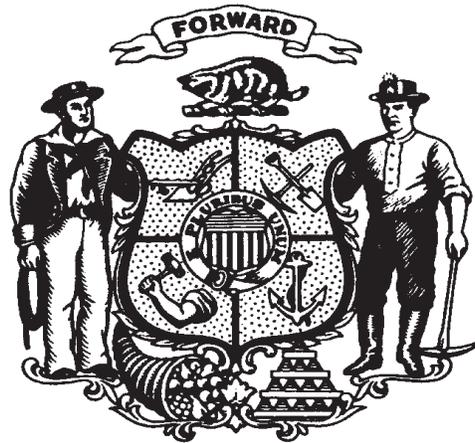


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Direct questions to Bruce Hoesly (608) 266-7590, bruce.hoesly@legis.wi.gov.

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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. 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
Hearing Date: November 18, 2013
Extension Through: March 27, 2014

2. EmR1321 — The Department of Administration hereby adopts an order to repeal **section Adm 2.14 (2) (vr) c.**; to renumber and amend **section Adm 2.14 (2) (v) 9. a. and b.**; to amend **sections 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 **sections Adm 2.03 (3m), (3r) and (6m), 2.04 (1m), (2m), (2r), (2z), (9), and (10), and 2.14 (2) (vm) and (2) (vm) 5.**

The statement of scope for this rule, SS 131–13, was approved by the Governor on October 8, 2013, and published in Register No. 694 on October 31, 2013, and approved by Department of Administration Secretary Mike Huebsch on November 13, 2013. This emergency rule was approved by the Governor on November 21, 2013.

Finding of Emergency

Since 1979 the legislature has vested the department of administration with the responsibility and authority to manage various state buildings and grounds, including those of the Wisconsin state capitol. S. 16.84 (1), 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. s. 16.845, Stats., and s. Adm 2.04.

Each year, the Wisconsin state capitol police issue nearly 500 permits 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. Permits are given to any person free of charge.

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 person or persons, and the state cannot allow any person or persons to occupy the capitol in disregard of the rights of permit holders, public employees, or visitors. It is imperative that the

department gain compliance in order to protect the public safety and welfare.

On October 24, 2013, a lawsuit was dismissed based upon a stipulation of and settlement agreement between the parties. The department is obligated under the settlement agreement to advance certain changes in procedure. The department seeks to fulfill its obligations in a timely manner, which is not possible without engaging in the emergency rule process.

Filed with LRB: November 26, 2013
Publication Date: November 27, 2013
Effective Dates: November 27, 2013 through April 25, 2014
Hearing Date: February 21, 2014

Agriculture, Trade and Consumer Protection (3)

1. EmR1322 — 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) (f)**, relating to the quarantine of Dane County for the emerald ash borer.

This emergency rule was approved by the Governor on December 10, 2013.

The blanket scope for this rule, SS 141–13, was approved by the Governor on October 30, 2013 published in register No. 695 on November 14, 2013, and approved by the Board of Agriculture, Trade & Consumer Protection on December 10, 2013.

Finding of Emergency

The United States Department of Agriculture — Animal and Plant Health Inspection Service (“APHIS”) positively identified Emerald Ash Borer (“EAB”) in Madison, Dane County on November 22, 2013. 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 Dane 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 this county 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: December 17, 2013
Publication Date: December 18, 2013
Effective Dates: December 18, 2013 through May 16, 2014
Hearing Date: January 13, 2014

2. EmR1325 — The Wisconsin Department of Agriculture, Trade and Consumer Protection adopts the following emergency rule to repeal **sections ATCP 136.02 (4) (d) and 136.10 (2) (c), (3) (a) 2., and (b) 4.,** and to amend **sections ATCP 136.02 (4) (g) (Note), (5), (7), (8) (a), 136.08 (1), (7) (Note), and 136.12 (1) (b) (Note) and (2) (Note),** relating to mobile air conditioners, reclaiming or recycling refrigerant.

This emergency rule was approved by the Governor on December 23, 2013.

The scope statement for this rule, SS 122–13, was approved by the Governor on September 20, 2013 published in register No. 694 on October 14, 2013, and approved by the Board of Agriculture, Trade & Consumer Protection on November 13, 2013.

Finding of Emergency

In Wisconsin, businesses that repair mobile air conditioners must register with the department and pay an annual registration fee of \$120 for each registered location. In addition, each technician working on mobile air conditioners at these businesses must attend a DATCP–approved training course and pass an exam.

A recent statutory change harmonized Wisconsin’s state mobile air conditioner law with federal law, and Wisconsin’s unique training course content is no longer applicable.

The registration year begins on March 1 of each year. By that date, all mobile air conditioning businesses and technicians must be registered with the department or pay a surcharge fee.

DATCP has determined that it has sufficient alternative revenue sources to fund the mobile air conditioning program and is undergoing rule–making to permanently eliminate the \$120 registration fee. However, the rule–making will not be effective for the upcoming registration year that begins March 1, 2014. The department has also determined that its technician training requirements can be modified due to recent changes in state statute that harmonize Wisconsin law with federal law. Technicians who complete the federally approved training course will now meet Wisconsin’s training requirement.

This temporary emergency rule is necessary to protect the welfare of the small businesses that would otherwise pay the registration fee. In addition, the emergency rule is needed to protect the welfare of small businesses and their employees by eliminating an unnecessary training requirement.

Filed with LRB: December 27, 2013
Publication Date: December 31, 2013
Effective Dates: December 31, 2013 through May 29, 2014
Hearing Date: January 21, 2014

3. EmR1402 (DATCP Docket No. 13–R–17) — The Wisconsin department of Agriculture, Trade and Consumer Protection hereby adopts the following emergency rule to amend **sections ATCP 161.50 (3) (f), 161.60, and 161.62 (1) (intro.),** relating to the “grow Wisconsin dairy processor” grant program created under ss. 20.115 (4) (dm) and 93.40 (1) (g), Stats.

This emergency rule was approved by the Governor on January 10, 2014.

The scope statement for this rule, SS 140–13, was approved by the Governor on October 29, 2013, published in register No. 695 on November 14, 2013, and approved by the Board of Agriculture, Trade & Consumer Protection on December 10, 2013.

Finding of Emergency

Enactment of a rule is necessary to establish criteria the department will use to make determinations for grants, loans or other forms of financial assistance to dairy processors to promote and develop the dairy industry. An emergency rule is needed to ensure that funds are used to assist dairy producers during the first year of the program as permanent rules cannot be adopted in time to provide the basis for grant and loan determinations during that first year of the program.

Filed with LRB: January 21, 2014

Publication Date: January 20, 2014
Effective Dates: January 20, 2014 through
 June 18, 2014

Publication Date: September 10, 2013
Effective Dates: September 10, 2013 through
 February 6, 2014
Hearing Date: September 27, 2013
Extension Through: April 7, 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
Extension Through: April 8, 2014

Insurance

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

Natural Resources (6)

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. EmR1319 (DNR # WM-22-13(E)) — The Wisconsin Natural Resources Board proposes an order to amend **sections NR 10.275 (intro.) and 45.09 (1)** and to create **sections NR 10.13 (Note) and 10.275**, relating to hunting and trapping in state parks.

This rule was approved by the Governor on October 31, 2013.

The statement of scope for this emergency rule, SS 083-13, was approved by the Governor on July 15, 2013, published in Register No. 691 on July 31, 2013 and approved by the Natural Resources Board on August 14, 2013.

Finding of Emergency

The department finds that putting this rule into effect prior to the time it would take effect using the permanent rule process is necessary to protect the public safety and welfare. By restricting gun and archery hunting to certain areas, and trapping to certain areas and methods, this rule will prevent those activities in locations where they may jeopardize the safety and welfare of visitors to the Wisconsin State Park System.

Filed with LRB: November 7, 2013

Publication Date: November 15, 2013

Effective Dates: November 15, 2013 through April 13, 2014

4. EmR1320 (DNR # FH-27-13(E)) — The Wisconsin Natural Resources Board proposes an order to create **Chapter NR 85**, relating to development of a competitive grant program for cities, villages, towns, counties, federally recognized Indian tribes or bands located in this state, and fish farms in order to increase the capacity to raise walleye for stocking in Wisconsin waters.

This rule was approved by the Governor on November 8, 2013.

The statement of scope for this emergency rule, SS 104-13, was approved by the Governor on August 12, 2013, published in Register No. 692 on September 1, 2013 (August 31, 2013), and approved by the Natural Resources Board on September 25, 2013.

Finding of Emergency — Exemption

2013 Wisconsin Act 20, the 2013-15 state budget, included the following nonstatutory language: The department of natural resources may promulgate emergency rules under section 227.24 of the statutes implementing sections 29.739 and 29.740 of the statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated for walleye population maintenance and enhancement grants remain in effect until June 30, 2016, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide evidence that promulgating this rule as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

Filed with LRB: November 14, 2013

Publication Date: November 21, 2013

Effective Dates: November 21, 2013 through June 30, 2016, or the date on which permanent rules take effect, whichever is sooner.

Hearing Date: December 12, 2013 and December 19, 2013

5. EmR1401 (DNR # FH-26-13(E)) — The Wisconsin Natural Resources Board proposes an order to amend **sections NR 20.20 (73) (n) 4. and 25.06 (1) (a)**, Wis. Adm. Code, relating to lake trout harvest limits in Lake Superior.

This rule was approved by the Governor on December 30, 2013.

The statement of scope for this rule, SS 108-13, was approved by the Governor on August 13, 2013, published in Register No. 692 on August 31, 2013, and approved by the Natural Resources Board on September 25, 2013.

Finding of Emergency

Pursuant to s. 227.4, 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 2013 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: January 14, 2014

Publication Date: January 13, 2014

Effective Dates: January 13, 2014 through June 11, 2014

6. EmR1405 (DNR # WM-24-13(E)) — The Wisconsin Natural Resources Board proposes an order to propose an order to repeal sections **NR 10.01 (3) (ed), (es) 3., and (et), 10.07 (3), 10.09 (2), 10.28 (3), and 45.09 (9)**, to amend **sections NR 1.15 (1) (a), (b), and (c) 1., (2) (a) (intro.) and (at), and (3), 10.001 (2e), (6p), and (19e), 10.01 (3) (es) 1. and 2. and (3) (ev), 10.02 (3), 10.06 (8) (b) and (note), 10.07 (2m) (b) 1., 10.102 (1) (e) 4., 10.105 (1), (2), (4), and (7), 10.106 (intro.) and (1), 12.06 (1), (2), and (4), 12.16 (4), 13.38 (2) (b) and (Note), and 19.60 (2) (b) 1.**, to repeal and recreate **sections NR 1.15 (2) (a) 8., 10.01 (3) (e) and (em), 10.104, 10.106 (2), 10.28 (1) and (2), 10.28 (4), and 10.41**, and to create **Chapter NR 10 (Title.) and sections NR 10.001(1k) and (23a) and (b), 10.01 (2) (b) (Note) and (4) (dm) (Note), and Subchapter II**, relating to deer management, hunting, and implementation of the 2012 White-tailed Deer Trustee Report.

This emergency rule was approved by the Governor on February 10, 2014

The statement of scope for this rule, SS 098-13, was approved by the Governor on July 23, 2013, published in Register No. 692, on August 14, 2013, and approved by the Natural Resources Board on September 25, 2013.

Finding of Emergency

A non-statutory provision, SECTION 9132 of 2013 Act 20, establishes that the department may promulgate rules to

implement the 2012 final deer management report and that the department is not required to make a finding of emergency.

Filed with LRB: February 25, 2014
Publication Date: March 7, 2014
Effective Dates: March 7, 2014 through June 30, 2015

Public Instruction

EmR1324 — The State Superintendent of Public Instruction hereby proposes to amend **sections PI 5.02 (6) and (11m), 5.035 (6), and 5.04**, relating to high school equivalency diplomas and certificates of general educational development.

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 the statement of scope or this rule.

The scope statement for this rule, SS 093-13, was published in Register No. 692, on August 14, 2013, and approved by State Superintendent Tony Evers on August 27, 2013.

Finding of Emergency

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

The number of subtests and the passing scores for the General Educational Development (GED) Test will be changing in January 2014 when a new test is implemented by the GED Testing Service.

Unless the rule is changed to reflect these new subtests and passing scores, the Department may be prevented from issuing credentials for test takers who pass the GED Test because the required passing scores will be incorrect.

Filed with LRB: December 27, 2013
Publication Date: December 27, 2013
Effective Dates: December 27, 2013 through May 25, 2014
Hearing Date: February 24, 2014

Revenue

EmR1323 — The Wisconsin Department of Revenue hereby adopts an emergency rule interpreting s. 77.58 (1) (a) and (5), Stats., and amending **section Tax 11.93**, relating to sales tax filing frequency.

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

The scope statement for this rule, SS 100-13, was approved by the Governor on August 2, 2013, published in Register No. 692 on August 31, 2013, and approved by the Secretary of Revenue on September 10, 2013.

Finding of Emergency

The Department of Revenue finds that an emergency exists and that the attached rule order is necessary for the immediate

preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is:

Section 77.58 (1), Stats., provides that retailers must file sales tax returns quarterly, except as provided in s. 77.58 (1) (a) and (b), Stats., which allows for sales tax returns to be filed monthly.

Section 77.58 (5), Stats., provides that the department may require returns and payments on the amount of taxes for other than a quarterly period if it deems it necessary to ensure payment to or facilitate the collection by the state of the amount of taxes. The department has provided for annual sales tax returns by rule in s. Tax 11.93 (1) for retailers that have an annual tax liability of \$300 or less.

Because 2013 Wis. Act 20 doubles the threshold upon which a monthly sales tax return is required to be filed (\$600 to \$1200), s. Tax 11.93 (1) should also be changed to reflect a similar increase in the threshold upon which an annual sales tax return can be filed.

As the statutory change to the monthly filing standard goes into effect on January 1, 2014, the corresponding change to the annual filing standard in s. Tax 11.93 (1) should also go into effect on January 1, 2014. There is insufficient time for the permanent rule to be effective on January 1, 2014.

Filed with LRB: December 19, 2013
Publication Date: January 1, 2014
Effective Dates: January 1, 2014 through May 30, 2014
Hearing Date: January 27, 2014

Safety and Professional Services

Uniform Dwelling Code, Chs. 320—325

EmR1403 — The Wisconsin Department of Safety and Professional Services adopts an order to amend **sections SPS 321.02 (1) (c), 321.23, Table 321.25-A, 321.25 (7) (d) and (8) (a) (Note), and Chapters 320 to 325 Appendix — Minimum Fastener Schedule Table**; and to repeal and recreate **section SPS 321.25 (8) (b) to (h) and (9)**, relating to wall bracing for one- and two-family dwellings.

This emergency rule was approved by the Governor on January 28, 2014.

The statement of scope for this rule, SS 139-13, was approved by the Governor on October 28, 2013, published in Register 695 on November 14, 2013, and approved by the Department on November 26, 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.

Some building designers find the current rules for wall bracing for one- and two-family dwellings are too difficult to understand and apply, which results in unnecessary costs and delays in home building. Promulgating revisions to the rules through the emergency rule process is needed in order to avoid these costs and delays as soon as possible. In addition, the report that the Dwelling Code Council is required to complete by July 1, 2014, under section 101.62 (4) of the Statutes is expected to include recommendations to clarify and simplify these rules through the emergency rule process.

Filed with LRB: February 13, 2014

Publication Date: February 19, 2014
Effective Dates: April 1, 2014 through August 28, 2014
Hearing Date: March 11, 2014

Safety and Professional Services — Controlled Substances Board

EmR1318 — The Controlled Substances Board adopts an order to create **section CSB 2.36**, relating to scheduling controlled substances.

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

The statement of scope for this rule, SS 062–13, was approved by the Governor on May 29, 2013, published in Register 690 on June 15, 2013, and approved by the Controlled Substances Board on July 15, 2013.

Finding of Emergency

The Controlled Substances Board 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:

The Brown County District Attorney’s office has provided the Controlled Substances Board with information relevant to emergency scheduling and the commencement of a prosecution concerning a controlled substance analog. UR–144, XLR–11, and AKB48 are pharmacologically similar to Schedule I substances THC and JWH–018. By sharing pharmacological similarities with the Schedule I substances, synthetic cannabinoids pose a risk both to the individual user and other affected individuals. UR–144, XLR–11, and AKB48 are being marketed as “legal” alternatives to marijuana. This characterization (and the reputation as potent herbal intoxicants) has increased their popularity and prevalence.

The Controlled Substances Board finds that scheduling of UR–144, XLR–11, and AKB48 on an emergency basis is necessary to avoid an imminent hazard to public safety. The substances are not included in any other schedule and no exemption or approval is in effect for the substance under 21 USC 355.

On May 16, 2013, the U.S. Department of Justice Drug Enforcement Administration emergency scheduled UR–144, XLR11, and AKB48 as Schedule I, illegal drugs under the Controlled Substances Act.

Filed with LRB: October 17, 2013
Publication Date: October 13, 2013
Effective Dates: October 13, 2013 through October 12, 2014
Hearing Date: November 11, 2013

Transportation

EmR1404 — The Wisconsin Department of Transportation proposes an order to create **section Trans 327.14**, relating to motor carrier safety and affecting small businesses.

This emergency rule was approved by the Governor on February 10, 2014.

The statement of scope for this rule, SS 155–13, was approved by the Governor on December 16, 2013, published in Register 696, on December 31, 2013, and approved by Secretary Mark Gottlieb as required by s. 227.135 (2), Stats., on January 13, 2014.

Finding of Emergency

The welfare of commercial motor vehicle drivers who hold a commercial driver license (“CDL”) issued by the State of Wisconsin who operate commercial motor vehicles outside this state will be harmed beginning January 30, 2014, if they cannot demonstrate compliance with recent federal regulations because they will be treated by other states as unlicensed drivers. Beginning on January 1, 2014, federal regulations require CDL holders to have certified to DOT the type of commercial driving they do and, if required, to have submitted proof of medical fitness to drive, and to have their driving records updated by DOT to show these actions, before driving a commercial motor vehicle. The Department published the scope statement for permanent rulemaking in September 2011 to implement these federal requirements. The permanent rulemaking effort is ongoing but will not take effect before the January 30, 2014 deadline for compliance.

