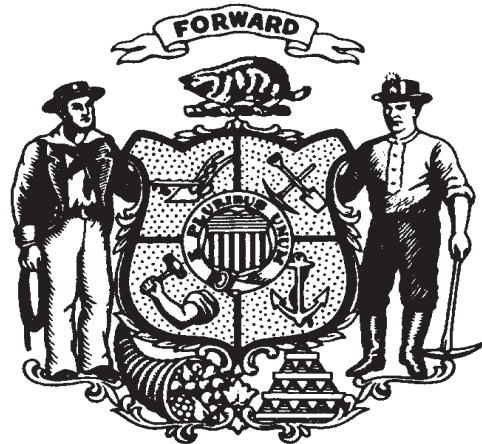


Wisconsin Administrative Register

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Emergency rules now in effect

Under s. 227.24, Stats., state agencies may promulgate rules without complying with the usual rule-making procedures. Using this special procedure to issue emergency rules, an agency must find that either the preservation of the public peace, health, safety or welfare necessitates its action in bypassing normal rule-making procedures.

Emergency rules are published in the official state newspaper, which is currently the Wisconsin State Journal. Emergency rules are in effect for 150 days and can be extended up to an additional 120 days with no single extension to exceed 60 days.

Occasionally the Legislature grants emergency rule authority to an agency with a longer effective period than 150 days or allows an agency to adopt an emergency rule without requiring a finding of emergency.

Extension of the effective period of an emergency rule is granted at the discretion of the Joint Committee for Review of Administrative Rules under s. 227.24 (2), Stats.

Notice of all emergency rules which are in effect must be printed in the Wisconsin Administrative Register. This notice will contain a brief description of the emergency rule, the agency finding of emergency or a statement of exemption from a finding of emergency, date of publication, the effective and expiration dates, any extension of the effective period of the emergency rule and information regarding public hearings on the emergency rule.

Copies of emergency rule orders can be obtained from the promulgating agency. The text of current emergency rules can be viewed at www.legis.state.wi.us/rsb/code.

Insurance

Rules adopted revising **ch. Ins 17**, relating to annual patients compensation fund and mediation fund fees for the fiscal year beginning July 1, 2004.

Finding of emergency

The commissioner of insurance (commissioner) finds that an emergency exists and that promulgation of an emergency rule is necessary for the preservation of the public peace, health, safety or welfare. The facts constituting the emergency are as follows:

Actuarial and accounting data necessary to establish PCF fees is first available in December of each year. It is not possible to complete the permanent fee rule process in time for the patients compensation fund (fund) to bill health care providers in a timely manner for fees applicable to the fiscal year beginning July 1, 2004.

The commissioner expects that the permanent rule corresponding to this emergency rule, clearinghouse No. 04-032, will be filed with the secretary of state in time to take effect October 1, 2004. Because the fund fee provisions of this rule first apply on July 1, 2004, it is necessary to promulgate the rule on an emergency basis. A hearing on the permanent rule, pursuant to published notice thereof, was held on May 18, 2004.

Publication Date: June 22, 2004
Effective Date: July 1, 2004
Expiration Date: November 28, 2004

Natural Resources (4) (Fish, Game, etc., Chs. NR 1-)

1. Rules adopted revising **chs. NR 10 and 19**, relating to the regulation of baiting and feeding to control and manage chronic wasting disease and bovine tuberculosis.

Finding of emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The state legislature has delegated to the department rule-making authority in 2001 Wisconsin Act 108 to control the spread of Chronic Wasting Disease (CWD) in Wisconsin. CWD, bovine tuberculosis and other forms of transmissible diseases pose a risk to the health of the state's deer herd and citizens and is a threat to the economic infrastructure of the department, the state, its citizens and businesses. The state legislature has also delegated to the department rule-making authority in 2003 Wisconsin Act 240 to regulate feeding of wild animals for non-hunting purposes including recreational and supplemental feeding. These restrictions on deer baiting and feeding need to be implemented through the emergency rule procedure to help control and prevent the spread of CWD, bovine tuberculosis and other forms of transmissible diseases in Wisconsin's deer herd.

Publication Date: June 10, 2004
Effective Date: June 10, 2004
Expiration Date: November 7, 2004
Hearing Date: August 25 and 26, 2004
Extension Through: January 5, 2005

2. Rules adopted amending **s. NR 25.09 (2) (b) 2. e.**, relating to commercial fishing with trap nets in Lake Michigan.

Finding of emergency

The use of the emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect public peace, health, safety or welfare. A statement of facts constituting the emergency is: The rule change will clarify the boundaries of the trap net area and thus reduce or prevent potential user conflicts between recreational and commercial fishers in the Manitowoc/Two Rivers area by changing the locations where commercial trap nets may be set from June 28 to Labor Day.

Publication Date: June 28, 2004
Effective Date: June 28, 2004
Expiration Date: November 25, 2004
Hearing Date: August 2, 2004

3. Rules adopted creating **ss. NR 1.05, 1.06 and 1.07**, relating to Natural Resources Board policies on protection and management of public waters.

Finding of emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The Wisconsin Legislature recently enacted 2003 Wisconsin Act 118, to streamline the regulatory process for activities in public trust waters. The state has an affirmative duty to administer the new law in a manner consistent with the public trust responsibilities of the State of Wisconsin under Article IX, Section I of the Wisconsin Constitution.

2003 Act 118 identifies certain activities that may be undertaken in public trust waters exempt from a permit, or under a general permit. Certain activities may not be undertaken in waters that are defined as “areas of special natural resource interest” or at other locations where the activity would cause detrimental impacts on public rights and interests in navigable waters. Without emergency rules to aid in administering the new law, the following severe problems will occur:

- Until general permits are created by rule, any activity which is not exempt requires an individual permit with an automatic 30-day public notice. The required 30-day comment period will unnecessarily delay hundreds of construction projects that otherwise could go ahead with specified conditions for protecting lakes and streams (for example, all new riprap and culvert applications currently require public notices).

- Unclear wording of exemptions currently puts property owners, contractors and consultants at risk of violation. Without clear procedures and standards established by emergency rule, many more people may request exemption determinations, slowing the decisions on individual permit applications.

- Wording of exemptions and temporary grading jurisdiction puts lakes and streams at risk. Without standards as intended and described in the new law, exempted activities and grading along shorelines will cause inadvertent but permanent destruction of fish and wildlife habitat, loss of natural scenic beauty and reduced water quality. Rights of neighboring property owners may also be harmed. Cumulatively over one or two construction seasons, these impacts will have immediate and permanent effects on Wisconsin’s water-based recreation and tourism industry.

Publication Date: August 24, 2004
Effective Date: August 24, 2004
Expiration Date: January 21, 2005
Hearing Date: September 28, 2004

4. Rules adopted revising **ch. NR 10**, relating to the 2004 migratory game bird seasons.

Finding of emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public welfare. The federal government and state legislature have delegated to the appropriate agencies rule-making authority to control the hunting of migratory birds. The State of Wisconsin must comply with federal regulations in the establishment of migratory bird hunting seasons and conditions. Federal regulations are not made available to this state until mid-August of each year. This order is designed to bring the state hunting regulations to conformity with the federal regulations. Normal rule-making procedures will not allow the establishment of these changes by September 1. Failure to modify our rules will result in the failure to provide

hunting opportunity and continuation of rules which conflict with federal regulations.

Publication Date: August 31, 2004
Effective Date: August 31, 2004
Expiration Date: January 28, 2005
Hearing Date: October 13, 2004

Natural Resources (11)**(Environmental Protection – Water Regulation,
Chs. NR 300—)**

1. Rules adopted revising **ch. NR 300** and repealing **ch. NR 322**, relating to timelines and procedures for exemptions, general permits and individual permits for activities in navigable waterways.

Finding of emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The Wisconsin Legislature recently enacted 2003 Wisconsin Act 118, to streamline the regulatory process for activities in public trust waters. The state has an affirmative duty to administer the new law in a manner consistent with the public trust responsibilities of the State of Wisconsin under Article IX, Section I of the Wisconsin Constitution.

2003 Act 118 identifies certain activities that may be undertaken in public trust waters exempt from a permit, or under a general permit. Certain activities may not be undertaken in waters that are defined as “areas of special natural resource interest” or at other locations where the activity would cause detrimental impacts on public rights and interests in navigable waters. Without emergency rules to aid in administering the new law, the following severe problems will occur:

- Until general permits are created by rule, any activity which is not exempt requires an individual permit with an automatic 30-day public notice. The required 30-day comment period will unnecessarily delay hundreds of construction projects that otherwise could go ahead with specified conditions for protecting lakes and streams (for example, all new riprap and culvert applications currently require public notices).

