Wisconsin Administrative Register

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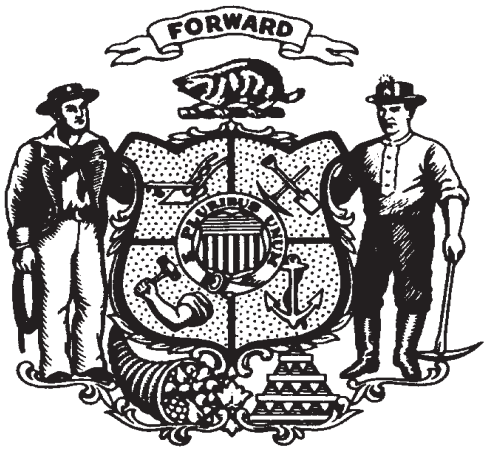

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Emergency rules now in effect

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.

Elections Board

Rules adopted creating **s. ElBd 1.395**, relating to the use of funds in a federal campaign committee that has been converted to a state campaign committee and relating to the use of those converted funds whose contribution to the federal committee would not have been in compliance with Wisconsin law if the contribution had been made directly to a state campaign committee.

Finding of Emergency

The Elections Board finds that an emergency exists in the recent change in federal law that permits the transfer of the funds in a federal candidate campaign committee's account to the candidate's state campaign committee account and finds that a rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is as follows:

Since the Bi−Partisan Campaign Reform Act of 2002 (BICRA), transfers of funds from a federal campaign committee to a state campaign committee had not been authorized under federal law. In November, 2004, Congress amended the Federal Election Campaign Act, (H.R. 4818, s.532(3) and 532(4), to permit the transfer of a federal candidate's campaign committee's funds to the candidate's state campaign committee, if state law permitted, and subject to the state law's requirements and restrictions.

Because of Congress' action in November, 2004, money which had not been available to a state committee under BICRA, and which might not have qualified for use for political purposes in a state campaign because of its source or because of other noncompliance with state law, could now be transferred to a state committee, if state law permitted. Wisconsin law, under the Board's current rule, ElBd 1.39, Wis. Adm. Code, allows for conversion of federal campaign committees, and their funds, to a state campaign committee without regard to the source of those funds and without regard to contribution limitations.

Restricting the use of such money to that money which has been contributed to the candidate's federal committee, under circumstances in which the contribution would have complied with Wisconsin law if it had been given directly to the Wisconsin campaign committee, is found to be in the public interest.

Publication Date:	**February 3, 2005**
Effective Date:	**February 3, 2005***
Expiration Date:	**July 3, 2005**
Hearing Date:	**May 18, 2005**

***** On February 9, 2005, the Joint Committee for Review of Administrative Rules suspended this emergency rule.

Health and Family Services (2)
(Health, Chs. HFS 110—)

1. Rules adopted revising **ch. HFS 113,** relating to certification of first responders.

Finding of emergency

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

Currently, first responders are restricted in their provision of emergency medical services (EMS) to performing defibrillation. These amended rules are primarily being published by emergency order to allow first responders to also use the following 2 potentially life−saving skills:

1. Non−visualized airway, to treat patients who are either not breathing or their airway has been compromised due to trauma or other means; and

2. The administration of epinephrine, for patients who have suffered a severe allergic reaction.

The Department intends to immediately follow this emergency rule with an identical proposed permanent rulemaking order.

Publication Date:	**June 6, 2005**
Effective Date:	**June 6, 2005**
Expiration Date:	**November 3, 2005**
Hearing Date:	**June 27, 2005**

2. Rules adopted amending **ss. HFS 119.07 (6) (b) to (d) and 119.15 (1) and (3),** relating to operation of the health insurance risk−sharing plan.

Exemption from finding of emergency

Section 149.143 (4), Stats., permits the Department to promulgate rules required under s. 149.143 (2), Stats., by using emergency rulemaking procedures, except that the

Department is specifically exempted from the requirement under s. 227.24 (1) and (3), Stats., that it make a finding of emergency. These are the emergency rules. Department staff consulted with the Health Insurance Risk−Sharing Plan (HIRSP) Board of Governors on April 22, 2005 regarding the rules, as required by s. 149.20, Stats.

The State of Wisconsin in 1980 established a Health Insurance Risk−Sharing Plan (HIRSP). HIRSP provides major medical health insurance for persons who are covered under Medicare because they are disabled, persons who have tested positive for HIV, and persons who have been refused coverage or who cannot get coverage at an affordable price in the private health insurance market because of their mental or physical health conditions. Also eligible for coverage are persons who recently lost employer−sponsored insurance coverage if they meet certain criteria. According to state law, HIRSP policyholder premium rates must fund sixty percent of plan costs, except for costs associated with premium and deductible reductions. The remaining funding for HIRSP is to be provided by insurer assessments and adjustments to provider payment rates, in co−equal amounts.

HIRSP Plan 1 is for policyholders that do not have Medicare. Ninety−one percent of the 18,530 HIRSP policies in effect in February 2005 were enrolled in Plan 1. Plan 1 has Option A ($1,000 deductible) or Option B ($2,500 deductible). The rates for Plan 1 contained in this rulemaking order increase an average of 15.0% for policyholders not receiving a premium reduction. The average rate increase for policyholders receiving a premium reduction is 12.1%. Rate increases for individual policyholders within Plan 1 range from 7.0% to 16.8%, depending on a policyholder's age, gender, household income, deductible and zone of residence within Wisconsin. By law, Plan 1 rate increases reflect and take into account the increase in costs associated with Plan 1 claims.

HIRSP Plan 2 is for persons eligible for Medicare because of a disability or because they become age−eligible for Medicare while enrolled in HIRSP. Plan 2 has a $500 deductible. Nine percent of the 18,530 HIRSP policies in effect in February 2005 were enrolled in Plan 2. The rate increases for Plan 2 contained in this rulemaking order increase an average of 20.3% for policyholders not receiving a premium reduction. The average rate increase for policyholders receiving a premium reduction is 17.3%. Rate increases for individual policyholders within Plan 2 range from 11.2% to 22.2%, depending on a policyholder's age, gender, household income and zone of residence within Wisconsin. Plan 2 premiums are set in accordance with the authority and requirements set out in s. 149.14 (5m), Stats.

Publication Date: **June 15, 2005**
Effective Date: **July 1, 2005**
Expiration Date: **November 28, 2005**
Hearing Date: **July 11, 2005**

Insurance

Rules adopted revising **ch. Ins 17**, relating to annual patients compensation fund and mediation fund fees for the fiscal year beginning July 1, 2005.