Filed with LRB: February 14, 2014
Publication Date: February 16, 2014
Effective Dates: February 16, 2014 through July 15, 2014

Workforce Development

Unemployment Insurance, Chs. DWD 100–150

EmR1316 — The Wisconsin Department of Workforce Development hereby adopts an order to repeal **sections DWD 126.02 (2), (3), and (4), 126.03 (1), 126.04, 126.05, 127.01 (2) (b), (f) to (i), and (3), 127.02 (intro.), (1), (2), (3), and (4), 127.02 (5) and (10), and 127.08**; to renumber and amend **section DWD 126.02 (1)**; to amend **sections DWD 126.01, 126.03 (intro.) and (2), 127 (title), 127.01 (1), (2) (intro.), (a), (c), and (d), 127.02 (7), (9), and (11), 127.04 (title), (1), and (2), 127.05, 127.06 (1), (2), and (3), 127.07 (title) and (1), 128.01 (2) (a), and 129.01 (1) and (2)**; to repeal and recreate **sections DWD 127.01 (2) (j) and 127.07 (2)**; and to create **sections DWD 126.02 (Note), 126.03 (3), (4), (5), (6), and (7), 127.01 (2) (em), 127.02 (12), 127.04 (1m) (e), and 127.06 (1) (c)**, relating to unemployment insurance work registration, work search, and benefit claiming procedures.

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

The statement of scope for this emergency rule, SS 106–13, was approved by the Governor on August 14, 2013, published in Register No. 692 on August 31, 2013, and approved by the Secretary of Workforce Development on September 11, 2013.

Finding of Emergency

The Department of Workforce Development finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public welfare. Statements of the facts constituting the emergency are:

- (1) In order to fulfill the new statutory directives to require claimants for unemployment insurance benefits to increase their number of weekly work search actions from two to at least four;
- (2) In order to simplify the process and compliance with respect to requirements for unemployment insurance claimants to register for work;

- (3) In order to execute the new statutory requirement to request additional information from claimants;
- (4) In order to improve the unemployment insurance trust fund balance and thereby relieve employers of the burden of additional taxation;
- (5) In order to better assist unemployment insurance benefit claimants to obtain gainful employment; and,
- (6) In order to promote the improvement in the Wisconsin economy as a result of the immediate implementation of legislative directives with respect to the unemployment insurance program contained in 2013 Wisconsin Act 20 and 2013 Wisconsin Act 36.

Adoption of the emergency rule will ensure that these legislative directives are implemented within the time-frame envisioned with enactment of 2013 Wisconsin Act 20 and 2013 Wisconsin Act 36.

Filed with LRB: September 25, 2013

Publication Date: September 29, 2013

Effective Dates: September 29, 2013 through February 25, 2014, except that changes to ss. DWD 126.03 and 127.02 take effect after the Secretary determines the Department has the technological ability to implement the changes.

Hearing Date: November 4, 2013

Extension Through: April 26, 2014

Workforce Development

Employment and Training, Chs. DWD 805–830

EmR1317 — The Wisconsin Department of Workforce

Development hereby adopts an order to create **Chapter DWD 801**, relating to workforce training grants under the Wisconsin Fast Forward program.

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

The statement of scope for this rule, SS 109–13, was approved by the Governor on August 15, 2013, published in Register No. 692 on August 31, 2013, and approved by the Department of Workforce Development on September 11, 2013.

Finding of Emergency

The Department of Workforce Development (DWD) finds that an emergency exists and emergency rules are necessary for the immediate preservation of the public peace, health, safety, or welfare. The reason for the emergency is:

DWD proposes to create new rules in Chapter DWD 801 to implement the program of workforce training grants enacted by 2013 Wisconsin Act 9. DWD held a public hearing on the permanent rule for this new program on July 15, 2013, and has made revisions to the text of the proposed permanent rule in response to the comments received. It would now benefit the public welfare to proceed with the rules in emergency form so that the program can begin this fall.

Filed with LRB: September 25, 2013

Publication Date: September 29, 2013

Effective Dates: October 1, 2013 through February 27, 2014

Hearing Date: November 5, 2013

Extension Through: April 28, 2014

Scope Statements

Natural Resources

Fish, Game, etc., Chs. 1—

SS 017–14

(DNR # WM–06–14)

This statement of scope was approved by the governor on March 10, 2014.

Rule No.

Chapter NR 10 (revise).

Relating to

Establishing hunting seasons during which the use of crossbows is allowed.

Rule Type

Permanent

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

These will be permanent rules. The department is promulgating comparable emergency rules as directed by 2013 Act 61. The emergency and permanent rules will not necessarily be identical they will have different timelines so the department is initiating those rule making processes on separate scope statement forms.

2. Detailed Description of the Objective of the Proposed Rule

This rule order will establish seasons for hunting deer with crossbows under the authority of a crossbow hunting license beginning in 2016. In 2014 and the 2015, the crossbow only deer season will be established by emergency rule and will be identical to the season dates for hunting deer with a bow and arrow only.

In 2016 the crossbow only deer season established by this permanent rule could continue to be identical to the season for hunting deer with a bow and arrow only. However, there is no statutory requirement for the two seasons to be identical in 2016. It is possible that a crossbow only deer season could have different features such as season dates, bag limits, or other regulations. The department will review harvest information and assess public opinion following the 2014 crossbow season before making recommendations. The department will use as much information from the 2015 crossbow deer season as possible under the timeline for promulgating these rules prior to the start of 2016 deer hunting license sales.

Additionally, in preparing these rules the department will review ch. NR 10 and make any updates which are needed to maintain consistency with the act and the new crossbow deer hunting season.

3. Description of Existing Policies Relevant to the Rule and of New Policies Proposed to be Included in the Rule

and an Analysis of Policy Alternatives; the History, Background and Justification for the Proposed Rule

These rules will be consistent with previous policies to establish and regulate hunting by various methods including with firearms, bow and arrow, crossbows, and air guns. In order to hunt deer with a crossbow in the past, a person had to be either age 65 or older, hold a permit for hunters with disabilities, or could use a crossbow under the authority of a firearm license during a firearm season. Under the act and these rules, any person who otherwise can legally hunt will be able to purchase a license authorizing deer hunting by the use of a crossbow.

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

The department is directed, in the non–statutory provisions of 2013 Act 61, to promulgate rules that are needed to establish hunting seasons where the use of crossbows is allowed.

The chapter related to wild animals and plants, in s. 29.014 Stats., “rule making for this chapter”, establishes that the department shall maintain open and closed seasons for fish and game and any limits, rest days, and conditions for taking fish and game. This grant of rule–making authority allows the department to promulgate rules related to migratory game bird hunting.

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

Approximately 400 hours will be needed by the department to promulgate these rules.

6. Description of all Entities that may be Impacted by the Rule

These rules will impact deer hunters, especially those who are interested in hunting with archery gear, both bow and arrow, and with crossbow gear.

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

Federal regulations allow states to manage the wildlife resources located within their boundaries provided they do not conflict with regulations established in the Federal Register. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

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

No economic impacts are anticipated. State statutes have already established that crossbow hunting is allowed and the conditions for the use of crossbows, including the required licenses and the season dates for 2014 and 2015. This proposal could simply duplicate what has already been established by statute for future years. However, even if these rules do result in seasons for crossbow deer hunting and hunting deer with a bow and arrow that are different, there will

still be ample opportunities for hunting with a crossbow and people are still likely to be interesting in hunting with both methods. Impacts from the spending activities of crossbow and bow and arrow hunting enthusiasts will continue to benefit the economy.

9. Anticipated Number, Month, and Locations of Hearings

The department may use the 2015 Spring Fish & Wildlife Meetings held in each county in April as one of several methods to gauge public opinion on the use of crossbows. These could also be the legal rule hearings. While there will be just one year of experience with a crossbow season at that time, adoption of a rule at any time following the fall 2015 hunting season would result in very limited time for legislative review of the rule prior to the start of hunting license sales in March 2016.

Contact Person

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Natural Resources

Fish, Game, etc., Chs. 1—

SS 018-14

(DNR # WM-05-14(E))

This statement of scope was approved by the governor on March 10, 2014.

Rule No.

Chapter NR 10 (revise).

Relating to

Establishing hunting seasons during which the use of crossbows is allowed.

Rule Type

Emergency.

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

The department is not required to make a finding of emergency before promulgating these rules. The department is directed to promulgate these rules in 2013 Act 61 and is exempted from making a finding of emergency under non-statutory provisions of the act.

2. Detailed Description of the Objective of the Proposed Rule

This emergency rule order will establish seasons for hunting deer with crossbows under the authority of a crossbow hunting license. In 2014 and the 2015, the crossbow only season will be identical to the season dates for hunting deer with a bow and arrow only.

Additionally, the department will review ch. NR 10 and make any updates which are needed to maintain consistency with the act and the new crossbow hunting season.

3. Description of Existing Policies Relevant to the Rule and of New Policies Proposed to be Included in the Rule

and an Analysis of Policy Alternatives; the History, Background and Justification for the Proposed Rule

These rules will be consistent with previous policies to establish and regulate hunting by various methods including with firearms, bow and arrow, crossbows, and air guns. In order to hunt deer with a crossbow in the past, a person had to be either age 65 or older, hold a permit for hunters with disabilities, or could use a crossbow under the authority of a firearm license during a firearm season. Under the act and these rules, any person who otherwise can legally hunt will be able to purchase a license authorizing deer hunting by the use of a crossbow.

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

The department is directed, in the non-statutory provisions of 2013 Act 61, to promulgate emergency rules that are needed to establish hunting seasons where the use of crossbows is allowed. These provisions also exempt the department from the requirement to make a finding of emergency.

The chapter related to wild animals and plants, in s. 29.014 Stats., "rule making for this chapter", establishes that the department shall maintain open and closed seasons for fish and game and any limits, rest days, and conditions for taking fish and game. This grant of rule-making authority allows the department to promulgate rules related to migratory game bird hunting.

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

Approximately 40 hours will be needed by the department to promulgate these rules.

6. Description of all Entities that may be Impacted by the Rule

These rules will impact deer hunters, especially those who are interested in hunting with archery gear, both bow and arrow, and with crossbow gear.

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

Federal regulations allow states to manage the wildlife resources located within their boundaries provided they do not conflict with regulations established in the Federal Register. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

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

No economic impacts are anticipated. State statutes have already established that crossbow hunting is allowed and the conditions for the use of crossbows, including the required licenses and the season dates for 2014 and 2015. These rules will not establish any additional requirements or exceptions that would have an economic impact.

9. Anticipated Number, Month, and Locations of Hearings

We do not plan to hold hearings on these rules. Under 227.24 (1) (a), Stats., an agency is not required to hold hearings on emergency rules. Season dates and licensing

requirements in these rules will be identical to those established in the statute. Other provisions of existing rules which the department may identify as needing revision will result in modifications that are remedial in nature.

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Natural Resources

Fish, Game, etc., Chs. 1—

SS 019-14

(DNR # LE-01-14)

This statement of scope was approved by the governor on March 10, 2014.

Rule No.

Chapter NR 5 (revise).

Relating to

Boat rules and registration.

Rule Type

Permanent

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

2. Detailed Description of the Objective of the Proposed Rule

- a) Correct Noise Level Testing Requirements to meet Society of Automotive Engineers recommended practices.
- b) Add Slow No Wake restrictions within 100' of patrol boat displaying emergency lights due to public safety and law enforcement officer safety concerns.
- c) Add a requirement for an assigned number be affixed to all approved waterway markers to allow law enforcement officials to determine the legality of the marker. DNR proposes a numbering system that includes the county code, the township code and the DNR assigned permit number.
- d) Correction to s. NR 5.13 to remove sailboards from ch. NR 5 requirements as s. 30.62 (3) (a), Stats., exempts sailboards from personal flotation requirement.
- e) Additions and revisions to meet federal requirements:
 - Add visual distress signals and sound producing devices to meet federal requirements.
 - Revisions to application information to require the collection of unique identification information for each vessel owner who applies for a certificate of number. States have until January 1, 2017 to implement this change.
 - Add requirement for vessel owners to verify that a valid primary vessel HIN has been affixed to the vessel for which a certificate of number is issued, renewed, or upon the transfer of a vessel's ownership. States have until January 1, 2017 to implement this change.

3. Description of Existing Policies Relevant to the Rule and of New Policies Proposed to be Included in the Rule

and an Analysis of Policy Alternatives; the History, Background and Justification for the Proposed Rule

- a) Revise Noise Level Testing Requirements – current language contained in s. NR 5.125 refers to testing methods J34a, J1970 or J2005. SAE only refers to J34 not J34a. Chapter NR 5 should reflect actual Test #/Title of that being J34. Updates to the J34 Monitoring Test reflect a correction factor to a 50' distance/regulation and in J1970 (4.2.1) specifically states: "The applicable reading does not require the measured boat to be at any specific distance from the shoreline or microphone". Officers should not be limited by a minimum distance requirement in code and should rely on each Test Procedure.
- b) Add Slow No Wake within 100' of patrol boat displaying emergency lights — s. NR 5.33 contains requirements for Restricted Speed Zones. However there are no restrictions for vessel operators approaching a law enforcement boat displaying emergency lights. Due to public safety and law enforcement officer safety concerns, WDNR requests a variation of the "move over law" currently in place on highways.
- c) Section s. 30.62 (3) (a), Stats., exempts sailboards from personal flotation requirement. Need to remove sailboards from ch. NR 5 requirements: s. NR 5.13 Personal flotation and life saving device requirements. (1) This section applies to all boats that are propelled or controlled by machinery, sails, oars, paddles or poles or another vessel including but not limited to inflatables and sailboards, used on waters subject to the jurisdiction of this state except:
 - d) Add Visual Distress Signals language to meet federal requirements — language not currently contained in ch. NR 5.
 - e) Add Sound Producing Device language to meet federal requirements — language not currently contained in ch. NR 5.
 - f) Revisions to application information for boat certificate or number and application for transfer to meet federal requirements. Changes to federal regulations require the collection of unique identification information for each vessel owner who applies for a certificate of number. The options to be collected are: owner's tax identification number, date of birth with driver's license number; or date of birth together with other unique number. States have until January 1, 2017 to implement this change.
 - g) Add requirement for vessel owner to verify that a valid primary vessel HIN has been affixed to the vessel for which a certificate of number is issued, renewed, or upon the transfer of a vessel's ownership. States have until January 1, 2017 to implement this change. Per the federal regulations, States may use methods of its choosing to verify that each vessel's owner has affixed a valid primary HIN. WDNR would propose to require the vessel owner to complete a statement on the application form or renewal form.

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

- 30.505, Stats. — The certificate of number system and the issuance of identification numbers employed by the department shall be in conformity with the overall system of identification numbering for boats established by the U.S. government. The department

shall promulgate rules as are necessary to bring the state certificate of number system and the issuance of identification numbers into conformity with this federal system.

- 30.62 (2) (d) 2., Stats. — The department may promulgate rules establishing testing procedures to determine noise levels for the enforcement of this section.
- 30.62 (2) (d) 3., Stats. — The department may revise these rules as necessary to adjust to advances in technology.
- 30.62 (9), Stats. — The department shall promulgate such rules modifying or supplementing the associated equipment requirements of this section as are necessary to keep those requirements in conformity with federal regulations.
- 30.65 (2), Stats. — The department may promulgate such additional traffic rules as it deems necessary in the interest of public safety. Such rules shall conform as nearly as possible to the federal pilot rules

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

One month.

6. Description of all Entities that may be Impacted by the Rule

Wisconsin law enforcement officers and vessel owners

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

Coast Guard conducted an on-site review of Wisconsin's State Recreational Boating Safety (RBS) Program. Onsite reviews are used to help determine a state's eligibility to receive funding made available under Title 46 U.S.C. Chapter 131 for the State RBS Program. A state's eligibility is determined by the content of its RBS Program and its conformance to applicable federal laws and regulations.

Based on the programmatic review of Wisconsin's State RBS program, two deficiencies were noted that require corrective action. The State laws and regulations do not include a provision for the carriage of visual distress signals (VDS) in waters where required under Title 33 Code of Federal Regulations (CFR), Part 175 Subpart C; and State laws and regulations do not include a provision for the carriage of a sound-producing device where required under the Navigation Rules; International-Inland. State law must require the carriage of the minimum federal equipment requirements in order to meet eligibility requirements as an adequate law enforcement program.

The above elements are part of an approved vessel numbering system necessary to maintain overall program approval and eligibility to receive federal financial assistance under the State RBS Grant Program

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

None.

9. Anticipated Number, Month and Locations of Public Hearings

The Department anticipates holding two public hearings in the month of June 2014. Hearing cities will be: Madison and Wausau

Contact Person

Roy Zellmer, (608) 212-5385.

Natural Resources

Fish, Game, etc., Chs. 1—

SS 020-14

(DNR # WM-04-14(E))

This statement of scope was approved by the governor on March 10, 2014.

Rule No.

Chapter NR 10 (revise).

Relating to

Establishing the 2014 migratory bird season framework.

Rule Type

Emergency.

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

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public welfare. The federal government and state legislature have delegated to the appropriate agencies rule-making authority to control the hunting of migratory birds. The State of Wisconsin must comply with federal regulations in the establishment of migratory bird hunting seasons and conditions. Federal regulations are not made available to this state until late July of each year. This order is designed to bring the state hunting regulations into conformity with the federal regulations. Normal rule-making procedures will not allow the establishment of these changes by September, when a number of the migratory bird hunting seasons open. Failure to modify our rules will result in the failure to provide hunting opportunity and continuation of rules which conflict with federal regulations.

2. Detailed Description of the Objective of the Proposed Rule

This emergency rule order will establish the 2014 migratory bird hunting seasons.

