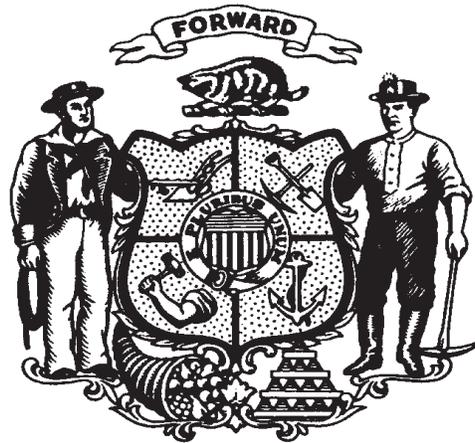


# Wisconsin Administrative Register

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

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***Fish, Game, etc., Chs. NR 1—***

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## Emergency Rules Now in Effect

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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](http://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.*

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### Administration

**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.

|                           |   |
|---------------------------|---|
| <b>Filed with LRB:</b>    | <b>November 26, 2013</b>                        |
| <b>Publication Date:</b>  | <b>November 27, 2013</b>                        |
| <b>Effective Dates:</b>   | <b>November 27, 2013 through April 25, 2014</b> |
| <b>Hearing Date:</b>      | <b>February 21, 2014</b>                        |
| <b>Extension Through:</b> | <b>June 24, 2014</b>                            |

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### Agriculture, Trade and Consumer Protection (3)

**1. 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

**2. 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

**3. EmR1407** — The Wisconsin Department of Agriculture, Trade and Consumer Protection hereby adopts the following emergency rule to amend section ATCP 21.10 (1) (b) and to create section ATCP 21.10 (1) (c), relating to the quarantine of Iowa County for the gypsy moth.

This emergency rule was approved by the Governor on March 13, 2014.

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

Gypsy moth is an exotic, invasive pest that poses a serious risk to Wisconsin's forest, shade and commercial trees. The 2013 DATCP survey in Iowa County shows that current and projected GM populations in that county have reached the threshold level to trigger implementation of further regulatory measures. Since 2011, multiple trap sites in Iowa County have caught over 100 individual moths, with an average trap count of 28 in 2013 (a five-fold increase from 2011). The survey data indicate that reproducing populations of GM now exist at significant levels in Iowa County and that eradication is not feasible. This evidence supports the need for a quarantine to limit movement from this infestation. When APHIS declares a quarantine, DATCP has regulatory authority for import controls and quarantine for GM under s. ATCP 21.10. It is anticipated that APHIS will declare a quarantine for Iowa 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 GM infested material out of this county to areas of Wisconsin or other states that are not infested with GM.

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:** March 28, 2014  
**Publication Date:** March 31, 2014  
**Effective Dates:** March 31, 2014 through August 27, 2014  
**Hearing Date:** April 29, 2014

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### 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

**Extension Through:** June 12, 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 proposes 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

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### **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  
**Extension Through:** July 24, 2014

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### **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

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### **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**

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### 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**

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### 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:** June 25, 2014

### Workforce Development

#### *Apprenticeship, Chs. DWD 295–296*

**EmR1406** — The Wisconsin Department of Workforce Development hereby adopts the following emergency rule to create **section DWD 295.25**, relating to apprenticeship completion awards.

The emergency rule was approved by the governor on March 21, 2014.

The statement of scope for this emergency rule was approved by the Governor on February 13, 2014, published in Register No. 698 on February 28, 2014, and approved by the Secretary of the Department of Workforce Development on March 11, 2014.

#### **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 facts constituting an emergency include:

(1) Wisconsin currently has more than 2,100 employers participating in, and training individuals, under the apprenticeship program.

(2) During 2013, Wisconsin had 9,723 valid apprenticeship contracts.

(3) Over the past ten years, the completion rate of the apprenticeship program averaged between 55–60%.

(4) 2013 Wisconsin Act 57 creates an apprenticeship completion award program to be administered by the department of workforce development to partially reimburse tuition costs incurred by an apprentice who has successfully completed part or all of the requirements of their apprenticeship contract, and is employed in the trade, occupation, or business under the apprenticeship contract, or the sponsor of the apprentice.

(5) The department of workforce development has received general purpose revenue (GPR) funds of \$225,000 in fiscal year 2013–14 and 2014–15, to distribute up to 25%, or \$1,000, whichever is less, of the tuition costs incurred by the apprentice and sponsor of the apprentice. The amount of the first payment upon successful completion by the apprentice of the first year of the contract may not exceed \$250.

(6) The department of workforce development is adopting this emergency rule to prevent a potential hardship to Wisconsin's apprenticeship program participants. Adoption of this emergency rule will ensure those participating in an eligible apprenticeship contract may begin receiving apprenticeship completion awards as soon as possible. Because a permanent rule cannot be adopted in time, GPR funds for fiscal year 2013–14 would be lost if the emergency rule is not adopted.

**Filed with LRB:** March 26, 2014

**Publication Date:** March 27, 2014

**Effective Dates:** March 27, 2014 through August 23, 2014

**Hearing Date:** May 15, 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:** June 27, 2014

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## Scope Statements

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### Agriculture, Trade and Consumer Protection

SS 048-14

This statement of scope was approved by the governor on May 14, 2014.

#### Rule No.

Chapter ATCP 127 (revise).

#### Relating to

Direct marketing (subchapter v: telephone solicitations; no-call list).

#### Rule Type

Permanent.

#### 1. Description of the Objective of the Rule

This proposed permanent rule will modify current direct marketing rules related to telephone solicitations and Wisconsin's no-call list. The proposed permanent rule will establish registration requirements for telephone solicitors as required under 2013 Act 234 and make any other needed updates to the rule.

#### 2. 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

History and background. The no-call regulation is widely considered to be one of the state's most popular laws. While the statute was enacted in 2001, the rule took effect at the end of 2002. The law allows residents to register home and mobile phone numbers every two years on the Wisconsin no-call list, requires telephone solicitors to register with the state to obtain the list, and prohibits calls from most telemarketers to numbers on that list. DATCP enforces violations of the law. The Federal Trade Commission (FTC) also has a federal do-not-call registry; residents can register their numbers on that list permanently. Telephone solicitors must register with the FTC to receive the list and are prohibited from calling numbers on the list. The FTC and DATCP can enforce violations of the federal do-not-call registry.

2013 Act 234 eliminates the separate Wisconsin do-not-call list as of August 1, 2014. Wisconsin residents will now only sign up on the FTC list and all phone numbers on the existing Wisconsin do-not-call list will be transferred to that list. Under the new state law, telephone solicitors must register with the FTC and obtain and follow the Wisconsin portion of the federal do-not-call list. Solicitors also must continue to register with DATCP, but now will be required to provide proof of registration with the FTC. DATCP will continue to administer and enforce the law.

Proposed policies. Under the proposed permanent rule DATCP will modify Subchapter V of ATCP 127, Wis. Admin. Code to implement 2013 Act 234. The rule will establish registration requirements for telephone solicitors, eliminate portions of the rule made obsolete by the statute change, and make other updates needed to the rule.

Policy Alternative. Do nothing. This option is not feasible because the department is required by statute to adopt registration requirements for telephone solicitors that provide proof that telephone solicitors have obtained and are using the Wisconsin portion of the federal do-not-call registry.

#### 3. Statutory Authority for the Rule (Including the Statutory Citation and Language)

Sections 93.07 (1), 100.20 (2), and 100.52 (3), Stats.

**93.07 Department duties.** It shall be the duty of the department:

(1) **REGULATIONS.** To make and enforce such regulations, not inconsistent with law, as it may deem necessary for the exercise and discharge of all the powers and duties of the department, and to adopt such measures and make such regulations as are necessary and proper for the enforcement by the state of chs. 93 to 100, which regulations shall have the force of law.

##### 100.20 Methods of competition and trade practices

(2) (a) The department, after public hearing, may issue general orders forbidding methods of competition in business or trade practices in business which are determined by the department to be unfair. The department, after public hearing, may issue general orders prescribing methods of competition in business or trade practices in business which are determined by the department to be fair.

##### 100.52 (3) Registration of telephone solicitors.

The department shall promulgate rules that require any telephone solicitor who requires an employee or contractor to make a telephone solicitation to a residential customer in this state to register with the department, obtain a registration number from the department, and pay an initial registration fee and an annual registration renewal fee to the department. The amount that an individual telephone solicitor is required to pay shall be based on the number of telephone lines used by the telephone solicitor to make telephone solicitations or some other methodology established by the department by rule. The rules shall also require a telephone solicitor that registers with the department to at the time of initial registration, the time of annual renewal, and any other time upon request of the department, provide the department with proof that the telephone solicitor has complied with federal law in obtaining copies and updated versions of the state do-not-call registry. The amount of the fees shall be based on the amount required to administer and enforce this section and to provide the amounts appropriated under s. 20.115 (1) (im).