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 fund fees is first available in December of each year. It is not possible to complete the permanent fee rule process in time for the injured patients and families compensation fund (fund) to bill health care providers in a timely manner for fees applicable to the fiscal year beginning July 1, 2005.

The commissioner expects that the permanent rule corresponding to this emergency rule, clearinghouse No. 05−028, will be filed with the secretary of state in time to take effect October 1, 2005 Because the fund fee provisions of this rule first apply on July 1, 2005, 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 17, 2005.

Publication Date: **June 27, 2005**
Effective Date: **July 1, 2005**
Expiration Date: **November 28, 2005**

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

Rules were adopted revising **s. NR 20.33 (5) (c),** relating to the closure of sturgeon spearing on the Lake Winnebago system.

Finding of emergency

The Department of Natural Resources find that an emergency exists and a rule is necessary for the immediate preservation of the public health, safety or welfare. The facts constituting this emergency are:

During the 2004 sturgeon spearing on Lake Winnebago, spearers harvested a record 1,303 sturgeon on opening day, exceeding the season harvest cap for adult female sturgeon. the spearing season lasted only two days and resulted in an overall harvest of 1,854 sturgeon. The total harvest included 822 males, 348 juvenile females, and 684 adult females, 509 of which came on opening day, exceeding the harvest cap of 425. Population reduction due to overharvest of lake sturgeon could take years to reverse given the life history of lake sturgeon.

Publication Date: **February 2, 2005**
Effective Date: **February 2, 2005**
Expiration Date: **July 2, 2005**
Hearing Date: **February 23, 2005**

Natural Resources (2)
(Environmental Protection − Water Regulation, Chs. NR 300—)

1. 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:

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**

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

2. Rules adopted creating **ch. NR 328, subch. III,** relating to shore erosion control on rivers and streams.

Finding of emergency

SECTION 2. FINDING. 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 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 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 as exempt from a permit, or under a general permit. There are no statutory exemptions for shore protection on rivers and streams. Without emergency rules to create general permits, all shore protection projects on rivers and streams require an individual permit with an automatic 30−day public notice. The required 30−day comment period will unnecessarily delay projects that otherwise could go ahead with prescribed conditions established in a general permit.

To carry out the intention of Act 118 to speed decision−making but not diminish the public trust in state waters, these emergency rules are required to establish general permits to be in effect for the 2005 construction season, with specific standards for shore erosion control structures on rivers and streams.

Publication Date:	**April 8, 2005**
Effective Date:	**May 1, 2005**
Expiration Date:	**September 28, 2005**
Hearing Date:	**May 16, 2005**

Revenue

Rules adopted revising **s. Tax 18.07**, relating to the assessment of agricultural land.

Finding of emergency

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

Pursuant to s. 70.32 (2r) (c), the assessment of agricultural land is assessed according to the income that could be generated from its rental for agricultural use. Wisconsin Chapter Tax 18 specifies the formula that is used to estimate the net rental income per acre. The formula estimates the net income per acre of land in corn production based on a 5−year average corn price per bushel, cost of corn production per bushel and corn yield per acre. The net income is divided by a capitalization rate that is based on a 50 year average interest rate for a medium−sized, 1−year adjustable rate mortgage and net tax rate for the property tax levy two years prior to the assessment year.

For reasons of data availability, there is a three−year lag in determining the 5−year average. Thus, the 2003 use value is based on the 5−year average corn price, cost and yield for the 1996−2000 period, and the capitalization rate is based on the 5−year average interest rate for the 1998−2002 period. The 2005 use value is to be based on the 5−year average corn price, cost and yield for the 1998−2002 period, and the capitalization rate is to be based on the 2000−2004 period.

The data for the 1998−2002 period yields negative net income per acre due to declining corn prices and increasing costs of corn production. As a result, reliance on data for the 1998−2002 period will result in negative use values.

The department is issuing this emergency rule in order to ensure positive and stable assessments of agricultural land for 2005.

Publication Date:	**December 29, 2004**
Effective Date:	**December 29, 2004**
Expiration Date:	**May 28, 2005**
Hearing Date:	**May 26, 2005**
Extension Through:	**September 24, 2005**

Workforce Development (2)
(Labor Standards, Chs. DWD 270−279)

1. 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.

2. Rules adopted revising **ch. DWD 272,** relating to increasing Wisconsin's minimum wages.

Finding of emergency

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

The federal minimum wage has fallen to its lowest inflation−adjusted value of all time. When wages are so low that workers and their families can't afford their most basic needs, society, particularly taxpayers, bears tremendous costs due to poverty−related educational failure, workforce failure, and citizenship failure. An adequate minimum wage supports workers, helps strengthen families and communities, and promotes the state's overall economic and fiscal health.

Publication Date:	**May 25, 2005**
Effective Date:	**June 1, 2005**
Expiration Date:	**October 29, 2005**
Hearing Date:	**June 14, 2005**

Scope statements

Agriculture, Trade and Consumer Protection

Subject

Objective of the rule. Create rules identifying the discretion the department will use in the enforcement of rules against small business in compliance with s. 895.59 (2), Stats., and make minor technical changes and updates to a variety of current rules.

Policy analysis

The part of the rule concerning enforcement discretion will potentially affect all small businesses that engage in activities that are the subject of current and future rules of the department. Those small businesses include farms and other food producers, food processing, warehousing, food wholesalers, retail food establishments, sellers of consumer goods and services and residential rental property owners.

The technical changes department proposes to make include the following:

- Update technical standards incorporated by reference in current rules (new editions of technical references cited in current rules).
- Correct erroneous and obsolete citations and cross−references.
- Correct typographical errors.
- Make non−substantive organizational and drafting changes.
- Make other minor changes to current rules.

The technical changes do not raise any significant policy issues.

Policy alternatives

The part of the proposed rulemaking concerning enforcement discretion is being undertaken to comply with the statutory directive contained in s. 895.59 (2), Stats., that provides, "Each agency shall promulgate a rule that requires the agency to disclose in advance the discretion that the agency will follow in the enforcement of rules and guidelines against a small business." Given the statutory requirement, there is no alternative to adoption of the rule.

Statutory authority

Section 895.59 (2), Stats.

Staff time required

The department estimates that it will use less than .1 FTE staff time to modify this rule. This includes research, drafting, preparing related documents, holding public hearings, and communicative with affected persons and groups. The department will use existing staff to develop this rule.

Comparison with federal requirements

There are no federal regulations that address the subject proposed to be treated by this rulemaking.

Health and Family Services

Subject

The Department of Health and Family Services proposes to create Ch. HFS 44, relating to reasonable efforts to prevent the removal of children from their homes and to reunify children with their families in the context of the best interests of the child, to achieving the goal of the permanency plan, and to permanency planning.