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

This is an annual rule that will be consistent with a federal framework and is not a change from past policies. Migratory game bird hunting is regulated by the United States Fish & Wildlife Service (USFWS), in 50 CFR part 20, who will offer a final season framework to Wisconsin on approximately August 1, 2014. The State of Wisconsin's season proposal will be based on the federal framework and local conditions. Wisconsin will also not be more restrictive than the federal bag limit framework except that we will propose one less hen mallard in the bag limit if the federal framework allows two or more, consistent with existing Wisconsin rules.

These rules may modify season dates, bag limits, and other regulations for any migratory bird species but in particular ducks and geese. In 2014, the department also anticipates that the USFWS will offer states an option to lengthen the mourning dove hunting season.

The department will consider simplifications to migratory bird hunting regulations that may be identified during this rulemaking process.

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

The chapter related to wild animals and plants, in s. 29.014, Stats., “rule making for this chapter”, establishes that the department shall maintain open and closed seasons for fish and game and any limits, rest days, and conditions for taking fish and game. This grant of rule-making authority allows the department to promulgate rules related to migratory game bird hunting.

Special regulations on the taking of certain wild animals are authorized under s. 29.192, Stats., including specific language that authorizes rules related to Canada goose hunting.

The establishment of migratory game bird refuges is authorized in s. 23.09 (2) (b), Stats., relating to the department’s ability to designate locations reasonably necessary for the purpose of providing safe retreats in which birds may rest and replenish adjacent hunting grounds.

Wisconsin’s boundary waters with other states are popular waterfowl hunting locations. Specific authority to regulate hunting in and on all interstate boundary waters and outlying waters is established in s. 29.041, Stats.

Sections 23.11 and 29.014, Stats., allow for the protection of natural resources on state lands such as migratory bird refuges, establish general department powers, and authority to establish hunting and trapping regulations on department managed lands.

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

Approximately 640 hours will be needed by the department prior to and following the hearings.

6. Description of all Entities that may be Impacted by the Rule

These rules will impact migratory game bird hunters and those who enjoy viewing waterfowl in Wisconsin.

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

Migratory game bird hunting is regulated by the United States Fish & Wildlife Service (USFWS), in 50 CFR part 20. Under international treaty and Federal law, migratory game bird seasons are closed unless opened annually through the USFWS regulations process. As part of the federal rule process, the service annually evaluates migratory game bird populations and breeding habitat in cooperation with state provincial agencies and the Canadian Wildlife Service. After considering recommendations from the flyway councils of states and the guidance of cooperatively developed harvest strategies, the USFWS establishes annual frameworks within flyway or bird populations regions. States can then establish hunting seasons within the sideboards for each species and region. As a result, the hunting seasons of neighboring states

are similar to Wisconsin migratory game bird hunting regulations because they are subject to the same federal frameworks.

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

No economic impacts are anticipated. The hunting season frameworks proposed in this rule will be comparable to those in place during the previous season. 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.

9. Anticipated Number, Month and Locations of Hearings

The department will hold four public hearings on these emergency rules during the first week of August in four locations spread geographically around the state.

Contact Person

Scott Loomans, 101 S Webster St., Madison, WI 53707, (608) 267-2452, scott.loomans@wisconsin.gov or Kent Van Horn, Migratory Birds Specialist, 101 South Webster Street, PO Box 7921, Madison, WI 53707-7921, (608) 266-8841, kent.vanhorn@wisconsin.gov.

Safety and Professional Services — Chiropractic Examining Board

SS 023-14

This statement of scope was approved by the governor on March 7, 2014.

Rule No.

Chapters Chir 2 and 3 (revise).

Relating to

Practical exam for chiropractors.

Rule Type

Permanent.

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

N/A

2. Detailed Description of the Objective of the Proposed Rule

The purpose of this proposed rule is to align current administrative code regulating chiropractors with recent legislation, namely, 2013 Wisconsin Act 20.

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

2013 Wisconsin Act 20 repealed s. 446.02 (3) (a), Stats., which required applicants for chiropractic credentials to take a practical exam. After removing this requirement, the Legislature replaced the practical exam with a requirement to successfully complete Parts I, II, III and IV of the National Board of Chiropractic Examiners Exam (NBCE Exam). The Legislature set the successful completion score of 438 for Part III and a successful completion score of at least 475 on Part IV. The new statutory provisions also included a grandfathering clause for applicants who had applied on or

after January 1, 2012 and the effective date of 2013 Wisconsin Act 20, June 30, 2013. This class of applicants had to have taken the practical exam and had to have achieved a score of 375 or higher on Part III, and Part IV of the NBCE Exam and successfully completed the exam that tests the applicant's knowledge of the laws of this state relating to the practice of chiropractic. Consequently, this proposed rule will revise the pertinent chiropractic rules in Wis. Admin Code as necessary to make them consistent with 2013 Wisconsin Act 20.

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

Section 227.11 (2), Stats., discusses the parameters of an agency's rule-making authority stating an agency, "may promulgate rules interpreting the provisions of any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if it exceeds the bounds of correct interpretation." Section 227.01 (1), Stats., defines agency as a board. The Chiropractic Examining Board falls within this definition. Therefore, the Board may promulgate administrative rules which interpret the statutes it enforces or administers as long as the proposed rule does not exceed proper interpretation of the statute.

Section 446.02 (2) (b), Stats., states that the, "examining board shall promulgate rules establishing educational requirements for obtaining a license . . .". One of the requirements for obtaining a license is the successful completion of the NBCE examination. New legislation has prompted a change in the successful score on the NBCE Exam and the corresponding rule should be amended to reflect that change. Therefore the Board is authorized both generally and specifically to promulgate the proposed rule.

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

80 hours.

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

Persons who are applying for chiropractic credentials.

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

There are no existing or proposed federal regulations intended to address the activities to be regulated by this rule.

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

The Board anticipates that the implementation of this rule will not result in any economic impact on small businesses.

Contact Person

Shawn Leatherwood, (608) 261-4438.

Safety and Professional Services — Medical Examining Board

SS 021-14

This statement of scope was approved by the governor on March 7, 2014.

Rule No.

Chapter Med 18 (revise).

Relating to

Informed consent.

Rule Type

Permanent.

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

N/A

2. Detailed Description of the Objective of the Proposed Rule

The proposed rule will amend Wis. Admin. Code ch. Med 18 to make it consistent with new legislation, 2013 Wisconsin Act 111.

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

2013 Wisconsin Act 111 impacts Wis. Admin. Code ch. Med 18 by changing the manner in which Wisconsin physicians discuss alternate modes of treatment with their patients. Before the Act, physicians had a duty to inform their patients of all alternate, viable medical modes of treatment and about the benefits and risks of those treatments. Physicians were held to the reasonable patient standard, espoused by the Wisconsin Supreme Court, which provided physicians were to inform their patients of all information necessary for a reasonable person in the patient's position to make an intelligent decision with respect to the choices of treatment. Since the enactment of 2013 Wisconsin Act 111, physicians have a duty to inform their patients of all reasonable alternate medical modes of treatment and their risks and benefits instead of all alternate, viable medical modes of treatment. The legislation sets forth the reasonable physician standard, which requires disclosure only of information that a reasonable physician in the same or similar medical specialty would know and disclose under the circumstances. The proposed rule would amend Wis. Admin. Code ch. Med 18 by incorporating the reasonable physician standard into the rule and making all such changes that would make the rule consistent with the statute.

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

Section 15.08 (5) (b), Stats., provides examining boards, such as the Medical Examining Board, "shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, . . ." The proposed rule seeks to provide guidance within the profession on how physicians are to conduct their duty to inform patients of alternate modes of treatment.

Section 227.11 (2) (a), Stats., discusses the parameters of an agency's rule-making authority, stating an agency, "may promulgate rules interpreting the provisions of the statute, but a rule is not valid if it exceeds the bounds of correct interpretation . . ." This section allows an agency to promulgate administrative rules which interpret the statutes it enforces or administers as long as the proposed rule does not exceed proper interpretation of the statute. Section 227.01 (1), Stats., defines agency as a board. The Medical Examining Board falls within the definition of agency and is therefore allowed to apply s. 227.11 (2) (a), Stats., to statutes it administers.

The proposed rule seeks to interpret s. 448.30, Stats., which provides,

Any physician who treats a patient shall inform the patient about the availability of reasonable alternate medical modes of treatment and about the benefits and risks of these treatments. The reasonable physician standard is the standard for informing a patient under this section. The reasonable physician standard requires disclosure only of information that a reasonable physician in the same or a similar medical specialty would know and disclose under the circumstances. The physician's duty to inform the patient under this section does not require disclosure of:

- (2) Detailed technical information that in all probability a patient would not understand.
- (3) Risks apparent or known to the patient.
- (4) Extremely remote possibilities that might falsely or detrimentally alarm the patient.
- (5) Information in emergencies where failure to provide treatment would be more harmful to the patient than treatment.
- (6) Information in cases where the patient is incapable of consenting.
- (7) Information about alternate medical modes of treatment for any condition the physician has not included in his or her diagnosis at the time the physician informs the patient.

Section 448.40 (2) (a), Stats., sets forth the legislature's express grant of authority to the Medical Examining Board to promulgate rules implementing s. 448.30, Stats.

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

State employees will spend approximately 50 hours developing this proposed rule.

6. Description of all Entities that may be Impacted by the Rule

The proposed rule will affect licensed physicians, licensed physician assistants and their patients and those persons who hold temporary educational permits to practice medicine and surgery.

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

None.

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 rule is not likely to have significant economic impact on small businesses.

Contact Person

Shawn Leatherwood, (608) 261-4438.

Safety and Professional Services — Podiatry Affiliated Credentialing Board

SS 024-14

This statement of scope was approved by the governor on March 5, 2014.

Rule No.

Chapter Pod 4 (revise).

Relating to

Biennial registration.

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

N/A

2. Detailed Description of the Objective of the Proposed Rule

The objective of this proposed rule is to amend the biennial registration date in Wis. Admin Code ss. Pod 4.01 and 4.03 (2).

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

The purpose of this proposed rule is to amend an inconsistency regarding the biennial registration date for podiatrists. Currently, Wis. Admin Code ss. Pod 4.01 and 4.03 (2) state the biennial registration date is November 1 of each odd-numbered year. Wis. Stats. s. 440.08 (2) (a) 60. states that the renewal date is November 1 of each even-numbered year. The statute is controlling. Therefore, Wis. Admin. Code ss. Pod 4.01 and 4.03 (2) must be amended to reflect the correct date. There are no new policies proposed by the rule.

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

Section 227.11 (2) (a), Stats., discusses the parameters of an agency's rule-making authority stating an agency, "may promulgate rules interpreting the provisions of any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of any statute, but a rule is not valid if it exceeds the bounds of correct interpretation." Section 227.01 (1), Stats., defines agency as a board. The Podiatry Affiliated Credentialing Board falls within that definition. Therefore, the Board may promulgate administrative rules which interpret the statutes it enforces or administers as long as the proposed rule does not exceed proper interpretation of the statute.

Section 448.05 (2) Stats., states that, "[t]he renewal date for a license granted under this subchapter, . . . is specified under s. 440.08 (2) (a), . . ." The renewal date specified under s. 440.08 (2) (a) 60. is November 1 of each even-numbered year. The proposed rule would change the current language to mirror the statutory requirement.

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

State employees will spend approximately 50 hours developing the proposed rule.

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

Individuals that will be affected by the proposed rule include licensed podiatrists and applicants for podiatry licensure.

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

No comparable proposed or current federal regulations

dealing with this issue exist.

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

This rule is not likely to have any economic impact on small businesses.

Contact Person

Shawn Leatherwood, (608) 261-4438

Submittal of Proposed Rules to Legislative Council Clearinghouse

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

Agriculture, Trade and Consumer Protection CR 14-026

(DATCP DOCKET # 13-R-16)

The Wisconsin Department of Agriculture, Trade and Consumer Protection announces that it has referred a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse, pursuant to s. 227.15, Stats.

The scope statement for this rule, SS 140-13, was approved by the Governor on October 29, 2013, published in Register No. 695 on November 15, 2013, and approved by the Board of Agriculture, Trade and Consumer Protection as required by s. 227.135 (2), Stats., on December 10, 2013.

Analysis

The proposed rule-making order revises Chapter ATCP 161, relating to dairy processor grants.

Agency Procedure for Promulgation

The department will hold a public hearing on this rule on April 18, 2014.

The department's Division of Agricultural Development is primarily responsible for this rule.

Contact Person

If you have questions, you may contact Mike Bandli at (608) 224-5136.

Children and Families Early Care and Education, Chs. 201-252 CR 14-028

On March 14, 2013, the Department of Children and Families submitted proposed rules to the Legislative Council Rules Clearinghouse.

The statement of scope for this rule, SS 043-12, was approved by the Governor on June 8, 2012, published in Register No. 678 on June 30, 2012, and approved by Secretary Eloise Anderson on July 16, 2012.

Analysis

The proposed rules affect Chapters DCF 202, 250, 251, and 252, relating to the child care vehicle safety alarm.

Agency Procedure for Promulgation

A public hearing is required and will be held in Madison on April 23, 2014.

The organizational unit responsible for the promulgation of the proposed rules is the Division of Early Care and Education.

Contact Person

Elaine Pridgen

Telephone: (608) 267-9403

Email: elaine.pridgen@wisconsin.gov

Natural Resources Fish, Game, etc., Chs. 1- CR 14-029

(DNR # FH-34-13)

On March 14, 2014, the Department of Natural Resources submitted a proposed order to the Rules Clearinghouse.

The statement of scope for this rule, SS 153-13, was approved by the Governor on November 21, 2013, published in Register No. 696 on December 14, 2013, and approved by the Natural Resources Board on January 22, 2014.

Analysis

The proposed rule revises Chapters NR 20 and 23, relating to trolling regulations on inland and boundary waters of Wisconsin.

Agency Procedure for Promulgation

Hearings will be held in every county of the State on April 14, 2014.

Contact Person

Linda Haddix— Legal Services, (608) 266-1959.

Natural Resources Environmental Protection—WPDES, Chs. 200- CR 14-027

(DNR # WT-13-12)

On March 11, 2014, the Department of Natural Resources submitted a proposed rule to the Wisconsin Legislative Council Clearinghouse, pursuant to s. 227.15 (1), Wis. Stats.

The scope statement for this rule, SS 034-12, was approved by the Governor on May 29, 2012, published in Register Number 678 on June 15, 2012, and approved by the Natural Resources Board on June 27, 2013.

Analysis

The proposed rule revises Chapters NR 200, 201, 203, and 205, relating to the administration of the Wisconsin Pollutant Discharge Elimination System (WPDES) permit program regarding wastewater discharges.

Agency Procedure for Promulgation

A public hearing is required and will be held on May 1, 2014.

Contact Person

Linda Haddix— Legal Services, (608) 266-1959.

Rule-Making Notices

Notice of Hearing

Agriculture, Trade and Consumer Protection CR 14-026

(DATCP DOCKET # 13-R-16)

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) announces that it will hold a public hearing on an emergency and proposed rule to revise Chapter ATCP 161, relating to dairy processor grants.

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

Hearing Date and Location

Date: Friday, April 18, 2014
Time: 9:30 a.m. to 11:30 p.m.
Location: Room 472
 Department of Agriculture, Trade and Consumer Protection
 2811 Agriculture Drive
 Madison, WI 53718-6777

Hearing impaired persons may request an interpreter for this hearing. Please make reservations for a hearing interpreter by April 4, 2014, by writing to Mike Bandli, Division of Agricultural Development, P.O. Box 8911, Madison, WI 53708-8911; or by emailing mike.bandli@wisconsin.gov; or by telephone at (608) 224-5136. Alternatively, you may contact the DATCP TDD at (608) 224-5058. The hearing facility is handicap accessible.

Place Where Comments are to be Submitted and Deadline for Submission

DATCP invites the public to attend the hearing and comment on the emergency and proposed rule. Following the public hearings, the hearing record will remain open until **May 2, 2014**, for additional written comments. Comments may be sent to the Division of Agricultural Development at the address below, or to mike.bandli@wisconsin.gov, or to <http://adminrules.wisconsin.gov>.

Copies of the Rule and Comments Relating to Small Business

You can obtain a free copy of the emergency and hearing draft rule and related documents including the economic impact analysis by contacting the Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Agricultural Development, 2811 Agriculture Drive, P.O. Box 8911, Madison, WI 53708. You can also obtain a copy by calling (608) 224-5136 or by emailing mike.bandli@wisconsin.gov. Copies will also be available at the hearing. To view the emergency and hearing draft rules online, go to: <http://adminrules.wisconsin.gov>.

Comments or concerns relating to small business may also be addressed to DATCP's small business regulatory coordinator Keeley Moll at the address above, or by email to

keeley.moll@wisconsin.gov, or by telephone at (608) 224-5039.

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

This proposed rule implements the "Wisconsin dairy processor" grant program created under ss. 20.115 (4) (dm) and 93.40 (1) (g), Stats., by 2013 Wisconsin Act 20 (biennial budget act). Under s. 93.40 (1) (g), Stats., the Department of Agriculture, Trade and Consumer Protection ("DATCP") is authorized to award grants and loans to dairy producers for projects designed to promote the growth of the dairy industry. The budget act created an annual appropriation in DATCP of \$200,000 for each year of the biennium for grants to dairy processors. (See s. 20.115 (4) (dm), Stats.)

This proposed rule does all of the following:

- Authorizes DATCP to make grant awards and distribute grant funds appropriated for the "Wisconsin dairy processor" grant and loan program.
- Applies the procedures and criteria that DATCP currently uses for dairy producer grants and loans funded under s. 20.115 (4) (d), Stats., to grants for dairy processors funded under s. 20.115 (4) (dm), Stats.

Statutes interpreted

Sections 20.115 (4) (dm) and 93.40 (1) (g), Stats.

Statutory authority

Sections 20.115 (4) (dm), 93.40 (1) (g), and 93.07 (1), Stats.