- Unclear wording of exemptions currently puts property owners, contractors and consultants at risk of violation. Without clear procedures and standards established by emergency rule, many more people may request exemption determinations, slowing the decisions on individual permit applications.

- Wording of exemptions and temporary grading jurisdiction puts lakes and streams at risk. Without standards as intended and described in the new law, exempted activities and grading along shorelines will cause inadvertent but permanent destruction of fish and wildlife habitat, loss of natural scenic beauty and reduced water quality. Rights of neighboring property owners may also be harmed. Cumulatively over one or two construction seasons, these impacts will have immediate and permanent effects on Wisconsin’s water-based recreation and tourism industry.

To carry out the intention of the Legislature that 2003 Act 118 to speed decision-making but not diminish the public trust in state waters, these emergency rules are required to

establish definitions, procedures and substantive standards for exemptions, general permits and jurisdiction under the new law.

Publication Date: April 19, 2004
Effective Date: April 19, 2004*
Expiration Date: September 16, 2004
Hearing Date: May 19, 2004
Extension Through: January 13, 2005

*On June 24, 2004, the Joint Committee for Review of Administrative Rules suspended s. NR 310.17 (4) (a).

- Rules adopted revising **ch. NR 320**, relating to the regulation of bridges and culverts in or over navigable waterways.

Finding of emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The Wisconsin Legislature recently enacted 2003 Wisconsin Act 118, to streamline the regulatory process for activities in public trust waters. The state has an affirmative duty to administer the new law in a manner consistent with the public trust responsibilities of the State of Wisconsin under Article IX, Section I of the Wisconsin Constitution.

2003 Act 118 identifies certain activities that may be undertaken in public trust waters exempt from a permit, or under a general permit. Certain activities may not be undertaken in waters that are defined as "areas of special natural resource interest" or at other locations where the activity would cause detrimental impacts on public rights and interests in navigable waters. Without emergency rules to aid in administering the new law, the following severe problems will occur:

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Unclear wording of exemptions currently puts property owners, contractors and consultants at risk of violation. Without clear procedures and standards established by emergency rule, many more people may request exemption determinations, slowing the decisions on individual permit applications.

Wording of exemptions and temporary grading jurisdiction puts lakes and streams at risk. Without standards as intended and described in the new law, exempted activities and grading along shorelines will cause inadvertent but permanent destruction of fish and wildlife habitat, loss of natural scenic beauty and reduced water quality. Rights of neighboring property owners may also be harmed. Cumulatively over one or two construction seasons, these impacts will have immediate and permanent effects on Wisconsin's water-based recreation and tourism industry.

To carry out the intention of the Legislature that 2003 Act 118 to speed decision-making but not diminish the public trust in state waters, these emergency rules are required to establish definitions, procedures and substantive standards for exemptions, general permits and jurisdiction under the new law.

Publication Date: August 24, 2004
Effective Date: August 24, 2004
Expiration Date: January 21, 2005
Hearing Date: September 28, 2004

- Rules adopted revising **ch. NR 323**, relating to fish and wildlife habitat structures in navigable waterways.

Finding of emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The Wisconsin Legislature recently enacted 2003 Wisconsin Act 118, to streamline the regulatory process for activities in public trust waters. The state has an affirmative duty to administer the new law in a manner consistent with the public trust responsibilities of the State of Wisconsin under Article IX, Section I of the Wisconsin Constitution.

2003 Act 118 identifies certain activities that may be undertaken in public trust waters exempt from a permit, or under a general permit. Certain activities may not be undertaken in waters that are defined as "areas of special natural resource interest" or at other locations where the activity would cause detrimental impacts on public rights and interests in navigable waters. Without emergency rules to aid in administering the new law, the following severe problems will occur:

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Unclear wording of exemptions currently puts property owners, contractors and consultants at risk of violation. Without clear procedures and standards established by emergency rule, many more people may request exemption determinations, slowing the decisions on individual permit applications.

Wording of exemptions and temporary grading jurisdiction puts lakes and streams at risk. Without standards as intended and described in the new law, exempted activities and grading along shorelines will cause inadvertent but permanent destruction of fish and wildlife habitat, loss of natural scenic beauty and reduced water quality. Rights of neighboring property owners may also be harmed. Cumulatively over one or two construction seasons, these impacts will have immediate and permanent effects on Wisconsin's water-based recreation and tourism industry.

To carry out the intention of the Legislature that 2003 Act 118 to speed decision-making but not diminish the public trust in state waters, these emergency rules are required to establish definitions, procedures and substantive standards for exemptions, general permits and jurisdiction under the new law.

Publication Date: April 19, 2004
Effective Date: April 19, 2004
Expiration Date: September 16, 2004
Hearing Date: May 19, 2004
Extension Through: January 13, 2005

- Rules adopted revising **ch. NR 325**, relating to boathouses and fixed houseboats in navigable waterways.

Finding of emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The Wisconsin Legislature recently enacted 2003 Wisconsin Act 118, to streamline the regulatory process for activities in public trust waters. The state has an affirmative duty to administer the new law in a manner consistent with the public trust responsibilities of the State of Wisconsin under Article IX, Section I of the Wisconsin Constitution.

2003 Act 118 identifies certain activities that may be undertaken in public trust waters exempt from a permit, or under a general permit. Certain activities may not be undertaken in waters that are defined as “areas of special natural resource interest” or at other locations where the activity would cause detrimental impacts on public rights and interests in navigable waters. Without emergency rules to aid in administering the new law, the following severe problems will occur:

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Unclear wording of exemptions currently puts property owners, contractors and consultants at risk of violation. Without clear procedures and standards established by emergency rule, many more people may request exemption determinations, slowing the decisions on individual permit applications.

Wording of exemptions and temporary grading jurisdiction puts lakes and streams at risk. Without standards as intended and described in the new law, exempted activities and grading along shorelines will cause inadvertent but permanent destruction of fish and wildlife habitat, loss of natural scenic beauty and reduced water quality. Rights of neighboring property owners may also be harmed. Cumulatively over one or two construction seasons, these impacts will have immediate and permanent effects on Wisconsin’s water-based recreation and tourism industry.

To carry out the intention of the Legislature that 2003 Act 118 to speed decision-making but not diminish the public trust in state waters, these emergency rules are required to establish definitions, procedures and substantive standards for exemptions, general permits and jurisdiction under the new law.

Publication Date: April 19, 2004
Effective Date: April 19, 2004
Expiration Date: September 16, 2004
Hearing Date: May 19, 2004
Extension Through: January 13, 2005

- Rules adopted revising **ch. NR 326**, relating to regulation of piers, wharves, boat shelters, boat hoists, boat lifts and swim rafts in navigable waterways.

Finding of emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The Wisconsin Legislature recently enacted 2003 Wisconsin Act 118, to streamline the regulatory process for activities in public trust

waters. The state has an affirmative duty to administer the new law in a manner consistent with the public trust responsibilities of the State of Wisconsin under Article IX, Section I of the Wisconsin Constitution.

2003 Act 118 identifies certain activities that may be undertaken in public trust waters exempt from a permit, or under a general permit. Certain activities may not be undertaken in waters that are defined as “areas of special natural resource interest” or at other locations where the activity would cause detrimental impacts on public rights and interests in navigable waters. Without emergency rules to aid in administering the new law, the following severe problems will occur:

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Unclear wording of exemptions currently puts property owners, contractors and consultants at risk of violation. Without clear procedures and standards established by emergency rule, many more people may request exemption determinations, slowing the decisions on individual permit applications.

Wording of exemptions and temporary grading jurisdiction puts lakes and streams at risk. Without standards as intended and described in the new law, exempted activities and grading along shorelines will cause inadvertent but permanent destruction of fish and wildlife habitat, loss of natural scenic beauty and reduced water quality. Rights of neighboring property owners may also be harmed. Cumulatively over one or two construction seasons, these impacts will have immediate and permanent effects on Wisconsin’s water-based recreation and tourism industry.

To carry out the intention of the Legislature that 2003 Act 118 to speed decision-making but not diminish the public trust in state waters, these emergency rules are required to establish definitions, procedures and substantive standards for exemptions, general permits and jurisdiction under the new law.

Publication Date: April 19, 2004
Effective Date: April 19, 2004*
Expiration Date: September 16, 2004
Hearing Date: May 19, 2004

*On June 24, 2004, the Joint Committee for Review of Administrative Rules suspended this emergency rule.

- Rules adopted revising **ch. NR 328**, relating to shore erosion control of inland lakes and impoundments.

Finding of emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The Wisconsin Legislature recently enacted 2003 Wisconsin Act 118, to streamline the regulatory process for activities in public trust waters. The state has an affirmative duty to administer the new law in a manner consistent with the public trust responsibilities of the State of Wisconsin under Article IX, Section I of the Wisconsin Constitution.