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

DATCP estimates that it will use approximately 0.25 FTE staff to develop this rule. That includes time required for investigation and analysis, rule drafting, preparing related documents, coordinating advisory committee meetings, holding public hearings and communicating with affected persons and groups. DATCP will use existing staff to develop this rule.

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

Telephone solicitors will be impacted by the proposed permanent rule. Telephone solicitors are required to be registered by both DATCP and the FTC. The proposed rule will include telemarketing registration requirements that include proof of registration with the FTC and other updates.

The proposed permanent rule will also impact Wisconsin residents who are currently registered on the Wisconsin or FTC no-call list or wish to be. This rule will help ensure telemarketers are properly registered with the FTC and that DATCP is able to enforce the law effectively and efficiently.

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

At the national level, the FTC administers a do-not-call registry. As a result of 2013 Act 234, Wisconsin residents will now permanently sign up on the FTC list and telephone solicitors will be required to use the Wisconsin portion of the FTC registry rather than a separate DATCP-generated list. Telephone solicitors also must register with DATCP and will have to provide proof of their federal registration number as part of state registration. The FTC do-not-call registry is used by all surrounding states.

## 7. Anticipated Economic Impact

The proposed permanent rule will have minimal economic impact.

### Contact Person

Jennifer Heaton-Amrhein, Program and Policy Analyst, DATCP; Phone (608) 224-5164.

## Agriculture, Trade and Consumer Protection

SS 049-14

This statement of scope was approved by the governor on May 14, 2014.

### Rule No.

Chapter ATCP 127 (revise).

### Relating to

Direct marketing (subchapter v: telephone solicitations; no-call list).

### Rule Type

Emergency.

## 1. Description of the Objective of the Rule

This emergency rule will modify current direct marketing rules related to telephone solicitations and Wisconsin's no-call list. The emergency rule will implement 2013 Act 234, which revised s. 100.52, Wis. Stats., and requires DATCP to establish registration requirements for telephone solicitors, including requirements for proof of registration with the Federal Trade Commission (FTC).

## 2. 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

History and background. The no-call regulation is widely considered to be one of the state's most popular laws. While

the statute was enacted in 2001, the rule took effect at the end of 2002. The law allows residents to register home and mobile phone numbers every two years on the Wisconsin no-call list, requires telephone solicitors to register with the state to obtain the list, and prohibits calls from most telemarketers to numbers on that list. DATCP enforces violations of the law. The Federal Trade Commission (FTC) also has a federal do-not-call registry; residents can register their numbers on that list permanently. Telephone solicitors must register with the FTC to receive the list and are prohibited from calling numbers on the list. The FTC and DATCP can enforce violations of the federal do-not-call registry.

2013 Act 234 eliminates the separate Wisconsin do-not-call list as of August 1, 2014. Wisconsin residents will now only sign up on the FTC list. All phone numbers on the existing Wisconsin do-not-call list will be transferred to the FTC list. Under the new state law, telephone solicitors must register with the FTC and obtain and follow the Wisconsin portion of the federal do-not-call list. Solicitors must continue to register with DATCP. As part of that registration, they must provide proof of registration with the FTC. DATCP will continue to administer and enforce the law.

Nature of the Emergency. An emergency rule is necessary because the statute requires the department to create registration requirements that include proof that telephone solicitors are registered with the FTC and are obtaining the Wisconsin portion of the national do-not-call registry. The statute takes effect August 1, 2014, so the requirements must be adopted into rule by then and there is not time to complete the permanent rulemaking process by that date.

Proposed policies. Under the emergency rule, DATCP will modify Subchapter V of ATCP 127, Wis. Admin. Code, to establish registration requirements for telephone solicitors, including what information telemarketers must provide to prove they are obtaining and using the Wisconsin portion of the federal do-not-call registry, as required by 2013 Act 234.

Policy Alternative. Do nothing. This option is not feasible because the new law is effective August 1, 2014 and the department is required by statute to adopt registration requirements for telephone solicitors that provide proof that telephone solicitors have obtained and are using the Wisconsin portion of the federal do-not-call registry.

## 3. Statutory Authority for the Rule (Including the Statutory Citation and Language)

Sections 93.07 (1), 100.20 (2) and 100.52 (3), Stats.

**93.07 Department duties.** It shall be the duty of the department:

(1) REGULATIONS. To make and enforce such regulations, not inconsistent with law, as it may deem necessary for the exercise and discharge of all the powers and duties of the department, and to adopt such measures and make such regulations as are necessary and proper for the enforcement by the state of chs. 93 to 100, which regulations shall have the force of law.

### 100.20 Methods of competition and trade practices

(2) (a) The department, after public hearing, may issue general orders forbidding methods of competition in business or trade practices in business which are determined by the department to be unfair. The department, after public hearing, may issue general orders prescribing methods of competition in business or trade practices in business which are determined by the department to be fair.

### 100.52 (3) Registration of telephone solicitors.

The department shall promulgate rules that require any telephone solicitor who requires an employee or contractor to make a telephone solicitation to a residential customer in this state to register with the department, obtain a registration number from the department, and pay an initial registration fee and an annual registration renewal fee to the department. The amount that an individual telephone solicitor is required to pay shall be based on the number of telephone lines used by the telephone solicitor to make telephone solicitations or some other methodology established by the department by rule. The rules shall also require a telephone solicitor that registers with the department to at the time of initial registration, the time of annual renewal, and any other time upon request of the department, provide the department with proof that the telephone solicitor has complied with federal law in obtaining copies and updated versions of the state do-not-call registry. The amount of the fees shall be based on the amount required to administer and enforce this section and to provide the amounts appropriated under s. 20.115 (1) (im).

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

DATCP estimates that it will use approximately 0.25 FTE staff to develop this rule. That includes time required for investigation and analysis, rule drafting, preparing related documents, holding public hearings and communicating with affected persons and groups. DATCP will use existing staff to develop this rule.

#### **5. Description of all Entities that may be Impacted by the Rule**

Telephone solicitors will be impacted by the emergency rule. Telephone solicitors are required to be registered by both DATCP and the FTC. The emergency rule will amend state registration requirements to include proof of registration with the FTC.

The emergency rule will also impact Wisconsin residents who are currently registered on the Wisconsin or FTC no-call list or wish to be. This rule will help ensure telemarketers are properly registered with the FTC and that DATCP is able to enforce the law effectively and efficiently.

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

At the national level, the FTC administers a do-not-call registry. As a result of 2013 Act 234, Wisconsin residents will now permanently sign up on the FTC list and telephone solicitors will be required to use the Wisconsin portion of the FTC registry rather than a separate DATCP-generated list. Telephone solicitors also must register with DATCP and will have to provide proof of their federal registration number as part of state registration. The FTC do-not-call registry is used by all surrounding states.

#### **7. Anticipated Economic Impact**

The emergency rule will have no economic impact.

#### **Contact Person**

Jennifer Heaton-Amrhein, Program and Policy Analyst, DATCP; Phone (608) 224-5164.

## **Agriculture, Trade and Consumer Protection**

SS 050-14

This statement of scope was approved by the governor on May 14, 2014.

#### **Rule No.**

Chapter ATCP 136 (existing).

#### **Relating to**

Mobile air conditioners; reclaiming or recycling refrigerant.

#### **Rule Type**

Permanent.

#### **1. Description of the Objective of the Rule**

This proposed rule would modify current trade and consumer protection rules related to mobile air conditioners. Currently, ch. ATCP 136, Wis. Adm. Code., requires businesses that install, repair or service mobile air conditioners to pay an annual registration fee and obtain an annual registration certificate from the department. The rule also requires businesses to register their mobile air service technicians, and for those technicians to successfully complete a department-approved training course or satisfy other training requirements.

2013 Act 312 eliminated the annual registration and modified the technician training requirements to harmonize state policy with federal requirements and reduce the overall regulatory burden on this industry. The statute also eliminated DATCP's authority to establish requirements for mobile air conditioner technician training. This rulemaking will revise the existing rule to implement these statutory changes. The department will also remove references to obsolete Department of Safety and Professional Services (DSPS) licensing requirements and make other minor modifications needed to ensure uniformity between the statute and rule.