Explanation of statutory authority

Section 93.07 (1), Stats., directs DATCP to make such regulations as are necessary for the discharge of all the powers and duties of the department. While granting the authority to make grants to dairy processors, the budget language does not specify the bases for grant determinations. The agency considers it necessary to adopt rules to establish the bases for grant determinations in order to effectuate the purposes of ss. 20.114 (4) (dm) and 93.40 (1) (g), Stats. This proposed rule implements the "dairy processor" grant program.

Related rules or statutes

There are no directly related rules or statutes, other than those cited above. DATCP rules for the "dairy processor" grant program will be incorporated in subchapter of ch. ATCP 161, Wis. Adm. Code (agricultural development and market promotion).

Plain language analysis

The "dairy processor" grant program is designed to promote the growth of the dairy industry by providing grants to dairy processors. The biennial budget act appropriated \$200,000 in grant funding for each year of the FY 2013-15 fiscal biennium. This proposed rule spells out grant procedures and criteria. Under this proposed rule, the "dairy processor" grant program will support projects proposed by dairy processors intended to expand and diversify the dairy industry.

Grant purposes

Under this proposed rule, DATCP may award grants for projects that create, expand, diversify or promote any of the following:

- New capital investment in the dairy industry.
- New technologies or practices related to dairy production.
- Improvement of the competitive position of the Wisconsin dairy industry.
- Efficient use of farmland and other agricultural resources for dairy production.
- Employment in the dairy industry.

Grant limits

Under this proposed rule, DATCP may award no more than \$50,000 of grant funding to any person or entity in any state fiscal biennium. Once DATCP makes a grant award, DATCP may make the actual grant payments over an original contract term of up to 3 years.

Matching contribution

DATCP may give preference to applicants providing matching funds which may be in the form of capital, land, labor, equipment or cash related to the grant project.

Use of grant funds

Under this proposed rule, grant funds may be used to reimburse any of the following expenses if those expenses are a reasonable and necessary part of the grant project:

- Operating expenses, including expenses for salaries and wages, contract and consulting services, travel, supplies and public information.
- Equipment rental.
- The purchase of equipment whose full value is ordinarily depreciable within one year.

Grant funds may not reimburse any of the following expenses:

- Real estate purchases.
- Repayment of loans or mortgages.
- Rent or contract payments for time periods extending beyond the term of the grant contract.
- Equipment purchases, except for certain equipment purchases and depreciation expenses specifically authorized by this rule.
- Administrative or overhead costs that are not direct costs of the grant project.

Grant proposals

Under this proposed rule, DATCP must issue at least one request for grant proposals in each state fiscal biennium (DATCP may issue more frequent requests, if it chooses to do so). The request for proposals must describe the required form and content of grant and loan proposals, and must specify a deadline for submitting grant proposals. Applicants must submit grant proposals to DATCP, in the manner prescribed by DATCP's request for proposals.

Grant awards

Under this proposed rule, DATCP must evaluate grant proposals and issue its grant awards within 90 days after receipt of a complete proposal. DATCP must clearly identify each award recipient, the amount of the award, and the purposes for which the award is given. DATCP must consider

all of the following criteria when evaluating grant proposals and making grant awards:

- The extent to which a proposed project will benefit the dairy industry.
- Whether the proposal complies with DATCP's request for proposals.
- Whether the proposed project meets the standards prescribed in this proposed rule.
- The viability of the proposed project.
- The management and technical qualifications of the grant applicant.
- The qualifications of the persons who will carry out the project.
- The financial capacity of the grant applicant to complete the project as proposed.
- The adequacy of the project plan and budget.
- Whether the grant proposal adequately identifies the nature of project expenses to be reimbursed under the proposed grant.

Grant contracts

Under this proposed rule, DATCP must enter into a contract with a grant recipient before distributing any funds to that recipient. The contract must spell out grant terms and conditions, including performance requirements, reporting requirements and payment terms.

Grant payments

Under this proposed rule, DATCP may distribute grant funds in one or more payments, based on documented progress toward completion of the grant project. DATCP may require a grant recipient to file progress reports and require grant recipients to submit expense documentation as necessary to support grant payments.

Federal and surrounding state programs*Federal Programs*

There are currently no similar federal programs.

Surrounding State Programs

The Minnesota Dairy Development and Profitability Enhancement program awards \$200,000 annually in grants of up to \$5,000 per dairy producer to cover half the cost of a comprehensive business plan to evaluate farm start-up, modernization and expansion.

In 2009–2010, 50 Minnesota producers were selected to share \$1 million in grants aimed at boosting the state's livestock sector with projects that include renovation of milking facilities, barn upgrades, technology modernization, improved waste management systems, and business transitions.

There are no similar programs in Illinois, Indiana, Iowa, or Michigan.

Data and analytical methodologies

DATCP worked with representatives of various dairy industry groups to develop standards for grant and loan determinations contained in this proposed rule.

Analysis and Supporting Documents used to Determine Effect on Small Business

DATCP worked with representatives of various dairy industry groups to determine the effect of the proposed rule on small businesses.

Business Impact

The "dairy processor" grant program is voluntary and thus imposes no cost on businesses. By providing \$200,000 in

grant funding to dairy processors, the “dairy processor” grant program will benefit dairy farms, other dairy businesses and communities that participate in production, distribution or marketing of dairy products. Grant recipients will benefit directly, while others will benefit indirectly from the creation of a stronger dairy industry. DATCP plans to use application procedures that will make the cost of applying insignificant and particularly make it possible for small businesses to apply for funding without hiring consulting services. A complete Regulatory Flexibility Analysis is attached.

Initial Regulatory Flexibility Analysis

Rule summary

This proposed rule implements the “Wisconsin dairy processor” grant program created under ss. 20.115 (4) (dm) and 93.40 (1) (g), Stats., by 2013 Wisconsin Act 20 (biennial budget act). The “dairy processor” grant program is designed to promote the growth of the dairy industry by providing grants to dairy processors. The biennial budget act appropriated \$200,000 in grant funding for each year of the FY 2013–15 fiscal biennium. Among other things, this proposed rule does all of the following:

This proposed rule spells out grant procedures and criteria. Under this proposed rule, the “dairy processor” grant program will support projects proposed by dairy processors intended to expand and diversify the dairy industry.

Grant purposes

Under this proposed rule, DATCP may award grants for projects that create, expand, diversify, or promote any of the following:

- New capital investment in the dairy industry.
- New technologies or practices related to dairy production.
- Improvement of the competitive position of the Wisconsin dairy industry.
- Efficient use of farmland and other agricultural resources for dairy production.
- Employment in the dairy industry.

Grant limits

Under this proposed rule, DATCP may award no more than \$50,000 of grant funding to any person or entity in any state fiscal biennium. Once DATCP makes a grant award, DATCP may make the actual grant payments over an original contract term of up to 3 years.

Matching contribution

DATCP may give preference to applicants providing matching funds which may be in the form of capital, land, labor, equipment or cash related to the grant project.

Use of grant funds

Under this proposed rule, grant funds may be used to reimburse any of the following expenses if those expenses are a reasonable and necessary part of the grant project:

- Operating expenses, including expenses for salaries and wages, contract and consulting services, travel, supplies, and public information.
- Equipment rental.
- The purchase of equipment whose full value is ordinarily depreciable within one year.

Grant funds may not reimburse any of the following expenses:

- Real estate purchases.
- Repayment of loans or mortgages.
- Rent or contract payments for time periods extending beyond the term of the grant contract.
- Equipment purchases, except for certain equipment purchases and depreciation expenses specifically authorized by this rule.
- Administrative or overhead costs that are not direct costs of the grant project.

Grant proposals

Under this proposed rule, DATCP must issue at least one request for grant proposals in each state fiscal biennium (DATCP may issue more frequent requests, if it chooses to do so). The request for proposals must describe the required form and content of grant and loan proposals, and must specify a deadline for submitting grant proposals. Applicants must submit grant proposals to DATCP, in the manner prescribed by DATCP’s request for proposals.

Grant awards

Under this proposed rule, DATCP must evaluate grant proposals and issue its grant awards within 90 days after receipt of a complete proposal. DATCP must clearly identify each award recipient, the amount of the award, and the purposes for which the award is given. DATCP must consider all of the following criteria when evaluating grant proposals and making grant awards:

- The extent to which a proposed project will benefit the dairy industry.
- Whether the proposal complies with DATCP’s request for proposals.
- Whether the proposed project meets the standards prescribed in this emergency rule.
- The viability of the proposed project.
- The management and technical qualifications of the grant applicant.
- The qualifications of the persons who will carry out the project.
- The financial capacity of the grant applicant to complete the project as proposed.
- The adequacy of the project plan and budget.
- Whether the grant proposal adequately identifies the nature of project expenses to be reimbursed under the proposed grant.

Grant contract

Under this proposed rule, DATCP must enter into a contract with a grant recipient before distributing any funds to that recipient. The contract must spell out grant terms and conditions, including performance requirements, reporting requirements, and payment terms.

Grant payments

Under this proposed rule, DATCP may distribute grant funds in one or more payments, based on documented progress toward completion of the grant project. DATCP may require a grant recipient to file progress reports and require grant recipients to submit expense documentation as necessary to support grant payments.

Small business affected

This proposed rule will have a positive impact on dairy processors. The “dairy processor” grant program is voluntary and thus imposes no cost on businesses. By providing \$200,000 in grant funding annually to dairy processors, the

“dairy processor” grant program will benefit dairy farms, other dairy businesses and communities that participate in production, distribution or marketing of dairy products. Grant recipients will benefit directly, while others will benefit indirectly from the creation of a stronger dairy industry. DATCP plans to use application procedures that will make the cost of applying insignificant and particularly make it possible for small businesses to apply for funding without hiring consulting services.

Reporting, bookkeeping, and other procedures

The proposed rule does not regulate any small businesses and thus there are no reporting, bookkeeping or other procedures in the proposed rule for small businesses.

Professional skills required

The proposed rule does not regulate any small businesses and thus there is no profession skill required for small businesses.

Accommodation for small business

Many of the businesses affected by this rule are “small

businesses.” DATCP plans to use application procedures that will make the cost of applying insignificant and particularly make it possible for small businesses to apply for funding without hiring consulting services.

Conclusion

This rule will benefit affected businesses, including “small businesses.” This rule will not have any adverse effect on “small business”.

DATCP Contact

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

Kathy Schmitt
 Department of Agriculture, Trade and Consumer Protection
 P.O. Box 8911
 Madison, WI 53708-8911
 Telephone: (608) 224-5048
 E-Mail: kathy.schmitt@wisconsin.gov

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. ATCP 161, Dairy Processor Grants		
Subject		
Dairy Processor Grants		
Fund Sources Affected	Chapter 20 , Stats. Appropriations Affected	
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	20.115 (4) (dm)	
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 type="checkbox"/> State’s Economy <input type="checkbox"/> Local Government Units	<input checked="" 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		

<p>Policy Problem Addressed by the Rule</p> <p>This rule implements the “Wisconsin dairy processor” grant program created under s. 20.115 (4) (dm) and 93.40 (1) (g), Stats., by 2013 Wisconsin Act 20 (biennial budget act). Under s. 93.40 (1) (g), Stats., the Department of Agriculture, Trade and Consumer Protection (“DATCP”) is authorized to award grants and loans to dairy producers for projects designed to promote the growth of the dairy industry. The budget act creates an annual appropriation of \$200,000 for each year of the biennium in DATCP for grants to dairy processors. (See s. 20.115 (4) (dm), Stats.)</p> <p>This rule does all of the following:</p> <ul style="list-style-type: none"> • Authorizes DATCP to make grant awards and distribute grant funds appropriated for the “ Wisconsin dairy processor” grant program. • Specifies the procedures and criteria that DATCP will use to evaluate grant proposals, make grant awards and distribute grant payments. • Specifies the purposes for which grant funds may be used, subject to the terms of the grant contract.
<p>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)</p> <p>The “Wisconsin dairy processor” grant program is voluntary and thus imposes no cost on businesses. By providing \$200,000 in grant funding to dairy processors, the “grow Wisconsin dairy processor” grant program will benefit dairy farms, other dairy businesses and communities that participate in production, distribution or marketing of dairy products. Grant recipients will benefit directly, while others will benefit indirectly from the creation of a stronger dairy industry. DATCP plans to use application procedures that will make the cost of applying insignificant and particularly make it possible for small businesses to apply for funding without hiring consulting services.</p> <p>This rule will have a fiscal impact on DATCP operations. Under this rule, DATCP must issue at least one request for grant proposals in each state fiscal biennium. DATCP staff must review grant applications, recommend grant awards, administer grants, and ensure compliance with applicable requirements. DATCP staff will also provide technical assistance to grant and loan applicants and recipients, as appropriate.</p> <p>Program administration will occupy at least .5 FTE staff in DATCP’s Division of Agricultural Development (this does not include legal, managerial, DATCP central accounting, or other indirect staff support). The cost for the .5 FTE staff will be \$50,000 per year, including salary, fringe benefits and support costs (there will be a smaller proportionate cost for the remainder of the current fiscal year). DATCP will try to fill program staffing needs by shifting current staff from other agricultural development programs.</p> <p>Local Governments</p> <p>This rule will not impact local governments. Local governments will not have any implementation or compliance costs.</p> <p>Utility Rate Payers</p> <p>The rule will have no impact on utility rate payers.</p> <p>General Public</p> <p>This rule will have a positive effect on the agricultural sector of the economy and therefore on the state economy and in that way will produce positive results for the general public.</p>

<u>Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule</u>
<i>Benefits</i>
Dairy Processor grant recipients will benefit directly, while others will benefit indirectly from the creation of a stronger dairy industry.
General Public
The general public will benefit from this rule because the state will have a stronger dairy industry.
<i>Alternatives</i>
This rule does all of the following:
<ul style="list-style-type: none"> • Authorizes DATCP to make grant awards and distribute grant funds appropriated for the “Wisconsin dairy processor” grant program. • Specifies the procedures and criteria that DATCP will use to evaluate grant proposals, make grant awards and distribute grant payments. • Specifies the purposes for which grant funds may be used, subject to the terms of the grant contract.
The legislation that created the dairy processor grant program does not include criteria for grant determinations. To carry out legislative intent the only alternative is for DATCP to create those criteria by administrative rule.
<u>Long Range Implications of Implementing the Rule</u>
Long-term, implementing the rule will benefit dairy processors, the dairy industry and the general public.
<u>Compare With Approaches Being Used by Federal Government</u>
There are currently no similar federal programs.
<u>Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)</u>
The Minnesota Dairy Development and Profitability Enhancement program awards \$200,000 annually in grants of up to \$5,000 per dairy producer to cover half the cost of a comprehensive business plan to evaluate farm start-up, modernization and expansion.
In 2009–2010, 50 Minnesota producers were selected to share \$1 million in grants aimed at boosting the state’s livestock sector with projects that include renovation of milking facilities, barn upgrades, technology modernization, improved waste management systems and business transitions.
There are no similar programs in Illinois, Indiana, Iowa, or Michigan.
<u>Comments Received in Response to Web Posting and DATCP Response</u>
No comments were received in response either to the posting on the DATCP external website or the statewide administrative rules website.

Notice of Hearing

Children and Families
Early Care and Education, Chs. 201—252
CR 14-028

NOTICE IS HEREBY GIVEN that pursuant to s. 48.658 (4), Stats., the Department of Children and Families proposes to hold a public hearing to consider proposed rules relating to the child care vehicle safety alarm.

Hearing Date and Location

Date: Wednesday, April 23, 2014
Time: 11:00 a.m.
Location: GEF 1 Building, Room H206
 201 E. Washington Avenue
 Madison, WI

Interested persons are invited to appear at the hearing and will be afforded the opportunity to make an oral presentation of their positions. Persons making oral presentations are requested to submit their facts, views, and suggested rewording in writing.

If you have special needs or circumstances regarding communication or accessibility at a hearing, please call (608) 267-9403 at least 10 days prior to the hearing date. Accommodations such as ASL interpreters, English translators, or materials in audio format will be made available on request to the fullest extent possible.

Place Where Comments are to be Submitted and Deadline for Submission

A copy of the rules is available at <http://adminrules.wisconsin.gov>. This site allows you to view documents associated with this rule’s promulgation, register to receive email notification whenever the department posts

new information about this rulemaking order, and submit comments and view comments by others during the public comment period. You may receive a paper copy of the rules or fiscal estimate by contacting:

Elaine Pridgen
 Department of Children and Families
 201 E. Washington Avenue
 Madison, WI 53707
 (608) 267-9403
dcfpublichearing@wisconsin.gov

Written comments on the rules received at the above address, email, or through the <http://adminrules.wisconsin.gov> website no later than **April 24, 2014**, will be given the same consideration as testimony presented at the hearing.

Analysis Prepared by the Department of Children and Families

Statutory authority

Section 48.658 (4), Stats.

Statutes interpreted

Section 48.658, Stats.

Related statute or rule

None.

Explanation of agency authority

Section 48.658, Stats., as created by 2009 Wisconsin Act 19, provides that before a child care vehicle is placed in service, the child care provider or contractor of a child care provider that is the owner or lessee of the child care vehicle shall have an alarm system that prompts the driver of the vehicle to inspect the vehicle for children before exiting. A child care vehicle is defined as a vehicle that has a seating capacity of 6 or more passengers in addition to the driver, that is owned or leased by a child care provider or a contractor of a child care provider, and that is used to transport children to and from the child care provider.

Section 48.658 (4), Stats., provides that the department shall promulgate rules to implement the section. Those rules shall include a rule requiring the department, whenever it inspects a child care provider that is licensed under s. 48.65 (1), Stats., or established or contracted for under s. 120.13 (14), Stats., and [the department in a county having a population of 500,000 or more,] a county department[, or an agency with which the department contracts under s. 48.651 (2), Stats.], whenever it inspects a child care provider that is certified under s. 48.651, to inspect the child safety alarm of each child care vehicle to determine whether the child safety alarm is in good working order.

