (including hearing comments) related to this rule may be directed to:

Brian Kuhn or Christopher Deegan
 Department of Agriculture, Trade and Consumer
 Protection
 P.O. Box 8911
 Madison, WI 53708–8911
 Telephone (608) 224–4590 or (608) 224–4573
 E–Mail: brian.kuhn@wisconsin.gov or
christopher.deegan@wisconsin.gov.

Notice of Hearing**Insurance
EmR1314**

Notice is hereby given that pursuant to the authority granted under s. 601.41 (3), Stats., and the procedures set forth in under s. 227.24 (3), Stats., the office of the Commissioner of Insurance (OCI) will hold a public hearing to consider the adoption of the attached proposed rulemaking order affecting sections Ins 6.91 to 6.98, Wis. Adm. Code, relating to navigators, nonnavigator assisters, and related entities and affecting small business.

Hearing Information

Date: Friday, September 27, 2013
Time: 9:30 a.m., or as soon thereafter as the matter may be reached
Location: Office of the Commissioner of Insurance
 Room 227
 125 South Webster St., 2nd Floor
 Madison, WI

**Place Where Comments are to be Submitted and
Deadline for Submission**

Written comments can be mailed to:

Julie E. Walsh
 Legal Unit — OCI Rule Comment for Rule Ins 691
 Office of the Commissioner of Insurance
 PO Box 7873
 Madison WI 53707–7873

Written comments can be hand delivered to:

Julie E. Walsh
 Legal Unit — OCI Rule Comment for Rule Ins 691
 Office of the Commissioner of Insurance
 125 South Webster St — 2nd Floor
 Madison WI 53703–3474

Comments can be emailed to:

Julie E. Walsh, julie.walsh@wisconsin.gov.

Comments submitted through the Wisconsin Administrative Rule Web site at: <http://adminrules.wisconsin.gov> on the proposed rule will be considered.

The deadline for submitting comments is 4:00 p.m. on October 11, 2013.

Summary of Proposed Rule and Fiscal Estimate

For a summary of the rule see the analysis contained in the attached proposed rulemaking order. There will be no state or local government fiscal effect. The full text of the proposed

changes, a summary of the changes and the fiscal estimate are attached to this Notice of Hearing.

Initial Regulatory Flexibility Analysis

Notice is hereby further given that pursuant to s. 227.114, Stats., the proposed rule may have an effect on small businesses. The initial regulatory flexibility analysis is as follows:

a. Types of small businesses affected:

Insurance agents, community outreach organizations, consumer support organizations who are designated and under contract with the federally facilitated exchange as navigators, nonnavigator assisters or related entities. Governmental agencies are exempt from this rule.

b. Description of reporting and bookkeeping procedures required:

Navigator and nonnavigator assister entities, in addition to any federal requirements, will be required to maintain training records as well as current names and addresses of those who they employ, supervise or are affiliated with. Additionally, for entities handling consumer's money, and for navigators not affiliated with a navigator entity, proper financial accounts must be maintained.

c. Description of professional skills required:

Basic consumer, employee and business financial record keeping in addition to any requirements of the federal government.

Oci Small Business Regulatory Coordinator

The OCI small business coordinator is Louie Cornelius and may be reached at phone number (608) 264–8113 or at email address louie.cornelius@wisconsin.gov.

Contact Person

A copy of the full text of the proposed rule changes, analysis and fiscal estimate may be obtained from the OCI internet Web site at <http://oci.wi.gov/ocirules.htm> or by contacting Inger Williams, Public Information and Communications, OCI, at: inger.williams@wisconsin.gov, (608) 264–8110, 125 South Webster Street – 2nd Floor, Madison WI or PO Box 7873, Madison WI 53707–7873.

**Analysis Prepared by the Office of the Commissioner of
Insurance (OCI)*****Statutes interpreted***

Sections 601.31, 601.41, 601.62, 601.65, and ch. 628, 631, Stats.

Statutory authority

Sections 227.11, 601.41, 628.98, Stats.

Explanation of OCI's authority to promulgate the proposed rule under these statutes

The office has authority to promulgate rules interpreting ch. 628, Stats., as amended, relating to the oversight and licensing of navigators and registering navigator entities and nonnavigator assisters through the registration of nonnavigator assister entities. The commissioner has general authority to promulgate rules necessary to administer and enforce chs. 600 to 655, Stats., in accordance with ss. 227.11 (2) (a) and 601.41 (3), Stats. Further under s. 628.98, Stats., the commissioner is permitted to promulgate any rules necessary to carry out the purposes of subch. V. Additionally, the commissioner may promulgate rules under authority granted in ss. 601.42, and 628.34 (12), Stats.

Related statutes or rules

Ins chs. 6, 26, and 28, Wis. Admin. Code.

The plain language analysis and summary of the proposed rule

The proposed rule establishes training and licensing requirements for navigators in accordance with state law and consistent with federal law. Navigators must have contracts with and grants from the federal government to assist consumers in enrolling in the federally facilitated health insurance exchange. When navigators provide facilitate enrollment of consumers into the federal exchange they are by law transacting an insurance business. As such, the office through this proposed rule sets forth basic requirements of licensure including fingerprinting, criminal background checks, consideration of prior personal and financial transactions that may provide insight to the individual's character. Since as navigators will have access to personal and financial information of the consumers they assist the proposed regulations includes requirements for record keeping in addition to the federally established privacy and security requirements. Further to ensure if a consumer were harmed by the acts of a navigator, the proposed rule implements the statutory requirement of financial responsibility for wrongful acts of a navigator.

Under the proposed rule nonnavigator assisters, navigator and nonnavigator assister entities are required to be registered with the Office. The nonnavigator assisters are registered with the commissioner through the nonnavigator assister entity with whom the nonnavigator assister is employed, supervised or affiliated with. Navigators, navigator entities and nonnavigator assister entities are designated by the federally facilitated exchange and navigators and navigator entities are under contract with the federally facilitated exchange to assist consumers enrolling in the exchange.

The state registration process will allow the office to ensure those persons and entities having direct contact with consumers have developed and implemented policies and procedures to ensure accurate guidance is given to consumers by properly trained persons. Through registration, the office will have current information for consumers of navigators and nonnavigator assisters who are compliant with training and knowledgeable of the exchange. The entities are legally responsible for the acts of the navigators or nonnavigator assisters that are employed, supervised or affiliated with the entities and are required to ensure the navigators and nonnavigator assisters are current in their training and of good character, competent and trustworthy.

Both navigators and nonnavigator assisters will be trained to understand not only the federal exchange health insurance products, but will also be familiar with public assistance programs and premium tax credits. The proposed rule requires initial and on-going training to ensure that the navigators and nonnavigator assisters who are providing assistance to Wisconsin consumers are providing the most recent and accurate information.

The proposed rule contains provisions intended to protect consumers from deceptive practices by restricting the use of terms, including navigator, nonnavigator assister, and certified application counselors, for use by only those persons who possess the proper training, licensure or registration status. The rule also delineates prohibited acts by navigators

and nonnavigator assisters including making false or misleading statements, performing acts for which an insurance agent license is required, and receiving compensation from an insurer. Finally, the rule exempts governmental entities or persons acting on behalf of governmental entities from the regulations.

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

The proposed law dovetails with federal law and extends consumer protections through licensure, training and financial responsibility requirements. The federal law set forth in 45 CFR ch. 155, as amended, outlines federal training, grants, privacy and security and contracting requirements. The proposed rule ensures that persons assisting Wisconsin consumers are also trained in Wisconsin insurance laws and public assistance programs available in this state. The proposed rules include financial responsibility for wrongful acts as a measure to provide greater protection to Wisconsin consumers. By requiring licensing or registration the proposed rule provides ready, verifiable information so consumers can be confident that the information and assistance they are provided by navigators and nonnavigator assisters are from persons of good character and who have successfully completed training.

Comparison of similar rules in adjacent states as found by OCI

Illinois: 2013 SB 1194, passed by both houses June 2013, pending Governor signature. The Senate Bill proposes to clarify the roles of navigators from licensed insurance agents, establish requirements including licensing, training, and financial responsibility. The law as proposed is similar to the law passed in Wisconsin.