#### **2. 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**

History and background. This rule, along with its enabling statute s. 100.45, Wis. Stats., regulates the sale and distribution of refrigerants used in motor vehicle air conditioners and trailer refrigeration equipment. It also requires businesses (such as automobile repair shops) and technicians who service this equipment to be registered with DATCP. Technicians must also complete a training course or satisfy other training requirements. In 2012, 3122 businesses holding 3602 licenses (160 businesses held more than one location license) and about 11,000 technicians registered with the department.

2013 Act 312 eliminated the annual registration program and modified technician training requirements to harmonize state policy with federal requirements and reduce the overall regulatory burden on this industry. The statutory change also eliminated DATCP authority to establish technician training requirements.

Proposed policies. DATCP proposes to modify the rule to implement the recent changes in state statute, including eliminating rule language related to the annual business registration program and technician training requirements.

DATCP also proposes to modify the rule to removed outdated references and make any other minor revisions that may be necessary to harmonize the statute and rule.

Policy Alternatives. None. The department must modify the rule to be consistent with statutory requirements.

### 3. Statutory Authority for the Rule (Including the Statutory Citation and Language)

Sections 93.07 (1) and 100.45 (5), Stats.

**93.07 Department duties.** It shall be the duty of the department:

(1) REGULATIONS. To make and enforce such regulations, not inconsistent with law, as it may deem necessary for the exercise and discharge of all the powers and duties of the department, and to adopt such measures and make such regulations as are necessary and proper for the enforcement by the state of chs. 93 to 100, which regulations shall have the force of law.

#### 100.45 Mobile air conditioners

(5) DEPARTMENT DUTIES. The department shall do all of the following:

(a) Promulgate rules for the administration of this section including establishing all of the following:

1. A standard of purity for recycled refrigerant from mobile air conditioners that is based on recognized national industry standards.

3. Fees to cover the costs of administering this section.

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

DATCP estimates that it will use approximately 0.25 FTE staff to develop this rule. That includes time required for investigation and analysis, rule drafting, preparing related documents, holding public hearings and communicating with affected persons and groups. DATCP will use existing staff to develop this rule.

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

There are approximately 3600 mobile air conditioning repair and servicing businesses and 11,000 technicians impacted by the statute and rule. The proposed rule will harmonize with existing state law, so the rule change itself will have no effect on the industry.

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

At the national level, the EPA requires mobile air technicians to be trained and certified by an EPA-approved organization. The training must cover specific content areas, and technicians must pass a test demonstrating competency to be certified. Wisconsin technicians are required to meet the EPA training requirement.

### 7. Anticipated Economic Impact

The proposed rule creates no economic impact.

### Contact Person

Jennifer Heaton-Amrhein, Program and Planning Analyst, DATCP; Phone (608) 224-5164.

## Children and Families

### Safety and Permanence, Chs. 35—59

SS 045-14

This statement of scope was approved by the governor on May 8, 2014.

#### Rule No.

Chapters DCF 21, 50, 52, 54, 55, 56, 57, and 58 (revise).

#### Relating to

Extension of out-of-home care, subsidized guardianship, and adoption assistance to age 21.

#### Rule Type

Emergency and Permanent.

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

Section 118 (1) (b) of 2013 Wisconsin Act 334 authorizes the department to promulgate the rules required under ss. 48.366 (4) and 938.366 (4), Stats., as emergency rules under s. 227.24, Stats., without a finding of emergency under s. 227.24 (1) (a), Stats.

#### 2. Detailed Description of the Objective of the Emergency and Proposed Rules

The emergency and proposed rules will make the changes necessary to implement extended out-of-home care under s. 48.366, Stats., as created by 2013 Wisconsin Act 334. The rules will make changes to existing rules affecting foster homes, kinship care relatives, group homes, and residential care centers. The rules will allow a child to remain in the care of these out-of-home care providers until age 21 if the child is a full-time student at a secondary school or its vocational or technical equivalent and there is an individualized education program in effect for the child. The child-placing agency rules will also be amended to include the same definition of "child" that will be in the foster care and group home rules. Child-placing agencies license foster homes and place children in foster homes and group homes.

In addition, the adoption assistance and subsidized guardianship rules will be amended to allow payments to continue to adoptive parents and subsidized guardians or interim caretakers if the adoption assistance or subsidized guardianship agreement became effective after the child attained 16 years of age; the child is a full-time student at a secondary school or its vocational or technical equivalent; and there is an individualized education program under s. 115.787, Stats., in effect for the child. Federal law requires that any extension of foster care to children over 18 years of age also apply to adoption assistance and subsidized guardianship if the agreement became effective after the child attained 16 years of age.

A new ch. DCF 21 will be created to set forth the conditions under which a person who has terminated a voluntary transition-to-independent-living agreement under s. 48.366 (3), Stats., and the agency primarily responsible for providing services under the agreement may enter into a new voluntary transition-to-independent-living agreement under s. 48.366 (3) (c), Stats.

The rules will also repeal provisions in s. DCF 52.62 (4) (b) affecting amendment of a license to operate a residential care center. Provisions on amending a license for a change in the ownership of a center or change in the address of the center will be repealed because s. 48.66 (1) (c), Stats., prohibits the transfer of a license to operate a residential care center.

### 3. Detailed Explanation of Statutory Authority for the Rules

Sections 48.366 and 938.366, Stats., as created by 2013 Wisconsin Act 334, permit a child placed in out-of-home care who is a full-time student at a secondary school or its vocational or technical equivalent and for whom an individualized education program (IEP) is in effect to continue in out-of-home care until the child is granted a high school or high school equivalency diploma or reaches 21 years of age, whichever occurs first, under either an extended dispositional order of the juvenile court or a voluntary transition-to-independent-living agreement between the child, or the child's guardian on behalf of the child, and the agency primarily responsible for providing services to the child under the dispositional order.

A person who terminates a voluntary transition-to-independent-living agreement, or the person's guardian on behalf of the person, may request to enter into a new agreement at any time before he or she is granted a high school or high school equivalency diploma or reaches 21 years of age, whichever occurs first, so long as he or she is a full-time student at a secondary school or its vocational or technical equivalent and an IEP remains in effect.

Sections 48.366 (4) and 938.366 (4), Stats., as created by 2013 Wisconsin Act 334, provide that the department shall promulgate rules to implement the extended out-of-home care program that include all of the following:

- Rules permitting a foster home, group home, or residential care center for children and youth to provide care for persons who agree to continue in out-of-home care under an extension of an order described in s. 48.366 (1), Stats., or a voluntary agreement under s. 48.366 (3), Stats.
- Rules setting forth the conditions under which a person who has terminated a voluntary agreement under s. 48.366 (3), Stats., and the agency primarily responsible for providing services under the agreement may enter into a new voluntary agreement under s. 48.366 (3) (c), Stats.

Section 48.975 (3m), Stats., provides that adoption assistance may be provided after the adoptee reaches the age of 18 if the adoptee is a full-time high school student.

The department administers the subsidized guardianship program under ss. 48.623, Stats., and 48.62 (5), 2009 Stats.

Section 48.66 (1) (c), Stats., prohibits the transfer of a license issued to a child welfare entity under s. 48.66 (1) (a) and (b), Stats.

Section 227.11 (2) (a), Stats., expressly confers rule-making authority on each agency to promulgate rules interpreting the provisions of any statute enforced or administered by the agency.

### 4. Estimate of Amount of Time that State Employees Will Spend Developing the Rules and of Other Resources Necessary to Develop the Rules

175 hours.

### 5. List with Description of all Entities that may be Affected by the Emergency and Proposed Rules

Residential care centers for children and youth; foster parents; group home providers; adoptive parents who are receiving adoption assistance; kinship care relatives; subsidized guardians; child-placing agencies; and children who are eligible for extended out-of-home care, subsidized

guardianship, or adoption assistance under s. 48.366, Stats., or 938.66, Stats., and 42 USC 675; county departments of social services; county departments of health and human services; and licensed child welfare agencies.