Summary of the proposed rules

The proposed rules amend the child care certification, family child care licensing, group child care licensing, and day camp licensing rules to incorporate the requirements on child care vehicle safety alarms in s. 48.658, Stats.

The proposed rules provide that a vehicle must be equipped with a child safety alarm that prompts the driver to inspect the vehicle for children before exiting the vehicle if the vehicle is owned or leased by a certified child care operator or licensee or a contractor of a child care operator or licensee, has a seating capacity of 6 or more passengers plus the driver, and is used to transport children in care.

No person may shut off a child safety alarm unless the person first inspects the vehicle to ensure that no child is left unattended in the vehicle. The child safety alarm shall be properly maintained and in good working order each time the vehicle is used for transporting children to or from a child care home, child care center, or base camp.

The child care licensing rules will be amended to require that the department inspect the child safety alarm of each vehicle to determine whether the child safety alarm is in good working order at least once per year. The child care certification rule will be amended to require a certification agency to inspect the child safety alarm as part of the on-site inspection of the premises done before initial certification, recertification, or within 30 days following a child care operator's move to a new location.

Summary of factual data and analytical methodologies

The proposed rules incorporate the requirements of s. 48.658, Stats.

Summary of related federal requirements

None.

Comparison to adjacent states

None of the adjacent states has a child care vehicle safety alarm requirement.

Effect on Small Business

The proposed rules will not affect small businesses as defined in s. 227.114 (1), Stats.

Analysis used to determine effect on small business or economic impact

The requirements in the rules that affect child care providers are also in statute.

Agency Contact Person

For licensed child care:

Anne Carmody
 Bureau of Early Care Regulation
anne.carmody@wisconsin.gov
 (608) 267-9761

For certified child care:

Jolene Ibeling
 Bureau of Early Care Regulation
jolene.ibeling@wisconsin.gov

Text of Rule

SECTION 1. DCF 202.04 (7) (b) 2. d. is amended to read:

DCF 202.04 (7) (b) 2. d. Conduct an on-site inspection of the premises where child care will be provided, including areas that will not be used for child care, before initial certification, recertification, or within 30 days following a child care operator's move to a new location. The inspection of the premises shall include an inspection of each vehicle that is required to have a child safety alarm under s. DCF 202.08 (9) (f) 1. or DCF 202.09 (12) (h) 1. to determine whether the child safety alarm is in good working order.

SECTION 2. DCF 202.08 (9) (f) is created to read:

DCF 202.08 (9) (f) 1. A vehicle is equipped with a child safety alarm that prompts the driver to inspect the vehicle for children before exiting if all of the following conditions apply:

a. The vehicle is owned or leased by a child care operator or a contractor of a child care operator.

b. The vehicle has a seating capacity of 6 or more passengers plus the driver. The seating capacity of the vehicle shall be determined by the manufacturer.

c. The vehicle is used to transport children in care.

2. No person may shut off a child safety alarm unless the person first inspects the vehicle to ensure that no child is left unattended in the vehicle.

3. The child safety alarm is properly maintained and in good working order each time the vehicle is used for transporting children to or from a child care home.

Note: Information on the required vehicle safety alarm is available on the department's website at <http://dcf.wisconsin.gov>.

SECTION 3. DCF 202.09 (12) (h) is created to read:

DCF 202.09 (12) (h) 1. A vehicle shall be equipped with a child safety alarm that prompts the driver to inspect the vehicle for children before exiting if all of the following conditions apply:

a. The vehicle is owned or leased by a child care operator or a contractor of a child care operator.

b. The vehicle has a seating capacity of 6 or more passengers plus the driver. The seating capacity of the vehicle shall be determined by the manufacturer.

c. The vehicle is used to transport children in care.

2. No person may shut off a child safety alarm unless the person first inspects the vehicle to ensure that no child is left unattended in the vehicle.

3. The child safety alarm shall be properly maintained and in good working order each time the vehicle is used for transporting children to or from a certified school-age child care program.

Note: Information on the required vehicle safety alarm is available on the department's website at <http://dcf.wisconsin.gov>.

SECTION 4. DCF 250.08 (8) is created to read:

DCF 250.08 (8) CHILD CARE VEHICLE SAFETY ALARM. (a) A vehicle shall be equipped with a child safety alarm that prompts the driver to inspect the vehicle for children before exiting if all of the following conditions apply:

1. The vehicle is owned or leased by a licensee or a contractor of a licensee.

2. The vehicle has a seating capacity of 6 or more passengers plus the driver. The seating capacity of the vehicle shall be determined by the manufacturer.

3. The vehicle is used to transport children in care.

(b) No person may shut off a child safety alarm unless the person first inspects the vehicle to ensure that no child is left unattended in the vehicle.

(c) The child safety alarm shall be properly maintained and in good working order each time the vehicle is used for transporting children to or from a center.

Note: Information on the required vehicle safety alarm is available in the "child care licensing/information for providers" section of the department website at <http://dcf.wisconsin.gov>.

SECTION 5. DCF 250.12 (2) is renumbered DCF 250.12 (2) (a).

SECTION 6. DCF 250.12 (2) (b) is created to read:

DCF 250.12 (2) (b) At least once per year, the department shall inspect each vehicle that is required to have a child safety alarm under s. DCF 250.08 (8) (a) to determine whether the child safety alarm is in good working order.

SECTION 7. DCF 251.08 (8) is created to read:

DCF 251.08 (8) CHILD CARE VEHICLE SAFETY ALARM. (a) A vehicle shall be equipped with a child safety alarm that prompts the driver to inspect the vehicle for children before exiting if all of the following conditions apply:

1. The vehicle is owned or leased by a licensee or a contractor of a licensee.

2. The vehicle has a seating capacity of 6 or more passengers plus the driver. The seating capacity of the vehicle shall be determined by the manufacturer.

3. The vehicle is used to transport children in care.

(b) No person may shut off a child safety alarm unless the person first inspects the vehicle to ensure that no child is left unattended in the vehicle.

(c) The child safety alarm shall be properly maintained and in good working order each time the vehicle is used for transporting children to or from a center.

Note: Information on the required vehicle safety alarm is available in the "child care licensing/information for providers" section of the department website at <http://dcf.wisconsin.gov>.

SECTION 8. DCF 251.12 (2) is renumbered DCF 251.12 (2) (a).

SECTION 9. DCF 251.12 (2) (b) is created to read:

DCF 251.12 (2) (b) At least once per year, the department shall inspect each vehicle that is required to have a child safety alarm under s. DCF 251.08 (8) (a) to determine whether the child safety alarm is in good working order.

SECTION 10. DCF 252.06 is renumbered DCF 252.06 (2) (a).

SECTION 11. DCF 252.06 (2) (b) is created to read:

DCF 252.06 (2) (b) At least once per year, the department shall inspect each vehicle that is required to have a child safety alarm under s. DCF 252.09 (5) (a) to determine whether the child safety alarm is in good working order.

SECTION 12. DCF 252.09 (5) is created to read:

DCF 252.09 (5) CHILD CARE VEHICLE SAFETY ALARM. (a) A vehicle shall be equipped with a child safety alarm that prompts the driver to inspect the vehicle for children before exiting if all of the following conditions apply:

1. The vehicle is owned or leased by a licensee or a contractor of a licensee.

2. The vehicle has a seating capacity of 6 or more passengers plus the driver. The seating capacity of the vehicle shall be determined by the manufacturer.

3. The vehicle is used to transport children in care.

(b) No person may shut off a child safety alarm unless the person first inspects the vehicle to ensure that no child is left unattended in the vehicle.

(c) The child safety alarm shall be properly maintained and in good working order each time the vehicle is used for transporting children to or from a base camp.

Note: Information on the required vehicle safety alarm is available in the "child care licensing/information for providers" section of the department website at <http://dcf.wisconsin.gov>.

SECTION 13. EFFECTIVE DATE. This rule shall take effect the first day of the month following publication in the Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R03/2012)

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 & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

DCF 202, Child Care Certification; DCF 250, Family Child Care Centers; DCF 251, Group Child Care Centers; and DCF 252, Day Camps for Children and Day Care Programs Established by School Boards.

3. Subject

Child Care Vehicle Safety Alarm

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

Section 48.658 (4), Stats., directs the department to promulgate rules that include the requirement that the department, whenever it inspects a child care provider that is licensed under s. 48.65 (1) or established or contracted for under s. 120.13 (14), and a certification agency, whenever it inspects a child care provider that is certified under s. 48.651, to inspect the child safety alarm of each child care vehicle that is used to transport children to and from the child care provider to determine whether the child safety alarm is in good working order.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

Certification agencies, Wisconsin Child Care Administrators Association, Wisconsin Family Child Care Association, Wisconsin Early Childhood Association, Supporting Families Together Association, AFSCME, and Wisconsin Intertribal Child Care Association.

11. Identify the local governmental units that participated in the development of this EIA.

Waukesha County Health and Human Services

12. 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)

There is no economic or fiscal impact on child care providers. The child care vehicle safety alarm requirements in the rule are also in statute.

The rule affects the department and certification agencies. Section 48.658 (4), Stats., directs the department to promulgate rules that include the requirement that the department or certification agency inspect the child care vehicle of child care licensees and certified child care operators to determine whether the child safety alarm is in good order. The rules provide that the department shall inspect a child care vehicle of licensees at least once per year. Certification agencies shall inspect a child care vehicle before initial certification, recertification, or within 30 days following a child care operator's move to a new location.

The economic or fiscal effect of the rules on certification agencies and the department is the cost of the difference between the frequency that the rules require inspections of child care vehicles and the cost of less frequent inspections. Inspection of child care vehicles can be time-consuming if the vehicle is not on the child care premises when the department or certification agency is there for other reasons. The department's inspections of child care licensees are unannounced. Certification agencies do an unannounced inspection of certified child care operators at least once every 2 years and other inspections may be scheduled. The vehicle may not be present at the time of an inspection because the child care provider contracts with a third-party transportation company or the vehicle may be in use transporting children.

One certification agency commented.

Waukesha County Health and Human Service's certification program does not have a financial impact in doing inspections with monitoring the car alarms for this proposed rule. The certifiers have been checking this for the past few years as part of the routine transportation section for car alarms in DCF 202 standards. We check this at initial visits, re-certifications, and, if needed, during monitoring visits. Most of our providers have chosen to either not transport or use a car that has less than 6 passengers, so we do not have many providers transporting at this time.

Four group child care centers commented.

1. I do not see any issues. The alarm requirement is already effective. The rule clarifies what the licensing specialist expects.
2. I agree with the rule. All safeguards should be in place to ensure no harm comes to the children.
3. The cost is around \$125 for each vehicle, which is not bad.
4. There was a cost to this requirement, especially because we have 3 vehicles. We are looking at the safety of our children and that is worth more than any amount of money. The alarm requirement should apply to any vehicle that carries groups of children.

Three family child care centers commented. In general, licensed family child care centers may not provide care to more than 8 children under the age of 7, and certified child care providers may not provide care for more than 3 unrelated children under the age of 7.

1. The alarm requirement should not apply to family child care centers. It is an unnecessary cost that I cannot afford. We already are required to have a system of counting to know how many and where children are at all times. A center that cannot handle that should not be caring for children. The alarm requirement is an unnecessary cost that I cannot afford. It has taken away the field trips that the children looked forward to. The alarm may be warranted for larger centers and centers with larger vehicles, but it is not warranted for family child care centers.

2. Field trips used to be a vital part of my child care program, but I ended the field trips and sold my van because of the alarm requirement. I could not figure out how to comply with the requirement and keep the children safe. I would have to unload the children and leave them unattended to enter the van and climb to the back to turn off the alarm.

3. The alarm requirement should be changed to apply only to passenger vehicles of 8 or more in addition to the driver instead of 6 or more. Child care programs are already facing hardship because of Youngstar and other Shares policies. School buses are not required to have a safety alarm.

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

Section 48.658 (4), Stats., directs the department to promulgate the rule.

14. Long Range Implications of Implementing the Rule

None

15. Compare With Approaches Being Used by Federal Government

NA

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

None of the adjacent states have a child care vehicle safety alarm requirement.

17. Contact Name

Jill Chase

18. Contact Phone Number

(608) 267-7933

This document can be made available in alternate formats to individuals with disabilities upon request.

Notice of Hearing**Natural Resources***Fish, Game, etc., Chs. 1—***CR 14-029**

(DNR # FH-34-13)

NOTICE IS HEREBY GIVEN THAT pursuant to ss. 227.16 and 227.17, Stats, the Department of Natural Resources, hereinafter the Department, will hold a public

hearing on Board Order FH-34-13 affecting Chapters NR 20 and 23, relating to trolling regulations on inland and boundary waters of Wisconsin on the date and at the time and locations listed below.

Hearing Date and Locations***Date and time***

April 14, 2014, at 7:00 p.m.

Locations (listed by county)

Adams	Adams County Courthouse County Board Room	400 Main Street, Friendship, WI 53934
Ashland	Ashland County Court House 3rd Floor Court Room	201 Main Street West, Ashland, WI 54806
Barron	Barron County Government Center Auditorium	335 E Monroe Avenue, Barron, WI 54812
Bayfield	Drummond Civic Center	52540 Front Avenue, Drummond, WI 54832
Brown	NWTC Corporate Conference Center Room CC210	2740 W Mason St., Green Bay, WI 54307
Buffalo	Alma High School Gymnasium	S1618 State Road 35, Alma, WI 54610
Burnett	Burnett County Government Center Room 165	7410 County Road K, Siren, WI 54872
Calumet	Calumet County Courthouse Room B025	206 Court Street, Chilton, WI 53014
Chippewa	Chippewa Falls Middle School	750 Tropicana Boulevard, Chippewa Falls, WI 54729
Clark	Greenwood High School Cafetorium	306 W Central Avenue, Greenwood, WI 54437
Columbia	Poynette Village Hall	106 S Main Street, Poynette, WI 53955
Crawford	Prairie du Chien High School	800 E Crawford Street, Prairie du Chien, WI 53821
Dane	Middleton High School Performing Arts Center	2100 Bristol Street, Middleton, WI 53562
Dodge	Horicon Marsh International Ed. Center Lower Auditorium	N7725 STH 28, Horicon, WI 53032
Door	Sturgeon Bay High School Commons	1230 Michigan Street, Sturgeon Bay, WI 54235
Douglas	Solon Springs High School	8993 E Baldwin Avenue, Solon Springs, WI 54873
Dunn	Dunn County Fish and Game Club	1600 Pine Avenue, Menomonie, WI 54751
Eau Claire	CVTC Business Ed. Center Room 103	620 W Clairemont Ave., Eau Claire, WI 54701
Florence	Florence Natural Resources Center	5631 Forestry Drive, Florence, WI 54121
Fond du Lac	Theisen Middle School	525 E Pioneer Road, Fond du Lac, WI 54935
Forest	Crandon High School	9750 US Highway 8 West, Crandon, WI 54520
Grant	Lancaster High School Auditorium	806 E Elm Street, Lancaster, WI 53813
Green	Monroe Middle School	1510 13th Street, Monroe, WI 53566
Green Lake	Green Lake High School Small Gymnasium	612 Mill Street, Green Lake, WI 54941
Iowa	Dodgeville High School Gymnasium	912 Chapel Street, Dodgeville, WI 53533
Iron	Mercer Community Center	2648 W Margaret Street, Mercer, WI 54547

Jackson	Black River Falls Middle School LGI Room	1202 Pierce Street, Black River Falls, WI 54615
Jefferson	Jefferson County Fair Park Activity Center	503 N Jackson Avenue, Jefferson, WI 53549
Juneau	Olson Middle School Auditorium	508 Grayside Avenue, Mauston, WI 53958
Kenosha	Bristol School District #1 Gymnasium	20121 83rd Street, Bristol, WI 53104
Kewaunee	Kewaunee High School Little Theater	911 3rd Street, Kewaunee, WI 54216
La Crosse	Onalaska High School Performing Arts Center	700 Hilltopper Place, Onalaska, WI 54650
Lafayette	Darlington Elementary School Lg. Group Room	11630 Center Hill Rd., Darlington, WI 53530
Langlade	Antigo High School Volm Theater	1900 10th Avenue, Antigo, WI 54409
Lincoln	Merrill High School Auditorium	1201 N Sales Street, Merrill, WI 54452
Manitowoc	UW–Manitowoc Theatre	705 Viebahn Street, Manitowoc, WI 54220
Marathon	D.C. Everest Middle School Auditorium	9302 Schofield Avenue, Weston, WI 54476
Marinette	Wausaukee High School Auditorium	N11941 Highway 141, Wausaukee, WI 54177
Marquette	Montello High School Community Room	222 Forest Lane, Montello, WI 53949
Menominee	Menominee County Courthouse	W3269 Courthouse Lane, Keshena, WI 54135
Milwaukee	Nathan Hale High School Auditorium	11601 W Lincoln Avenue, West Allis, WI 53227
Monroe	Meadowview School Cafetorium	1225 N Water Street, Sparta, WI 54656
Oconto	Suring High School Cafeteria	411 E Algoma Street, Suring, WI 54174
Oneida	James William Middle School	915 Acacia Lane, Rhinelander, WI 54501
Outagamie	Riverview Middle School Auditorium	101 Oak Street, Kaukauna, WI 54130
Ozaukee	Webster Middle School Commons	W75 N624 Wauwatosa Road, Cedarburg, WI 53012
Pepin	Pepin County Government Center County Board Room	740 7th Avenue West, Durand, WI 54736
Pierce	Ellsworth High School Auditorium	323 Hillcrest Street, Ellsworth, WI 54011
Polk	Unity High School Auditorium	1908 State Hwy 46, Balsam Lake, WI 54810
Portage	Ben Franklin Junior High School Auditorium	2000 Polk Street, Stevens Point, WI 54481
Price	Price County Courthouse Boardroom	126 Cherry Street, Phillips, WI 54555
Racine	Union Grove High School	3433 S Colony Avenue, Union Grove, WI 53182
Richland	Richland County Courthouse	181 W Seminary Street, Richland Center, WI 53581
Rock	Milton High School Auditorium	114 W High Street, Milton, WI 53563
Rusk	Ladysmith High School Auditorium	1700 Edgewood Avenue East, Ladysmith, WI 54848
Saint Croix	St. Croix Central High School Commons	1751 Broadway Street, Hammond, WI 54015
Sauk	UW–Baraboo Campus, Lecture Hall A–4	1006 Connie Road, Baraboo, WI 53913
Sawyer	Winter High School Auditorium	6585 Grove Street, Winter, WI 54896
Shawano	Shawano Middle School Room LGI	1050 S Union Street, Shawano, WI 54166
Sheboygan	Plymouth High School Auditorium	125 Highland Avenue, Plymouth, WI 53073
Taylor	Taylor County Multipurpose Meeting Room	Hwy 64/Hwy 13, Medford, WI 54451
Trempealeau	Whitehall City Center Gymnasium	18620 Hobson Street, Whitehall, WI 54773
Vernon	Viroqua High School Commons	100 Blackhawk Drive, Viroqua, WI 54665
Vilas	St. Germain Elementary School Gymnasium	8234 Hwy 70 West, St. Germain, WI 54558
Walworth	Delavan–Darien High School LGR Room 124/125	150 Cummings Street, Delavan, WI 53115
Washburn	Spooner High School Auditorium	801 County Highway A, Spooner, WI 54801

Washington	Washington County Fair Park	3000 Hwy PV, West Bend, WI 53095
Waukesha	Waukesha Co. Tech. Coll., Richard Anderson Center	800 Main Street, Pewaukee, WI 53072
Waupaca	Waupaca High School Performing Arts Center	E2325 King Road, Waupaca, WI 54981
Waushara	Waushara Co. Court House Board Room 265	209 S Saint Marie St., Wautoma, WI 54982
Winnebago	Webster Stanley Middle School Auditorium	915 Hazel Street, Oshkosh, WI 54901
Wood	Pittsville School District Admin. Building Auditorium	5459 Elementary Ave., Pittsville, WI 54466

Reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Contact Kari Lee-Zimmerman by email kari.leezimmerman@wisconsin.gov or by calling (608) 266-0580. A request must include specific information and be received at least 10 days before the date of the scheduled hearing.