2003 Act 118 identifies certain activities that may be undertaken in public trust waters exempt from a permit, or under a general permit. Certain activities may not be

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Until general permits are created by rule, any activity which is not exempt requires an individual permit with an automatic 30–day public notice. The required 30–day comment period will unnecessarily delay hundreds of construction projects that otherwise could go ahead with specified conditions for protecting lakes and streams (for example, all new riprap and culvert applications currently require public notices).

Unclear wording of exemptions currently puts property owners, contractors and consultants at risk of violation. Without clear procedures and standards established by emergency rule, many more people may request exemption determinations, slowing the decisions on individual permit applications.

Wording of exemptions and temporary grading jurisdiction puts lakes and streams at risk. Without standards as intended and described in the new law, exempted activities and grading along shorelines will cause inadvertent but permanent destruction of fish and wildlife habitat, loss of natural scenic beauty and reduced water quality. Rights of neighboring property owners may also be harmed. Cumulatively over one or two construction seasons, these impacts will have immediate and permanent effects on Wisconsin’s water–based recreation and tourism industry.

To carry out the intention of the Legislature that 2003 Act 118 to speed decision–making but not diminish the public trust in state waters, these emergency rules are required to establish definitions, procedures and substantive standards for exemptions, general permits and jurisdiction under the new law.

Publication Date: August 24, 2004
Effective Date: August 24, 2004
Expiration Date: January 21, 2005
Hearing Date: September 28, 2004

7. Rules adopted revising **ch. NR 329**, relating to miscellaneous structures in navigable waterways.

Finding of emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The Wisconsin Legislature recently enacted 2003 Wisconsin Act 118, to streamline the regulatory process for activities in public trust waters. The state has an affirmative duty to administer the new law in a manner consistent with the public trust responsibilities of the State of Wisconsin under Article IX, Section I of the Wisconsin Constitution.

2003 Act 118 identifies certain activities that may be undertaken in public trust waters exempt from a permit , or under a general permit. Certain activities may not be undertaken in waters that are defined as “areas of special natural resource interest” or at other locations where the activity would cause detrimental impacts on public rights and interests in navigable waters. Without emergency rules to aid in administering the new law, the following severe problems will occur:

Until general permits are created by rule, any activity which is not exempt requires an individual permit with an

automatic 30–day public notice. The required 30–day comment period will unnecessarily delay hundreds of construction projects that otherwise could go ahead with specified conditions for protecting lakes and streams (for example, all new riprap and culvert applications currently require public notices).

Unclear wording of exemptions currently puts property owners, contractors and consultants at risk of violation. Without clear procedures and standards established by emergency rule, many more people may request exemption determinations, slowing the decisions on individual permit applications.

Wording of exemptions and temporary grading jurisdiction puts lakes and streams at risk. Without standards as intended and described in the new law, exempted activities and grading along shorelines will cause inadvertent but permanent destruction of fish and wildlife habitat, loss of natural scenic beauty and reduced water quality. Rights of neighboring property owners may also be harmed. Cumulatively over one or two construction seasons, these impacts will have immediate and permanent effects on Wisconsin’s water–based recreation and tourism industry.

To carry out the intention of the Legislature that 2003 Act 118 to speed decision–making but not diminish the public trust in state waters, these emergency rules are required to establish definitions, procedures and substantive standards for exemptions, general permits and jurisdiction under the new law.

Publication Date: August 24, 2004
Effective Date: August 24, 2004
Expiration Date: January 21, 2005
Hearing Date: September 28, 2004

8. Rules adopted revising **ch. NR 340**, and creating **ch. NR 343**, relating to regulation of construction, dredging, and enlargement of an artificial water body.

Finding of emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The Wisconsin Legislature recently enacted 2003 Wisconsin Act 118, to streamline the regulatory process for activities in public trust waters. The state has an affirmative duty to administer the new law in a manner consistent with the public trust responsibilities of the State of Wisconsin under Article IX, Section I of the Wisconsin Constitution.

2003 Act 118 identifies certain activities that may be undertaken in public trust waters exempt from a permit , or under a general permit. Certain activities may not be undertaken in waters that are defined as “areas of special natural resource interest” or at other locations where the activity would cause detrimental impacts on public rights and interests in navigable waters. Without emergency rules to aid in administering the new law, the following severe problems will occur:

Until general permits are created by rule, any activity which is not exempt requires an individual permit with an automatic 30–day public notice. The required 30–day comment period will unnecessarily delay hundreds of construction projects that otherwise could go ahead with specified conditions for protecting lakes and streams (for example, all new riprap and culvert applications currently require public notices).

Unclear wording of exemptions currently puts property owners, contractors and consultants at risk of violation.

Without clear procedures and standards established by emergency rule, many more people may request exemption determinations, slowing the decisions on individual permit applications.

Wording of exemptions and temporary grading jurisdiction puts lakes and streams at risk. Without standards as intended and described in the new law, exempted activities and grading along shorelines will cause inadvertent but permanent destruction of fish and wildlife habitat, loss of natural scenic beauty and reduced water quality. Rights of neighboring property owners may also be harmed. Cumulatively over one or two construction seasons, these impacts will have immediate and permanent effects on Wisconsin's water-based recreation and tourism industry.

To carry out the intention of the Legislature that 2003 Act 118 to speed decision-making but not diminish the public trust in state waters, these emergency rules are required to establish definitions, procedures and substantive standards for exemptions, general permits and jurisdiction under the new law.

Publication Date: August 24, 2004
Effective Date: August 24, 2004
Expiration Date: January 21, 2005
Hearing Date: September 28, 2004

9. Rules adopted revising **ch. NR 345**, relating to dredging in navigable waterways.

Finding of emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The Wisconsin Legislature recently enacted 2003 Wisconsin Act 118, to streamline the regulatory process for activities in public trust waters. The state has an affirmative duty to administer the new law in a manner consistent with the public trust responsibilities of the State of Wisconsin under Article IX, Section I of the Wisconsin Constitution.

2003 Act 118 identifies certain activities that may be undertaken in public trust waters exempt from a permit, or under a general permit. Certain activities may not be undertaken in waters that are defined as "areas of special natural resource interest" or at other locations where the activity would cause detrimental impacts on public rights and interests in navigable waters. Without emergency rules to aid in administering the new law, the following severe problems will occur:

Until general permits are created by rule, any activity which is not exempt requires an individual permit with an automatic 30-day public notice. The required 30-day comment period will unnecessarily delay hundreds of construction projects that otherwise could go ahead with specified conditions for protecting lakes and streams (for example, all new riprap and culvert applications currently require public notices).

Unclear wording of exemptions currently puts property owners, contractors and consultants at risk of violation. Without clear procedures and standards established by emergency rule, many more people may request exemption determinations, slowing the decisions on individual permit applications.

Wording of exemptions and temporary grading jurisdiction puts lakes and streams at risk. Without standards as intended and described in the new law, exempted activities and grading along shorelines will cause inadvertent but

permanent destruction of fish and wildlife habitat, loss of natural scenic beauty and reduced water quality. Rights of neighboring property owners may also be harmed. Cumulatively over one or two construction seasons, these impacts will have immediate and permanent effects on Wisconsin's water-based recreation and tourism industry.

To carry out the intention of the Legislature that 2003 Act 118 to speed decision-making but not diminish the public trust in state waters, these emergency rules are required to establish definitions, procedures and substantive standards for exemptions, general permits and jurisdiction under the new law.

Publication Date: August 24, 2004
Effective Date: August 24, 2004
Expiration Date: January 21, 2005
Hearing Date: September 28, 2004

10. Rules adopted repealing **s. NR 340.02 (2), (8) and (19)** and to creating **ch. NR 341**, relating to regulation of grading on the bank of a navigable waterway.

Finding of emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The Wisconsin Legislature recently enacted 2003 Wisconsin Act 118, to streamline the regulatory process for activities in public trust waters. The state has an affirmative duty to administer the new law in a manner consistent with the public trust responsibilities of the State of Wisconsin under Article IX, Section I of the Wisconsin Constitution.

Act 118 identifies certain activities that may be undertaken in public trust waters exempt from a permit, or under a general permit. Certain activities may not be undertaken in waters that are defined as "areas of special natural resource interest" or at other locations where the activity would cause detrimental impacts on public rights and interests in navigable waters. Without emergency rules to aid in administering the new law, the following severe problems will occur:

- Until general permits are created by rule, any activity which is not exempt requires an individual permit with an automatic 30-day public notice. The required 30-day comment period will unnecessarily delay hundreds of construction projects that otherwise could go ahead with specified conditions for protecting lakes and streams.