### 6. Summary and Preliminary Comparison with any Existing or Proposed Federal Regulation that is Intended to Address the Activities to be Regulated by the Proposed And Emergency Rules

In general, a state can be eligible for federal funding under Title IV-E of the Social Security Act for foster care assistance if all of the following apply:

- The child was removed and placed in foster care in accordance with either of the following:
  - A voluntary placement agreement between the state agency, or any other agency acting on behalf of the state, and the parents or guardians. If the child has remained in voluntary placement for a period in excess of 180 days, a judicial determination must be made.
  - A judicial determination that:
    - The placement is in the best interests of the child.
    - Continuation in the home from which removed would be contrary to the welfare of the child and that reasonable or, in the case of an Indian child, active efforts have been made to preserve and unify the family, with the child's health and safety as the paramount concern.
- The child's placement and care are the responsibility of the state agency or any other public agency with which the state has made an agreement.
- The child has been placed in a foster home, group home, shelter care, or residential care center for children and youth.
- The child, while in the home, would have met the eligibility criteria for Aid to Families with Dependent Children as the program existed on July 16, 1996.

Under 42 USC 675, the definition of "child" that applies to assistance under Title IV-E is the following:

- A. Subject to subparagraph B, an individual who has not attained 18 years of age.
- B. At the option of a State, the term shall include an individual for whom the following applies:
  - (i)
    - (I) The individual is in foster care under the responsibility of the State.
    - (II) There is an adoption assistance agreement under 42 USC 673 in effect for the individual, and the agreement became effective after the individual attained 16 years of age.
    - (III) There is a kinship guardianship assistance agreement under 42 USC 673 (d) in effect for the individual, and the agreement became effective after the individual attained 16 years of age.
  - (ii) The individual has attained 18 years of age.
  - (iii) The individual has not attained 19, 20, or 21 years of age, as the State may elect.
  - (iv) The individual is any of the following as the state may elect:

- (I) Completing secondary education or a program leading to an equivalent credential.
- (II) Enrolled in an institution which provides post-secondary or vocational education.
- (III) Participating in a program or activity designed to promote, or remove barriers to, employment.
- (IV) Employed for at least 80 hours per month.
- (V) Incapable of doing any of the activities described in subclauses (I) through (IV) due to a medical condition, which incapability is supported by regularly updated information in the case plan of the child.

42 USC 675 (B) (i) requires that any extension of foster care to children over 18 years of age also apply to adoption assistance and subsidized guardianship agreements that became effective after the child attained 16 years of age. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, Program Instruction, *Guidance on the Fostering Connections to Success and Increasing Adoptions Act of 2008*, ACYF-CB-PI-10-11, July 9, 2010.

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

None or minimal.

#### **Contact Person**

For foster care, kinship care, adoption assistance, and subsidized guardianship:

Jonelle Brom  
Section Chief, Out-of-Home Care Section  
Division of Safety and Permanence  
[jonelle.brom@wisconsin.gov](mailto:jonelle.brom@wisconsin.gov)  
(608) 264-6933

For group homes, residential care centers, and child-placing agencies:

Mary Morse  
Child Welfare Program Specialist  
Licensing Section  
Division of Safety and Permanence  
[mary.morse@wisconsin.gov](mailto:mary.morse@wisconsin.gov)  
(262) 548-8694

### **Natural Resources**

#### ***Environmental Protection — General, Chs. 100—***

SS 051-14

(DNR # OE-09-14 and OE-10-14(E) )

This statement of scope was approved by the governor on May 15, 2014.

#### **Rule No.**

Chapter NR 150 (revise).

#### **Relating to**

Environmental analysis and review procedures under.

#### **Rule Type**

Permanent and emergency.

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

This rule is needed as housekeeping to clarify the procedures for the review and analysis of new administrative rules in order to assure that the intent of the ch. NR 150 revision is being met and potential procedural questions do not invalidate years of work and public engagement on new rules packages. An emergency rule is needed to ensure processing and enactment of rule proposals in a manner that is consistent with past WEPA compliance approaches that have been upheld by the courts.

#### **2. Detailed Description of the Objective of the Proposed Rule**

Chapter NR 150 was revised and went into effect April 1, 2014. The previous version of the code classified most administrative rules as "Type 3 actions", a classification requiring some form of public notice and no additional environmental analysis as part of the formal rules process.

The rule changes would be simple editorial changes to clarify that emergency rules are "minor actions" requiring no additional environmental analysis, and that the process for developing permanent rules are "equivalent analysis actions". These changes would more clearly outline the required review process for administrative rules. Additional changes to clarify publication requirements, WEPA compliance determinations for various permits and plan approvals and other housekeeping changes, consistent with the intent of the rule, as presented to the public and approved by the NRB, may also come to light as implementation of the new rule progresses.

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

The rule change would clarify what was intended and what was presented to the public through the Natural Resources Board process for development of the current ch. NR 150.

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

The department is responsible for compliance with department rules and procedures pursuant to s. 1.11, Stats., and s. 227.11, Stats., provides rule authority

Pursuant to s. 227.24 (1) (a), Stats., 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 ensure that the department and public time involved in lengthy rule processes for current rules is not compromised by a confusing definition in ch. NR 150.

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

8 hours.

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

It is anticipated that no entities shall be affected by the proposed rule. This clarifies internal procedures for rules development.

**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**

None.

**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 one public hearing in the month of September 2014.

The Department will hold this hearing in Madison to seek public comment on the housekeeping changes to the rule.

**Contact Person**

James Pardee, 608-266-0426.

**Public Instruction**

SS 046-14

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

**Rule No.**

Chapter PI 17 (revise).

**Relating to**

Changes as a result of 2013 Wisconsin Act 257.

**Rule Type**

Permanent.

**1. Finding/nature of the emergency (Emergency Rule only).**

N/A.

**2. A Description of the Objective of the Proposed Rule**

This proposed rule change will modify ch. PI 17 as a result of the statutory changes made in 2013 Wisconsin Act 257. Any other changes to ch. PI 17 that are needed to align ch. PI 17 with current statutes will also be made.

**3. A description of the Existing Policies and New Policies Included in the Proposed Rule and an Analysis of Policy Alternatives**

This is a change to align ch. PI 17 with the statutory changes made as a result of 2013 Wisconsin Act 257, including changes to s. 121.14, Stats.

**4. The Statutory Authority for the Proposed Rule**

Under ss. 227.11 (2) (a) (intro) and 121.14, Stats., the Department is authorized to establish criteria for summer school classes and interim session classes receiving state aid. Section 121.14 (1) (a), Stats., provides specific rulemaking authority as follows:

**121.14 State aid for summer classes and interim session classes**

(1) (a) State aid shall be paid to each district or county children with disabilities education board for all of the following:

1. Subject to par. (b), those academic summer classes or laboratory periods that are for necessary academic purposes, as defined by the state superintendent by rule.

2. Subject to par. (b), for a school district or county children with disabilities education board that provides year-round school, those interim session classes or laboratory periods that are for necessary academic purposes, as defined by the state superintendent by rule.

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

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

**6. A Description of all of the Entities that will be Affected by the Proposed Rule**

School districts may be impacted by this rule.

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

N/A.

**Agency contact:**

Policy and Budget Team

ATTN: Katie Schumacher

(608) 267-9127 or [katie.schumacher@dpi.wi.gov](mailto:katie.schumacher@dpi.wi.gov).

**Safety and Professional Services —  
Dentistry Examining Board**

SS 044-14

This statement of scope was approved by the governor on May 8, 2014.

**Rule No.**

Chapters DE 2, 5, and 6 (revise).

**Relating to**

Pathway to licensure for foreign-trained applicants for licensure as dentists.

**Rule Type**

Permanent.

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

N/A

**2. Detailed Description of the Objective of the Proposed Rule**

The primary intent of this proposed rule is to revise and clarify the pathway to licensure for foreign-trained applicants. In reviewing applications from individuals whose education was obtained other than from an accredited U.S. or Canadian dental school, the Credentialing Committee of the Dentistry Examining Board (the Board) determined that eligibility for application for licensure in Wisconsin was

inconsistent with eligibility requirements of most states in the upper mid–west.

Research was further conducted of the rules for a number of mid–western states; it was determined that Wisconsin standards, which changed in 2007, were now perceived as the weakest of the states surveyed. While Wisconsin requires the passage of a clinical exam for these applicants and additional training (one year AGD or GPR), these requirements are no longer considered equivalent to obtaining a DDS/DMD degree via the traditional degree route in Wisconsin.

Requirements will be established for both initial licensure and endorsement for foreign–trained applicants. Typographical errors, formatting, and other corrections, such as definitions, will be made where appropriate, as well as needed cross references in other chapters in this series.