Iowa: Iowa Code § 522D (2013). The law establishes licensing requirements for navigators and navigator entities similar to the law passed in Wisconsin. The Insurance Division is in the process of promulgating administrative rules establishing training, licensing, fees and evidence of financial responsibility similar to this proposed rule.

Michigan: No similar laws or rules.

Minnesota: Minn. Stat. § 62V.05 (2013). Law was effective March 21, 2013 and requires the Minnesota exchange board to establish policies and procedures for the ongoing operation of a navigator program including in-person assisters. The law requires navigators and in-person assisters to have training and certified prior to selling for the exchange.

A summary of the factual data and analytical methodologies that OCI used in support of the proposed rule and how any related findings support the regulatory approach chosen for the proposed rule

The Office considered federal law and laws of surrounding states to ensure the consumer safety and balance state oversight of navigators, nonnavigator assisters and related entities. The proposed regulations provide similar oversight for navigators, nonnavigator assisters and related entities to that existing for insurance agents, brokers and managing agencies. The approach minimizes potential consumer harm by ensuring those serving the public meet basic qualifications and establish state regulation and control over the navigator and nonnavigator activities in the transaction of an insurance business.

Any analysis and supporting documentation that OCI used in support of OCI's determination of the rule's effect on small businesses under s. 227.114

The proposed rule may affect small businesses, however, the office has taken steps to minimize the impact of the rule by limiting the effect of the regulation to those navigators or nonnavigator assisters who are working on behalf of the federal government. For perspective, the federal government only awarded six navigator grants for the entire state of Wisconsin. The proposed rules and law impose no restrictions or regulations for governmental entities. There are many such entities already providing assistance to consumers with health insurance and public assistance concerns. By keeping the scope of the proposed rule very narrow, the impact on small businesses is significantly lessened.

The proposed rule fee amounts are consistent or lesser than similarly situated agents and managing broker agencies. Further, there is no imposition of fees for nonnavigator assisters or nonnavigator assister entities other than the cost of prelicensing training and examination costs. To further minimize the impact to navigators and nonnavigator assisters, the office provided and continues to provide some free prelicensing training to interested parties and in locations throughout the state in advance of the first open enrollment period.

See the attached Private Sector Fiscal Analysis

A description of the Effect on Small Business

This rule may have an effect on small businesses by requiring licensure or registration for navigators, nonnavigator assisters and related entities. However, the office minimized the impact by establishing less stringent requirements than those imposed on licensed insurance agents and agencies. Further, the office provided, and continues to provide, some free prelicensing training to interested parties and in locations throughout the state in advance of the first open enrollment period. Additionally, the office approved licensed vendors to provide prelicensing training both in–person and on–line to reduce imposition on organizations. Finally the office imposed slightly lower fees than is required for licensed agents.

Agency Contact Person

A copy of the full text of the proposed rule changes, analysis and fiscal estimate may be obtained from the Web site at: <http://oci.wi.gov/ocirules.htm> or by contacting Inger Williams, OCI Services Section, at:

Phone: (608) 264–8110

Email: inger.williams@wisconsin.gov

Address: 125 South Webster St – 2nd Floor, Madison WI 53703–3474

Mail: PO Box 7873, Madison, WI 53707–7873

Place where Comments Are to be Submitted and Deadline For Submission

The deadline for submitting comments is 4:00 p.m. on October 11, 2013.

Mailing address:

Julie E. Walsh

Legal Unit – OCI Rule Comment for Rule Ins 691

Office of the Commissioner of Insurance

PO Box 7873

Madison WI 53707–7873

Street address:

Julie E. Walsh

Legal Unit – OCI Rule Comment for Rule Ins 691

Office of the Commissioner of Insurance

125 South Webster St – 2nd Floor

Madison WI 53703–3474

Email address:

Julie E. Walsh

julie.walsh@wisconsin.gov

Web site: <http://oci.wi.gov/ocirules.htm>.

The Proposed Rule Changes Are

SECTION 1. Subchapter II and title are created to read:

Subchapter II — Navigators, Nonnavigator Assistors and Related Entities.

SECTION 2. Ins 6.91 to 6.99 is created to read:

Ins 6.91 Definitions. In addition to the definitions in s. 628.90, Stats., which apply to this subchapter, in this subchapter:

(1) “Agent” means an agent as defined in s. 628.02, Stats.

(2) “Business checking account” means any account utilized by a navigator, navigator entity, nonnavigator assister or nonnavigator assister entity for insurance–related transactions.

(3) “Cash disbursed record” means a record showing all monies paid out by the navigator, navigator entity, nonnavigator assister or nonnavigator assister entity in transacting the business of insurance.

(4) “Cash receipts record” means a record showing all monies received by the navigator, navigator entity, nonnavigator assister or nonnavigator assister entity in transacting the business of insurance.

(5) “Certified application counselors” means a nonnavigator assister who is employed, supervised or affiliated with a registered nonnavigator assister entity as established by 45 CFR § 155.225, as amended, and who works for a nonnavigator assister entity that has been designated by and entered into an agreement with the exchange.

(6) “Commissioner” means the commissioner of insurance.

(7) “Formal administrative action” means consent decrees, cease and desist orders, stipulations, suspensions, revocations, license denials, fines, forfeitures, settlement agreements, navigator license restrictions or other actions limiting the navigator’s method of transacting the business of insurance.

(8) “Navigator entity” means an entity or organization that employs, supervises or is affiliated with, one or more licensed navigators; is designated by the exchange as a navigator, works on behalf of the exchange and enters into an federal navigator grant funding agreement in accordance with 45

CFR § 155.210 (c), as amended; and is registered with the commissioner.

(9) “Nonnavigator assister entity” means entity or organization that employs, supervises or is affiliated with one or more nonnavigator assisters including certified application counselors; is designated by and works on behalf of the exchange and enters into an agreement with the exchange in accordance with 45 CFR § 155.225 (b) (1), as amended; and is registered with the commissioner.

(10) “Personnel records” means those records pertaining to anyone who is employed by, supervised by or affiliated with a navigator entity or nonnavigator assister entity including independent contractors.

(11) “Policyholder records” means all records, applications, request for changes, and complaints associated with a policy generated by or through the navigator, navigator entity, certified application counselor or nonnavigator assister entity.

Ins 6.92 Individual navigators. (1) **PURPOSE.** This section protects insurance consumers by establishing procedures for the licensing of navigators when transacting the business of insurance, prescribing minimum standards and requirements to ensure timely and reliable information will exist and be available to the commissioner. This section implements and interprets ss. 628.095, 628.097, 628.10, 628.90 to 628.93, Stats., as applicable.

(2) **PROCEDURE.** (a) *Application for navigator license.* An individual applying for a navigator license shall submit an application to the office in the form prescribed by the commissioner. A completed application consists of the navigator’s name, the navigator’s residence and mailing addresses, confirmation of successful completion of prelicensing training, fingerprints provided in a format specified by the commissioner to complete, an electronic confirmation of criminal history from the Wisconsin department of justice, crime information bureau, and the federal bureau of investigation completed not more than 180 days prior to the test date, payment of the nonrefundable fees to the testing vendor, an electronic photograph of the applicant taken by the test service at the time of testing, confirmation of previous navigator licensure in another state, if applicable, and any documentation required in answer to questions on the application.

Note: A copy of the navigator license application form OCI 11–090, required in par. (a), may be obtained at no cost from the Office of the Commissioner of Insurance at 125 S. Webster Street, Madison WI 53703, or at the Office’s web address: oci.wi.gov.

(b) *Prelicensing Training.* An individual seeking a navigator license, in addition to any training requirements of the federal government, shall complete at least 16 hours of commissioner–approved navigator prelicensing training and pass with a satisfactory grade a commissioner–approved written navigator examination. Training required under this subsection must be approved by the commissioner and provided by an education provider that is approved by the commissioner.

(c) *Scheduling the navigator licensing examination.* An applicant shall notify the testing vendor, at least twenty–four hours prior to the desired navigator licensing examination date. The written examination will test the applicant’s knowledge of the duties and responsibilities of a navigator; the insurance laws and regulations of this state; and the state’s

public assistance programs and eligibility. The written examination shall be commissioner approved offered through a commissioner–approved testing vendor.