Policy analysis

At the present time, there are federal laws and regulations and state laws related to the issues to be included in this rule. To a certain extent, the purpose of this rule is to codify those existing requirements. Over the years, as federal laws and regulations have changed, we have also issued numbered memos (policy memos) to implement those changes. This rule will also codify those memos. The federal requirements, in terms of laws, are primarily found in Titles IV−B and IV−E of the Social Security Act as affected by the Adoption Assistance and Child Welfare Act of 1980, the Indian Child Welfare Act of 1978, the Adoption and Safe Families Act of 1997, the Chafee Foster Care Independence Act of 1999, and other laws.

It is important that these requirements be codified into an administrative rule because it is currently very difficult for county child welfare staff, judges, District Attorneys, Corporation Counsel, and others to understand the complexity and comprehensiveness of existing requirements when they are so sporadic and unorganized.

The rule will also include some new policies, mostly relating to how requirements are to be implemented (e.g., conducting permanency plan reviews, submitting review results to the court, supervisory sign−off at various stages in the case process).

Statutory authority

Sections 48.38 (6), 227.11 (2), and 938.38 (6), Stats.

Staff time required

A great deal of work has gone into what will become the content of the rule over many years. It is anticipated that approximately 20 hours of staff time will be required prior to Department level review.

Comparison with federal requirements

Federal law and regulations establish the parameters for the content of the rule. For example, federal law requires that agencies provide reasonable efforts to prevent the removal of a child from his or her home; the rule will assist agencies in determining what efforts are "reasonable."

For the most part, the federal regulations applicable to this rule are found at 45 CFR 1356 and 1357. The rule generally either replicates the federal regulation (or law under Title IV−E of the Social Security Act) or provides additional guidance on the implementation of that law or regulation. The rule is not more strict than the federal regulation but, as noted above, provides some level of definition for terms used but not

defined in the federal regulation or law. In addition, the rule provides policies and procedures for implementing federal requirements (e.g., federal law requires 6−month reviews of permanency plans; the rule provides the mechanisms by which those reviews must occur).

Entities affected by the rule

The rule will have a direct impact on DHFS, the Department of Corrections, county departments, private child placing agencies, residential care centers, group homes, treatment foster parents, foster parents, courts, and others affiliated with the child welfare and juvenile justice systems.

Insurance

Subject

Licensing of intermediaries and affecting small businesses.

Objective of the rule. Changes required to chs. Ins 6, 26 and 28 to adopt language conforming to the NAIC Producer Model Act, NAIC Uniform Resident Licensing Standards, NAIC Uniform Continuing Education ("CE") Standards, changes required for the migration from paper to electronic processing within a new computer environment and to modify fees as required.

Policy analysis

It is the intent to adopt national uniform licensing and CE standards by 2006; to modify rules relating to renewal and CE compliance so all are in place at the time of conversion to an updated computer system. Failure to comply with model licensing and continuing education standards will cause problems with reciprocity with the other states, and may constitute grounds for the imposition of federal regulation. Fees need to be adjusted to cover increased expenses and reduced in other areas because of less costly electronic processing.

Statutory authority

Sections 628.04 and 628.11, Stats.

Staff time required

400 hours and no other resources are necessary.

Comparison with federal requirements

There is currently no federal regulation of insurance agent licensing requirements. The threat of federal regulation in the insurance industry has been proposed over the past several years. Uniform standards in licensing and continuing education will eliminate the need for federal regulation in the future.

Entities affected by the rule

Insurance Intermediaries (individuals and firms), Managing General Agents (individuals and firms), Reinsurance Intermediaries Brokers and Managers (individuals and firms), Prelicensing Education Schools, Continuing Education Providers and Insurers.

Natural Resources

Subject

Removal of sunset dates from rules which establish small game and spring turkey hunting in select state parks.

Policy analysis

In 2002, the department promulgated administrative rules which established small game hunting in four state park properties and offered expanded spring turkey hunting opportunities in three state parks. Based on recommendations from a citizen advisory committee, a three year sunset was placed on these hunting opportunities in order to measure user tolerance for increased hunting opportunities on these properties. Following an evaluation of the 2003 and 2004 hunting seasons, which looked at criteria such as hunter utilization and user conflicts, the department recommends that these hunts continue at three of the four state parks where small game hunting was offered, since there was no evidence that these additional hunting opportunities conflicted with non−hunting park utilization at these parks. Additionally, the department recommends that the spring turkey hunts continue at each of the three state parks where additional opportunities were offered during the pilot.

Statutory authority

Sections 29.014 and 29.089 (3), Stats.

Staff time required

Approximately 200 hours will be needed by the department to develop the rule prior to and following the hearings.

Comparison with federal requirements

Federal regulations allow states to manage the wildlife resources located within their boundaries provided they do not conflict with regulations established in the Federal Register. This rule change does not violate or conflict with the provisions established in the Federal Code of Regulations.

Entities affected by the rule

Groups impacted or interested in this rule include state park users, State Park Friends Groups, and small game and turkey hunters.

Natural Resources

Subject

Modification to ch. NR 10, establishing a deer hunting season at Straight Lake Wilderness State Park.

Policy analysis

The 2,779 acre Brunkow Hardwoods Cooperation department land acquisition in northern Polk County has allowed for the establishment of the Straight River Wildlife Area and Straight Lake Wilderness State Park. Together the state park and wildlife area is n undeveloped, heavily wooded property that is relatively pristine and undisturbed. It contains an extremely rich diversity of flora and fauna as well as very unusual geographic features. Without a deer hunting season to control deer populations on the state park property, deer herd control will not occur at the state park for several years (until the master plan is complete). This will result in an increasing deer population, which typically results in increased direct and indirect adverse impacts on the native plant communities. This rule proposes a conservative deer season in advance of a completed master plan that may be modified should the property master plan prescribe an alternative hunting season structure. Initial meetings with interest groups support hunting on the property in advance of a completed master plan.

The Natural Resources Board approved the purchase of the property and the establishment of the park with the understanding that hunting, amongst other recreation pursuits

would be available on the property. Typically the establishment of rules does not precede master plan completion. However, in this instance and in the case of Governor Thompson state park in 2004, potential direct adverse impacts on native plant communities and the potential for these large properties to serve as deer refugia has led the department to establish deer hunting season in advance of the final property master plans. With either park, if the master planning process results in a recommendation for an alternative deer season framework and regulations, then the department will initiate rule making to implement the preferred season structure. Additionally, due to the need for a prompt solution for controlling the deer herd at Straight Lake state park, traditional use of the Spring Hearings to establish deer hunting seasons at state parks is not feasible and this independent rule proposal is being advanced.