Availability of the Proposed Rules and Fiscal Estimate

The proposed rule and supporting documents, including the fiscal estimate, may be viewed and downloaded from the Administrative Rules System Web site which can be accessed through the link <https://health.wisconsin.gov/admrules/public/Home>. If you do not have Internet access, a printed copy of the proposed rule and supporting documents, including the fiscal estimate, may be obtained free of charge by contacting Tim Simonson, Department of Natural Resources, Bureau of Fisheries Management 101 S. Webster St, Madison, WI, 53703, or by calling (608) 266-5222.

Submitting Comments and Deadline for Submission

Comments on the proposed rule must be received on or before **April 14, 2014**. Written comments may be submitted by U.S. mail, fax, email, or through the Internet and will have the same weight and effect as oral statements presented at the public hearing. Written comments and any questions on the proposed rules should be submitted to:

Tim Simonson
 Department of Natural Resources
 Bureau of Fisheries Management
 101 S Webster St, Madison, WI 53703
 Phone: 608-266-5222
 Email: timothy.simonson@wisconsin.gov
 Internet: Use the Administrative Rules System website accessible through the link provided above.

Analysis Prepared by the Department of Natural Resources

Statutory authority

Sections 29.014 (1) and 29.041, Stats., have been interpreted as giving the department the authority to make changes to fishing regulations on inland, outlying, and boundary waters of Wisconsin.

Plain language analysis of the proposed rule

The proposed rule would make modifications to portions of chs. NR 20 and 23, pertaining to trolling fishing regulations on inland and boundary waters of Wisconsin.

This rule would allow some form of trolling on all inland waters in Wisconsin, which would simplify current regulations and reduce confusion between trolling and position fishing. Trolling means fishing by trailing any lure,

bait, or similar device that may be used to attract or catch fish from a boat propelled by a means other than drifting or rowing. Drifting or “row trolling” is allowed in all waters statewide. Position fishing means fishing from a boat in a manner where the fishing line extends vertically into the water while the boat is maneuvered by the use of a motor. Position fishing could be a musky angler fishing with a sucker as bait while maneuvering the boat, but the fishing line would have to remain vertical. If it is trailed out behind the boat or fished under a bobber, then a significant part of the fishing line is no longer vertical in the water and the person is then motor trolling, which is prohibited on many waters. Many anglers want the option to trail a fishing line behind their boat while maneuvering the boat and not need to worry whether the line is staying completely vertical in the water. Allowing trolling in all inland waters may remove the need to define position fishing and allow anglers to trail bait behind their boats as well as do other forms of trolling, such as using planar boards that extend fishing lines far from the boat while motoring through the water.

Allowing trolling statewide would:

- 1) simplify regulations by eliminating confusion about where trolling is or is not allowed;
- 2) allow moving boats to trail behind suckers or other minnows while occupants are casting on all waters;
- 3) eliminate the need for disabled anglers to have to apply for trolling permits; and
- 4) provide additional fishing opportunities for anglers who may have difficulty fishing by other methods.

The rule allows fishing by the method of trolling on all inland waters with one hook, bait, or lure and — depending on location — up to three hooks, baits, or lures. Trolling means trailing a lure or bait from a boat propelled by a means other than drifting or rowing, and Section 1 will also include means other than pedaling or paddling.

Section 2 (amending s. NR 20.06 (1)) allows trolling with one hook, bait, or lure statewide and applies county-wide to Iron, Menominee, Milwaukee, Ozaukee, and Vilas counties. It also applies county-wide to Fond du Lac and Waushara counties, with the exception of Lake Winnebago system waters in those counties that allow 3 hooks, baits, or lures when trolling.

Exceptions to the one hook, bait, or lure rule are listed in Section 3 (creating s NR 20.15 (4), covering 55 counties) and Sections 16, 20, 25, 32, 33, 35, 37, 48, 50, 55, 60, and 61 (amendments throughout s. NR 20.20 and ch. NR 23). All other sections repeal existing rule language for counties that will now be governed by Section 3, which allows trolling with up to three hooks, baits, or lures per person. Door, Florence, Jackson, Lincoln, Marathon, Marquette, Oneida, Sawyer, Sheboygan, and Washington counties will allow trolling with 3 hooks, baits, or lures on waters where it is currently allowed and trolling with 1 hook, bait, or lure on all other waters in the

county. The number of hooks, baits, or lures allowed on Lake Michigan and Green Bay tributaries will match the number allowed in their respective counties. All Lake Winnebago system waters will allow trolling with up to 3 hooks, baits, or lures. There is no change to trolling rules on outlying waters and WI-MN, WI-IA, and WI-MI boundary waters, which already allow trolling with up to three hooks, baits, or lures except on WI-MI boundary waters of Vilas County which will allow trolling with only 1 hook, bait, or lure.

Summary of and comparison with existing or proposed federal statutes and regulations

Authority to promulgate fishing regulations is granted to states. None of the proposed changes violate or conflict with federal regulations.

Comparison with rules in adjacent states

Motor trolling has been allowed for decades in Michigan (3 lines) and Minnesota (1 line). Trolling is allowed in Illinois provided the angler has not more than three poles and lines with not more than two hooks or lures on each. Iowa anglers may not use more than two lines or more than two hooks on each line when still fishing or trolling; if trolling and bait casting, one cannot use more than two trolling spoons or artificial baits on one line. A third line may be used when possessing a valid third line fishing permit.

Summary of factual data and analytical methodologies

Restrictions on motor trolling are inconsistently applied across the inland waters of Wisconsin. There is no biological justification for this inconsistency from lake-to-lake or county-to-county; angling success (catch rates) and harvest of muskellunge, walleye, or northern pike do not differ between casting and trolling. Also, a variety of interpretations still exist among anglers regarding the differences between “motor trolling” and “position fishing.” For example, the practice of drifting with live bait and occasionally repositioning the boat, usually with an electric motor (often while also casting and retrieving an artificial lure), is specifically prohibited, yet many anglers believe this method is consistent with the definition of “position fishing.” There are two primary concerns related to motor trolling: first, that trolling will result in more conflicts among anglers on small lakes, and second, that trolling negatively impacts the size-structure of fish populations (mainly muskellunge). However, the department has had no reports of user conflicts from the considerable number of waters already open to motor trolling, even though most are less than 400 acres in size.

In 2012, attendees of the statewide Spring Fish and Wildlife Hearings voted in favor of a Conservation Congress advisory question to allow motor trolling statewide, with 1,928 people in favor and 1,576 people opposed. In a 2010–11 statewide mail survey, 64% of musky anglers reported doing some amount of trolling for muskellunge in Wisconsin during 2010, and 91% indicated they would do some amount of trolling if it were legalized statewide.

A 2013 rule (FH-18-12) proposed by the department originally included a trolling proposal that would have allowed trolling on all inland waters statewide with up to three

hooks, baits, or lures per angler (three is the maximum number of hooks, baits, or lures that a person may use while hook and line fishing). After public hearings in each county and discussions with Wisconsin Conservation Congress delegates, the rule was modified to allow trolling on all inland waters statewide with one hook, bait, or lure per angler, and allowing trolling with up to three hooks, baits, or lures in most counties of the State and some individual waters. However, after submitting the rule to the Governor’s Office of Regulatory Compliance, it requested that the department remove all trolling elements from the rule and obtain additional public input on a trolling proposal.

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

It is not expected that there will be any economic impact directly related to these rule changes. The proposed rule does not apply directly to businesses, but to sport anglers. The department will conduct an economic impact analysis to determine if any individuals, businesses, local governments, or other entities expect to be affected economically.

Effects on Small Business

The rule is not expected to have an effect on small businesses. The proposed rule does not impose any compliance or reporting requirements on small businesses nor are any design or operational standards contained in the rule.

The Small Business Regulatory Coordinator may be contacted at SmallBusiness@dnr.state.wi.us, or by calling (608) 266–1959.

Environmental Analysis

The Department has made a preliminary determination that adoption of the proposed rules would not involve significant adverse environmental effects and would not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on comments received, an environmental analysis may be prepared before proceeding. This analysis would summarize the Department’s consideration of the impacts of the proposal and any reasonable alternatives.

Fiscal Estimate Summary

It is not expected that there will be any economic impact directly related to these rule changes. The proposed rule does not apply directly to businesses, but to sport anglers. The rule is not expected to have an effect on small businesses. The proposed rule does not impose any compliance or reporting requirements on small businesses nor are any design or operational standards contained in the rule.

Agency Contact Person

Tim simonson
Department of Natural Resources
P.O. Box 7921
Madison, WI 53707–7921
Telephone: (608) 266–5222
Email: timothy.simonson@wisconsin.gov

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R03/2012)

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 & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

NR 20, Fishing: Inland Waters; Outlying Waters and NR 23, Wisconsin-Michigan Boundary Waters

3. Subject

Trolling regulations on inland and boundary waters of Wisconsin

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

This rule is being pursued in order to allow some form of trolling on all inland waters in Wisconsin, which would simplify current regulations and reduce angler confusion between trolling and position fishing.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

For comments on the economic impact of the rule, the department will be contacting the Wisconsin Conservation Congress, the Wisconsin Counties Association, League of Wisconsin Municipalities, tribal entities, and many other angling associations throughout the state.

11. Identify the local governmental units that participated in the development of this EIA.

If any local governmental units request to coordinate with the department on preparation of the EIA they will be listed here.

12. 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)

It is not expected that there will be any economic impact directly related to these rule changes. The proposed rule does not apply directly to businesses, but to sport anglers. The rule is not expected to have an effect on small businesses. The proposed rule does not impose any compliance or reporting requirements on small businesses nor are any design or operational standards contained in the rule.

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

Restrictions on motor trolling are inconsistently applied across the inland waters of Wisconsin. There is no biological justification for this inconsistency from lake-to-lake or county-to-county; angling success (catch rates) and harvest of muskellunge, walleye, or northern pike do not differ between casting and trolling. Also, a variety of interpretations still exist among anglers regarding the differences between “motor trolling” and “position fishing.” For example, the practice of drifting with live bait and occasionally repositioning the boat, usually with an electric motor (often while also casting and retrieving an artificial lure), is specifically prohibited, yet many anglers believe this method is consistent with the definition of “position fishing.” There are two primary concerns related to motor trolling: first, that trolling will result in more conflicts among anglers on small lakes, and second, that trolling negatively impacts the size-structure of fish populations (mainly muskellunge). However, the department has had no reports of user conflicts from the considerable number of waters already open to motor trolling, even though most are less than 400 acres in size.

14. Long Range Implications of Implementing the Rule

No state fiscal impact is expected.

Allowing trolling statewide would:

- 1) simplify regulations by eliminating confusion about where trolling is or is not allowed;
- 2) allow moving boats to trail behind suckers or other minnows while occupants are casting on all waters;
- 3) eliminate the need for disabled anglers to have to apply for trolling permits; and
- 4) provide additional fishing opportunities for anglers who may have difficulty fishing by other methods.

15. Compare With Approaches Being Used by Federal Government

Authority to promulgate fishing regulations is granted to states. None of the proposed changes violate or conflict with federal regulations.

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

Motor trolling has been allowed for decades in Michigan (3 lines) and Minnesota (1 line). Trolling is allowed in Illinois provided the angler has not more than three poles and lines with not more than two hooks or lures on each. Iowa anglers may not use more than two lines or more than two hooks on each line when still fishing or trolling; if trolling and bait casting, one cannot use more than two trolling spoons or artificial baits on one line. A third line may be used when possessing a valid third line fishing permit.

A 2013 department rule (FH-18-12) originally included a trolling proposal that would have allowed trolling on all inland waters statewide with up to three hooks, baits, or lures per angler (three is the maximum number of hooks, baits, or lures that a person may use while hook and line fishing). After public hearings in each county and discussions with Wisconsin Conservation Congress delegates, the rule was modified to allow trolling on all inland waters statewide with one hook, bait, or lure per angler, and allowing trolling with up to three hooks, baits, or lures in most counties of the State and some individual waters. However, after submitting the rule to the Governor’s Office of Regulatory Compliance, it requested that the department remove all trolling elements from the rule and obtain additional public input on a trolling proposal.

17. Contact Name
Tim Simonson

18. Contact Phone Number
608-266-5222

This document can be made available in alternate formats to individuals with disabilities upon request.

Notice of Hearing

Natural Resources

Environmental Protection — WPDES, Chs. 200—

CR 14-027

(DNR # WT-13-12)

NOTICE IS HEREBY GIVEN THAT pursuant to ss. 227.16 and 227.17, Stats, the Department of Natural Resources, hereinafter the Department, will hold a public hearing on proposed revisions to Chapters NR 200, 201, 203, and 205, Wis. Adm. Code, relating to the Wisconsin Pollutant Discharge Elimination System (WPDES) wastewater permit program regarding permit processing and permit issuance procedures, on the date and at the time and location listed below.

Hearing Date and Location

Date: Thursday, May 1, 2014
Time: 10:00 a.m. to 12:00 p.m.
Location: Department of Natural Resources
 Natural Resources Building
 Room 313
 101 South Webster Street
 Madison, WI 53703

Reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Contact Paul Luebke using the contact information below. A request must include specific information and be received at least 10 days before the date of the scheduled hearing.

Availability of the Proposed Rules and Fiscal Estimate

The proposed rule and supporting documents, including the fiscal estimate, may be viewed and downloaded from the Administrative Rules System Web site which can be accessed through the link <https://health.wisconsin.gov/admrules/public/Home>. If you do not have Internet access, a printed copy of the proposed rule and supporting documents, including the fiscal estimate, may be obtained free of charge by contacting Paul Luebke using the contact information below.

Submitting Comments

Comments on the proposed rule must be received on or before **May 12, 2014**. Written comments may be submitted by U.S. mail, fax, E-mail, or through the Internet and will have the same weight and effect as oral statements presented at the public hearing. Written comments and any questions on the proposed rules should be submitted to:

Paul Luebke, WQ/3
 Department of Natural Resources
 Bureau of Water Quality
 101 S Webster St
 PO Box 7921
 Madison, WI 53707-7921
 Phone: (608) 266-0234
 Fax: (608) 267-2800
 E-mail: Paul.Luebke@wisconsin.gov
 Internet: Use the Administrative Rules System Web site accessible through the link provided above.

Analysis Prepared by the Department of Natural Resources

Statutes interpreted

Sections 283.31, 283.33, 283.35, 283.37, 283.39, 283.41, 283.45, 283.49, 283.53, 283.63, 285.61, and 285.62, Stats.

Statutory authority

Sections 227.11, 283.11, 283.31, 283.37, 283.39, and 283.41, Stats.

Explanation of agency authority

Chapter 283, Stats., grants authority to the Department to establish, administer and maintain a Wisconsin Pollutant Discharge Elimination System (WPDES). More specifically, ss. 283.11 and 283.31, Stats., provide authority to promulgate rules to administer the WPDES permit program consistent with federal requirements. The Department has general authority to promulgate rules under s. 227.11 (2) (a), Stats., that interpret the specific statutory authority granted in ch. 283, Stats.

Related statute or rule

These rules relate directly to the WPDES permit program that regulates wastewater discharges. Chapters NR 200, 201, and 203, Wis. Adm. Code relate to permit processing and permit issuance procedures. Chapter NR 205, Wis. Adm. Code, contains general provisions applicable to the WPDES permit program.

Plain language analysis

The purpose of the proposed rule changes is to ensure that the state's regulations are consistent with federal regulations as well as recent statutory revision in 2011 Act 167. The rule changes will establish clear regulatory requirements for the

processing of WPDES permits. Minor clarifications and corrections will also be made to these chapters.