(d) *Exception.* 1. An agent who holds an active resident license with the accident and health line of authority and is in compliance with continuing education requirements may apply to be licensed as a navigator if the currently licensed agent can meet all of the following:

a. Demonstrate compliance as set forth in s. 628.92 (1), Stats., including competence and trustworthiness.

b. Demonstrate satisfactory completion of 4 hours of navigator training specific to public assistance programs, including Medicaid, in addition to the completion of any federally required navigator training and compliance with federal restrictions and requirements including those set forth in 45 CFR §§ 155.205 (d), 155.210, 155.215 (b) and (c), and 155.260 (b), as amended. The state training required under this subsection must be approved by the commissioner and provided by an education provider that is approved by the commissioner.

2. A currently licensed agent that is in compliance with subd. 1. is exempt from passing the navigator examination and photograph requirements described in sub. (2) (a). The currently licensed agent will be required to obtain new fingerprints unless the office has received current, valid fingerprint results provided in a format specified by the commissioner and an electronic confirmation of criminal history from the Wisconsin department of justice, crime information bureau, and the federal bureau of investigation that were completed not more than 180 days from the date of the application:

(e) *Issuance of license.* An applicant for an original navigator license who completes and satisfies the requirements in pars. (a) and (b), in addition to any federal training or requirements including the requirements set forth in 45 CFR §§ 155.205 (d), 155.210, 155.215 (b) and (c), and 155.260 (b), as amended, and meets the standards of competence and trustworthiness as described in sub. (3), shall be issued a navigator license. Examination scores are valid for 180 days. Failure to apply for a license within 180 days will require the applicant to re–take the examination. Determination of the acceptance or rejection of a completed application shall be made within 90 days of receipt by the commissioner of the completed application including any documentation required.

(3) **COMPETENCE AND TRUSTWORTHINESS.** The following criteria may be used in assessing trustworthiness and competence:

(a) *Criminal record.* The conviction for crimes which are substantially related to the circumstances of holding an insurance or navigator license, including a felony or misdemeanor conviction that is significantly related to the circumstances of holding a navigator or insurance license.

(b) *Accuracy of information.* Any material misrepresentation in the information submitted on the application form.

(c) *Regulatory action.* Any formal regulatory action taken in any jurisdiction with regard to any occupational license held, such as insurance licenses in other states, real estate licenses and security licenses.

(d) *Other criteria.* Other criteria which the commissioner considers evidence of untrustworthiness or incompetence, including but not limited to:

1. Providing incorrect, misleading, incomplete or materially untrue information in the licensing application.

2. Violating any insurance laws, or violating any regulation, subpoena or order of the insurance commissioner or of another state's insurance commissioner, or of the federal government.

3. Obtaining or attempting to obtain a license through misrepresentation or fraud;

4. Improperly withholding, misappropriating or converting any monies or properties received in the course of acting as a navigator or insurance agent.

5. Intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance.

6. Having admitted or been found to have committed any insurance unfair trade practice or fraud.

7. Using fraudulent, coercive, or dishonest practices in the conduct of business in this state or elsewhere.

8. Demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of personal financial transactions or professional business in this state or elsewhere.

9. Having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory.

10. Forging another's name to an application for insurance or to any document related to an insurance transaction.

11. Improperly using notes or any other reference material to complete an examination for an insurance or navigator license.

12. Failing to comply with an administrative or court order imposing a child support obligation.

13. Failing to pay state income tax or comply with any administrative or court order directing payment of state income tax.

(e) *Minimum Age and Residency.* An applicant for navigator licensure shall have attained at least eighteen (18) years of age and shall be a resident of this state or maintain his or her principal place of business in this state.

(f) *Proof of Financial Responsibility.* An applicant who is not affiliated with a navigator entity shall comply with the requirements of s. 628.92 (5) (b), Stats., or provide evidence of an equivalent coverage alternative subject to the commissioner's prior approval.

(4) **CHANGE OF NAME OR ADDRESS.** (a) Each navigator shall, within 30 days, notify the commissioner in writing of any change in the navigator's name, residence address, principal place of business, and mailing address.

(b) A navigator who is not employed or supervised by or affiliated with a navigator entity and changes residency to a location outside of this state or changes his or her principal place of business to an address outside this state and is not a resident of this state shall have his or her navigator license terminated effective 60 days after the change of address.

(c) Criteria used by the insurance commissioner to establish state residency shall include, but not be limited to:

1. Jurisdiction for payment of state taxes.
2. Jurisdiction for automobile driver's license and motor vehicle registration.
3. Location of voter registration.

4. Location of principal residence, such as owned or rented dwelling, condominium or apartment.

5. Location of principal place of business.

(5) **APPLICABILITY OF OTHER LAWS.** Licensed navigators are subject to the requirements contained at ss. 628.095, 628.097 and 628.10, Stats., as applicable to individual navigators.

(6) **LICENSE RENEWALS.** (a) The nonrefundable renewal fee of \$35.00 is due before September 1 of each year. The commissioner shall send notice of the renewal fee by 1st-class mail at least 60 days prior to the fee due date to each navigator at the mailing address on file. Applications for navigator license renewal shall be submitted before the September 1 renewal deadline. The navigator shall provide proof of a bond in compliance with s. 628.92 (5) (b), or evidence of an equivalent coverage alternative subject to the commissioner's prior approval.

(b) An individual navigator is required to complete at least 8 hours of navigator continuing education training before September 1 of each year. Training must be completed prior seeking annual renewal of a navigator license. Recurring training shall be completed and reported at a rate of not less than 8 hours each 12 months of each compliance period. Training required under this subsection must be approved by the commissioner and provided by an education provider that is approved by the commissioner.

(c) Any navigator whose license is revoked for failing to pay renewal fees, failing to complete required annual navigator continuing education, or failing to pay delinquent taxes may, within 12 months from the revocation date, apply to reinstate for the same navigator license without completing preclicensing navigator training or passing a written examination. The navigator must satisfy the requirement of s. 628.10 (a), (am) or (cm), Stats., satisfactorily complete a reinstatement application and pay twice the amount of the license renewal fee under par. (a). If a navigator license has been revoked for more than 12 months, the navigator shall, in order to be relicensed, satisfy the examination and other licensing requirements established by subs. (2) to (6).

(7) **FINANCIAL RESPONSIBILITY REQUIREMENTS.** Each individual navigator not affiliated with a navigator entity shall comply with the requirements of s. 628.92 (5) (b), Stats., 560.70 (2m) (b) and 560.701 to 560.706 – as created by 2009 Wisconsin Act 2.

Note: A copy of a sample navigator and navigator entity bond form OCI 11–093, required in sub. (7), may be obtained at no cost from the Office of the Commissioner of Insurance at 125 S. Webster Street, Madison WI 53703, or at the Office's web address: oci.wi.gov.

Ins 6.93 Registration of navigator entities. (1) (a) *Registration application for navigator entity.* An entity registering as a navigator entity shall submit an application to the commissioner in the form prescribed by the commissioner. A completed application consists of the navigator entity's name, the names of the entity's officers, the current mailing address, the name of at least one licensed designated responsible navigator, names and addresses for the navigators it employs, supervises or is affiliated with, and any documentation required to questions on the application. The navigator entity shall be designated by the exchange as a navigator entity, receive funding through a federal grant, and be in compliance s. 628.92 (2), Stats., and with applicable federal requirements including 45 CFR § 155.215 (a) (1), as amended.

Note: A copy of the navigator entity registration application form OCI 11–091, required in par. (a), may be obtained at no cost from the Office of the Commissioner of Insurance at 125 S. Webster Street, Madison WI 53703, or at the Office’s web address: oci.wi.gov.

(b) *Payment of fees.* An applicant for an original registration shall pay an initial, non–refundable, registration fee of \$100.00 is due with submission of the application.

(c) *Acknowledgement of registration.* An applicant for an original registration who satisfies the requirements in pars. (a) and (b) shall be registered as a navigator entity. Determination of the acceptance or rejection of a completed application shall be made within 90 days of receipt by the commissioner of the completed application including any required or requested documentation.