Statutory authority

Sections 29.014 and 29.089 (3), Stats.

Staff time required

Approximately 142 hours will be needed by the department to develop the rule prior to and following the hearings.

Comparison with federal requirements

Federal regulations allow states to manage the wildlife resources located within their boundaries provided they do not conflict with regulations established in the Federal Register. This rule change does not violate or conflict with the provisions established in the Federal Code of Regulations.

Entities affected by the rule

The groups specifically interested in this rule process include deer hunters, non−hunting outdoor recreationists, farmers, foresters, motorists and neighboring landowners.

Natural Resources

Subject

Revision to ch. NR 411, relating to diesel and particulate matter emissions from indirect sources.

Objective of the rule. The thrust of the proposed changes will shift our current focus away from carbon monoxide (CO) control from cars and onto the issue of regulating diesel exhaust from trucks.

Policy analysis

The Indirect Source Program was originally designed to insure that there would be no violations of the CO air quality standards as cars idled in a queue to enter or leave a large venue such as a ballpark or shopping mall. Motor vehicle emission characteristics have dramatically improved since the inception of the Indirect Source Permitting Program and CO from these venues has become much less of a threat. However new information on fine−particles, indicate that there is significant health risks associated with exposure to fine−particles, in particular diesel exhaust. Therefore, the Department is proposing revisions to Ch. NR 411 that are necessary to address the most significant public health issue, diesel exhaust, while reducing our focus on CO.

The Bureau of Air Management reviewed several high−profile permit applications for large−scale distribution centers with significant heavy−duty diesel traffic. Diesel exhaust is considered a probable human carcinogen and a number of recent scientific studies indicate that exposure to elevated levels of diesel exhaust correlate to increased mortality and asthma hospitalizations. Current practice in the Indirect Source Program is to secure voluntary controls to mitigate diesel exhaust exposure. Success with this approach has been mixed. The challenge is to develop a *de minimus* permit threshold applicable to truck traffic and establish criteria that provide adequate public health protection from diesel exhaust.

Also, revising ch. NR 411 will allow the Bureau of Air Management to reduce the number of permits that require review by re−evaluating the parking space threshold for cars. CO levels from automobiles have been significantly reduced through technological advances to the point where it is very unlikely that a development with 1000 parking spaces and adequate traffic capacity will actually cause a CO violation. In addition, eliminating the CO screening level analysis required of all roadway expansion projects could further improve program efficiency.

Statutory authority

Sections 285.60 and 285.11, Stats.

Staff time required

The Department will need about 560 hours of total staff time.

Comparison with federal requirements

Not applicable

Entities affected by the rule

The Wisconsin Department of Transportation
Federal Highway Administration
WDNR Environmental Analysis Staff
Environmental and Traffic Consultants
Diesel Engine Manufacturers
Developers
Construction Industry
Truck Stops
Environmental Advocacy Organizations
Diesel Engine Retrofit Businesses

Public Instruction

Subject

Signature requirements for the open enrollment application.

Objective of the rule. The Department proposes to amend s. PI 36.03 (1) (d), to delete the requirement for both parents to sign an open enrollment application form when the parents are divorced or legally separated and have joint custody.

Policy analysis

The current provision was intended to require parents to keep each other informed and to keep school districts out of the middle of the situation. However, it has created a hardship in cases where one custodial parent cannot be located.

In other cases, the rule has had the opposite of the desired effect. The open enrollment period is only three weeks long and custody issues can be very complicated. Three weeks can be too short a time to have the issue resolved, especially when mediation and/or family court are involved. Requiring both signatures before the issue has been resolved reduces the child's educational options. And occasionally, school districts are drawn into the disagreement, rather than be insulated from it.

The open enrollment form is an application only. Allowing one of the custodial parents to sign the form, even without

informing the other, is not determinative of where the child must go to school. That question must be resolved in the way all joint custodial decisions are made. But it keeps the open enrollment option open until such time as the parents can make a joint decision.

Statutory authority

Section 118.51 (3) (a) 1., Stats.

Staff time required

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

Comparison with federal requirements

There are no similar existing or proposed federal regulations concerning inter−district open enrollment programs.

Veterans Affairs

Subject

Section VA 2.03, relating to the retraining grant program.

Objective of the rule. The Department seeks to modify certain aspects of the retraining grant program in compliance with its proposed 10−year solvency plan for the Veterans Trust Fund (VTF). The Department intends to limit the grant to a specific amount per economic event and to establish a lifetime limit of the number of grants per veteran. Additionally, the Department will impose a verification requirement to ensure that the veteran successfully completed the training program and an additional provision that will require veterans to use alternative sources of funding, if available. Other modifications may be proposed to assure that the grant funds are used for those veterans in greatest need of the funds.

Policy analysis

The Department administers a retraining grant program under s. 45.397, Wis. Stats. The program provides assistance to veterans who lose employment or become underemployed through no fault of their own. The Department determined that several additional safeguards should be built into the program to assure that VTF funds are first used for those veterans who have no alternative funding available and who successfully complete the retraining program. The proposed modifications will help assure these objectives while providing a stabilizing force on VTF expenditures. This will permit the Department to continue to offer a variety of other benefits funded by the VTF.

Statutory authority

Section 45.397 (3), Stats.

Staff time required

Approximately 40 hours of Department of Veterans Affairs staff time will be needed to promulgate the rules.

Comparison with federal requirements

The retraining grant program is administered under the authority of state law. There are no existing or proposed federal regulations that address the activities to be regulated by the rule.

Entities affected by the rule

The rule will affect applicants for grants under the retraining grant program.

Veterans Affairs

Subject

Section VA 17.05 (2), relating to reimbursement for the performance of military funeral honors.

Objective of the rule. The Department seeks to modify the rule so as to coordinate the planning for the provision of honors and the level of reimbursement with the National Guard military funeral honors stipend program.

Policy analysis

The Department provides military funeral honors directly, as well as coordinating the provision of such honors by veterans organizations. When the honors are provided by a veterans organization, a specified reimbursement is provided based upon the level of honors provided, as defined in the rule. Recently, the National Guard has begun providing separate funding for the provision of military funeral honors. The coordination of the provision of the honors, as well as the level of reimbursement, will allow the Department to access additional funds for the purpose of reimbursement, thereby reducing expenditures from the Veterans Trust Fund.

Statutory authority

Sections 45.19 (1) and 45.35 (3), Stats.

Staff time required

Approximately 5 hours of Department of Veterans Affairs staff time will be needed to promulgate the rules.