### **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**

After 2007, a new provision for initial licensure that applied only to foreign–trained applicants was created. The provisions qualified a foreign–trained dentist eligible to apply for a Wisconsin license if he or she submitted to the Board evidence of graduation from a non–U.S. or Canadian accredited dental school and evidence of the successful completion of an accredited postgraduate program in advanced education in general dentistry or an accredited general dental practice residency. In addition, a foreign–trained dentist must submit the same information required of non–foreign trained dentists listed in s. DE 2.01 (1) (a) to (d), (f), and (g) prior to initial application.

Like Wisconsin, a number of adjacent states — Illinois, Indiana, Iowa, Ohio, Michigan, and Minnesota — all require a degree (DDS or DMD) from a U.S. or Canadian accredited dental school. Unlike Wisconsin and except for Minnesota, these states also require a minimum of a 2–year specialty program. Iowa allows either the degree (DDS or DMD) or a 2 yr–IDP (undergrad). In lieu of the 2–year specialty program, Wisconsin allows the one–year AGD or GPR training.

Regionally, Wisconsin is perceived as having some of the weakest rules where foreign–trained applicants come to obtain licensure. This route to licensure affects the number of ‘seats’ available to applicants with degrees, education and training from ADA CODA (American Dental Association — Commission on Dental Accreditation) institutions. For example, Marquette University Dental School requires foreign–trained dentists who were trained in countries outside the United States and Canada, but wish to apply for advanced standing admission, are required to complete three–years of training before a DDS degree is conferred. As with all applicants, these applicants are admitted on a space–available basis.

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

Section 447.02 (2) (b) reads:

“Dentistry examining board. (2)The examining board shall promulgate rules specifying all of the following:

(b) The standards, conditions and any educational requirements that are in addition to the requirements specified in s. 447.04 (1) that must be met by a dentist to be permitted to induce general anesthesia or

conscious sedation in connection with the practice of dentistry.”

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

The staff time needed to develop the rules is expected to be about 200 hours, depending on the complexity. This includes coordinating the rule–making process with the Board, research, rule drafting, and processing the rules through public hearings, legislative review, and adoption. The agency will utilize existing staff. There are no other resources necessary to develop the rules.

### **6. List with description of all entities that may be affected by the proposed rule**

Applicants with foreign–based training and/or degrees and Wisconsin licensed dental hygienists and dentists

### **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 known existing or proposed federal regulations addressing the licensure requirements for dentists from U.S., Canadian or foreign–based schools and institutions.

### **8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses)**

There is minimal or no economic impact of implementing this rule and is not likely to have a significant economic impact on small businesses.

### **Contact Person**

Jean MacCubbin, (608) 266–0955.

## **Safety and Professional Services — Hearing and Speech Examining Board**

SS 047–14

This statement of scope was approved by the governor on May 15, 2014.

### **Rule No.**

Chapters HAS 6 and 7 (revise).

### **Relating to**

Licensure of speech–language pathologists, audiologists and temporary licenses and requirements for renewal of credentials granted by the Hearing and Speech Examining Board.

### **Rule Type**

Permanent.

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

N/A

### **2. Detailed Description of the Objective of the Proposed Rule**

The objective of the proposed rule is to update the rule to reflect the changes due to Wisconsin 09 Act 356 relating to the

requirements for licensure of audiologists, including temporary licenses, and removal of the requirement to provide certification of calibrations of audiometric equipment in order to renew a license.

In addition, the objective is to streamline, clarify and update the chs. HAS 6 and 7.

**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**

Wisconsin 09 Act 356 modified the requirements for licensure of audiologists and removed the requirement to provide certification of calibrations of audiometric equipment in order to renew a license. The rule needs to be updated to reflect these changes in the statute.

The code also contains outdated practices and procedures. This proposed rule would review and update chs. HAS 6 and 7 in the interest of clarifying and streamlining the process while maintaining the health, safety and welfare of the public.

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

Section 15.08 (5) (b). Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

Section 459.12( 1). The examining board may make rules not inconsistent with the laws of this state which are necessary to carry out the intent of this chapter.

Section 459.12 (2). The examining board shall promulgate rules establishing the frequency of the calibrations, the

standards for the calibrations and the standards for the certifications required by s. 459.085.

Section 459.24 (6) (c). A temporary license granted under this subsection is valid for a period designated in rules promulgated by the examining board. The rules may designate a period that terminates if an applicant fails to take the next available examination under s. 459.26 (2) (a) or (b) for reasons other than inaction by the examining board or hardship.

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

150 hours

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

Hearing instrument specialists, speech language pathologists, audiologists, and applicants.

**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**

None.

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

Minimal to none.

**Contact Person**

Sharon Henes, Administrative Rules Coordinator, (608) 261-2377.

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## Submittal of Proposed Rules to Legislative Council Clearinghouse

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

**Safety and professional Services —  
Podiatry Affiliated Credentialing Board  
CR 14-035**

On May 19, 2014, the Podiatry Affiliated Credentialing Board submitted a proposed rule to the Legislative Council Rules Clearinghouse.

**Analysis**

Statutory Authority: ss. 227.11 (2) (a) and 448.665, Stats.

This proposed rule-making order revises Wis. Admin. Code sections Pod 3.01 and 3.04, relating to continuing education audits of podiatrists.

**Scope**

The scope statement for this rule, SS 152-13, was approved by the Governor on November 15, 2013, published in Register No. 696 on December 14, 2013, and approved by

the Podiatry Affiliated Credentialing Board on January 6, 2014.

**Agency Procedure for Promulgation**

A public hearing is required and will be held on June 17, 2014 at 1400 East Washington Avenue, Room 121, Madison, Wisconsin (enter at 55 North Dickinson Street).

**Contact Person**

Shancethea Leatherwood  
Division of Policy Development  
Wisconsin Department of Safety and Professional Services  
P.O. Box 8366  
Madison, WI 53708-8366  
Office: 608-261-4438  
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E-mail: [Shancethea.Leatherwood@wisconsin.gov](mailto:Shancethea.Leatherwood@wisconsin.gov)

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## Rule–Making Notices

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### Safety and Professional Services — Podiatry Affiliated Credentialing Board CR 14–035

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Podiatry Affiliated Credentialing Board in ss. 227.11 (2) (a) and 448.665, Wis. Stats., and interpreting s. 448.665, Wis. Stats., the Podiatry Affiliated Credentialing Board will hold a public hearing at the time and place indicated below to consider an order to amend sections Pod 3.01 and 3.04, relating to continuing education audits of podiatrists.

#### Hearing Information

**Date:** Tuesday, June 17, 2014  
**Time:** 11:00 a.m.  
**Location:** 1400 East Washington Avenue  
 Room 121A  
 (enter at 55 North Dickinson St.)  
 Madison, WI 53707

#### Appearances at the Hearing

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708. Written comments must be received at or before the public hearing to be included in the record of rule–making proceedings.

#### Place Where Comments are to be Submitted and Deadline For Submission

Comments may be submitted to Shawn Leatherwood, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708, or by email to [Shancethea.L Leatherwood@wisconsin.gov](mailto:Shancethea.L Leatherwood@wisconsin.gov). Comments must be received at or before the public hearing to be held on **June 17, 2014**, to be included in the record of rule–making proceedings.

#### Copies of Rule

Copies of this proposed rule are available upon request to Shawn Leatherwood, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708, by email at [Shancethea.L Leatherwood@wisconsin.gov](mailto:Shancethea.L Leatherwood@wisconsin.gov) or on our website at <http://dsps.wi.gov/Default.aspx?Page=44e541e8–abdd–49da–8fde–046713617e9e>

### Analysis Prepared by the Department of Safety and Professional Services

#### *Statutes interpreted*

Section 448.665, Stats.

#### *Statutory authority*

Sections 227.11 (2) (a) and 448.665, Stats.

#### *Explanation of agency authority*

Pursuant to s. 227.11 (2) (a), Stats., the Podiatry Affiliated Credentialing Board (Board) is generally empowered by the legislature to promulgate rules that will provide guidance within the profession and rules that interpret the statutes it enforces or administers. Section 448.665, Stats., empowers the Board to, “promulgate rules establishing requirements and procedures for licensees to complete continuing education programs or courses of study in order to qualify for renewal of a license granted under this subchapter.” The proposed rule seeks to carry out this mandate by promulgating rules setting forth the time period for conducting continuing education audits and by specifying the time period for retaining documentary evidence of compliance with the continuing education requirement.

#### *Related statute or rule*

None.