(2) **REGISTRATION RENEWALS.** The renewal fee of \$100.00 is due before September 1 of each year. The commissioner will send notice of the registration renewal fee by 1st–class mail at least 60 days prior to the fee due date to each navigator entity at the mailing address on file. The navigator entity shall provide proof of a current bond in compliance with s. 628.92 (5) (a), or evidence of an equivalent coverage alternative subject to the commissioner’s prior approval.

(3) **ENTITY REPORTING.** A navigator entity shall comply with s. 628.92 (4), Stats., by filing with the commissioner the list of individual licensed navigators it employs, supervises or is affiliated with in a manner prescribed by the commissioner. After providing the commissioner with an initial notification of navigators in the application form, the navigator entity shall report any updates to the list of navigators, including additions, deletions or modifications, within 30 days of the addition, deletion or modification to the list of navigators.

(4) **ENTITY LIABILITY.** (a) A navigator entity assumes full legal responsibility for the acts of the navigators whom the entity employs, supervises or is formally affiliated with for acts that are performed in this state and that are within the scope of the apparent authority to act as a navigator on behalf of the entity.

(b) The entity shall provide evidence of financial responsibility consistent with s. 628.92 (5) (a), Stats., by submitting the original bond and form to the office in the form prescribed by the commissioner. Alternatively the navigator entity, subject to the commissioner’s prior approval, may provide evidence of an equivalent coverage alternative.

Note: A copy of a sample navigator and navigator entity bond form OCI 11–093, required in sub. (5), may be obtained at no cost from the Office of the Commissioner of Insurance at 125 S. Webster Street, Madison WI 53703, or at the Office’s web address: oci.wi.gov.

Ins 6.94 Registration of certified application counselors and other nonnavigator assisters. Certified application counselors and other nonnavigator assisters shall be employed or supervised by a registered nonnavigator assister entity, or be affiliated with a registered nonnavigator assister entity. To be registered with a nonnavigator assister entity as a certified application counselor or other nonnavigator assister, the individual is required to comply with all of the following:

(1) **PROCEDURE.** (a) Certified application counselors and other nonnavigator assisters must be authorized by the exchange to provide consumer assistance and compliant with federal requirements set forth in 45 CFR § 155.225, as amended.

(b) Certified application counselors shall complete 16 hours of preclicensing navigator training, successfully pass a written examination, and annually thereafter complete 8 hours of navigator continuing education training that is approved by the commissioner, in addition to any federal training or other federal requirements. The state training required under this subsection must be approved by the commissioner and provided by an education provider that is approved by the commissioner.

(2) **EXCEPTION.** (a) An agent who holds an active resident license with the accident and health line of authority and is in compliance with continuing education requirements, may apply to be registered as a nonnavigator assister by a nonnavigator assister entity if the currently licensed agent can meet all of the following:

1. Demonstrate compliance as set forth in s. 628.96, Stats., including competence and trustworthiness.

2. Demonstrate satisfactory completion of 4 hours of navigator training specific to public assistance programs, including Medicaid, in addition to the completion of any federally required nonnavigator assister training and compliance with federal restrictions and requirements including those set forth in 45 CFR § 155.225, as amended. The state training required under this subsection must be approved by the commissioner and provided by an education provider that is approved by the commissioner.

(b) A currently licensed agent that is in compliance with par. (a) is exempt from taking preclicensing training and passing the written navigator examination.

(3) **REFUSAL TO REGISTER NONNAVIGATOR ASSISTERS.** The commissioner may refuse to register a nonnavigator assister for any of the following reasons:

(a) Failing to possess requisite character, integrity, competency and trustworthiness. In addition to the requirements set forth in s. 628.04, Stats., the commissioner may consider the criteria established in s. Ins 6.92 (3), in assessing trustworthiness and competence.

(b) Commission of any act that would warrant the denial, suspension, or revocation of an insurance license or registration including any of the acts delineated in s. Ins 6.92 (3).

Ins 6.95 Registration of nonnavigator assister entities.

(1) **ELECTRONIC REGISTRATION FOR A NONNAVIGATOR ASSISTER ENTITY.** An entity registering as a nonnavigator assister entity shall provide all of the following information to the commissioner in the form prescribed by the commissioner:

(a) The nonnavigator assister entity’s name and current mailing address.

(b) The name and contact information for the nonnavigator assister entity.

(c) The name, business address and type of nonnavigator assister for each nonnavigator assister it employs, supervises or is affiliated with.

(d) An attestation that each nonnavigator assister is in compliance with applicable state law including any nonnavigator assister who is a certified application counselor and who has complied with s. 628.96 (2), Stats.

(e) The nonnavigator assister entity’s agreement to provide to the commissioner all supporting documents as requested by the commissioner.

(2) **ENTITY REPORTING OF UPDATES.** A nonnavigator assister entity shall comply with s. 628.96 (1), Stats., reporting in an electronic format as prescribed by the

commissioner, any updates to the list of nonnavigator assisters that the nonnavigator assister entity provided when it first registered with the commissioner, including additions, deletions or modifications. The information shall be provided within 30 days of the addition, deletion or modification to the list of nonnavigator assisters.

(3) **ENTITY LIABILITY.** A nonnavigator assister entity assumes legal responsibility, in accordance with s. 628.95 (3), Stat., for the acts of the nonnavigator assisters, on behalf of the entity, that the entity employs, supervises or is formally affiliated with, that are performed in this state and that are within the scope of the apparent authority to act as a nonnavigator assister.

(4) **REVOCATION OF ENTITY REGISTRATION.** The commissioner may revoke a nonnavigator assister entity registration if the nonnavigator assisters it employs, supervises or is affiliated with, fail to comply with s. Ins 6.95 (3), or the nonnavigator assister entity fails to comply with any provision contained in this section or by failing to comply with requests of the commissioner.

Ins 6.96 Prohibited business practices. In addition to the prohibited acts contained in s. 628.95 (2), Stats., navigators and nonnavigator assisters are prohibited from all of the following:

(1) Receiving compensation from an insurer, stop–loss insurance or a third–party administrator.

(2) Receiving compensation that is dependent upon, in whole or in part, on whether an individual enrolls in or renews coverage in a health benefit plan.

(3) Providing any information related to enrollment or other insurance products not offered in the federal exchange.

(4) Making or causing to be made false or misleading statements.

(5) Providing advice comparing health benefit plans that may be better or worse for the consumer or employer.

(6) Recommending a particular health benefit plan or insurer or advising consumers or employers regarding a particular insurer or health benefit plan selection.

(7) Engaging in any fraudulent, deceptive or dishonest acts or unfair methods of competition.

(8) Receiving consideration directly or indirectly from any health insurance issuer in connection with the enrollment of individual or employees into a qualified health plan as defined 45 CFR § 155.20, as amended.

6.97 Navigator, nonnavigator assister, navigator entity, and nonnavigator assister entity records. (1) **PURPOSE.** This section protects consumers by prescribing minimum standards and techniques of accounting and data handling of navigators, nonnavigator assisters, navigator entities and nonnavigator assister entities to ensure that timely and reliable information will exist, if applicable, and be available to the commissioner. This section implements and interprets ss. 601.42, and 628.34, Stats., by establishing the minimum records that are to be maintained.

(2) **CASH DISBURSED RECORD.** The cash disbursed record shall show the name of the party to whom the payment was made, date of payment, and reason for payment.

(3) **CASH RECEIPTS RECORD.** The cash receipts record shall show the name of the party who remitted the money, date of receipt, and reason for payment.

(4) **PERSONNEL RECORDS.** Personnel records shall include dates of employment, supervision or affiliation; position held; description of principal duties; name and last known address and telephone number of employee, supervisee or affiliated person.

(5) **RECORDKEEPING REQUIREMENTS.** Beginning October 1, 2013, each navigator, nonnavigator assister, navigator entity or nonnavigator assister entity shall maintain, for at least a 3–year period, unless a specific period is provided elsewhere, all of the following financial, consumer and employee records, as applicable:

(a) Business checking account.

(b) Cash disbursed records.

(c) Cash receipts records.

(d) Personnel records.

(e) Consumer or policyholder records.

(6) **PLACE OF MAINTAINING RECORDS.** (a) The navigator shall maintain records required by subs. (2) to (5), at the business address of the navigator or the navigator entity, or at another location only if the navigator provides written notice of the other location to the commissioner of insurance.