- Wording of exemptions and temporary grading jurisdiction puts lakes and streams at risk. Without standards as intended and described in the new law, exempted activities and grading along shorelines will cause inadvertent but permanent destruction of fish and wildlife habitat, loss of natural scenic beauty and reduced water quality. Rights of neighboring property owners may also be harmed. Cumulatively over one or two construction seasons, these impacts will have immediate and permanent effects on Wisconsin's water-based recreation and tourism industry.

To carry out the intention of the Legislature that Act 118 will speed decision-making but not diminish the public trust in state waters, these emergency rules are required to establish definitions, procedures and substantive standards for general permits and jurisdiction under the new law.

Publication Date: May 19, 2004
Effective Date: May 19, 2004
Expiration Date: October 16, 2004
Hearing Date: June 16, 2004
Extension Through: February 12, 2005

11. Rules adopted creating **ch. NR 310**, relating to procedures for exemptions, general permits and individual permits for activities in navigable waterways.

Finding of emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The Wisconsin Legislature recently enacted 2003 Wisconsin Act 118, to streamline the regulatory process for activities in public trust waters. The state has an affirmative duty to administer the new law in a manner consistent with the public trust responsibilities of the State of Wisconsin under Article IX, Section I of the Wisconsin Constitution.

2003 Act 118 identifies certain activities that may be undertaken in public trust waters exempt from a permit, or under a general permit. Certain activities may not be undertaken in waters that are defined as “areas of special natural resource interest” or at other locations where the activity would cause detrimental impacts on public rights and interests in navigable waters. Without emergency rules to aid in administering the new law, the following severe problems will occur:

- Until general permits are created by rule, any activity which is not exempt requires an individual permit with an automatic 30-day public notice. The required 30-day comment period will unnecessarily delay hundreds of construction projects that otherwise could go ahead with specified conditions for protecting lakes and streams (for example, all new riprap and culvert applications currently require public notices).

- Unclear wording of exemptions currently puts property owners, contractors and consultants at risk of violation. Without clear procedures and standards established by emergency rule, many more people may request exemption determinations, slowing the decisions on individual permit applications.

- Wording of exemptions and temporary grading jurisdiction puts lakes and streams at risk. Without standards as intended and described in the new law, exempted activities and grading along shorelines will cause inadvertent but permanent destruction of fish and wildlife habitat, loss of natural scenic beauty and reduced water quality. Rights of neighboring property owners may also be harmed. Cumulatively over one or two construction seasons, these impacts will have immediate and permanent effects on Wisconsin’s water-based recreation and tourism industry.

Publication Date: August 24, 2004
Effective Date: August 24, 2004
Expiration Date: January 21, 2005
Hearing Date: September 28, 2004

Public Instruction

Rules were adopted revising **ch. PI 35**, relating to financial reporting requirements under the Milwaukee Parental Choice Program.

Finding of emergency

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

Per 2003 Wisconsin Act 15, the provisions under the rule must take effect beginning in the 2004–05 school year. Because some of the reporting requirements must be made by August 1, the rule must be in place as soon as possible to give the private schools enough notice to meet such requirements.

Publication Date: June 30, 2004
Effective Date: June 30, 2004
Expiration Date: November 27, 2004
Hearing Date: September 13, 2004

Regulation and Licensing (2)

1. Rules were adopted repealing **ss. RL 31.035 (1m) and 31.036 (1m)**; and creating **ss. RL 4.01 (3g), (3r) and (5m), 4.07 and 4.09**, relating to criminal background investigations of applicants.

Exemption from finding of emergency

SECTION 4, Nonstatutory provisions., of 2003 Wisconsin Act 151 states: “(1) The department of regulation and licensing may, using the procedure under section 227.34 of the statutes, promulgate the rules under section 440.03 (13) (b) of the statutes, as created by this act, for the period before permanent rules become effective, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection 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.”

Analysis prepared by the Department of Regulation and Licensing

This emergency rule is promulgated pursuant to 2003 Wisconsin Act 151. Act 151 was created in response to federal Public Law 92–544, which required authorization by state statute to continue the FBI’s policy of honoring state requests for criminal background reports.

Act 151 modifies the authority of the Department of Regulation and Licensing to conduct criminal background checks of applicants and requires rule-making by the Department to conduct investigations whether an applicant for or holder of any credential issued by the Department has been charged with or convicted of a crime. The emergency rule preserves the ability of the Department to continue its practice of conducting criminal background investigations of applicants and credential holders.

Publication Date: July 3, 2004
Effective Date: July 3, 2004
Expiration Date: November 30, 2004
Hearing Date: October 1, 2004

2. Rules adopted creating **ch. RL 150 to 154**, relating to the licensure and regulation of athlete agents.

Exemption from finding of emergency

SECTION 4, Nonstatutory provisions of 2003 Wisconsin Act 150 states in part:

(2) The department of regulation and licensing may, using the procedure under section 227.24 of the statutes, promulgate the rules under section 440.9935 of the statutes,

as created by this act, for the period before permanent rules become effective, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating rules under this subsection as emergency rules is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide findings of emergency for rules promulgated under this subsection.

Analysis prepared by the Department of Regulation and Licensing

Statutes authorizing promulgation: s. 227.11 (2), Stats., and ss. 440.99, 440.991, 440.915, 440.992, 440.9925, 440.993, 440.9935, 440.994, 440.9945, 440.995, 440.9955, 440.996, 440.9975, 440.998 and 440.999, Stats., as created by 2003 Wisconsin Act 150.

Statutes interpreted: Chapter 440, Subchapter XII.

This emergency rule is promulgated pursuant to 2003 Wisconsin Act 150. This Act grants the Department of Regulation and Licensing the authority to create rules relating to the licensure and regulation of athlete agents.

In this order adopting emergency rules the Department of Regulation and Licensing creates rules relating to the licensure of athlete agents. These rules are as a result of 2003 Wisconsin Act 150 which enacted the Uniform Athlete Agents Act. Chapters RL 150 to 154 establish requirements and standards for registration and the practice of registered athlete agents. The rules specify the registration requirements for temporary and permanent registration, renewal requirements, and prohibited conduct for athlete agents.

SECTION 1 creates Chapter RL 150 which sets forth the statutory authority and the definitions for the proposed rules.

SECTION 2 creates Chapter RL 151 which sets forth the application process and requirements for an initial certificate of registration, including the application process for a temporary certificate of registration.

SECTION 3 creates Chapter RL 152 which sets forth the application process and requirements for renewal of a certificate of registration.

SECTION 4 creates Chapter RL 153 which outlines the standards of practice which apply to a credential holder.

SECTION 5 creates Chapter RL 154 which defines unprofessional conduct.

Publication Date: October 5, 2004
Effective Date: October 5, 2004
Expiration Date: March 4, 2005
Hearing Date: November 12, 2004

Revenue (2)

1. Rules adopted creating **s. Tax 2.99**, relating to the dairy investment credit.

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:

The emergency rule is to clarify the following terms as they apply to the dairy investment credit:

- “amount the claimant paid in the taxable year,”
- “dairy farm modernization or expansion,”
- “milk production,” and
- “used exclusively related to dairy animals.”

It is necessary to promulgate this rule order to remove the threat of inappropriate credit claims and the revenue loss to the state as a result of clarification of the above terms being absent in the statutes.

Publication Date: September 17, 2004
Effective Date: September 17, 2004
Expiration Date: January 14, 2005

2. Rules adopted creating **s. Tax 3.04**, relating to the subtraction from income allowed for military pay received by members of a reserve component of the armed forces.

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 71.05 (6) (b) 34, Stats., provides that a subtraction from income may be claimed for “any amount of basic, special, and incentive pay received from the federal government by a person who is a member of a reserve component of the U.S. armed forces, after being called into active federal service under the provisions of 10 USC 12302 (a) or 10 USC 12304, or into special state service authorized by the federal department of defense under 32 USC 502 (f), that is paid to the person for a period of time during which the person is on active duty.”

Included under 32 USC 502 (f) are persons who are serving on active duty or full-time duty in the active guard reserve (AGR) program. Discussion between the departments of revenue and military affairs and legislative personnel revealed that it was not intended that these persons benefit from the subtraction provided for in s. 71.05 (6) (b) 34, Stats.

It is necessary to promulgate this rule order to remove the threat of inappropriate subtractions from income and the revenue loss to the state as a result of information contained in the statutes that implies persons who are serving on active duty or full-time duty in the active guard reserve program are eligible to claim the subtraction from income for military pay received by members of a reserve component of the armed forces.