Specifically, the proposed rule package will address EPA's issues with the state authority regarding permit processing issues and other permit issuance procedural matters. In a letter dated July 18, 2011, the U.S. Environmental Protection Agency (EPA) identified 75 potential issues with Wisconsin's statutory and regulatory authority for the WPDES permit program. EPA directed the Department to either make rule changes to address this inconsistency or obtain a statement from the Attorney General's Office verifying that the existing rule is consistent with federal regulations. The Department believes adoption of these rule changes (referred to as Rule Package 6) will address EPA's concerns for 13 of the issues. The item number of the applicable EPA issue is indicated in each rule section that addresses an EPA issue.

Following is a brief summary of changes to chs. NR 200, 201, 203, and 205, Wis. Adm. Code:

Chapter NR 200 — This chapter contains the requirements for permit applications and water quality standards variances. A new section was created to add the federal regulations for the preparation of a draft permit after the receipt of a complete application, which were lacking in the rule as cited in EPA issue 65.

Chapter NR 201 — This chapter contains the requirements for the contents of the fact sheet for WPDES permits. Because of several changes needed to update the existing rule this chapter was repealed and recreated. It now includes all the federal regulations to address EPA issues 21 and 66. It is also consistent with s. 283.45, Stats. A note states that if the public notice includes some of the information specified in the fact sheet it may be omitted from the fact sheet because it is more appropriate in the public notice (decision to issue or deny a permit and the beginning and end dates of the comment period). The recreated rule was written compliant with the format procedures for drafting rules that the existing rule did not follow.

Chapter NR 203 — This chapter contains the processes for public noticing a draft permit, informational hearing, final determination to issue or deny a permit, and public adjudicatory hearing. Following are the significant changes to this rule:

- The rule was revised to address EPA issues 3, 22, 50, and 51 to be consistent with federal regulations. This consists of language clarifying the processes for permit actions (modifications, revocation and reissuance, or termination), identifying the causes for permit actions, the notification of government agencies and others, and public informational hearing requests.
- The rule was revised to address 2011 Act 167 changes to ch. 283 and ch. 285, Stats., and changes initiated by the Department to clarify public notice procedures. This consists of language to identify what is to be included in the public notice, allows use of the Department's Internet Web site to post public notices and documents, proposed variances to water quality standards may be included in the public notice, the term notification replaces circulation to reflect the broader use of electronic media, and permit actions related to substantial changes to concentrated animal feeding operation nutrient management plans.

Chapter NR 205 — This chapter contains WPDES program definitions, general conditions applicable to WPDES permits, and requirements for the issuance of

WPDES general permits. The rule was revised to address EPA issues 18, 45, 47, 48, 49, and 62 to be consistent with federal regulations. This consists of language that added termination of the permit for certain violations, replaced the use of the term suspension with termination, clarified the signatory requirements for permit documents, revised the reporting requirements for facility changes, and added general conditions that permit compliance constitutes compliance for purposes of enforcement and affirmative defense.

Summary and comparison with existing and proposed federal regulations

The Department rules will be consistent with existing federal regulations with the revisions contained in this rule package. No proposed federal regulations are applicable; none were mentioned in EPA’s letter that contained the 75 issues the Department needed to address.

Comparison of similar rules in adjacent states

All the other U.S. EPA Region 5 states (Illinois, Indiana, Michigan, Minnesota, and Ohio) are subject to the U.S. EPA regulations that are delegated to the states for implementation. Wisconsin’s rules for permit processing and other permit issuance procedures should essentially be the same as the other states.

Summary of factual data and analytical methodologies

Not applicable.

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

Not applicable. The requirements of this rule package establish permit processing procedures that are implemented by the Department and affect Department staff, not the permit applicants.

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R03/2012)

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 & Economic Impact Analysis**

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

NR 200, NR 201, NR 203, and NR 205

3. Subject

Regulatory requirements for the processing of WPDES permits

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Effect on Small Business

None, the requirements of this rule package affect the Department not the permit applicants.

The Small Business Regulatory Coordinator may be contacted at SmallBusiness@dnr.state.wi.us, or by calling (608) 266-1959.

Environmental Analysis

The Department has made a preliminary determination that adoption of the proposed rules would not involve significant adverse environmental effects and would not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on comments received, an environmental analysis may be prepared before proceeding. This analysis would summarize the Department’s consideration of the impacts of the proposal and any reasonable alternatives.

Fiscal Estimate Summary

The Department’s tentative determination is that proposed Rule Package 6 will not have an economic impact, and we do not anticipate any entity will be economically affected. The requirements of this rule package establish permit processing procedures that are implemented by the Department and affect the Department staff, not the permit applicants. The solicitation notice for comments on the economic impact analysis was posted on November 4, 2013. The Department has not received any comments or requests for information about Rule Package 6.

Agency Contact

Paul W. Luebke, PH
Wisconsin Department of Natural Resources
Bureau of Water Quality WQ/3
101 South Webster Street
P.O. Box 7921
Madison, WI 53707-7921
Paul.Luebke@wisconsin.gov

5. Chapter 20, Stats. Appropriations Affected

None

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 13–104**

(DATCP DOCKET # 13–R–03)

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 82, relating to bulk milk collection, sampling, and transportation.

The proposed rule was approved by the governor on March 10, 2014.

Corrections **CR 11–022**

On March 14, 2014, the Wisconsin Department of Corrections submitted a proposed rule to the presiding officer of each house of the Legislature. The proposed rule revises Chapters DOC 302, 303, 308, 309, 310, 310 Appendix, 311, 313, 324, and 327, and repeals Chapter DOC 303 Appendix, relating to the discipline of inmates.

This rule is not subject to s. 227.185, Stats. The statement of scope for this rule was published in Wisconsin Administrative Register No. 633 on September 30, 2008, prior to the June 8, 2011, effective date for s. 227.185, Stats.

Employment Relations Commission **CR 13–092**

On March 17, 2014, the Wisconsin Employment Relations Commission submitted proposed administrative rules to the Chief Clerk of each house of the Legislature. The proposed rule revises Chapters ERC 70, 71, and 80, regarding annual certification elections.

This proposed rule was approved by the Governor on March 14, 2014.

Public Service Commission **CR 13–048**

(PSC DOCKET # 1–AC–229)

The Public Service Commission of Wisconsin has submitted a final draft of proposed rules to the presiding officer of each house of the Legislature for standing committee review, pursuant to Wis. Stat. s. 227.19 (2). The proposed rule repeals sections PSC 113.0301 (1m) (j) and (3), 113.0406 (7), 134.062 (2), 134.063 (1) (L), 134.13 (7), 185.33 (18), and 185.37 (2) (L); amends sections PSC 113.0301 (1m) (i), 134.062 (1) (k), and 185.37 (2) (k); and creates sections PSC 113.0408, 113.0409, 134.051, 134.053, 185.30, and 185.305, relating to applications for service and the Fair and Accurate Credit Transactions Act

This rule is not subject to s. 227.135 (2), Stats., as affected by 2011 Wis. Act 21. The scope statement for this rule,

published in Register No. 666, on June 14, 2011, was sent to the Legislative Reference Bureau prior to June 8, 2011.

Safety and Professional Services — **Board of Nursing** **CR 13–098**

On March 14, 2014, the Board of Nursing submitted a proposed rule to the Chief Clerks of the Senate and the Assembly for referral to appropriate standing committees under s. 227.19, Stats. The proposed rule-making order creates Chapter N 9, relating to nurse licensure compact.

The Governor approved the rule under s. 227.185, Stats., on March 13, 2014.

Safety and Professional Services — **Board of Nursing** **CR 14–002**

On March 14, 2014, the Board of Nursing submitted a proposed rule to the Chief Clerks of the Senate and the Assembly for referral to appropriate standing committees for review under s. 227.19, Stats. The proposed rule-making order repeals and recreates Chapters N 2 and 3, relating to licensure.

The Governor approved the rule under s. 227.185, Stats., on March 13, 2014.

Safety and Professional Services — **Marriage and Family Therapy, Professional** **Counseling and Social Work Examining Board** **CR 13–094**

On March 10, 2014 the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board submitted a proposed rule-making order to the Chief Clerks of the Senate and the Assembly for referral to appropriate standing committees for review under s. 227.19, Stats. The rule-making order revises Chapter MPSW 3, relating to temporary social work credential.

The Governor approved the rule under s. 227.185, Stats., on March 10, 2014.

Safety and Professional Services — **Marriage and Family Therapy, Professional** **Counseling and Social Work Examining Board** **CR 13–118**

On March 14, 2014, the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board submitted to the Chief Clerks of the Senate and the Assembly for referral to appropriate standing committees for review under s. 227.19, Stats. The proposed rule-making order repeals sections MPSW 2.01 (14) and 10.01 (3m), relating to the definition of psychotherapy.

The Governor approved the rule under s. 227.185, Stats., on March 14, 2014.

Workforce Development
Unemployment Insurance, Chs. 100—150
CR 13-106

The Wisconsin Department of Workforce Development has submitted a rule for legislative committee review,

pursuant to s. 227.19, Stats. The proposed rule revises Chapters DWD 111, 113, 114, 115, 132, and 140, relating to quarterly wage reporting procedures, settlement of disputes and compromise of liabilities, license revocation and financial matching, business transfers, determining eligibility for benefits, and unemployment insurance appeals.

The Governor approved the rule on March 10, 2014.

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.

Agriculture, Trade and Consumer Protection **CR 13-058**

(DATCP DOCKET # 13-R-01)

Revises Chapters ATCP 10 and 12, relating to animal disease control; animal movement, and animal markets, dealers, and truckers.
Effective 6-1-14.

Agriculture, Trade and Consumer Protection **CR 13-066**

(DATCP DOCKET # 12-R-08)

Revises Chapters ATCP 110 and 111, relating to home improvement practices and basement waterproofing practices.
Effective 6-1-14.

Public Service Commission **CR 13-040**

(PSC DOCKET # 1-AC-240)

Renumbers section PSC 118.02 (6g) (a) to (e); renumbers and amends sections PSC 118.01 (1), 118.02 (6g) (intro.), and 118.03 (3); amends sections PSC 118.02 (1m) and (5), 118.03 (2) (intro.) and (c), 118.04 (1m) (c), (4), and (5), 118.055 (title), (1), (2) (intro.) to (b), (e), and (f), and (3) to (5), 118.06 (2) (b), (c) 1., (cm) (intro.) and 1., (d) 1m., (em), and (5), and 118.09 (1) to (7); and creates sections PSC 118.01 (3), 118.03 (3) (b) and (5), 118.04 (2) (fm), and 118.08 (3) and (4), relating to renewable resource credits.
Effective 5-1-14.

Revenue **CR 13-078**

Amends sections Tax 2.61 (7) (a) 4., (b) 4., and (g) (intro.) and 1., 2.62 (2) (d) 1., and 2.64 (2) (a), (b) 7., (c), and (e) 3., and creates section Tax 2.465, relating to apportionment of apportionable income of interstate air freight forwarders affiliated with a direct air carrier.
Effective 5-1-14.

Workforce Development ***Unemployment Insurance, Chs. 100-150*** **CR 13-081**

Revises Chapters DWD 126, 127, and 129, relating to unemployment insurance work registration, work search and benefit claiming procedures.
Effective 5-1-14, except the treatments of sections DWD 126.03 and 127.02 will take effect when the Secretary determines the department has the technological ability to implement the changes.

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

Creates Chapter DWD 801, relating to workforce training grants under the Wisconsin Fast Forward program.
Effective 5-1-14.

Rules Published with this Register and Final Regulatory Flexibility Analyses and Repeals and Modifications of Rules by Legislative Acts

The following administrative rule orders and legislative acts that repeal or modify rule have been adopted or enacted and the changes, additions, and deletions to the Wisconsin Administrative Code contained in these rules and acts have been incorporated into the affected chapters of the Administrative Code. The affected chapters are published in this edition of the Wisconsin Administrative Register. (see sections 35.93 and 227.265, Wis. Stats.)

For subscription information, contact Document Sales at (608) 266-3358. (Paper publication of and subscriptions to the Wisconsin Administrative Code and the subscription service will cease January 1, 2015. The administrative code will be published on the Internet at <http://legis.wisconsin.gov/rsb/code.htm>. See that site or <http://legis.wisconsin.gov/rsb/codenews.pdf> for details.)

Administrative Rules Published

Agriculture, Trade and Consumer Protection

CR 13-058

(DATCP DOCKET # 13-R-01)

An order of the Department of Agriculture, Trade and Consumer Protection to revise Chapters ATCP 10 and 12, relating to animal disease control, animal movement, and animal markets, dealers, and truckers.

Effective 6-1-14.

Summary of Effects on Small Business

The majority of these rule modifications are technical and have no fiscal effect or have already been implemented by the division due to prior changes in state law. Many of the rule modifications will ease program requirements and may reduce costs to small business. The rule modifications that may have a greater economic impact on small business are changes required to align with federal USDA regulations relating to farm-raised deer enrolled in the CWD herd status program.

Summary of Comments from Legislative Committees

On December 10, 2013, the Legislature officially received the above-referenced rule which the DATCP Secretary previously signed and submitted on December 9, 2013, pursuant to s. 227.19, Stats. The rule was approved by the Governor on November 27, 2013.

The rule was assigned to the Assembly Committee on Agriculture and the Senate Committee on Agriculture, Small Business, and Tourism. Neither committee took action. The Assembly referred the rule to the Joint Committee for Review of Administrative Rules (JCRAR) on January 27, 2014 and the Senate referred it to JCRAR on January 17, 2014. JCRAR took no action on the rule.

Agriculture, Trade and Consumer Protection

CR 13-066

(DATCP DOCKET # 12-R-08)

An order of the Department of Agriculture, Trade and Consumer Protection to revise Chapters ATCP 110 and 111, relating to home improvement practices and basement waterproofing practices.

Effective 6-1-14.

Summary of Effects on Small Business

DATCP anticipates that this rule would affect small business. The existing ch. ATCP 110 regulates businesses that provide home improvement services. Many of these businesses are “small businesses.” They include general contractors, landscapers, plumbers, roofers, window installers, cabinet makers, electricians, and many more. Some of changes to ch. ATCP 110 proposed in this rule will have an effect on some of these businesses. However, DATCP anticipates that those effects will be beneficial. The proposed rule streamlines existing regulations to make them easier for home improvement providers to comply. But the rule does not eliminate these regulations, thereby preserving important protections for consumers. This rule may benefit home improvement contractors in the following ways:

- General contractors working on significant reconstruction projects would no longer be regulated under this proposed rule. Currently, ch. ATCP 110 does not regulate new home construction but it does regulate home improvement projects. Under this proposal, major reconstructions — those projects where the price of the contract is greater than the assessed value of the preexisting structure — would be treated like new home construction.
- For all home improvement contractors, this rule provides some additional flexibility (as long as certain conditions are met). Including:
 - Building permits need only be obtained before work on that portion of the project concerning the building permit. Otherwise, all required building permits must be obtained before any work is completed.
 - Sellers can provide written manufacturers’ warranties at the conclusion of the work. Otherwise, written manufacturers’ warranties must be provided at the time the product is installed.
 - Under very limited circumstances, sellers can deviate from the written contract based on verbal agreements between the buyer and the seller.
 - The seller cannot be held responsible for delays in contract performance if the seller can demonstrate that delay was caused by actions or inactions of the buyer, destructive acts of nature, or disruptive civil disorder.

Summary of Comments from Legislative Committees

On December 10, 2014, DATCP transmitted the above rule for legislative committee review. The rule was assigned to the Assembly Committee on Consumer Protection and the Senate Committee on Agriculture, Small Business, and Tourism. Neither committee took action. The Senate referred the rule to the Joint Committee for Review of Administrative Rules (JCRAR) on January 17, 2014 and the Assembly referred it to JCRAR on January 27, 2014. JCRAR took no action on the rule.

Natural Resources***Fish, Game, etc., Chs. 1—*****CR 13–052**

(DNR # WM–06–13)

An order of the Wisconsin Natural Resources Board to repeal sections NR 10.06 (9) (b) and 10.31 (1) (a); to amend sections NR 10.001 (9w), 10.01 (1) (v), 10.125 (3) (intro.), and 10.125 (4) (a); to repeal and recreate sections NR 10.01 (1) (b) to (u), 10.12 (3) (c), and 10.31 (3) (a); and to create sections NR 10.12 (3) (e), and 10.125 (2) (b) 3., relating to migratory bird hunting regulations.

Effective 4–1–14

Summary of 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 an economic impact on a substantial number of small businesses under s. 227.24 (3m), Stats.

Summary of Comments from Legislative Committees

No comments were reported.

Natural Resources***Fish, Game, etc., Chs. 1—******Environmental Protection — General, Chs. 100—******Environmental Protection — Water, Chs. 300—******Environmental Protection — Air Pollution, Chs. 400—******Environmental Protection — Solid Waste, Chs. 500—******Environmental Protection—Hazardous Waste, Chs. 600—******Environmental Protection — Water Supply, Chs. 800—*****CR 13–022****Legislative Acts Modifying or Repealing Rules****Financial Institutions — Banking, Credit
Unions, Savings Banks, and Savings and Loan
2013 Wisconsin Act 136, Sections 15 to 65**

2013 Wisconsin Act 136 revises Chapters DFI–Bkg 10, 14,

(DNR # OE–46–10)

An order of the Wisconsin Natural Resources Board to repeal sections NR 2.085 (4), 2.14 (7), 300.03 (5), 300.05 (4), 305.03 (5), 305.06 (3m), 345.04 (2) (e) 6, and 345.04 (2) (g) 2.; to amend sections NR 2.085 (3), 2.157 (title), 2.157 (intro), 2.157 (1), 19.01 (5), 44.04 (8) (b), 51.002, 51.85 (4), 108.04 (3) (b), 110.09 (3), 110.10 (1) (L), 110.11 (1) (g), 126.07 (2) (j), 134.09 (2), 166.07 (1) (a) 3., 191.05 (5), 310.14 (4) (b), 327.04 (4), 410.02 (3), 410.03 (2) (i) and (3) (a) 2., 512.16, 670.409 (1) (c), 820.29 (1), 820.29 (2), 820.30 (2) (a), (3) (a), and (4) (b) and (c), 820.31 (4) (b) and (c), and 820.32 (2), and (3); and to repeal and recreate Chapter NR 150, relating to the department's environmental analysis and review procedures under the Wisconsin Environmental Policy Act.