(b) The nonnavigator assister shall maintain records required by subs. (2) to (5), at the business address of the nonnavigator assister entity or at another location only if the nonnavigator assister entity provides written notice of the other location to the commissioner of insurance.

(7) **UPDATING RECORDS.** The navigator entities and nonnavigator assister entities shall maintain all financial records, records of compliance with prelicensing training completion, successful passage of the examination and continuing education completion, compliance with federal training and other federal requirements for the navigators and nonnavigator assisters it employs, supervises, or is affiliated with, as applicable for at least 3 years from the transaction of an insurance business.

Ins 6.98 Prohibition of uses of designations. (1) **PROHIBITED USES OF DESIGNATIONS.** It is an unfair and deceptive trade practice under s. 628.34 (12), Stats., for an agent to use terms including “navigator,” “navigator entity,” “nonnavigator assister,” “certified application counselor,” and “nonnavigator assister entity,” in such a way as to mislead a purchaser or prospective purchaser that the agent has special certification or training in advising or providing services to consumers in connection with the advertising, solicitation, sale, or purchase of a health insurance policy or in the provision of advice as to the advisability of purchasing a health insurance policy, either directly or indirectly, offered in the state either within or outside the exchange. The terms may not be used by an agent who is not licensed as a navigator or registered as a nonnavigator assister. The terms may not be used alone or be combined with one or more such terms as “certified,” “licensed,” “registered,” or like words, in the name of the certification or professional designation that appears as a certification or professional designation.

(2) **PENALTIES.** A violation of this section is an unfair and deceptive trade practice under s. 628.34 (12), Stats., and shall subject the violator to ss. 601.41, 601.62, 601.64, 601.65 and 628.10, Stats.

Ins 6.99 Exemption. Governmental entities or any persons acting on behalf of a governmental entity are exempt from subch. II.

SECTION 3. These changes first apply to navigators, navigator entities, nonnavigator assisters and nonnavigator assister entities on the effective date of the emergency rule.

SECTION 4. This subchapter may be enforced under ss. 601.41, 601.64, 601.65, 628.095, 628.097, 628.10, and subch. V of ch. 628, Stats., or any other enforcement provision of chs. 600 to 646, Stats.

SECTION 5. These emergency rule changes will take effect on day of publication as provided in s. 227.24(1)(c), Stats.

Office of the Commissioner of Insurance Private Sector Fiscal Analysis

Section Ins 6.91 relating to navigators and nonnavigator assisters and affecting small business.

The proposed rule will not have a significant effect on the private sector. With an exemption for governmental entities, there will be no effect on county, city, village, town, school district, technical college district and sewerage districts. Additionally the office will be able to manage any cost associated with maintaining the licensure and registration process without additional state funds being provided to the office during this current biennium.

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (C04/2011)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

ADMINISTRATIVE RULES – FISCAL ESTIMATE

1. Fiscal Estimate Version

Original Updated Corrected

2. Administrative Rule Chapter Title and Number

INS 691

3. Subject

navigators and nonnavigator assisters and affecting small business

4. State Fiscal Effect:

<input checked="" type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No May be possible to absorb within agency's budget.
		<input type="checkbox"/> Decrease Costs

5. Fund Sources Affected:

GPR FED PRO PRS SEG SEG-S

6. Affected Ch. 20, Stats. Appropriations:

7. Local Government Fiscal Effect:

<input checked="" type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Revenues	<input type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Revenues	<input type="checkbox"/> Decrease Costs

8. Local Government Units Affected:

Towns Villages Cities Counties School Districts WTCS Districts Others: None

9. Private Sector Fiscal Effect (small businesses only):

<input checked="" type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Revenues	<input type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Revenues	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No May have significant economic impact on a substantial number of small businesses
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No May have significant economic impact on a substantial number of small businesses	<input type="checkbox"/> Decrease Costs

10. Types of Small Businesses Affected:

Individual licensed agents working as a navigator or nonnavigator assister, small organizations that work with consumers, and some surety bond issuers that may be considered a small business.

11. Fiscal Analysis Summary

The proposed rule may affect small businesses, however, the Office has taken steps to minimize the impact of the rule by limiting the effect of the regulation to those navigators or nonnavigator assisters who are working on behalf of the federal government. For perspective, the federal government only awarded six navigator grants for the entire state of Wisconsin. There are no restrictions or regulations for governmental entities or persons who work with such entities. These governmental entities currently assist consumers with health insurance and public assistance concerns and will not be impacted by this regulation. By keeping the scope of the proposed rule very narrow, the impact on small businesses is lessened. Further, the proposed rule limited the amount of fees navigator and navigator entities are required to pay annually and did not impose fees on nonnavigator assisters or nonnavigator assister entities other than the cost of prelicensing training and examination costs. The office minimized the impact by establishing less stringent requirements than those imposed on licensed insurance agents and agencies. Further, the office provided, and continues to provide, some free prelicensing training to interested parties and in locations throughout the state in advance of the first open enrollment period. Additionally, the office approved licensed vendors to provide prelicensing training both in-person and on-line to reduce imposition on organizations. Finally the office imposed slightly lower fees than is required for licensed agents.

12. Long-Range Fiscal Implications

None.

13. Name — Prepared by Julie E. Walsh	Telephone Number (608) 264-8101	Date Aug. 26, 2013
14. Name – Analyst Reviewer	Telephone Number	Date
Signature—Secretary or Designee	Telephone Number	Date

Notice of Hearing

Natural Resources

Fish, Game, etc., Chs. NR 1—

CR 13-067

(DNR # WM-05-13)

NOTICE IS HEREBY GIVEN that pursuant to ss. 29.014 and 227.11 (2) (a), Stats., interpreting ss. 29.014, Stats., the Department of Natural Resources will hold public meetings on revisions to Chapter NR 10, Wis. Adm. Code, related to relating to bobcat hunting and trapping and elk management.

The Department of Natural Resources will hold public hearings at the times and places shown below.

Hearing Information

Date: Tuesday, October 1, 2013
Time: 7:00 p.m.
Location: South Central Region Department of Natural Resources office
 3911 Fish Hatchery Rd.
 Fitchburg, WI

Date: Wednesday, October 2, 2013
Time: 7:00 p.m.
Location: Lunda Theater — Middle School Auditorium
 1202 Pierce St.
 Black River Falls, WI

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

Copies of Proposed Rule and Submittal of Written Comments

The proposed rule and fiscal estimate may be reviewed and comments electronically submitted at the following Internet site: <http://adminrules.wisconsin.gov> or by searching the keywords “administrative rules” on the department’s website. Written comments on the proposed rule may be submitted via U.S. mail to Mr. Scott Loomans, Bureau of Wildlife Management, P.O. Box 7921, Madison, WI 53707 or by email to scott.loomans@wisconsin.gov. Comments may be submitted until September 30. Written comments, whether submitted electronically or by U.S. mail, will have the same weight and effect as oral statements presented at the public hearings. A personal copy of the proposed rule and fiscal estimate may be obtained from Mr. Loomans.

Analysis Prepared by the Department of Natural Resources

Plain Language Rule Analysis

This proposal could result in new hunting and trapping opportunities for bobcat in portions of the state where harvest is not allowed under current rules.

This proposal would create a new elk management zone and population goal in an area of the state where elk are not currently found but where a management plan approved by the Natural Resources Board recommends establishing a herd.

Specifically, these rules would:

SECTION 1 establishes that bobcat hunting and trapping may be allowed statewide instead of only north of State Highway 64.

SECTION 2 establishes that the elk hunting season begins on the Saturday nearest October 15, instead of September 15, in any open elk management zone.

SECTION 3 establishes one elk population goal, instead of two, for the Clam Lake elk management zone and establishes

a population goal for the newly created Black River elk management zone.

SECTION 4 establishes that elk tags issued for the Black River elk management zone, in addition to ones issued for Clam Lake, may be designated as valid outside an elk management zone.

SECTION 5 establishes that the formula for determining the number of bull elk tags to issue applies to new Black River Falls elk management zone as well as the Clam Lake zone.

SECTION 6 clarifies that the department may establish a bobcat harvest quota in areas where it has not established a population goal.

SECTION 7 creates new zones where bobcat hunting and trapping may be allowed in the Central, Southwest, and Southeast portions of the state. An alternative approach, to create just one new zone for the remainder of state, will also be a topic of hearings and is described in this rule order.