Publication Date: September 17, 2004
Effective Date: September 17, 2004
Expiration Date: January 14, 2005

Transportation (2)

1. Rules adopted creating **ch. Trans 135**, relating to creation of a school bus oxidation catalyst grant program in certain counties.

Exemption from finding of emergency

The Legislature, by Section 2r of 2003 Wis. Act 220, provides an exemption from a finding of emergency for the adoption of the rule.

Analysis prepared by the Department of Transportation

Plain Language Analysis: 2003 Wis. Act 220 requires the Wisconsin Department of Transportation, in consultation with the Wisconsin Department of Natural Resources, to develop and administer a program to provide grants for the purchase and installation of oxidation catalysts on school buses customarily kept in the counties identified in s. 110.20 (5), Stats.: Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington and Waukesha. Act 220 amends s. 20.395 (5) (hq), Stats., to provide funds for the grant program under WisDOT's vehicle inspection/maintenance (I/M) program appropriation.

Publication Date: September 1, 2004

Effective Date: September 1, 2004

Expiration Date: See Section 2r 2003 Wis. Act 220

Hearing Date: September 14, 2004

- Rules adopted revising **ch. Trans 112**, relating to medical standards for driver licensing and general standards to school bus endorsements.

Exemption from finding of emergency

The Legislature, by Section 30 of 2003 Wis. Act 280, provides an exemption from a finding of emergency for the adoption of the rule.

Analysis prepared by the Department of Transportation

Under current law, a person may not operate a school bus without a school bus endorsement issued by the Department of Transportation (DOT). DOT may issue a school bus endorsement to a person's valid motor vehicle operator's license if the person meets certain qualifications, including being free of conviction for certain crimes. A school bus endorsement is valid for the eight-year duration of the person's operator's license. Under certain circumstances, DOT must cancel the operator's license of a person to whom a school bus endorsement has been issued.

2003 Wisconsin Act 280 modified the existing criminal history requirements, and imposed additional requirements for the initial issuance or renewal of a school bus endorsement. That act prohibits DOT from issuing or renewing a school bus endorsement to an applicant if the applicant has been convicted of or adjudicated delinquent for any specified disqualifying crime or offense within a prior minimum specified time. These disqualifying crimes and offenses and minimum time periods for disqualification include those specified under current statutes, including various crimes against children. The act also authorizes DOT to specify by rule additional disqualifying crimes and offenses and the time period during which the disqualification applies.

Prior to Act 280, persons were not eligible for a school bus endorsement if he or she has been convicted of listed offenses (including a felony or an "offense against public morals") within the past five years, if the circumstances of the offense are "substantially related" to the circumstances of operating a school bus, or was convicted of specified offenses (including OWI and operating with a suspended or revoked license) within the past two years, regardless of whether the circumstances of the offense are "substantially related" to the circumstances of operating a school bus. Thus, Act 280 lengthened the periods of disqualification for some offenses, and listed some offenses that arguably are not "substantially related" to the circumstances of operating a school bus.

This rule establishes three periods of disqualification from eligibility for a school bus driver endorsement for conviction of listed felonies and misdemeanors. A lifetime disqualification is imposed on any person convicted of violent

crimes resulting in death or serious physical injury to another, of sex offenses involving children and other vulnerable persons, or of other crimes involving predation or victimization of children or other vulnerable persons. A five-year disqualification is imposed on any person convicted of other crimes against life and bodily security, of other crimes against children, of crimes involving use of a motor vehicle, including operating while intoxicated (OWI), of possession of illegal weapons or of similar offenses likely to result in serious injury to others. A two-year disqualification is imposed on any person convicted of negligent operation of a motor vehicle, of obstructing emergency and rescue personnel or of other crimes.

Many of the listed offenses comprise felonies and misdemeanors. Under the rule, if a person provides evidence to the Department that his or her conviction of a listed offense is a misdemeanor conviction, the disqualification period is shortened to the next shorter disqualification period. However, there is no reduced disqualification period for misdemeanor sexual assault convictions, and the minimum period of disqualification for any listed offense (whether felony or misdemeanor) is two years.

The rule requires the Department to conduct a criminal history record search of every applicant for initial issuance or renewal to determine whether the person is convicted of disqualifying offenses. Although a school bus endorsement is renewed every eight years, DOT must conduct a criminal history search four years after the person obtains a school bus endorsement and, if appropriate, cancel the endorsement.

The rule also requires any person applying for initial issuance or renewal of a school bus endorsement to certify whether he or she has been convicted of any disqualifying offense, and allows the department to disqualify the person for the appropriate period based on that certification.

The rule requires any person who has resided in another state within the previous two years to notify the department of those other states, and requires the department to make a good faith effort to obtain the criminal history records from those other states, including submitting the persons fingerprints to the Department of Justice for a nationwide criminal history search.

The rule allows DOT to require every applicant for initial issuance or renewal of a school bus endorsement to provide two sets of fingerprints, and to pay fees for the two criminal history records searches that will be completed at initial issuance or renewal, and four years after the person obtains the school bus endorsement.

This rule also makes minor changes to medical standards for school bus drivers not required under 2003 Wis. Act 280, including the following:

- Allows physician to certify driver is following treatment plan for cerebrovascular function, without such certification of the patient.
- Shortens from 12 to 6 months the period during which a school bus driver must be free of any cerebrovascular incident.
- Eliminates the 12 month period during which school bus driver must be free of destructive behavior or suicidal tendencies, instead making eligible a driver who is free of such behaviors or tendencies at the time of application.
- Provides that a license restriction imposed on a physician's recommendation may be lifted only by the physician that recommended the restriction or by the Department following its evaluation of the person's ability to drive.
- Provides that a person who does not meet minimum waiting periods following certain medical disqualifications

cannot request a medical review board assessment of those disqualifications, because those waiting periods cannot be waived.

Publication Date: November 4, 2004
Effective Date: November 4, 2004
Expiration Date: See 2003 Wis. Act 280
Hearing Date: November 15, 2004

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

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

Finding of emergency

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

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

Analysis Prepared by the Department of Workforce Development

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

Statutes interpreted: Sections 103.01 and 103.02, Stats.

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

Chapter DWD 274 governs hours of work and overtime. Section DWD 274.015, the applicability section of the chapter, incorporates the statutory definition of “place of employment” and limits coverage of the chapter to the places of employment delineated in s. 103.01 (3), Stats., and various governmental bodies. Section DWD 274.015 also provides that the chapter does not apply to employees employed in domestic service in a household by a household.

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

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

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

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

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

* On April 28, 2004, the Joint Committee for Review of Administrative Rules suspended s. DWD 274.035 created as an emergency rule.

Scope statements

Controlled Substances Board

Subject

Classify as a schedule I controlled substance under state law 2,5 dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7) and benzylpiperazine (BZP), which have been classified as schedule I controlled substances under federal law.

Objective of the rule. By final rule of the Drug Enforcement Administration (DEA), adopted effective March 10, 2004, 2,5 dimethoxy-4(n)-propylthiophenethylamine (2C-T-7) and benzylpiperazine (BZP) were classified as schedule I controlled substances under the federal Controlled Substances Act (CSA). Neither 2C-T-7 or BZP have been so scheduled under the Wisconsin Controlled Substances Act in Chapter 961, Wis. Stats. The objective of this rule is to bring the treatment of this drug into conformity with that at the federal level.

Policy Analysis

Drugs that are classified as “controlled substances” under federal and state laws are subject to higher civil and criminal penalties for their illicit possession, distribution and use. Health care providers are also subject to greater record keeping requirements respecting their obtaining, prescribing and dispensing of such drugs. This is due to the fact that certain drugs have a greater likelihood of abuse, addiction and adverse consequences to patient health if utilized inappropriately, than do other drugs. In its Year 2003 Annual Report, The National Forensic Laboratory Information System (NFLIS) indicates BZP, a substance with effects similar to amphetamines, in 0.18% of total club drugs reported. The DEA has encountered BZP in Wisconsin and reports that it is often sold as MDMA (“Ecstasy”) when combined with TFMPP. Abuse of 2C-T-7, which produces hallucinogenic-like effects, increased in 2000 and has also been encountered at “raves” in Wisconsin. Three deaths have been associated with its consumption. The DEA administers the Controlled Substances Act. This forms the basis for the DEA action.

Statutory authority

Sections 15.08 (5) (b), 227.11 (2) and 453.03 (2), Wis. Stats.

Staff time required

Total hours: 100.

Transportation

Subject

Objective of the rule. This rule making proposes to amend ch. Trans 102 to grant persons in or employed by the military forces of the United States the CDL exemption permitted by federal law.

Policy Analysis

Section 343.05 (4) (a) 1., Stats., currently exempts military persons from all state licensing requirements if they are

members of the armed services driving a motor vehicle owned by or leased by the federal government.