#### *Plain language analysis*

This proposed rule is focused on specifying the time period for conducting audits of licensee’s compliance with the continuing education requirement in Wis. Admin. Code ch. Pod 3 and specifying the time period licensees must maintain evidence of compliance. Currently, the rule requires, “any podiatrist to submit evidence to the board of his or her compliance with continuing education requirements during the preceding biennium.” Wis. Admin. Code s. Pod 3.04. The rule does not state when audits are to take place or how long a licensee must maintain evidence of compliance with the continuing education requirement. This proposed rule identifies when audits of continuing education will take place and how long evidence of compliance with the required continuing education must be maintained.

SECTION 1. identifies when compliance with the continuing education requirement must be reported.

SECTION 2. identifies when audits are to take place and the amount of time in which certificates of completion of continuing education must be kept.

#### *Summary of, and comparison with, existing or proposed federal regulation*

None.

#### *Comparison with rules in adjacent states*

**Illinois:** Illinois does not set a specific time frame for conducting audits or maintaining certificates of compliance with continuing education. It is the responsibility of each licensee to maintain evidence of compliance with continuing education requirements and provide evidence of such upon request pursuant to a random audit. ILL. ADMIN. CODE tit. 68 §. 1360.70 d) 2).

**Iowa:** Even though Iowa defines the term “audit” in 645 IAC 225., the code is silent with regards to a specific time period for auditing continuing education compliance and maintaining evidence of compliance.

**Michigan:** The Department of Licensing and Regulatory Affairs, Bureau of Health Care Services conducts an audit at the conclusion of each renewal period to verify compliance with continuing education requirements. In accordance with Mich. Admin. Code r. 338.3711 (2), licensees are responsible for maintaining evidence of compliance

**Minnesota:** Licensees must provide the board with proof of attendance in a continuing education program within the renewal period. The evidence must be in the form of a certificate, descriptive receipt, or affidavit. MINN. Rules 6900.0300 Subp. 4.

**Summary of factual data and analytical methodologies**

The Board reviewed its rules and determined that a set time was required for auditing licensees’ compliance with continuing education requirements. No other factual data or analytical methodologies were used. The Board ensures the accuracy, integrity, objectivity and consistency of data were used in preparing the proposed rule and related analysis

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

These proposed rules do not have an economic impact on small businesses as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at [Tom.Engels@wisconsin.gov](mailto:Tom.Engels@wisconsin.gov), or by calling (608) 266-8608.

**Fiscal estimate and Economic Impact Analysis**

The Fiscal Estimate and Economic Impact Analysis are below.

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

165- Pod 3.01, 3.04

3. Subject

Continuing Education Audit

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  
 Indeterminate       Decrease Existing Revenues

Increase Costs  
 Could Absorb Within Agency’s Budget  
 Decrease Cost

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

- State’s Economy
- Local Government Units
- Specific Businesses/Sectors
- 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

The proposed rule addresses the Podiatry Affiliated Credentialing Board’s concern that licensees were not being audited for compliance with the continuing education requirements as specified in Wis. Admin. Code § Pod 3.01. To alleviate this concern, the Board seeks to amend Wis. Admin. Code § Pod 3.01 and 3.04 to allow audits to take place every two years and to require that licensees maintain evidence of continuing education compliance for four years. The proposed rule would accomplish these two goals.

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.

This proposed rule was posted on the Department of Safety and Professional Services website and on the Wisconsin government website for 14 business days to solicit comments from the public. No businesses, business sectors, associations representing business, local governmental units, or individuals contacted the department about the proposed rule during that time period.

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

No local governmental units participated in developing this EIA.

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)

This rule will have no economic or fiscal impact on specific business, business sectors, public utility rate payers, local government units or the state’s economy as a whole.

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

The benefit of implementing the proposed rule is greater uniformity in the process of determining whether licensees are complying with continuing education requirements.

14. Long Range Implications of Implementing the Rule

A consistent audit of licensee’s compliance with the continuing education requirement will, over a period of time, act as a deterrent to non-compliance.

15. Compare With Approaches Being Used by Federal Government

None.

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

**Illinois:** Illinois does not set a specific time frame for conducting audits or maintaining certificates of compliance with continuing education. It is the responsibility of each licensee to maintain evidence of compliance with continuing education requirements and provide evidence of such upon request pursuant to a random audit. ILL. ADMIN. CODE tit. 68 §. 1360.70 d) 2).

**Iowa:** Even though Iowa defines the term “audit” in 645 IAC 225., the code is silent with regards to a specific time period for auditing continuing education compliance and maintaining evidence of compliance.

**Michigan:** The Department of Licensing and Regulatory Affairs, Bureau of Health Care Services conducts an audit at the conclusion of each renewal period to verify compliance with continuing education requirements. In accordance with Mich. Admin. Code r. 338.3711 (2) licensees are responsible for maintaining evidence of compliance.

**Minnesota:** Licensees must provide the board with proof of attendance in a continuing education program within the renewal period. The evidence must be in the form of a certificate, descriptive receipt, or affidavit. MINN. Rules 6900.0300 Subp. 4. The rules are silent with regards to conducting audits.

17. Contact Name  
Shawn Leatherwood

18. Contact Phone Number  
608-261-4438

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## Rule Orders Filed with the Legislative Reference Bureau

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*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](mailto:bruce.hoesly@legis.wisconsin.gov) or (608) 266-7590 for updated information on the effective dates for the listed rule orders.*

### **Insurance CR 13-044**

An order to amend sections Ins 17.01 (3) (c) 1., 2., and 3. and 17.28 (3) (c) and to repeal and recreate section Ins 17.28 (6), relating to the injured patients and families compensation fund annual fund and mediation panel fees, and ISO code amendments for the fiscal year beginning July 1, 2013, and affecting small business.  
Effective 7-1-14.

### **Insurance CR 13-059**

An order to amend section Ins 51.01 (4) (a) 2., relating to risk based capital requirements.  
Effective 7-1-14.

### **Natural Resources Fish, Game, etc., Chs. 1— CR 13-080**

(DNR # FR-20-12)

An order to repeal section NR 45.045(2) (b); to renumber section NR 45.045 (2) (d) and (e); and to amend section NR 45.045 (2) (a), relating to decreasing the distance from which firewood may be brought onto state lands from 25 to 10 miles and allowing wood from out of state to enter state lands if originating within 10 miles.  
Effective 6-1-14.

### **Public Service Commission CR 13-039**

(PSC # 1-AC-238)

An order to repeal and recreate ch. PSC 114, regarding the adoption of the 2012 Edition of the National Electrical Safety Code into Volume 1 of the State Electrical Code.  
Effective 7-1-14.

### **Public Service Commission CR 13-101**

(PSC # 1-AC-242)

An order to amend section PSC 111.51 (4) (b) 2., regarding the electronic delivery of applications for a Certificate of Public Convenience and Necessity (CPCN).  
Effective 7-1-14.

### **Safety and Professional Services — Dentistry Examining Board CR 13-060**

An order to repeal and recreate section DE 9.01; amend section DE 9.02 (intro.), (1), (2), and (4); and create section DE 9.015, relating to lab work authorizations.  
Effective 7-1-14.

### **Safety and Professional Services — Dentistry Examining Board CR 13-061**

An order to amend sections DE 11.05 (1), 11.06 (1), and 11.07 (1) and create sections DE 11.02 (1s), (1t), and (1u) and DE 11.025, relating to sedation permits and classes of permits.  
Effective 7-1-14.

### **Safety and Professional Services — Dentistry Examining Board CR 13-074**

An order of the Dentistry Examining Board to amend sections DE 12.01 (intro.), (1), (2), and (3), 12.02 and 12.03, relating to training of unlicensed persons.  
Effective 7-1-14.

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

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*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

### Children and Families

#### *Family and Economic Security, Chs. 101—153*

#### CR 13-015

An order of the Department of Children and Families to revise Chapter DCF 101, relating to Wisconsin works case management services for job-ready individuals.

Effective 6-1-14.

#### Summary of Final Regulatory Flexibility Analysis

The rule does not affect small businesses as defined in s. 227.114, Stats.

#### Summary of Comments by Legislative Review Committees

None.

### Natural Resources

#### *Fish, Game, etc., Chs. 1—*

#### CR 13-079

(DNR # FH-01-12)

An order of the Department of Natural Resources to amend section NR 20.40 (3), (3m), (4), (7) (intro.) and (a), (10) (g) 3., 4., and 7.; to repeal and recreate section NR 20.40 (5); and to create section NR 20.40 (2) (dm) and (Note), (7) (f) 2m. and (Note), (10) (g) 3m., 8., and 9., and (10) (gm), relating to fishing tournaments on inland, outlying, and boundary waters of Wisconsin.