SECTION 8 consolidates two existing elk management zones in the Clam Lake area, expands the size of that overall zone, and creates a new Black River elk management zone.

Federal regulatory analysis

These state rules and statutes do not relieve individuals from the restrictions, requirements and conditions of federal statutes and regulations. Regulating the hunting and trapping of native species has been delegated to state fish and wildlife agencies.

Comparison with rules in adjacent states

Bobcats are not harvested in Illinois but are present and increasing in number in both states. Michigan hunters and trappers can generally harvest two bobcats per season. Iowa trappers/hunters have a bag and possession limit of one bobcat while Minnesota hunters and trappers have a season limit of five bobcats. The more liberal season frameworks in Michigan, Iowa and Minnesota reflect greater abundance of the species in those states and/or significantly less hunter and trapper interest. Neither state has the long tradition of hunting with hounds that Wisconsin has.

Restored elk populations exist in Michigan and Minnesota and both states hold an annual hunting season. Hunting regulations and management activities in both states are comparable to Wisconsin's activities.

Summary of factual data and analytical methodologies

Bobcat are currently hunted and trapped in one management zone which consists of the area north of Hwy 64. Demand for this opportunity greatly exceeds availability – the department consistently receives more than 12,000 applications for fewer than 500 available permits. Research recently completed has provided us with additional answers about the presence, observed expansion and density of bobcats in areas south of Hwy 64. These findings resulted in a recommendation to allow hunting and trapping in additional areas, which would require these proposed new rules.

This rule proposal will be in anticipation of a decision to hunt and trap bobcats in new areas. Alternative 1 which is being evaluated through this rulemaking process is to establish three new management zones. Alternative 2 is to create one new zone south of the current zone. These rules do not require the department to allow bobcat hunting and trapping in new areas as those activities are still controlled by the establishment of a harvest quota and issuance of permits. However, the department has good information on bobcat populations in central Wisconsin and anticipates a 2014 quota

recommendation for this zone as well as the established zone in the north.

A population goal for bobcats north of Hwy 64 is currently established in administrative rule. The department is not proposing to establish a goal in new zones south of Hwy 64 at this time.

This proposal repeals the elk hunting season opening date of the Saturday nearest September 15 and replaces it with a Saturday nearest October 15 opener, as required by 2013 ACT 20. Under this proposal, the elk hunting season in the newly created Black River elk management zone will be the same as the season in the Clam Lake area.

The department has already established, by rule, elk management zones in the northwest part of the state and is managing an elk herd in that area. The department anticipates establishing another elk herd in the Black River Falls area and has a management plan that has been approved by the Natural Resources Board and which enjoys significant local support.

These rules will expand the existing Clam Lake elk management zone by 508 square miles south and immediately adjacent to the original elk range that contains 1,112 square miles, bringing the total Clam Lake zone to over 1,600 square miles. The proposed boundary expansion avoids most agricultural areas and is primarily composed of a large block of state, county and industrial forest land that has the most abundant aspen resource in the region. Existing forest management plans in this area are designed to aggressively manage the aspen resource which will add to the long-term forage security for a growing elk herd. This existing management creates high quality elk forage now and into the foreseeable future.

These rules will replace the current Zone A and Zone B delineations for the Clam Lake elk range with one elk range delineation to include the newly-proposed expanded elk range. Elk density goals will be revised to about one elk per square mile of total area for this entire area. This represents a lower density of elk than established under current rule, but the same overall number of animals for the new, larger zone.

This proposal would establish a new elk management zone in the Black River Falls area. This area is approximately 300 sq. miles in west central Wisconsin. Interstate Highway 94 and County Highway 54 make up the West and North boundaries of the core area. A 70 square mile core range, where initial reintroduction efforts will occur, is centered within the Black River State Forest and Jackson County Forest with a few parcels of non-agriculture private land. A buffer elk range of 250 square miles surrounds the core range. These rules will not establish a legal difference between core and buffer areas. The overall population goal will be 390 animals which equals approximately 1 elk per square mile of elk range.

Under current rules, areas which are not part of the Clam Lake zone are outside of the designated elk range. The new Black River elk management zone will also be designated elk range. Animals outside of the elk range showing nuisance behavior or causing damage may be captured or killed. Elk hunting permits issued for the Clam Lake or Black River zone may also be valid for use outside of the designated elk range.

Analysis and supporting documents used to determine effect on small business or in preparation of an economic impact analysis

The department will solicit comments on an economic impact analysis of this proposal during the summer of 2013. During that period the department will post a preliminary

analysis on its website and distribute the proposed rule and analysis to parties it determines would be interested. A copy of the analysis will be posted on the department’s website at <http://dnr.wi.gov> and can be located by searching for the keywords “administrative rules”.

Anticipated Private Sector Costs

These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector. Additionally, no costs are associated with compliance to these rules.

Effects on Small Business

These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, and no design or operational standards are contained in the rule. Because this rule does not add any regulatory requirements for small businesses, the proposed rules will not have a significant economic impact on a substantial number of small businesses under 227.114 (6) or 227.14 (2g).

Pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have an economic impact on small businesses. The Department’s Small Business Regulatory Coordinator may be contacted at SmallBusiness@dnr.state.wi.us or by calling (608) 266–1959.

Environmental Impact

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

Agency Contact

Scott Loomans, Wildlife Regulation Policy Specialist, (608) 266–3534, scott.loomans@wisconsin.gov.

STATE OF WISCONSIN DEPARTMENT OF ADMINISTRATION DOA 2049 (R 07/2011)		
ADMINISTRATIVE RULES FISCAL ESTIMATE AND ECONOMIC IMPACT ANALYSIS		
Type of Estimate and Analysis		
<input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected		
Administrative Rule Chapter, Title and Number		
Ch. NR 10, Game and Hunting, Natural Resources Board Order WM–05–13		
Subject		
Relating to bobcat hunting and trapping and elk management and hunting.		
Fund Sources Affected	Chapter 20 , Stats. Appropriations Affected	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input checked="" type="checkbox"/> SEG <input type="checkbox"/> SEG–S	None	
Fiscal Effect of Implementing the Rule		
<input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Indeterminate	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input checked="" type="checkbox"/> Increase Costs <input checked="" type="checkbox"/> Could Absorb Within Agency’s Budget <input type="checkbox"/> Decrease Costs
The Rule Will Impact the Following (Check All That Apply)		
<input checked="" type="checkbox"/> State’s Economy <input type="checkbox"/> Local Government Units	<input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Public Utility Rate Payers	
Would Implementation and Compliance Costs Be Greater Than \$20 million?		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Policy Problem Addressed by the Rule		
<u>Bobcat</u> This proposal would result in new hunting and trapping opportunities for bobcat in portions of the state where harvest is not allowed under current rules.		
<u>Elk</u> The goal is to restore elk at two locations so they become self–sustaining populations that can adapt to the Wisconsin landscape. The benefits of this effort include greater diversity in our state’s wildlife community, increased genetic diversity of Wisconsin elk, additional hunting opportunities in the future and increased tourism from elk viewing opportunities.		

Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

Pursuant to the Governor's Executive Order 50, Section II, this is a level 3 economic impact analysis.

Fiscal Impact of the Proposed Rules

Bobcat

No fiscal impacts are anticipated. The hunting and trapping season frameworks proposed in this rule will be similar in scope to those already implemented by the department and which have been in place during previous seasons. In the past, approximately 200 to 500 bobcat harvest permits have been issued annually. The department does not anticipate a significant change in the number of applicants for permits or permits issued.

Elk

These rules do not require reintroduction of elk in the Black River area and will not result in a significant change in management of the existing Clam Lake elk herd. However, a decision has been made to reintroduce elk in the Black River area and supplement the Clam Lake herd and a management plan has been adopted. A summary of anticipated fiscal impacts of reintroduction follows below and in the table attached in Appendix A. Note that the table provides a range of costs for acquiring various numbers of elk. Planning documents recommend translocation of 275 elk over a period of several years. In summer 2013, discussions with managers of a source herd indicate that 150 animals may be more achievable. Translocation of 150 animals might occur over two years for an estimated total cost of \$277,000.