Section 49 C.F.R. 383.3(c) permits states to exempt drivers operating a commercial motor vehicle for military purposes from CDL requirements. The federal government has requested that Wisconsin exempt all persons operating CMVs for military purposes from CDL requirements without regard to vehicle ownership. This rule making would grant an exemption from CDL requirements for military purposes to the extent permitted by federal law.

Wisconsin could decline to exempt military drivers from CDL requirements as requested by the Federal Motor Carrier Safety Administration. The result would be a finding by the Federal Motor Carrier Safety Administration that Wisconsin does not comply with the requirements of 49 CFR 383.3(c). WisDOT attorneys do not believe federal funding could be legally withheld from Wisconsin for this variance from the federal CDL regulations. Nonetheless, there seems to be little to be gained from a highway safety perspective by denying the military’s request for this CDL exemption that is permitted by federal law.

Comparison to federal regulations

Section 49 C.F.R. 383.3(c) permits states to exempt drivers operating a commercial motor vehicle for military purposes from CDL requirements. The federal government has requested that Wisconsin exempt all persons operating CMVs for military purposes from CDL requirements without regard to vehicle ownership. This rule making would grant an exemption from CDL requirements for military purposes to the extent permitted by federal law.

Entities affected by the rule

Persons driving commercial motor vehicles for the United States military.

Statutory authority

Section 343.055 (5), Stats.

Staff time required

5 hours.

Workforce Development

Subject

DWD 129, Unemployment Insurance Benefit Claiming Procedures and Affecting Small Business.

Policy Analysis

Wisconsin Stat. § 108.09 provides that to receive benefits for any given week of unemployment, a claimant shall give notice to the department with respect to such week of unemployment within such time and in such manner as the department may by rule prescribe. Ch. DWD 129 addresses notice requirements for claiming unemployment insurance benefits. The current language of DWD 129 is often confusing, complicated and in some areas outdated. The proposed rule would include changes to DWD 129.01 as follows. First, the new language will reduce the time for interstate claims from 19 days to 14 days since 95 percent of all weekly claims are filed by telephone and extra time is no longer needed. In addition, the new language will incorporate

the words, “otherwise prescribed” for weekly certifications to allow for Internet certifications when they become available. The new language will also codify the department’s current procedure for calculation when a claim becomes inactive and a resumed claim required. The new changes will delete the “in-person” option of filing an initial claim for unemployment insurance benefits since the current system does not include filing an initial claim in person.

The proposed rule would also include changes to DWD 129.04. The requirement that a request to set aside a benefit year be in writing will be removed to allow the claimant to make such a request over the phone. The term “other conditions” will be changed to “exceptional circumstances” to be consistent with other code sections where exceptions are considered. The new rule will also allows claimants to set

aside a benefit year under specified conditions instead of “exceptional circumstances.”

Entities affected by the rule

Employers and employees in Wisconsin.

Comparison to federal regulations

There are no federal standards or regulations for unemployment insurance benefits regarding filing or notice requirements.

Statutory authority

Sections 108.03, 108.06, 108.08 (1), 108.09, and 227.11, Stats.

Staff time required

150 hours.

Submittal of rules to legislative council clearinghouse

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

Natural Resources

Rule Submittal Date

On November 5, 2004, the Department of Natural Resources submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Subject Matter

The proposed rule—making order relates to commercial fishing with trap nets in Lake Michigan.

Agency Procedure for Promulgation

The date for the public hearing is December 14, 2004.

The Bureau of Fisheries Management and Habitat Protection is the organizational unit responsible for promulgation of the proposed rule.

Contact Information

William Horns
608-266-8782

Natural Resources

Rule Submittal Date

On November 5, 2004, the Department of Natural Resources submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Subject Matter

The proposed rule—making order relates to dry cleaner environmental response program.

Agency Procedure for Promulgation

The date for the public hearing is December 15, 2004.

The Bureau of Remediation and Redevelopment is the organizational unit responsible for promulgation of the proposed rule.

Contact Information

Theresa Evanson
608-266-0941

Rule-making notices

Notice of Hearing Natural Resources (Fish, Game, etc.)

[CR 04-127]

NOTICE IS HEREBY GIVEN that pursuant to ss. 29.014 (1), 29.041, 29.519 (1) (b) and 227.11 (2) (a), Stats., interpreting ss. 29.041, 29.014 (1) and 29.519 (1) (b), Stats., the Department of Natural Resources will hold a public hearing on the amendment of s. NR 25.09 (2) (b) 2. e., Wis. Adm. Code, relating to commercial fishing with trap nets in Lake Michigan. Under current rules, commercial whitefish trap nets must be removed from waters of Lake Michigan south of Kewaunee from June 28 through Labor Day, except in designated areas near Manitowoc and Sheboygan. The designated area near Manitowoc is controversial because it is heavily used by sport fishers, many of whom have asked that it be eliminated or moved to the north. In June, 2004 the Natural Resources Board adopted Emergency Order No. FH-49-04(E), moving the Manitowoc area a few miles to the north. Under the proposed rule, the boundaries of the Manitowoc summer trap netting area would be permanently changed to the area temporarily established by the emergency order during 2004.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., the proposed rule may have an impact on small businesses. The initial regulatory flexibility analysis is as follows:

- a. Types of small businesses affected: Lake Michigan commercial trap net fishers.
- b. Description of reporting and bookkeeping procedures required: No new procedures.
- c. Description of professional skills required: No new skills.

The Department's Small Business Regulatory Coordinator may be contacted at:

SmallBusinessReg.Coordinator@dnr.state.wi.us or by calling (608) 266-1959.

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

NOTICE IS HEREBY FURTHER GIVEN that the hearing will be held on:

Tuesday, December 14, 2004 at 5:00 p.m.

Lake Michigan Room 140

Lakeshore Tech. College

1290 North Avenue, Cleveland

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for

qualified individuals with disabilities upon request. Please call Bill Horns at (608) 266-8782 with specific information on your request at least 10 days before the date of the scheduled hearing.

Fiscal Estimate

No fiscal impact is anticipated

The proposed rule may be reviewed and comments electronically submitted at the following Internet site: <http://adminrules.wisconsin.gov>. Written comments on the proposed rule may be submitted via U.S. Mail to William Horns, Bureau of Fisheries Management and Habitat Protection, P.O. Box 7921, Madison, WI 53707. Comments may be submitted until December 14, 2004. Written comments whether submitted electronically or by U.S. mail will have the same weight and effect as oral statements presented at the public hearings. A personal copy of the proposed rule and fiscal estimate may be obtained from Mr. Horns.

Notice of Hearings Natural Resources (Environmental Protection-General) [CR 04-128]

NOTICE IS HEREBY GIVEN that pursuant to s. 292.65, Stats., interpreting s. 292.65 (3) (a), Stats., the Department of Natural Resources will hold public hearings on the repeal and recreation of ch. NR 169, Wis. Adm. Code, relating to the dry cleaner environmental response program. This rule outlines the procedures for owners and operators of dry cleaner facilities, or property owners of licensed facilities or their agents to obtain reimbursement for the costs of site investigations and cleanups that under conducted under the NR 700 rule series. This rule identifies eligible applicants and eligibility requirements for conducting immediate actions, interim actions, site investigations, and remedial actions.

The rule specifies requirements for eligible actions (including bidding requirements) as well as procedures applicants must follow to obtain reimbursement. The rule establishes the allocation of funds based on the environmental priority of the site (25% for high priority, 60% for medium priority, and 15% for low priority sites). Reimbursements are made within those categories based on the order in which applications are received. In addition, the rule reiterates the statutory requirements for maximum award limits and deductibles which the owner or operator of the facility must pay. The rule also reiterates statutory requirements for pollution prevention and licensing requirements for dry cleaning facilities. The rule contains cost-control measures as part of the bidding requirements for consultants conducting the response actions at dry cleaner sites. The rule revisions incorporate the new deadline for participation in the program (notification to the department must be made by August 30, 2008). The rule revisions also allow for partial reimbursements if site investigation costs exceed \$45,000, to ease the financing burden on these small businesses.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., the proposed rule may have an impact on small businesses. The initial regulatory flexibility analysis is as follows:

- a. Types of small businesses affected: Dry cleaners.

b. Description of reporting and bookkeeping procedures required: No new procedures.

d. Description of professional skills require: No new skills.

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

NOTICE IS HEREBY FURTHER GIVEN that the hearings will be held on:

Wednesday, December 15, 2004

Video conference participation will be available at:

Room 139, State Office Building
718 W. Clairemont Ave.
Eau Claire

Room 618, State Office Building
200 N. Jefferson St.
Green Bay

Room 227
UW Extension–Pyle Center
702 Langdon Street
Madison

Room 98, State Office Building
819 N. 6th Street
Milwaukee

Room 3, DNR North Central Hdqrs.