Comparison with federal requirements

The state military funeral honors program is administered under the authority of state law. There are no existing or proposed federal regulations that address the activities to be regulated by the rule.

Entities affected by the rule

The rule will affect applicants for military funeral honors reimbursement.

Submittal of rules to legislative council clearinghouse

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

Agriculture, Trade and Consumer Protection

Rule Submittal Date

On June 27, 2005, the Department of Agriculture, Trade and Consumer Protection submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Subject

The proposed rules affect chs. ATCP 99, 100 and 101, relating to agricultural producer security.

Agency Procedure for Promulgation

Public hearings are scheduled for August 10, 12 and 16, 2005. The department's Trade and Consumer Protection Division is primarily responsible for this rule.

Contact Information

Kevin LeRoy

608−224−4928

Commerce

Rule Submittal Date

On June 17, 2005, the Department of Commerce submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Subject

The proposed rules affect ch. Comm 72, relating to the cleaning methods for historic buildings.

Agency Procedure for Promulgation

A public hearing is required and is scheduled for August 1, 2005.

Contact Information

Diane Meredith, Code Consultant

608−266−8982

dmeredith@commerce.state.wi.us

Financial Institutions−Banking

Rule Submittal Date

On June 21, 2005, the Department of Financial Institutions submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Subject

The proposed rules affect ch. DFI−Bkg 80, relating to prohibited bases for discriminating in the extension of consumer credit.

Agency Procedure for Promulgation

A public hearing is required and scheduled for July 28, 2005. The Office of Consumer Affairs is responsible for the promulgation of the rule.

Contact Information

Mark Schlei, Deputy General Counsel

608−267−1705

Insurance

Rule Submittal Date

On June 20, 2005, the Office of the Commissioner of Insurance submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Subject

The proposed rules affect s. Ins 50.30, relating to actuarial opinion and summary.

Agency Procedure for Promulgation

The date for the public hearing is July 29, 2005.

Contact Information

A copy of the proposed rule may be obtained from the web site at:

http://oci.wi.gov/ocirules.htm

or by contacting Inger Williams, Services Section, Office of the Commissioner of Insurance, at (608) 264−8110. For additional information, please contact Fred Nepple at (608) 266−7726 or e−mail at Fred.Nepple@oci.state.wi.us in the OCI Legal Unit.

Transportation

Rule Submittal Date

On June 15, 2005, the Department of Transportation submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Subject

The proposed rules affect ch. Trans 276, relating to allowing the operation of double bottoms and certain other vehicles on specified highways.

Agency Procedure for Promulgation

A public hearing is required and is scheduled for July 15, 2005. The Division of Transportation System Development, Bureau of Highway Operations is responsible for the promulgation of rules.

Contact Information

Julie A. Johnson, Paralegal

608−267−3703

julie.johnson@dot.state.wi.us

Transportation

Rule Submittal Date

On June 15, 2005, the Department of Transportation submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Subject

The proposed rules affect ch. Trans 276, relating to allowing the operation of double bottoms and certain other vehicles on specified highways.

Agency Procedure for Promulgation

A public hearing is required and is scheduled for July 29, 2005. The Division of Transportation System Development, Bureau of Highway Operations is responsible for the promulgation of rules.

Contact Information

Julie A. Johnson, Paralegal
608−267−3703
julie.johnson@dot.state.wi.us

Workforce Development

Rule Submittal Date

On June 23, 2005, the Department of Workforce Development submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Subject

The proposed rules repeal ch. DWD 278, relating to garnishment.

Agency Procedure for Promulgation

A public hearing is not required because the proposed rule brings an existing rule into conformity with a statute that has been changed. The organizational unit responsible for the promulgation of the proposed rules is the DWD Equal Rights Division.

Contact Information

Elaine Pridgen
608−267−9403
elaine.pridgen@dwd.state.wi.us

Rule−making notices

Notice of Hearing
Agriculture, Trade and Consumer Protection
[CR 05−068]

The State of Wisconsin Department of Agriculture, Trade and Consumer Protection announces that it will hold public hearings on a proposed amendment to chs. ATCP 99, 100 and 101, Wis. Adm. Code, relating to Agricultural Producer Security. The hearings will be held at the times and places shown below. The department invites the public to attend the hearings and comment on the proposed rule. Following the public hearing, the hearing record will remain open until **August 30, 2005**, for additional written comments.

Hearing Dates and Locations

Wednesday, August 10, 2005
10:30 a.m. to 12:30 p.m.
DATCP Northwest Regional Office
Conference Room
3610 Oakwood Hills Pkwy
Eau Claire, WI 54701−7754
Handicapped accessible.

Friday, August 12, 2005
10:30 a.m. to 12:30 p.m.
DATCP Headquarters (Prairie Oak State Office Building)
Board Room (CR−106)
2811 Agriculture Drive
Madison, Wisconsin, 53718−6777
Handicapped accessible.

Tuesday, August 16, 2005
10:30 a.m. to 12:30 p.m.
DATCP Northeast Regional Office
Room 152A
200 N Jefferson Street
Green Bay, Wisconsin, 54301
Handicapped accessible.

Hearing impaired persons may request an interpreter for these hearings. Please make reservations for a hearing interpreter by **August 1, 2005,** by writing to Kevin LeRoy, Division of Trade and Consumer Protection, P.O. Box 8911, Madison, WI 53708−8911, telephone (608) 224−4928. Alternatively, you may contact the Department TDD at (608) 224−5058. Handicap access is available at the hearings.

Written Comments and Copies of Rule

Written comments should be sent to the Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Trade and Consumer Protection attention Kevin LeRoy, 2811 Agriculture Drive, P.O. Box 8911, Madison WI 53708. Written comments can be submitted via email to kevin.leroy@datcp.state.wi.us.

You may obtain a free copy of this rule by contacting the Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Trade and Consumer Protection, 2811 Agriculture Drive, P.O. Box 8911, Madison, WI 53708. You can also obtain a copy by calling (608) 224−4928 or emailing kevin.leroy@datcp.state.wi.us. Copies will also be available at the hearings. To view the proposed rule online, go to:
https://apps4.dhfs.state.wi.us/admrules/public/Home

Analysis Prepared by the Dept. of Agriculture, Trade and Consumer Protection

Statutory authority: Sections 93.07 (1), 126.15 (1) (intro.), 126.30 (1) (intro.), 126.46 (1) (intro.), 126.60 (1) (intro.), 126.81 and 126.88 (intro.), Stats.

Statutes interpreted: Chapter 126, Stats.