Effective 6-1-14.

#### Final Regulatory Flexibility Analysis

Minimal economic impact is expected overall for businesses, business associations, public utility rate payers, or local governmental units. The proposed rule would not adversely affect in a material way the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of the State.

The proposed rule change would impact fishing tournament organizers and sport anglers who participate in fishing tournaments. No additional compliance or reporting requirements will be imposed on small businesses as a result of these rule changes.

Based on one comment received during the economic impact comment period from a bait and tackle business, the rule may have a beneficial impact for some businesses, such as bait and tackle shops located near popular tournament areas.

#### Response to Small Business Regulatory Review Board Report

The Small Business Regulatory Review Board did not prepare a report on this rule proposal.

### Natural Resources

#### *Fish, Game, etc., Chs. 1—*

#### CR 13-080

(DNR # FR-20-12)

An order of the Department of Natural Resources to repeal section NR 45.045 (2) (b); to renumber section NR 45.045 (2) (d) and (e); and to amend section NR 45.045 (2) (a), relating to decreasing the distance from which firewood may be brought onto state lands from 25 to 10 miles and allowing wood from out of state to enter state lands if originating within 10 miles.

Effective 6-1-14.

#### Summary of Final Regulatory Flexibility Analysis

Small vendors just outside state campgrounds are already getting their firewood from close by given the current 25 mile limit on allowable wood. For this reason, we do not anticipate an additional impact on these vendors with the decrease to 10 miles. It may have a beneficial effect on vendors who are certified as treating their wood by the Department of Agriculture, Trade and Consumer Protection as it could increase the convenience of their product since it can be brought onto any state property, regardless of where it originated.

#### Summary of Comments

No comments were reported.

### Natural Resources

#### *Fish, Game, etc., Chs. 1—*

#### CR 13-082

(DNR # FH-25-15)

An order of the Department of Natural Resources to amend section NR 25.10 (1) (c), relating to the number, placement,

and removal of commercial fishing trap nets in the Restricted Use Area of Lake Superior.

Effective 6-1-14.

#### **Final Regulatory Flexibility Analysis**

Commercial fishers may need to reduce the number or alter placement of trap nets in the Restricted Use Area, but the rule is not expected to significantly impact their ability to harvest fish from this area according to applicable laws and statutes.

Minimal economic impact is anticipated as a result of this rule change. Commercial fishing effort may be redistributed to other areas, possibly requiring additional travel for some fishers, but no quota or fishing effort changes are expected.

The Department's main concern is to increase navigational safety and expand safe fishing and boating opportunities. The rule was written to ensure commercial fishers' economic needs were included. In addition, based on one comment received during the economic impact comment period and two public hearing comments received, the rule may benefit charter fishing businesses in the Restricted Use Area of Lake Superior.

Minimal impact is expected for businesses or business associations. No additional reporting requirements will be imposed on small businesses as a result of these rule changes.

#### **Response to Small Business Regulatory Review Board Report**

The Small Business Regulatory Review Board did not prepare a report on this rule proposal.

#### **Public Instruction**

##### **CR 13-083**

An order to repeal sections PI 21.01 (Note), 21.04 (4) (Note), and 21.05; amend section PI 21.04 (title), (intro), (1) (a), (b) and (c), (2), and (3); and to repeal and recreate section PI 21.04 (4), relating to driver education programs.

Effective 6-1-14.

#### **Effect on Small Business**

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

#### **Summary of Comments**

No comments were reported.

#### **Public Instruction**

##### **CR 13-086**

An order of the Department of Public Instruction to revise Chapter PI 32, relating to grants for alcohol and other drug abuse programs.

Effective 6-1-14.

#### **Effect on Small Business**

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

#### **Summary of Comments**

No comments were reported.

#### **Revenue**

##### **CR 13-095**

An order of the Department of Revenue to amend section Tax 11.93 (1) and (Note 2), relating to sales tax filing frequency.

Effective 6-1-14.

#### **Effect on Small Business**

This rule does not affect small business.

#### **Summary of Comments**

No comments were reported.

#### **Safety and Professional Services — Massage Therapy and Bodywork Therapy Affiliated Credentialing Board**

##### **CR 13-055**

An order of the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board to repeal section MTBT 2.05 and (Note); to amend sections MTBT 1.01, 2.01 (title), 2.03 (title), (1) (a) and (c), 3.01 (1) and (5) (b), 4.01 (title) and (intro.), 4.02 (title), (intro.), (1), and (3), 4.03, 4.04 (1) (a) and (c) and (2) (a) and (b), 5.01 (9), (16), (17), (18), (19), (20), (27), (28), and (32), and 5.02 (1), (2) (b) and (c), (3) and (4); to repeal and recreate section MTBT 1.02; and to create section MTBT 4.02 (5) and chapters 6 and 7, relating to temporary licensure and continuing education.

Effective 6-1-14.

#### **Effect 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**

No comments were reported.

#### **Safety and Professional Services — Real Estate Examining Board**

##### **CR 13-072**

An order of the Real Estate Examining Board to revise Chapter REEB 18, relating to real estate trust accounts.

Effective 7-1-14.

#### **Effect 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**

No comments were reported.

#### **Safety and Professional Services — Real Estate Examining Board**

##### **CR 13-073**

An order of the Real Estate Examining Board to revise Chapter REEB 16, relating to use of approved forms and legal advice.

Effective 7-1-14.

#### **Effect 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**

No comments were reported.

## Legislative Acts Modifying or Repealing Rules

### **Financial Institutions — Banking, Credit Unions, Savings Banks, and Savings and Loan** **2013 Wisconsin Act 277, Sections 26 to 66**

2013 Wisconsin Act 277 repeals Chapters DFI–Bkg 47 and DFI–CU 65, 67, and 70 and revises Chapters DFI–Bkg 9 and 41, DFI–CU 54, 57, 59, 60, 61, 66, 68, 72, and 74, DFI–SB 6, and DFI–SL 6, relating to modifying and repealing various rules promulgated by the Department of Financial Institutions.

Effective 6–1–14.

### **Insurance**

#### **2013 Wisconsin Act 278, Sections 15 to 18**

2013 Wisconsin Act 278 revises Chapter Ins 3, relating to modifying and repealing various rules promulgated by the Insurance Commissioner.

Effective 6–1–14.

### **Natural Resources**

#### *Fish, Game, etc., Chs. 1—*

#### **2013 Wisconsin Act 295, Sections 15 to 17**

2013 Wisconsin Act 295 revises Chapter NR 45, relating to modifying and repealing various rules promulgated by the Department of Natural Resources.

Effective 6–1–14.

### **Revenue**

#### **2013 Wisconsin Act 320, Sections 15 and 16**

2013 Wisconsin Act 295 repeals Chapters Tax 10 and 21, relating to modifying and repealing various rules promulgated by the Department of Revenue.

Effective 6–1–14.

### **Transportation**

#### **2013 Wisconsin Act 363, Sections 18 to 70**

2013 Wisconsin Act 363 repeals Chapter Trans 257 and revises Chapters Trans 131, 133, 138, 140, 142, 144, 152, 156, 175, 177, 196, 215, 230, 303, 309, and 312, relating to modifying and repealing various rules promulgated by the Department of Transportation.

Effective 6–1–14.

### **Workforce Development**

#### *Worker's Compensation; Mining Damage Claims, Chs. 80—82*

#### *Employment and Training, Chs. 801—830*

#### **2013 Wisconsin Act 332, Sections 16 to 22**

2013 Wisconsin Act 261 repeals Chapters DWD 82, 805, 811, 816, 820, and 830, relating to repealing various rules promulgated by the Department of Workforce Development.

Effective 6–1–14.

### **Workforce Development**

#### *Labor Standards, Chs. 270—279*

#### **2013 Wisconsin Act 361, Sections 15 to 22**

2013 Wisconsin Act 261 revises Chapter DWD 273, relating to modifying various rules promulgated by the Department of Workforce Development.

Effective 6–1–14.

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

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*The following administrative code provisions were revised by rule orders, modified or repealed by legislative act, or corrected by the Legislative Reference Bureau in **May 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

#### Children and Families

##### Ch. DCF 101

DCF 101.16 (1) (am)

#### Insurance

##### Ch. Ins 3

Ins 3.34 (4) (Note), (6) (a) 1. a. and b. (Notes)

#### Massage Therapy and Bodywork Therapy Affiliated Credentialing Board

##### Ch. MTBT 1

MTBT 1.01

MTBT 1.02

##### Ch. MTBT 2

MTBT 2.01 (title)

MTBT 2.03 (title), (1) (intro.), (a), (c) (intro.)