107 Sutliff Ave.
Rhineland

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Ms. Theresa Evanson at (608) 266-0941 with specific information on your request at least 10 days before the date of the scheduled hearing.

Fiscal Estimate

Revisions to ch. NR 169, the rule for administering the Drycleaner Environmental Response Fund (DERF) program, incorporate statutory changes including the deadline for participation in the program. This is a voluntary program which reimburses eligible drycleaner owners or operators, or property owners of licensed drycleaning facilities (or their agent) for eligible investigation and remediation costs up to \$500,000. The rule identifies processes to be followed including bidding requirements as cost control measures.

There are 4 positions funded from the DERF program – one auditor in DNR Community Financial Assistance, two regional project managers in DNR Remediation and Redevelopment and one position for the Department of Revenue to issue licenses and collect the appropriate fees from drycleaners and solvent distributors. These rules do not affect these positions, nor do they affect current fees or expenditures.

The proposed rule may be reviewed and comments electronically submitted at the following Internet site: <http://adminrules.wisconsin.gov>. Written comments on the proposed rule may be submitted via U.S. Mail to Ms. Theresa Evanson, Bureau of Remediation and Redevelopment, P.O. Box 7921, Madison, WI 53707. Comments may be submitted until December 31, 2004. Written comments whether submitted electronically or by U.S. mail will have the same weight and effect as oral statements presented at the public hearings. A personal copy of the proposed rule and fiscal estimate may be obtained from Ms. Evanson

Rule orders filed with the revisor of statutes bureau

The following administrative rule orders have been filed with the Revisor of Statutes Bureau and are in the process of being published. The date assigned to each rule is the projected effective date. It is possible that the publication date of these rules could be changed. Contact the Revisor of Statutes Bureau at gary.poulson@legis.state.wi.us or (608) 266-7275 for updated information on the effective dates for the listed rule orders.

**Commerce
(CR 04-016)**

An order affecting chs. Comm 61 to 65, relating to construction of public buildings and places of employment.
Effective 1-1-05.

**Commerce
(CR 04-043)**

An order affecting chs. Comm 62 and 70, relating to historic and existing buildings.
Effective 1-1-05.

**Commerce
(CR 04-070)**

An order affecting ch. Comm 14, relating to administrative expenses and substantial compliance in the fire dues program.
Effective 1-1-05.

**Financial Institutions – Banking
(CR 04-089)**

An order creating ch. DFI-Bkg 46, relating to responsible high cost mortgage lending.
Effective 2-1-05.

Rules published with this register and final regulatory flexibility analyses

The following administrative rule orders have been adopted and published in the November 30, 2004, Wisconsin Administrative Register. Copies of these rules are sent to subscribers of the complete Wisconsin Administrative Code and also to the subscribers of the specific affected Code.

For subscription information, contact Document Sales at (608) 266-3358.

Commerce (CR 03-97)

An order affecting chs. Comm 20 and 21, relating to inspections, spindle spacing and exiting under the uniform dwelling code. Effective 1-1-05.

Summary of Final Regulatory Flexibility Analysis

Proposed changes regarding stairway spindle spacing and exiting from small dwellings do not entail reporting rules, deadlines or other similar effects on small businesses. Proposed changes regarding inspection of dwellings are intended to directly implement the requirements of 2003 Wisconsin Act 90, the Home Safety Act.

Summary of Comments by Legislative Review Committees

No comments were received.

Commerce (CR 04-035)

An order affecting Chs. Comm 2 and 81 to 85, relating to the uniform state plumbing code and fees. Effective 12-1-04.

Summary of Final Regulatory Flexibility Analysis

The agency received only three hearing comments; two were from small business.

- Comments were received regarding the ability to treat stormwater to specific standards; the department deleted the proposed standards for cysts and oocysts; the department also revised standard for chlorine residual to more attainable levels.

- Comments were also received in favor of allowing CSTs (certified soil testers) to conduct site and soil evaluations for stormwater infiltration, due to the limited number of soil scientists in the state.

Summary of Comments by Legislative Review Committees

No comments were received.

Commerce (CR 04-054)

An order affecting Ch. Comm 40, relating to gas systems. Effective 12-1-04.

Summary of Final Regulatory Flexibility Analysis

Sections 101.02 (15) (h) to (j) and 101.16, Stats., authorize the Department to promulgate rules prescribing minimum installation and operation standards for gas systems

in public buildings and places of employment. The proposed rules of Clearinghouse Rule No. 04-054 are minimum requirements to meet the directives of the Statutes, and any exceptions from compliance for small businesses would be contrary to the Statutory objectives which are the basis for the rules.

Summary of Comments by Legislative Review Committees

No comments were received.

Employee Trust Funds (CR 04-075)

An order affecting ch. ETF 40, relating to the contributions towards employee health insurance premiums by local units of government that participate in the group health insurance plans established by the state of Wisconsin, group insurance board. Effective 12-1-04.

Summary of Final Regulatory Flexibility Analysis

This rule has no effect on small businesses because only governmental employers may participate in the group health insurance programs under ch. 40 of the statutes.

Summary of Comments by Legislative Review Committees

No comments were received.

Health and Family Services (CR 04-040)

An order affecting chs. HFS 10, 13, 52, 55, 57, 59, 83, 124, 131, 134, 136, 181 and 252, relating to family care; reporting and investigation of caregiver misconduct; residential care centers for children and youth, child-placing agencies, day camps for children and day care programs established by school boards; group foster care; shelter care for children; community-based residential care facilities; patient rights and resolution of grievances; hospitals; hospices; embalming standards; reporting blood test results; and electronic benefits transfer. Part Effective 12-1-04.

Summary of Final Regulatory Flexibility Analysis

Some of the rules contained in the order affect small businesses; however, the proposed revisions to these rules are minor or technical and have little to no substantive effect on those regulated by these rules.

Summary of Comments by Legislative Review Committees

No comments were received.

Health and Family Services (CR 04-051)

An order affecting chs. HFS 152 to 154, relating to the provision and reimbursement of services under the Wisconsin Chronic Disease Program. Effective 12-1-04.

Summary of Final Regulatory Flexibility Analysis

The three chronic disease programs provide health care benefits to individuals. This rulemaking order does not have any foreseeable impact on small businesses.

Summary of Comments by Legislative Review Committees

No comments were received.

Natural Resources (CR 04-022)

An order affecting ch. NR 208, relating to wastewater treatment works compliance maintenance. Effective 12-1-04.

Summary of Final Regulatory Flexibility Analysis

Approximately 50 small businesses such as trailer parks, resorts and private campgrounds are affected by this rule. These businesses currently hold WPDES permits and most are required to submit a CMAR under the existing rule. Separate collection system owners that are under WPDES general permit coverage for bypasses and overflows will need to complete and submit the CMAR form for the first time. The proposed rule allows an additional year (effective date of January 2006) for collection system owners to comply with the regulation.

Summary of Comments by Legislative Review Committees

The proposed rule was reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Environment and Natural Resources. No comments were received on the proposed rule.

Natural Resources (CR 04-033)

An order affecting ch. NR 219, relating to analytical test methods for testing effluent discharges. Effective 12-1-04.

Summary of Final Regulatory Flexibility Analysis

There are approximately 450 laboratories that are certified or registered under ch. NR 149. Of this number, approximately 14 would fit the definition of "small business". It is not believed that small businesses will be impacted by this rule.

Summary of Comments by Legislative Review Committee

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

Natural Resources (CR 04-047)

An order affecting ch. NR 114, relating to septage operator certification. Effective 12-1-04.

Summary of Final Regulatory Flexibility Analysis

There are approximately 500 licenses septage businesses operating in Wisconsin who employ the 1065 certified septage operators. There will be a fiscal impact to the certified operators in the form of increased examination and renewal fees. There will be a fiscal impact to businesses in the form of increased operator-in-training fees. The impact to the operators is also in the fact that they will not be eligible for a lifetime certification as they believed they would be and thus will continue to pay the renewal fees.

Summary of Comments by Legislative Review Committees

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

Public Service Commission (CR 04-026)

An order affecting ch. PSC 173 to establish a Wireless 911 Fund to promote an emergency telephone number service for wireless subscribers. Effective 1-1-05 and 10-1-05.

Summary of Final Regulatory Flexibility Analysis

The proposed rules impose additional reporting and surcharge collection requirements upon wireless providers. The affected wireless providers operate in the state under a federal commercial mobile radio service spectrum license. Given the substantial cost of obtaining this type of license, it is unlikely that any wireless provider in this state would be a small business as defined in s. 227.114 (1), Stats.