Effective 4–1–14.

Final Regulatory Flexibility Analysis

This rule describes the environmental analysis review procedures to be implemented by the Department. This is not a regulatory program and the department does not expect any impact on small businesses. As a result it is unnecessary to conduct a regulatory flexibility analysis.

Summary of Comments from Legislative Committees

No comments were reported.

**Safety and Professional Services —
Podiatry Affiliated Credentialing Board****CR 12–047**

An order of the Podiatry Affiliated Credentialing Board to amend section Pod 1.08 (5) and to create sections Pod 3.02 (4) and 3.03 (3), relating to temporary educational license and continuing education.

Effective 4–1–14

Summary of Effects on Small Business

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats.

Summary of Comments from Legislative Committees

No comments were reported.

40, 41, 46, 73, 74, and 76, DFI–CU 63, DFI–SB 12, and DFI–SL 12, relating to modifying and repealing various rules promulgated by the Department of Financial Institutions.

Effective 4–1–14.

Administrative Code Sections Affected by Rule Revisions, Legislative Acts, and Corrections

*The following administrative code provisions were revised by rule orders, modified or repealed by legislative act, or corrected by the Legislative Reference Bureau in **March 2014**. Revised, modified, and corrected administrative code chapters are published in this Register. Repealed chapters of the administrative code are removed from the code on the first day of the first month following publication of this Register. For additional information, contact the Legislative Reference Bureau at (608) 266-3651.*

Revisions by Rule Order

Agriculture, Trade and Consumer Protection

Ch. ATCP 10

ATCP 10.01 (27), (37) (b), (42), (46) (intro.), (55m), (56), (68m) and (Note), (70) and (Note), (71), (88m) and (Note), (105) (c)
 ATCP 10.03 (3)
 ATCP 10.04 (1) (a) (intro.), (b) to (e)
 ATCP 10.06 (1) (c) 12., (6) (a)
 ATCP 10.07 (2) (a), (2m)
 ATCP 10.17 (1)
 ATCP 10.18 (2) and (Note), (4) (c)
 ATCP 10.19 (1) (intro.) and (Note)
 ATCP 10.20 (3)
 ATCP 10.21 (1) (a) (intro.), (b), (c), (2) (b) 5.
 ATCP 10.22 (1) (a) 1. and 1. a. (Note), (10) (a), (d) 9.
 ATCP 10.30 (1) (a) 3., 3m.
 ATCP 10.35 (1) (a), (b) 3.
 ATCP 10.36 (2) (b), (3), (4) (b)
 ATCP 10.40 (1) (intro.), (6) (a), (b)
 ATCP 10.46 (2) (d), (4) (a), (b) 1., (5) (b) 2., (e), (c), (cm), (7) (am), (10) (a) 7., (c) 4.
 ATCP 10.47 (4), (4m), (7) (b) 6.
 ATCP 10.49 (1m)
 ATCP 10.51 (2m)
 ATCP 10.52 (1), (1m), (b) 1. to 3., (3) (c), (d), (4) (a) (intro.), 4., (Note), (ag), (ar), (b), (7)
 ATCP 10.53 (2) (d) 4., (f), (4) (a), (b), (h), (5) (a) (intro.), 4., (b) 2., 6., (5m) (Note), (6) (a) 1., 3., (9) (d) 2., (11) (c) 1., (d)
 ATCP 10.54 (1) (a), (am), (c) (intro.), (d), (e)
 ATCP 10.55 (2) (b), (3) (d), (e)
 ATCP 10.56 (1) (a) 2., (b), (2) (intro.), (c) and (Note), (3) (e), (4) (intro.)
 ATCP 10.61 (5m) (b), (6) (b) 1., (7) (c), (8), (10) (d), (e)
 ATCP 10.62 (1) (a) 4., (2) (d), (f), (4)
 ATCP 10.81 (1)
 ATCP 10.82 (3) (b), (4) (b)
 ATCP 10.84 (4) (b) 1.
 ATCP 10.85
 ATCP 10.87 (1) (c) (Note), (6) (a)
 Appendix A
 Appendix B

Ch. ATCP 12

ATCP 12.01 (2m), (8x), (8y), (8w), (11m), (19) and (Note), (20), (25)
 ATCP 12.02 (2) (b), (c)
 ATCP 12.03 (1) (intro.)
 ATCP 12.05 (1) (b) and (second Note), (2) (b) (second Note), (3), (5) (a) 2.
 ATCP 12.06 (1s) (e), (g)

Ch. ATCP 110

ATCP 110.01 (2), (2m)
 ATCP 110.02 (3) (d), (6) (L) to (n), (7) (c)
 ATCP 110.023
 ATCP 110.025
 ATCP 110.027
 ATCP 110.03 (1), (3), (4)
 ATCP 110.04 (1)
 ATCP 110.05 (4), (7)
 ATCP 110.06 (1) (Note)
 ATCP 110.09

Ch. ATCP 111

ATCP 111 (Repeal)

Natural Resources

Ch. NR 2

NR 2.083 (3), (4)
 NR 2.14 (7)
 NR 2.157 (1) (title), (intro.), (a)

Ch. NR 10

NR 10.001 (9w)
 NR 10.01 (1) (b) to (u), (v)

Ch. NR 19

NR 19.01 (5)

Ch. NR 44

NR 44.04 (8) (b)

Ch. NR 51

NR 51.002 (1)
 NR 51.85 (4)

Ch. NR 108

NR 108.04 (3) (b)

Ch. NR 110

NR 110.09 (3) (intro.)
 NR 110.10 (1) (L)

NR 110.11 (1) (g)

Ch. NR 126

NR 126.07 (2) (j)

Ch. NR 134

NR 134.09 (2)

Ch. NR 150

Entire Chapter

Ch. NR 166

NR 166.07 (1) (a) 3.

Ch. NR 191

NR 191.05 (5)

Ch. NR 300

NR 300.03 (5)

NR 300.05 (4)

Ch. NR 305

NR 305.03 (5)

NR 305.06 (3m)

Ch. NR 310

NR 310.14 (4) (b)

Ch. NR 327

NR 327.04 (4)

Ch. NR 345

NR 345.04 (2) (e) 6., (g) 2.

Ch. NR 410

NR 410.02 (3)

NR 410.03 (2) (i), (3) (a) 2.

Ch. NR 512

NR 512.16 (intro.)

Ch. NR 670

NR 670.409 (1) (c)

Ch. NR 820

NR 820.29 (1), (2)

NR 820.30 (2) (a), (3) (a), (4) (b), (c)

NR 820.31 (4) (b), (c)

NR 820.32 (2), (3)

Podiatry Affiliated Credentialing Board

Ch. Pod 1

Pod 1.08 (5)

Ch. Pod 3

Pod 3.02 (4)

Pod 3.03 (3)

Repeals and Modifications of Rules by Legislative Act

Repeals and modifications by legislative act under authority of s. 227.265, Stats.

Financial Institutions — Banking

Ch. DFI-Bkg 10

DFI-Bkg 10.03

Ch. DFI-Bkg 14

DFI-Bkg 14.07 (2)

DFI-Bkg 14.08 (2) (intro.), (4)

DFI-Bkg 14.09

Ch. DFI-Bkg 40

DFI-Bkg 40.04 (2)

Ch. DFI-Bkg 41

DFI-Bkg 41.05 (intro.)

Ch. DFI-Bkg 46

DFI-Bkg 46.01 (3)

Ch. DFI-Bkg 73

DFI-Bkg 73.02 (2) (e)

DFI-Bkg 73.03 (1), (2), (7)

DFI-Bkg 73.05 (4), (5)

Ch. DFI-Bkg 74

DFI-Bkg 74.07 (1) (b), (c)

DFI-Bkg 74.08

DFI-Bkg 74.11 (2) (d)

DFI-Bkg 74.13 (1)

Ch. DFI-Bkg 76

DFI-Bkg 76.03

DFI-Bkg 76.06

DFI-Bkg 76.07

DFI-Bkg 76.09 (2) (intro.), (b) (intro.)

DFI-Bkg 76.11 (1), (2)

DFI-Bkg 76.12 (1) (a) (intro.), (b) (intro.), (2)

DFI-Bkg 76.13

Financial Institutions — Credit Unions

Ch. DFI-CU 63

DFI-CU 63.07 (2)

DFI-CU 63.08 (2) (intro.), (4)

DFI-CU 63.09

Financial Institutions — Savings Banks

Ch. DFI-SB 12

DFI-SB 12.07 (2)

DFI-SB 12.08 (2) (intro.), (4)

DFI-SB 12.09

Financial Institutions — Savings and Loan

Ch. DFI-SL 12

DFI-SL 12.07 (2)

DFI-SL 12.08 (2) (intro.), (4)

DFI-SL 12.09

Editorial Corrections

Corrections to code sections under the authority of ss. 13.92 (4) (b) or 35.17 (2), Stats.

Agriculture, Trade and Consumer Protection

Ch. ATCP 10

ATCP 10 (Note 2)

ATCP 10.01 (17) (c) (Note), (59) (Note), (67) (Note),
(81) (Note), (106) (Note)

ATCP 10.03 (3)

ATCP 10.04 (1) (a)
 ATCP 10.06 (1) (b) (Note)
 ATCP 10.07 (1) (b)
 ATCP 10.10 (3) (Note)
 ATCP 10.11 (2) (Note), (5) (b) (Note)
 ATCP 10.12 (1) (Note)
 ATCP 10.13 (2) (Note), (6) (a) 2. (Note), (7) (Note)
 ATCP 10.14 (1) (Note), (2) (a) 2.
 ACTP 10.15 (2) (Note)
 ATCP 10.18 (7) (Note)
 ATCP 10.19 (6) (b) (Note)
 ATCP 10.20 (1) (a) 2. (Note)
 ATCP 10.22 (1) (a) 1. b., (9) (b) (Note), (c) 3., (10) (c) (Note), (f) (Note)
 ATCP 10.26 (2) (Note), (8) (Note)
 ATCP 10.27 (1) (Note), (2) (Note), (3) (Note)
 ATCP 10.28 (2) (Note), (4) (c) (Note)
 ATCP 10.29 (1) (Note)
 ATCP 10.35 (1) (a) (Note)
 ATCP 10.40 (2) (b) 4. (Note), (3) (b) 5. (Note), (7) (b) 2. (Note)
 ATCP 10.41 (1) (Note), (2) (Note)
 ATCP 10.46 (6) (f) (Note), (13) (b) (Note)
 ATCP 10.47 (3) (b) 6. (Note), (4) (intro.)
 ATCP 10.48 (7) (b) (Note)
 ATCP 10.49 (1) (b) (Note)
 ATCP 10.50 (4) (d) (Note)
 ATCP 10.51 (2m)
 ATCP 10.52 (8) (c) (Note)
 ATCP 10.53 (2) (e) 2. (Note), (9) (d) 2.
 ATCP 10.55 (3) (b) (Note)
 ATCP 10.56 (3) (d) 2. (Note)
 ATCP 10.61 (6) (d) (Note), (6m) (c) (Note)
 ATCP 10.62 (2) (e) (Note)
 ATCP 10.63 (1) (b) (Note)
 ATCP 10.64 (1) (Note)
 ATCP 10.645 (2) (Note), (4) (b) 3. (Note)
 ATCP 10.73 (3) (Note)
 ATCP 10.74 (1) (Note)

Ch. ATCP 12

ATCP 12.01 (19)
 ATCP 12.02 (4) (c), (d)
 ATCP 12.01 (3) (g) (Note)
 ATCP 12.03 (4) (e) (Note)
 ATCP 12.04 (3) (dm) (Note)
 ATCP 12.045 (2) (b) (Note)

Ch. ATCP 57

ATCP 57.10 (2) (j) (Note)
 ATCP 57.12 (2) (j) (Note)
 ATCP 57.14 (2) (g) (Note)
 ATCP 57.16 (2) (i) (Note)
 ATCP 57.18 (2) (b) (Note)
 ATCP 57.20 (2) (c) (Note)

Ch. ATCP 110

ATCP 110.023 (1), (2) (c) 1., (d)
 ATCP 110.025 (1) (intro.)
 ATCP 110.09 (3) (a), (g)

Architects, Engineers, Designers and Surveyors**Ch. A–E 3**

A–E 3.02 (Note)

A–E 3.03 (1) (Note)

Ch. A–E 4

A–E 4.02 (Note)

Ch. A–E 5

A–E 5.04 (7) (Note)

Ch. A–E 7

A–E 7.08 (2) (Note)

Chiropractic Examining Board**Ch. Chir 2**

Chir 2.02 (intro.) (Note)

Ch. Chir 3

Chir 3.03 (2) (j) (Note)

Chir 3.035 (1) (c) (Note)

Ch. Chir 4

Chir 4.04 (3) (Note)

Chir 4.05 (2) (d) 3. (Note)

Ch. Chir 5

Chir 5.02 (4) (a) 1. (Note), (6) (Note)

Ch. Chir 9

Chir 9.03 (5) (Note)

Chir 9.04 (5) (Note)

Ch. Chir 10

Chir 10.03 (Note)

Ch. Chir 12

Chir 12.02 (1) (a) (Note)

Chir 12.03 (2) (a) 1. (Note)

Dietitians Affiliated Credentialing Board**Ch. DI 2**

DI 2.01 (6) (Note)

Ch. DI 3

DI 3.01 (2) (Note)

DI 3.02 (2) (Note)

Financial Institutions — Banking**Ch. DFI–Bkg 46**

DFI–Bkg 46.01 (3) (Note)

Geologists, Hydrologists and Soil Scientists**Ch. GHSS 2**

GHSS 2.03 (10) (Note)

Ch. GHSS 3

GHSS 3.02 (Note)

GHSS 3.06 (10) (Note)

Ch. GHSS 4

GHSS 4.02 (Note)

GHSS 4.06 (10) (Note)

Health Services**Ch. DHS 118**

DHS 118.03 (13)

DHS 118.04 (6) (a) 1. (Note)

DHS 118.07 (Note)

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Executive Orders

The following are recent Executive Orders issued by the Governor.

Executive Order 131. Relating to a Proclamation Declaring a State of Emergency in Response to Severe Winter Weather. **(February 19, 2014)**

Public Notices

Health Services

Changes to Cost Sharing Requirements for Medicaid Recipients

The State of Wisconsin reimburses providers for services provided to Medical Assistance recipients under the authority of Title XIX of the Social Security Act and ss. 49.43 to 49.47, Wisconsin Statutes. This program, administered by the State's Department of Health Services (the Department), is called Medical Assistance (MA) or Medicaid. In addition, Wisconsin has expanded this program to create the BadgerCare and BadgerCare Plus programs under the authority of Title XIX and Title XXI of the Social Security Act and ss. 49.665 and 49.471 of the Wisconsin Statutes. Federal statutes and regulations require that a state plan be developed that provides the methods and standards for reimbursement of covered services. A plan that describes the reimbursement system for the services (methods and standards for reimbursement) is now in effect.

Change in Payment Methods

To assist the State in providing these services, recipients have been required to contribute certain cost sharing amounts, including co-payments and premiums. Changes are being made to these requirements.

Two changes regarding co-payments are as follows:

1. Copayments will be charged to Continuously Eligible Newborns with income between 150% and 200% of the Federal Poverty Limit (FPL).
2. Co-payments will no longer be required of children 6 to 18 years of age with incomes at or below 133% of the FPL.

These changes will be effective for dates of service on and after January 1, 2014.

The change relating to co-payments no longer being required of children 6 to 18 years of age with incomes at or below 133% of the FPL is the result of a change in federal law. 42 USC 1396a(l)(2)(C) was amended to make children aged 6 to 18 with incomes at or below 133% of the FPL a mandatory eligibility group under section 1396a(a)(10)(A)(i)(VII), effective January 1, 2014. Under 42 USC 1396o-1(b)(3)(B)(i), States are not allowed to impose any cost sharing on children eligible as one of the mandatory groups under 1396a(a)(10)(A)(i). Thus, the Department intends to modify the State Plan to reflect the fact that, as of January 1, co-payments will no longer be collected from children with incomes from 100% to 133% of the FPL.

A third change regarding co-payments is the following:

3. References to Benchmark Plan copayment levels will be removed from the state plan.

The references to the Benchmark Plan will be removed because coverage under the Benchmark Plan is scheduled to terminate as of April 1, with those covered under that Plan shifting to other sources of coverage.

This change will be effective for dates of service on and after April 1, 2014.

The change regarding premiums is as follows:

The Department will no longer charge premiums to infants under one year of age with incomes over 200% of the FPL.

The change to premium requirements will be effective for dates of service on and after February 1, 2014.

An estimate of the fiscal impact of these changes has not been calculated.

Copies of Changes

Copies of the state plan changes revising cost sharing requirements may be obtained free of charge by calling or writing as follows:

Regular Mail:
John LaPhillip
Bureau of Enrollment Policy and Systems
Division of Health Care Access and Accountability
P.O. Box 309
Madison, WI 53701-0309

Fax:

(608) 261-6861

Attention: John LaPhilliph

Telephone:

John LaPhilliph

Bureau of Enrollment Policy and Systems

(608) 266-6772

E-Mail:John.LaPhilliph@dhs.wisconsin.gov

Copies of the state plan change will be made available for review at the main office of any county department of social services or human services.

Written Comments

Written comments are welcome. Written comments on the proposed changes may be sent by FAX, e-mail, or regular mail to the Division of Health Care Access and Accountability. The FAX number is (608) 266-1096. The e-mail address is John.LaPhilliph@dhs.wisconsin.gov. Regular mail can be sent to the above address. All written comments will be reviewed and considered.

The written comments will be available for public review between the hours of 7:45 a.m. and 4:30 p.m. daily in Room 350 of the State Office Building, 1 West Wilson Street, Madison, Wisconsin. Revisions may be made in the proposed changed methodology based on comments received.

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