The Department of Agriculture, Trade and Consumer Protection ("DATCP") administers the agricultural producer security program under ch. 126, Stats. DATCP has broad general authority, under s. 93.07 (1), Stats., to adopt rules related to programs under its jurisdiction. DATCP has specific authority under ch. 126, Stats., to adopt rules for the agricultural producer security program.

This rule modifies current rules related to the agricultural producer security program under ch. 126, Stats. The program is designed to protect agricultural producers from catastrophic financial defaults by grain dealers, grain warehouse keepers, milk contractors and vegetable contractors (collectively referred to as "contractors") who procure agricultural commodities from producers.

This rule does all of the following:

- It permits a licensed contractors to file *voluntary* security for the benefit of producers if the contractor's estimated default exposure exceeds the maximum amount payable from the Wisconsin agricultural producer security fund. A contractor who files voluntary security may pay lower fund assessments and make more favorable disclosures to producers. A voluntary security filing does not relieve a contractor of any other duty to file security or pay fund assessments.
- It changes and simplifies the disclosures that contractors must give to producers.
- It clarifies current grain warehouse keeper record keeping requirements.

Background. Under current law, contractors must be licensed by DATCP. Most contractors must contribute to an agricultural producer security fund (the "fund"). Fund assessments are based on contractor size, financial condition and risk practices. If a *contributing contractor* defaults, DATCP will pay producers out of the fund. The total payment may not exceed 60% of the fund balance at the time of default (the current fund balance is approximately $5.5 million).

The current fund capacity is adequate to cover most, but not all, potential defaults by contributing contractors. Some large contractors have an "estimated default exposure" that exceeds current fund capacity (in some cases, by a very large amount). Some of these contractors are currently required to file security to cover at least part of the difference, but others are not (DATCP lacks statutory authority to require security filings for some of the contractors).

Voluntary Security. Under this rule, a licensed contractor may file *voluntary* security with DATCP if the contractor's estimated default exposure exceeds the maximum amount payable from the fund (this rule does not change current *mandatory* security filing requirements). A contractor who files security with DATCP may pay lower fund assessments and make more favorable disclosures to producers.

Reduced Fund Assessment. Under current rules, certain contractors who file security with DATCP are entitled to a reduction in their annual fund assessments (current rules

specify the amount of the reduction). Under this rule, certain contractors who file security with DATCP (required or voluntary) may pay reduced fund assessments if their "estimated default exposure" is equal to or less than the sum of the following:

- The maximum amount payable from the fund, if the contractor defaults.
- The total amount of security (required or voluntary) filed by the contractor.

Disclosures to Producers. Under current rules, a contractor must periodically disclose to producers the contractor's license, security and fund contribution status. The current rules specify the exact language that contractors must use. The disclosures are intended to help producers assess the degree of financial risk involved in dealing with any particular contractor. The current disclosures are rather complex, and in some cases overstate the amount of security coverage afforded to producers.

This rule changes and simplifies the current disclosure requirements. This rule, like the current rules, specifies the exact language to be used. Disclosure requirements vary slightly between grain, milk and vegetable contractors, because of differences in the security program for each industry. But for all contractors, the disclosure alternatives are basically as follows:

- If the contractor's "estimated default exposure" is *equal to or less than* the amount of fund coverage and security on file, the disclosure states that the security program may provide full compensation for producers if the contractor defaults (subject to statutory limits).
- If the contractor's "estimated default exposure" is *greater than* the amount of fund coverage and security on file, the disclosure states that the security program may provide *some* compensation for producers if the contractor defaults. But compensation may cover only a fraction of a producer's loss.
- If the contractor does not contribute to the fund or file any security with DATCP, the disclosure states that the security program will provide *no compensation* to producers if the contractor defaults.

Definition of "Affiliate". Under current rules, contractor financial statements must disclose accounts and notes payable from "affiliates." These accounts and notes are excluded from the balance sheet before financial ratios are calculated. An "affiliate" is currently defined as an owner, major stockholder, partner, officer, director, member, employee or agent (or a person owned, controlled or operated by one of those persons). This rule clarifies an "affiliate" also includes any other person who has significant control or influence over the contractor.

Grain Warehouse Records. This rule clarifies current grain warehouse record keeping requirements. Under current law, warehouse keepers must keep "daily position" records related to grain in storage. This rule clarifies that daily position records must identify all grain kept by the warehouse keeper, whether in licensed or unlicensed storage. Records must clearly distinguish between grain owned by the warehouse keeper and that held for others. Records must also show the amount of grain entering and leaving storage each day. Records must be based on individual grain transaction records required under current law.

Fiscal Impact

This rule will have no significant fiscal impact on DATCP or local government.

Business Impact

This rule will affect agricultural producers, grain dealers, grain warehouse keepers, milk contractors and vegetable contractors. Many of these businesses are small businesses.

This rule will have a minimal impact on most affected businesses, and effects will be positive in many cases (especially for agricultural producers). The Wisconsin legislature has spelled out detailed statutory requirements for grain dealers, grain warehouse keepers, milk contractors and vegetable contractors (ch. 126, Stats.). DATCP has limited authority to change these requirements by rule.

This rule will make minor changes to current rules. Among other things, this rule:

- Allows licensed contractors to file voluntary security (it does not change current *mandatory* security requirements).
- Allows some contractors to pay reduced fund assessments.
- Changes and simplifies current contractor disclosures to producers. In some cases, current disclosures overstate the amount of security coverage afforded to producers. Some contractors may incur one−time costs to change their disclosure forms.
- Clarifies current grain warehouse record keeping requirements (this rule does not add major new record keeping requirements).

This rule will not have a significant adverse economic impact on small business. Therefore, it is not subject to the delayed small business effective date provision in s. 227.22 (2) (e), Stats.

Under 2003 Wis. Act 145, DATCP and other agencies must adopt rules spelling out their rule enforcement policy for small businesses. DATCP has not incorporated a small business enforcement policy in this rule, but it will propose a separate rule on that subject. DATCP will, to the maximum extent feasible, seek voluntary compliance with this rule.

Wisconsin's Security Program

Wisconsin has an agricultural producer security program for grain, milk and vegetables. The Wisconsin legislature has spelled out detailed statutory requirements for grain dealers, grain warehouse keepers, milk contractors and vegetable contractors (ch. 126, Stats.). Contractors must be licensed by DATCP, and most contractors must contribute to an agricultural producer security fund administered by DATCP. A few contractors must also file security with DATCP.