The proposed rules may also impose additional reporting and surcharge collection requirements upon resellers of wireless service. Resellers offer service to consumers by purchasing airtime at wholesale rates from facilities-based providers and reselling it at retail prices. Resale of wireless service accounts for approximately 5 percent of all mobile telephone subscribers nationally. Only one reseller, Tracfone Wireless, Inc., participated in the comment cycle for this rule. Tracfone serves over 2 million customers nationwide through prepaid wireless service offerings, and is therefore not a small business as defined in s. 227.114 (1), Stats. There may be other resellers of wireless service in Wisconsin that were not known to the Commission when these rules were adopted. It is possible that one or more of these resellers would be a small business as defined in s. 227.114 (1), Stats. In any event, the Commission considered the methods for mitigating the impact of the proposed rules on small businesses set forth in s. 227.114 (2), Stats., and found those methods to be inconsistent with statutory requirement in s. 146.70 (3m) (f) 1., Stats.

Summary of Comments by Legislative Review Committees

No comments were received.

Veterans Affairs (CR 04-080)

An order affecting ch. VA 2, relating to the part-time study grant program and the tuition and fee reimbursement grant program. Effective 12-1-04.

Summary of Final Regulatory Flexibility Analysis

This rule affects veterans and not small businesses as defined in s. 227.114, Stats.

Summary of Comments by Legislative Review Committees

No comments were received.

**Workforce Development
(CR 04-010)**

An order affecting ch. DWD 270, relating to child labor. Effective 12-1-04.

Summary of Final Regulatory Flexibility Analysis

The rule affects small business as defined in s. 227.114, Stats., but will not have a significant economic impact on a substantial number of small businesses.

Summary of Comments by Legislative Review Committees

No comments were received.

**Workforce Development
(CR 04-082)**

An order affecting ch. DWD 12, relating to the grievance procedure for resolving complaints of employment displacement under the Wisconsin Works program and affecting small business. Effective 12-1-04.

Summary of Final Regulatory Flexibility Analysis

The rule affects small business as defined in s. 227.114, Stats., but will not have a significant economic impact on a substantial number of small businesses.

Summary of Comments by Legislative Review Committees

No comments were received.

Sections affected by rule revisions and corrections

The following administrative rule revisions and corrections have taken place in **November 2004**, and will be effective as indicated in the history note for each particular section. For additional information, contact the Revisor of Statutes Bureau at (608) 266-7275.

Revisions

Commerce

Ch. Comm 2

- S. Comm 2.64
- S. Comm 2.66 (1) (b)

Ch. Comm 20

- S. Comm 20.02 (1)
- S. Comm 20.06 (1) (b) and (c) and (4)
- S. Comm 20.08 (1)
- S. Comm 20.09 (1), (2), (3) (b) and (c) and (8)

Ch. Comm 21

- S. Comm 21.03 (1) (h)
- S. Comm 21.04 (2) (f), (3) (a) and (c)
- S. Comm 21.045 (3) (c)
- S. Comm 21.17 (1) (b), (2) (a) and (3) (a)

Ch. Comm 40

- S. Comm 40.01 (1m), (4), (5m) and (7)
- S. Comm 40.10 (1), (2) (a), (d) and (e)
- S. Comm 40.11 (2)
- S. Comm 40.115
- S. Comm 40.15
- S. Comm 40.19
- S. Comm 40.30 (2) (d) and (e)
- S. Comm 40.41
- S. Comm 40.43
- S. Comm 40.44 (2) (c)
- S. Comm 40.49
- SS. Comm 40.51 and 40.52
- S. Comm 40.62
- SS. Comm 40.70 to 40.83

Ch. Comm 81

- S. Comm 81.01 (59m), (59s), (62s), (70m), (129s), (133s), (136s), (171e), (186s), (234), (256e) and (269)
- S. Comm 81.20

Ch. Comm 82

- S. Comm 82.20
- S. Comm 82.30 (3) (b)
- S. Comm 82.32 (3) (a)
- S. Comm 82.36
- S. Comm 82.365
- S. Comm 82.38
- S. Comm 82.40 (3) (e) and (8) (i)
- S. Comm 82.41 (2), (3) (a) and (b)
- S. Comm 82.50
- S. Comm 82.70

Ch. Comm 84

- S. Comm 84.10
- S. Comm 84.20 (5) (p)
- S. Comm 84.30 (4) (d), (5) (c), (6) (h), (i), (j) and (k)

Ch. Comm 85

- S. Comm 85.10 (1)

Employee Trust Funds

Ch. ETF 40

- S. ETF 40.10 (2) (b), (d) and (e)

Health and Family Services

Ch. HFS 10

- S. HFS 10.13 (1), (1m), (3m), (24), (25m), (27), (28), and (31)
- S. HFS 10.21 (3) (a)
- S. HFS 10.23 (2) (d) and (3) (a)
- S. HFS 10.24 (3) (c) and (f) and (7)
- S. HFS 10.31 (6) (a)
- S. HFS 10.32 (1) (b) and (c)
- S. HFS 10.33 (1) (c) and (2) (a), (c) and (d)
- S. HFS 10.34 (3) (a)
- S. HFS 10.36 (2) (b) and (3)
- S. HFS 10.37 (1) (a)
- S. HFS 10.42 (6) (a) and (7)
- S. HFS 10.43 (5)
- S. HFS 10.44 (4) (c)
- S. HFS 10.46 (3) (f)
- S. HFS 10.51 (1) (g), (h), (2) (b) and (3)
- S. HFS 10.52 (3) (b) and (4) (a) and (e)
- S. HFS 10.53
- S. HFS 10.54 (1) (a) and (3)
- S. HFS 10.55 (1) (a), (2) and (4) (b)

Ch. HFS 13

- S. HFS 13.03 (15)
- S. HFS 13.05 (6) (c) and (7) (b)

Ch. HFS 124

- S. HFS 124.08 (2) (c), (3) (a), (4) (c), (e), and (f)
- S. HFS 124.15 (1) (a) and (am), and (4) (a)
- S. HFS 124.16 (2) (b)
- S. HFS 124.28 (2) to (4)
- S. HFS 124.40 (2) (a) and (b)

Ch. HFS 131

- S. HFS 131.63 (2) and (3)

Ch. HFS 136

- S. HFS 136.03 (2) (a) to (f)

Ch. HFS 152

S. HFS 152.02 (2m) and (26m)
 S. HFS 152.03 (1) (e)
 S. HFS 152.035
 S. HFS 152.06 (3) (g) and (h)
 S. HFS 152.065 (2) and (6)

Ch. HFS 153

S. HFS 153.02 (1m), (11g), (11r) and (18)
 S. HFS 153.03 (5)
 S. HFS 153.035
 S. HFS 153.037
 S. HFS 153.06 (3) (g)
 S. HFS 153.07 (2) and (4)

Ch. HFS 154

S. HFS 154.02 (1m) and (17)
 S. HFS 154.03 (5)
 S. HFS 154.035
 S. HFS 154.037
 S. HFS 154.06 (3) (g)
 S. HFS 154.07 (2) and (4)

Ch. HFS 181

S. HFS 181.04 (5)

Ch. HFS 252

S. HFS 252.02 (3) and (15)
 S. HFS 252.22
 S. HFS 252.23

Natural Resources**Ch. NR 114**

SS. NR 114.15 to 114.25

Ch. NR 208**Ch. NR 219**

S. NR 219.03 (3)
 S. NR 219.04

Public Service Commission**Ch. PSC 173 (Entire Chapter)****Veterans Affairs****Ch. VA 2**

S. VA 2.02 (8)
 S. VA 2.04 (3) (g)

Workforce Development**Ch. DWD 12**

S. DWD 12.055
 S. DWD 12.14 (2) (f), (3) (d)

Ch. DWD 270 (Entire chapter)**Editorial corrections**

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

Commerce**Ch. Comm 2**

S. Comm 2.15 (1)

Health and Family Services**Ch. HFS 5**

S. HFS 5.01

Natural Resources**Ch. NR 219**

S. NR 219.06 (intro.)

Veterans Affairs**Ch. VA 2**

S. VA 2.04

Errata

Items reprinted to correct printing errors such as dropped copy (or other errors) are indicated in the following listing:

Natural Resources**Ch. NR 445**

S. NR 445.05 (correct title)

Executive orders

The following are recent Executive Orders issued by the Governor.

Executive Order 72. 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 Lance Corporal Daniel R. Wyatt of the United States Marines Corps Reserves, Fox Company, 2nd Battalion, 24th Marine Regiment, 4th Marine Division, was killed during enemy action in Iraq.

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