Fiscal Impact of the Elk Restoration Effort in Black River Falls and Supplementing the Clam Lake Herd:

Based on 2011–12 figures obtained from Kentucky Department of Fish and Wildlife along with estimates from Wisconsin's current program, the importation of 275 elk (potentially from Kentucky) over a 3–4 year period (anticipating 75–100 elk per year) would cost approximately \$480,000 to \$560,000. All necessary funding has been pledged from partner groups including the Ho–Chunk Nation (\$100,000 existing grant), Rocky Mountain Elk Foundation (\$300,000 written pledge), and Jackson County Wildlife Fund (\$50,000), with other pledges pending. See the table attached in Appendix A. Note that the acquisition of the full 275 elk may not be possible and potential costs could be lower.

Fiscal Impact of Future Elk Management in Wisconsin:

Wisconsin's elk management program is currently supported by Fish and Wildlife Segregated Funds and General Program Revenue at a cost of approximately \$200,000 per year. When elk hunting begins, management costs will be offset with revenues from applications for elk hunting permits and the sale of hunting licenses. The cost of a permit application has been established at \$10 per applicant including a \$2.75 processing fee and \$0.25 issuing fee, with the remaining \$7.00 returning to the elk management program. Revenue from the sales of the elk hunting permits (\$50 resident, \$250 non–resident) is earmarked for elk management. Although harvest permits will be limited, with over 620,000 deer hunters in Wisconsin, anticipating approximately 40,000 applications seems reasonable, if not conservative. At that level, the \$7 from application fees will provide an estimated \$280,000 annually for elk management and will be used to cover personnel costs, vehicle and equipment purchases and maintenance, elk research and monitoring, and implementation of the elk hunting season. Revenues from all fees would be segregated to an elk management account. Additional revenues from the implementation of an elk hunt are also anticipated. By State Statute, the Rocky Mountain Elk Foundation will be provided with one elk harvest permit each year for the first five years that hunting is allowed. The permit must be raffled (sale at auction is not allowed), and is expected to generate additional dollars that are earmarked for elk management in Wisconsin. We are hopeful that this single permit could generate an additional \$100,000 or more per year. In total, these revenue–generating items are expected to provide approximately \$400,000/year for elk management, research, and monitoring need.

Once elk arrive in Wisconsin and the new BREH is established, additional personnel may be needed to monitor the herd and cover management responsibilities. The job responsibilities of the Jackson/Clark County wildlife biologist will include 40% of their time being dedicated to elk management if an elk herd is present. Ho–Chunk Nation Division of Natural Resources has agreed to help with herd monitoring, and graduate student projects from UW–Stevens Point are anticipated to monitor the BREH after release. Eventually, a full–time project position and LTE help may be required and would cost approximately \$80,000 per year.

Economic Impact of the Proposed Rule**Bobcat**

No economic impacts are anticipated. The hunting season frameworks proposed in this rule will be similar in scope to those in place during the previous seasons. While this proposal would result in increased hunting and trapping opportunities, the number of harvest permits issued will continue to be low relative to other hunting seasons like deer, bear, or turkey. The positive impacts of increased hunting related expenditures will likely not be noticeable. These rules are applicable to individual hunters and impose no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule.

Elk

The positive impacts of elk–related tourism will be noticeable in local communities. The Cable Chamber of Commerce estimates that 1,200 people visiting the Clam Lake area annually to view elk and contribute approximately \$175/day totaling approximately \$210,000 annually to the area. While difficult to predict in the Black River Falls area of Jackson County, elk–related tourism is expected to be higher due to the ease of accessing this area via the Interstate corridor between southern Wisconsin and the Twin Cities. The Black River Falls Bureau of Tourism has been a supporter of establishing a herd there and is optimistic that they will see high levels of elk viewing interest. Local and state interest in elk is high, as evidenced by continually large numbers of requests for information about the elk reintroduction, and statewide support from a variety of partners including the Ojibwe tribes and Ho–Chunk Nation, government partners such as the U.S. Forest Service and county administration boards, and non–profit groups like the Rocky Mountain Elk Foundation, Jackson County Wildlife Fund, and Safari Club International. Hunting will become part of elk management in Wisconsin when a harvestable surplus develops. The Clam Lake herd is nearing that level with a hunt anticipated in 2014. Harvest permit levels will be limited, but local economies would receive some economic gains from elk hunting. Hunters would be expected to spend money on food, lodging, fuel, and hunting equipment. However, the greatest impact will be from general tourism activities as people travel simply to view elk, primarily during the fall rutting season. Michigan sees as many as 53,000 visitors per year who spend over \$3,000,000.

The potential for crop damage by a Black River elk herd exists, but the scope is unknown. Agricultural crop damage has not been a concern with the Clam Lake Herd, which is not in close proximity to agricultural areas. The Black River area is more agricultural, but not intensely–so compared to other areas of southern and central Wisconsin. Elk causing crop damage inside the designated range before public hunting is initiated will first be hazed and/or relocated. If hazing and relocation are unsuccessful the animal will be killed. Once public hunting is initiated, additional permits will be issued for areas surrounding those where crop damage problems have occurred. The department, in its 2001 plan where elk reintroduction was first authorized, the project was made contingent on establishing that elk be added to the Wildlife Damage, Abatement and Claims program, which was accomplished by 2001 ACT 109. In the Wildlife Damage Abatement and Claims Program (WDACP), farmers are eligible to receive both abatement assistance and claims reimbursement for elk damage to agricultural crops. The primary focus of the WDACP is to help farmers reduce agricultural damage occurring on their property. An important abatement tool, and a requirement of participating in the WDACP, is to provide hunting access to the public during the open season(s) for the species causing damage. In the case of elk, farmers that enroll in the WDACP for elk damage in a given year would only be required to allow elk hunters access to their property during the open season(s) for elk. Claims reimbursement for crops damaged by elk are also available to farmers enrolled in the WDACP. The claim amounts are determined by crop appraisals conducted by WDACP field technicians, and are based on 26 tested appraisal methods documented in the WDACP Technical Manual. Farmers are eligible for 100% of losses up to \$5000, and 80% of losses up to a maximum of \$15,000, with a \$250 deductible. Appraisal methods in the WDACP Technical Manual will be updated, where needed, to reflect damage specific to elk which may be of a multi–year nature (e.g. severe elk damage to cranberry beds necessitating replanting).

These rules direct the department’s management activities and may be applicable to individual hunters, but they impose no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule.

Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Bobcat

The primary benefit of implementing the rule will be increased opportunities for bobcat hunting and trapping in additional areas of the state. The amount of new opportunity provided will be limited. For comparison, in areas north of HWY 64 where bobcat hunting and trapping are currently allowed, a range of approximately 200 to 500 permits have been issued annually in recent years. The number of permits issued in new areas where hunting and trapping may be allowed will be lower. However, the opportunity to pursue bobcat in Wisconsin is valued very highly and any amount of increased opportunity will be viewed as very important to hunters and trappers. The significant demand for this opportunity is illustrated by the fact that 11,424 people applied for 165 available harvest permits in 2011.

Elk

The consequences of not implementing these strategies are expected to be a herd that will experience suppressed population growth and little range expansion. Without these changes, there may also be reduced public support for Wisconsin's current elk restoration efforts, resulting in a loss of tourism opportunities and revenues, both locally and statewide. The Black River Elk Herd would may not be established.

Implementation of these strategies will best enhance individual fitness and adaptive potential of the Clam Lake Elk Herd, place it in the best habitat available that will support sustainable population growth, and help spread elk across more of the available suitable habitat. This will all be accomplished together with public and private partners, the Ojibwe Tribes and Ho–Chunk Nation.

Long Range Implications of Implementing the Rule

Bobcat

Wisconsin's bobcat season framework will continue to provide harvest management tools that allow for sound use, management and protection of the bobcat resource. We hope to provide this level of resource protection and provide bobcat hunting and trapping opportunities well into the future.

Elk

Implementation of these strategies will best enhance individual fitness and adaptive potential of the Clam Lake Elk Herd, place it in the best habitat available that will support sustainable population growth, and help spread elk across more of the available suitable habitat. Establishment of a second herd will provide opportunities for elk viewing and the associated tourism related benefits in an additional area of the state. Hunting opportunities that may be available in the future will also provide recreational and some economic benefits. Healthy, sustainable elk herds in both locations will contribute to Wisconsin's overall image as a desirable destination for outdoor recreational opportunities.