Federal Programs

There is no federal producer security program related to milk. The U.S. department of agriculture (USDA) administers a producer security program for federally licensed *grain warehouses* that store grain for producers. Grain warehouses may choose whether to be licensed under state or federal law. Federally−licensed warehouses are exempt from state warehouse licensing and security requirements. State−licensed warehouses are likewise exempt from federal requirements.

The federal grain warehouse program provides little or no protection against financial defaults by *grain dealers.* Grain dealers are persons who buy and sell grain. Sometimes, grain dealers also operate grain warehouses. DATCP currently licenses grain dealers. Licensed warehouse keepers must also hold a state grain dealer license if they engage in grain dealing.

USDA proposes to regulate grain *dealer* activities (grain "merchandising") by federally licensed warehouse keepers,

to the exclusion of state regulation. But USDA has not yet finalized its regulations. In any case, the federal regulations would not apply to state−licensed grain warehouses, or to grain dealers who do not operate a warehouse.

There is a federal security program for vegetables. This security program is mainly limited to fresh market vegetables, and consists of a priority lien against vegetable−related assets. Wisconsin's vegetable security program applies only to processing vegetables (not fresh market vegetables covered by federal regulations). There may be some limited overlap between the Wisconsin and federal programs (the overlap may be justified because the scope of federal coverage is not entirely clear).

State Comparisons

In Minnesota, contractors must be licensed to procure grain, milk or processing vegetables from producers, or to operate grain warehouses. Regulated contractors must file bonds as security against default.

Neither Iowa nor Illinois have producer security programs for milk or vegetables. However, both states maintain indemnity funds to protect grain producers. Fund assessments are based solely on grain volume. In Wisconsin, by contrast, fund assessments are based on grain volume *and financial condition*.

Michigan has the following producer security programs:

- Potato dealers must be licensed, and must post bonds as security against defaults. (Wisconsin's vegetable security program includes, but is not limited to, potatoes.)
- Dairy plants that fail to meet minimum financial standards must file security or pay cash for milk.
- Grain producers have the option of paying premiums into a state fund. In the event of a grain default, the fund reimburses participating producers.

Agency Contact

Questions or comments related to this rule may be sent to the following address:

Dept. of Agriculture, Trade and Consumer Protection
Trade and Consumer Protection Division
Bureau of Trade Practices
P.O. Box 8911
Madison, WI 53708−8911
Attn.: Kevin LeRoy
Telephone: (608) 224−4928
E−Mail: Kevin.Leroy@datcp.state.wi.us

Notice of Hearing
Commerce
[CR 05−064]

NOTICE IS HEREBY GIVEN that pursuant to s. 101.125, Stats., the Department of Commerce will hold a public hearing on proposed rules under ch. Comm 72, relating to cleaning methods for historic buildings.

Hearing Information

The public hearing will be held as follows:

Date and Time:	Location:
August 1, 2005 at 10:00 a.m.	Thompson Commerce Center 201 W. Washington Avenue Conference Room #3C Madison, Wisconsin

Interested persons are invited to appear at the hearing and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until August 15, 2005, to permit submittal of written comments from persons who are unable to attend the hearing or who wish to supplement testimony offered at the hearing. Written comments should be submitted to Diane Meredith, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701−2689, or Email at dmeredith@commerce.state.wi.us.

This hearing is held in an accessible facility. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 266−8741 or (608) 264−8777 (TTY) at least 10 days prior to the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon a request from a person with a disability.

Analysis Prepared by Department of Commerce

Statutory authority: ss. 101.02 (1) and (15), and 101.1215, Stats.

Statutes interpreted: ss. 101.02 (1) and (15), and 101.1215, Stats.

Under the statutes cited, the Department of Commerce protects public health, safety, and welfare by promulgating comprehensive construction requirements for public buildings and places of employment. In accordance with s. 101.1215, Stats., the Department is required to develop requirements for prohibiting the use of abrasive cleaners on the exterior of qualified historic buildings, including both commercial buildings and one−and two−family dwellings.

The proposed rules under ch. Comm 72 are being created to comply with s. 101.1215, Stats., relating to the prohibition of abrasive cleaning methods and identification of acceptable methods for cleaning the exterior facades of qualified historic buildings The Division of Safety and Buildings will enforce the proposed rules by doing an investigative inspection when a complaint is received by the agency. If a violation is found, the Division may refer the violation on to the appropriate authority responsible for assessing penalties as specified in s. 101.1215 (4), Stats.

The proposed rules include the following:

1. The requirements apply to both public buildings and places of employment, and one−and two−family dwellings that are qualified historic buildings. [Comm 72.02]

2. Administration and enforcement of these rules is by complaint. Penalties as specified under s. 101.1215, Stats., may be assessed for violation of these rules. [Comm 72.03 and 70.04]

3. The term "abrasive cleaning method" has the meaning given in s. 101.1215, Stats., and identifies as abrasive, cleaning procedures that employ certain materials or tools, such as sand, glass, rice husks carried in high or low−pressure air or water, or the use of high pressure water. [Comm 72.05 (1)]

4. The term "qualified historic building" has the meaning given in s. 101.121 (2) (c), Stats. [Comm 72.05 (3)]

5. Specific prohibition of any abrasive cleaning method on a qualified historic building. [Comm 72.06 (1)]

6. Identifies where abrasive cleaners may be used, and identifies a non−abrasive cleaning methods. [Comm 72.06 (2)]

Federal Comparison

An Internet−based search for "abrasive cleaning of exterior surfaces of historic buildings" in the *Code of Federal Regulations* identified the following existing federal

regulations that address abrasive cleaning of historic buildings:

1. 36CFR67– Historic Preservation Certifications Pursuant to Sec. 48(g) and Sec. 170(h) of the Internal Revenue Code of 1986

2. 36CFR68– The Secretary of the Interior Standards for the Treatment of Historic Properties.

3. 36CFR800– Protection of Historic Properties

Under these existing federal regulations, chemical or physical treatments may be used on historic properties for preservation, rehabilitation, or restoration; however, the treatments used must be the gentlest means possible. Treatments that cause damage to historic materials are not to be used.

An Internet−based search for "abrasive cleaning of exterior surfaces of historic buildings" of the 2003 and 2004 issues of the *Federal Register* did not identify any proposed federal regulations that address abrasive cleaning of exterior surfaces of historic buildings.

State Comparisons

An Internet−based search of adjacent states identified that Illinois, Minnesota, Michigan and Iowa do not have any specific rules relating to cleaning methods for the exterior facades of historic buildings.