MTBT 2.05

##### Ch. MTBT 3

MTBT 3.01 (1), (5) (b)

##### Ch. MTBT 4

MTBT 4.01

MTBT 4.02 (title), (intro.), (1), (3), (5)

MTBT 4.03

MTBT 4.04 (intro.), (1) (intro.), (a), (c), (2) (a), (b)

##### Ch. MTBT 5

MTBT 5.01 (9), (16) to (20), (27), (28), (32)

MTBT 5.02 (1), (2) (b), (c), (3), (4)

##### Ch. MTBT 6

Entire Chapter (Created)

##### Ch. MTBT 7

Entire Chapter (Created)

#### Natural Resources

##### Ch. NR 20

NR 20.40 (3) (intro.), (e), (3m), (4) (b) 2., 3., (c) 2., (d) 2., (f), (7) (intro.), (a) (table), (2) (f) 2m. and (Note), (10) (g) 3., 3m., 4., 7., 8. and (Note), 9., (gm)

##### Ch. NR 25

NR 25.10 (1) (c)

#### Ch. NR 45

NR 45.045 (2) (a), (b), (d), (e), (3), (4)

#### Public Instruction

##### Ch. PI 21

PI 21.01 (Note)

PI 21.04 (title), (intro.) (1) (a) (intro.), (b), (c), (2) to (4), (Note)

PI 21.05

##### Ch. PI 32

PI 32.01(4) and Note

PI 32.03(2) (intro) and (Note), (4) (a), (b)

PI 32.05

#### Real Estate Examining Board

##### Ch. REEB 16

REEB 16.02 (intro.), (1), (Note), (1e), (1m), (2e) to (2s), (3), (3m), (4m)

REEB 16.03 (1) (intro.), (a), (b), (e), (2), (Note)

REEB 16.05 (1), (2)

REEB 16.06 (1) (intro.), (a), (b), (e), (f), (4) (intro.), (a), (b), (5) (intro.), (a) to (c), (6), (7), (9)

##### Ch. REEB 18

REEB 18.01 (title)

REEB 18.02 (intro.) (Note), (1), (1e), (Note), (4) (Note), (5) (intro.) to (b), (6) (intro.) to (g)

REEB 18.031 (1) (intro.) to (b)

REEB 18.033 (title), (2)

REEB 18.034 (title)

REEB 18.035 (2)

REEB 18.037 (intro.), (Note)

REEB 18.06

REEB 18.08

REEB 18.09 (1) (intro.) to (f)

REEB 18.10

REEB 18.11

REEB 18.12

REEB 18.13 (1) (intro.) to (d), (2) to (4), (6) (e)

#### Revenue

##### Ch. Tax 11

Tax 11.93 (1), (Note [2])

## 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 9**  
DFI-Bkg 9.01
- Ch. DFI-Bkg 41**  
DFI-Bkg 41.01
- Ch. DFI-Bkg 47**  
Entire Chapter (Repealed)

### Financial Institutions — Credit Unions

- Ch. DFI-CU 54**  
DFI-CU 54.05
- Ch. DFI-CU 57**  
DFI-CU 57.01 (Section), (Note)  
DFI-CU 57.03
- Ch. DFI-CU 59**  
DFI-CU 59.03 (1), (6)
- Ch. DFI-CU 60**  
DFI-CU 60.01 (title), (1), (2)  
DFI-CU 60.03 (title), (1), (2), (3), (4)  
DFI-CU 60.05 (1), (2)  
DFI-CU 60.06
- Ch. DFI-CU 61**  
(Chapter title)  
DFI-CU 61.01 (1)  
DFI-CU 61.02 (1), (2)  
DFI-CU 61.03 (1), (2), (3)  
DFI-CU 61.04
- Ch. DFI-CU 65**  
Entire Chapter (Repealed)
- Ch. DFI-CU 66**  
DFI-CU 66.02 (2) (Note)
- Ch. DFI-CU 67**  
Entire Chapter (Repealed)
- Ch. DFI-CU 68**  
DFI-CU 68.02 (Note)  
DFI-CU 68.03 (2)  
DFI-CU 68.06 (2)
- Ch. DFI-CU 70**  
Entire Chapter (Repealed)
- Ch. DFI-CU 72**  
DFI-CU 72.12  
DFI-CU 72.13
- Ch. DFI-CU 74**  
(Chapter title)  
DFI-CU 74.01  
DFI-CU 74.02 (7)  
DFI-CU 74.03  
DFI-CU 74.09

### Financial Institutions — Savings and Loan

- Ch. DFI-SL 6**  
DFI-SL 6.01  
DFI-SL 6.03

### Financial Institutions — Savings Banks

- Ch. DFI-SB 6**  
DFI-SB 6.01 (Section), (Note [2])  
DFI-SB 6.03  
DFI-SB 6.05 (1)

### Insurance

- Ch. Ins 3**  
Ins 3.46 (13) (a), (b), (c)

### Natural Resources

- Ch. NR 45**  
NR 45.04 (2) (a) 2., 3., 5.

### Revenue

- Ch. Tax 10**  
Entire Chapter (Repealed)
- Ch. Tax 21**  
Entire Chapter (Repealed)

### Transportation

- Ch. Trans 131**  
Trans 131.03 (11) (L), (15) (c)  
Trans 131.11 (3)  
Trans 131.13 (5)
- Ch. Trans 133**  
Trans 133.02 (2)  
Trans 133.04 (1), (2) (h)  
Trans 133.05  
Trans 133.06 (3)  
Trans 133.07 (1)  
Trans 133.08  
Trans 133.09 (3)
- Ch. Trans 138**  
Trans 138.05 (3)
- Ch. Trans 140**  
Trans 140.022 (2)  
Trans 140.07 (3) (a), (b)  
Trans 140.09 (2) (a)
- Ch. Trans 142**  
Trans 142.07 (5) (c)
- Ch. Trans 144**  
Trans 144.01  
Trans 144.02 (1)  
Trans 144.04 (1)  
Trans 144.05
- Ch. Trans 152**  
Trans 152.15
- Ch. Trans 156**  
Trans 156.04 (1) (c) 1., 2.  
Trans 156.06 (3)
- Ch. Trans 175**  
Trans 175.03

Trans 175.04 (4) (e)

**Ch. Trans 177**

Trans 177.04

Trans 177.09 (4)

Trans 177.10

**Ch. Trans 196**

Trans 196.02 (7), (8)

Trans 196.04 (2) (b), (Note), (3) (d), (5)

**Ch. Trans 215**

Trans 215.07 (2) (d)

Trans 215.08, (Note)

Trans 215.10, (Note)

**Ch. Trans 230**

Trans 230.01 (3) (c) 1.

**Ch. Trans 257**

Entire Chapter (Repealed)

**Ch. Trans 303**

Trans 303.03 (4), (Note)

Trans 303.04

Trans 303.08 (1) (d)

**Ch. Trans 305**

Trans 305.065 (3)

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**Ch. Trans 312**

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**Workforce Development**

**Ch. DWD 82**

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**Ch. DWD 273**

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**Ch. DWD 816**

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**Editorial Corrections**

Corrections by the Legislative Reference Bureau under the authority of s. 13.92 (4) (b) or 35.17 (2), Stats.

**Children and Families**

**Ch. DCF 101**

DCF 101.27 (3) (a)

**Ch. DCF 110 (Removed: Authority repealed by 2013 Wis. Act 32, s. 333)**

**Financial Institutions — Credit Unions**

**Ch. DFI-CU 74**

DFI-CU 74.03 (title)

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**Ch. NR 20**

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**Real Estate Examining Board**

**Ch. REEB 16**

REEB 16.02 (2s)

**Transportation**

**Ch. Trans 133**

Trans 133.06 (2) (a)

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## Executive Orders

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**The following are recent Executive Orders issued by the Governor.**

**Executive Order 133.** Relating to a Proclamation that the Flag of the United States and the Flag of the State of Wisconsin Be Flown at Half-Staff as a Mark of Respect for Peace Officers Who Have Given Their Lives in the Line of Duty. **(May 9, 2014)**

**Executive Order 134.** Relating to a Proclamation that the Flag of the United States and the Flag of the State of Wisconsin Be Flown at Half-Staff as a Mark of Respect for Former Governor Patrick Lucey. **(May 12, 2014)**

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