Compare With Approaches Being Used by Federal Government

Bobcat and elk population goals, seasons, and regulations on the method of harvest are controlled by the state. There are no federal regulations and federal authorization is not required.

Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Bobcats are not harvested in Illinois but are present and increasing in number. Michigan hunters and trappers can generally harvest two bobcats per season. Iowa trappers/hunters have a bag and possession limit of one bobcat while Minnesota hunters and trappers have a season limit of five bobcats. The more liberal season frameworks in Michigan, Iowa and Minnesota reflect greater abundance of the species in those states and/or significantly less hunter and trapper interest. Neither state has the long tradition of hunting with hounds that Wisconsin has.

Restored elk populations exist in Michigan and Minnesota and both states hold an annual hunting season. Hunting regulations and management activities in both states are comparable to Wisconsin's activities.

Name and Phone Number of Contact Person

Scott Loomans, Wildlife Regulation Policy Specialist, 608–266–3534.

Appendix A. Wisconsin Elk Restoration Annual Budget

Item		1–time Cost	50 Elk	75 Elk	100 Elk
Trapping Costs					
Bait for corral trap			\$1,500.00	\$2,000.00	\$3,000.00
Lodging/meals/expenses	Trapping crews		\$10,000.00	\$15,000.00	\$20,000.00
Misc Supplies			\$2,500.00	\$2,500.00	\$2,500.00
<i>subtotal</i>			\$14,000.00	\$19,500.00	\$25,500.00
Holding and Processing in KY for 90 days					
Hay	est \$3.75 ea		\$2,765.00	\$3,500.00	\$4,250.00
Water					
24 hour Caretakers	2 caretakers		\$11,000.00	\$12,000.00	\$13,000.00
<i>subtotal</i>			\$13,765.00	\$15,500.00	\$17,250.00
Holding and Processing in WI					
Release Site Prep		\$3,000.00			
Holding Pens	3 pens	\$15,000.00			
Water Tanks	2 tanks	\$1,100.00			
Feed			\$3,520.00	\$5,250.00	\$6,000.00
<i>subtotal</i>			\$19,100.00	\$5,250.00	\$6,000.00
Post Release Herd Monitoring					
VHS Transmitters			\$16,250.00	\$25,000.00	\$32,500.00
Misc Equipment/Supplies			\$5,000.00	\$5,000.00	\$5,000.00
<i>subtotal</i>			\$0.00	\$30,000.00	\$37,500.00
Disease Testing/Supplies					
Osterpro (Vet supplies needed for disease tests and parasite control)			\$3,500.00	\$5,000.00	\$6,500.00
CWD Test Lab wCSU (\$25/elk)			\$1,250.00	\$1,875.00	\$2,500.00
Disease testing MSU (\$60.50/elk)			\$3,025.00	\$4,540.00	\$6,050.00
Immobilization drugs for KY			\$1,000.00	\$1,500.00	\$2,000.00
Misc Supplies			\$500.00	\$750.00	\$1,000.00
<i>subtotal</i>			\$9,275.00	\$13,665.00	\$18,050.00
KYDFWR Reimbursements					
KY Staff time/lodging/meals for trapping			\$50,000.00	\$50,000.00	\$50,000.00
<i>subtotal</i>			\$50,000.00	\$50,000.00	\$50,000.00
Transportation					
Contract semi–hauling \$3.50/mile X 1000 miles			\$3,500.00	\$5,000.00	\$7,000.00
<i>subtotal</i>			\$3,500.00	\$5,000.00	\$7,000.00
<i>Total Cost</i>		\$19,100.00	\$115,310.00	\$138,915.00	\$161,300.00

Note: Planning documents recommend translocating a total of 275 elk over a period of several years. In summer 2013, discussions with managers of a source herd indicate that 150 animals may be more achievable. Translocation of 150 animals might occur over two years for an estimated total cost of \$277,000.

Submittal of Proposed Rules to Legislature

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

Agriculture, Trade and Consumer Protection **CR 13–027**

(DATCP DOCKET # 12–R–06)

The Department of Agriculture, Trade and Consumer Protection has submitted a proposed rule for legislative committee review, pursuant to s. 227.19, Stats. The proposed rule revises Chapter ATCP 125, relating to manufactured home communities — fair trade practices and affecting small business.

The rule was approved by the governor on August 13, 2013.

Revenue **CR 13–034**

On August 26, 2013, the Department of Revenue submitted a proposed rule to the Legislature. This proposed rule revises section Tax 61.08 (11) (h) and (k) and (13), relating to lottery retailers, as follows:

- Amends s. Tax 61.08 (11) (h) and (k) to eliminate discretionary authority of the Lottery Administrator that is not provided by law.
- Creates a provision in s. Tax 61.08 (13) to allow a retailer's account to be credited for the value paid for instant scratch tickets that have been stolen.

This rule was approved by the Governor on August 2, 2013.

Revenue **CR 13–035**

On August 26, 2013, the Department of Revenue submitted a proposed rule to the Legislature. This proposed rule amends sections Tax 16.04 (2), 16.06 (4), and 19.03 (1) (c), relating to local financial reporting and expenditure restraint payments, as follows:

- Amends ss. Tax 16.04 (2) and 16.06 (4) to reflect current reporting requirements and address information.
- Revises s. Tax 19.03 (1) (c) to correct a typographical error.

This rule was approved by the Governor on August 2, 2013.

Revenue **CR 13–036**

On August 26, 2013, the Department of Revenue submitted a proposed rule to the Legislature. This proposed rule revises Chapters Tax 12 and 18, relating to property tax and assessment of agricultural property, as follows:

- Amends s. Tax 12.06 to eliminate redundancy with the Wisconsin Property Assessment Manual.
- Revises s. Tax 12.065 (2) (b) to remove a dated reference to a transitional period.
- Revises s. Tax 12.07 to provide for more frequent update of assessment districts through the Wisconsin Property Assessment Manual.
- Repeals ss. Tax 12.075, 12.08, 12.10, 12.40, and 12.50 (4), which have been made obsolete by statute.
- Updates address and other references in ss. Tax 12.05 (1) (b) and (c), 12.065 (1) (c), (2) (b), and (6), and 12.50 (1) and (3) (b).
- Repeals subchapter I of Chapter Tax 18 and removes other references throughout the chapter to an agricultural assessment transitional period that lasted from 1996 to 1997.
- Amends s. Tax 18.05 (1) (a) so that the definition of agricultural use is consistent with s. 70.32 (2) (c) 1i., Stats.

This rule was approved by the Governor on August 21, 2013.

Safety and Professional Services **Plumbing, Chs. SPS 381–387** **CR 13–046**

On August 23, 2013, the Department of Safety and Professional Services submitted a proposed rule to the Chief Clerks of the Senate and the Assembly for referral to appropriate standing committees for review under sec. 227.19, Stats. The rule amends ss. SPS 382.20 (2) (a) (intro.) and (2) (a) 2. (Note), 382.40 (6) (a), and Chapter SPS 382 APPENDIX A–382.20 (2) and A–382.33 (9) (f)–1 (Note), relating to plumbing plan review by municipal agents.

The Governor approved the rule under sec. 227.185, Stats on August 13, 2013.

Workforce Development **Employment and Training, Chs. 805–830** **CR 13–045**

In accordance with s. 227.19, Stats., on August 26, 2013, the Department of Workforce Development referred a proposed rule to the Senate and Assembly Chief Clerks for referral to the appropriate standing committees for legislative review. The rule creates Chapter DWD 801, relating to the Wisconsin Fast Forward program of workforce training grants authorized by s. 106.27, Wis. Stats.

This rule was approved by the Governor on August 26, 2013.

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.

**Safety and Professional Services —
Medical Examining Board
CR 13-008**

The Wisconsin Medical Examining Board proposes an order to renumber s. Med 10.01; to amend s. Med 10.01 (1)

(title); to repeal and recreate s. Med 10.02; and to create ss. Med 10.01 (2) and 10.03, relating to unprofessional conduct. Effective 10-1-13.

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