Council Members and Representation

The proposed rules were developed with the assistance of the Historic Building Code Council, Dan Stephans, from the Department of Administration, and James Draeger, Wisconsin Historical Society. The members of the Historic Building Code Council are as follows:

Name	Representing
Bruce Johnson	Wisconsin Builders Association
Steve Gleisner	City of Milwaukee Fire Dept.
Charles Quagliana . .	AIA−Wisconsin Department of Commerce
Chris Rute	Milwaukee Historic Preservation Commission
Jim Sewell	Wisconsin Historical Society
Harry Sulzer	City of Madison
David Vos	Project Developer/Alexander Company

Copies of Rule

The proposed rules and an analysis of the proposed rules are available on the Internet at the Safety and Buildings Division Web site at www.commerce.wi.gov/SB/. Paper copies may be obtained without cost from Roberta Ward, at the Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, WI 53701−2689, or Email at rward@commerce.state.wi.us, or at telephone (608) 266−8741 or (608) 264−8777 (TTY). Copies will also be available at the public hearing.

Environmental Analysis

NOTICE IS HEREBY GIVEN that the Department has considered the environmental impact of the proposed rules. In accordance with ch. Comm 1, the proposed rules are a Type III action. A Type III action normally does not have the potential to cause significant environmental effects and normally does not involve unresolved conflicts in the use of available resources. The Department has reviewed these rules and finds no reason to believe that any unusual conditions exist. At this time, the Department has issued this notice to serve as a finding of no significant impact.

Initial Regulatory Flexibility Analysis

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

A small business owning a qualified historic building or providing exterior cleaning services may be affected by these rules. The primary purpose of these rules is to codify the statutory prohibitions of certain types of cleaning methods for exterior facades of qualified historic buildings. Masonry facades are the most vulnerable to abrasive cleaning methods and there are only around 5,000 qualified historic buildings with masonry exteriors statewide. The rules do not mandate cleaning and the impact on small businesses should be minimal.

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

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

3. Types of professional skills necessary for compliance with the rules.

None known.

4. Rules have a significant economic impact on small businesses.

No.

The small business regulatory coordinator for the Department of Commerce is Carol Dunn, who may be contacted at telephone (608) 267−0297, or Email at cdunn@commerce.state.wi.us.

Fiscal Estimate

General effects: The proposed rules do not mandate cleaning the exterior facades of a qualified historic building. However, under the enabling statutes and the proposed rules, when the facades of the qualified historic building are cleaned, the cleaning methods must be non−abrasive. There are approximately 21,000 qualified historic buildings throughout the state, with approximately 70% of the buildings having wood facades, 25% having masonry facades, and 5% having other types of facade material, such as stucco. Masonry facades are the most vulnerable to abrasive cleaning methods, and there are only around 5,000 qualified historic buildings with masonry exteriors statewide. Sandblasting is a typical abrasive method used to clean the exterior facade of a building, and chemical washing is a typical non−abrasive method. The average price for sandblasting is $1.50 to 2.25/square foot and the price for chemical washing is $3.00 to 6.75/square foot.

The Safety and Buildings Division is responsible for enforcing chapter Comm 72 relating to abrasive cleaning of historic buildings, and the enforcement mechanism is by receipt of a complaint. If a complaint were received, the Division would do an investigative inspection and may assess the owner a fee for the inspection. There are no proposed changes in the Division's fee schedule. Violations of the statutes and the proposed rules would be subject to the penalties prescribed under s. 101.1215 (4), Stats.

Overall effect on state, local or privately owned qualified historic buildings: When the exterior facade of any qualified historic building is to be cleaned, a non−abrasive cleaning method must be employed. Since the rules do not mandate cleaning and with only a specified number of buildings that would be affected by the rules, the fiscal effect is anticipated to be minimal.

Notice of Hearing
Financial Institutions−Banking
[CR 05−065]

NOTICE IS HEREBY GIVEN That pursuant to ss. 426.108 and 227.11(2), Stats., and interpreting s. 426.108, Stats., the Department of Financial Institutions, Office of Consumer Affairs will hold a public hearing at the Department of Financial Institutions, Office of the Secretary, 5th Floor Conference Room, 345 W. Washington Avenue in the city of Madison, Wisconsin, on the **28th day of July, 2005**, at 1:00 p.m. to consider a rule to amend s. DFI—Bkg 80.85 (1) and (2), and create s. DFI—Bkg 80.85 (5), relating to prohibited bases for discriminating in the extension of consumer credit.

Analysis Prepared by the Office of Consumer Affairs

Statute(s) interpreted: s. 426.108, Stats.

Statutory authority: ss. 426.108 and 227.11 (2), Stats.

Related statute or rule: None.

Explanation of agency authority: Pursuant to s. 426.104, Stats., the department administers the Wisconsin Consumer Act.

The objective of the rule is to amend s. DFI—Bkg 80.85 (1) and (2), and create s. DFI—Bkg 80.85 (5). The purpose of this rule is to expand the prohibited bases for discriminating in the extension of consumer credit. Currently the Wisconsin Consumer Act makes discrimination on the basis of sex or marital status in the granting or extension of credit an unconscionable credit practice. The rule makes discrimination on a prohibited basis in the granting or extension of credit an unconscionable credit practice. The rule defines prohibited basis to include the already existing bases as well as additional bases.

Federal Comparison

Federal regulation: 12 CFR 202 identifies similar prohibited bases.

State Comparisons

Minnesota, Iowa, Illinois and Michigan have comparable laws.

Summary of factual data and analytical methodologies

The department reviewed federal regulations relating to prohibited bases for discriminating in the extension of consumer credit, as well as laws adopted by adjacent states regarding the same.

Initial Regulatory Flexibility Analysis

The entities affected by this rule do not meet the definition of a small business as set forth in s. 227.114, Stats.; therefore, there is no effect on small business.

Fiscal Estimate

There is no state fiscal effect, and there are no local government costs. No funding sources or ch. 20 appropriations are affected. There are no long−range fiscal implications.

Contact Person

A copy of the proposed rule and fiscal estimate may be obtained at no charge from Mark Schlei, Deputy General Counsel, Department of Financial Institutions, Office of the Secretary, P.O. Box 8861, Madison, WI 53708−8861, tel. (608) 267−1705. A copy of the proposed rule may also be obtained and reviewed at the Department of Financial Institutions' website, www.wdfi.org.

Written comments regarding the proposed rule may be submitted to Mark Schlei, Deputy General Counsel, Department of Financial Institutions, Office of the Secretary, P.O. Box 8861, Madison, WI 53708−8861, tel. (608) 267−1705, or via the department's website contact page, e−mail the secretary. Written comments must be received by the conclusion of the hearing.

Notice of Hearings
Health and Family Services
(Medical Assistance, Chs. HFS 100−)
[CR 05−052]

NOTICE IS HEREBY GIVEN that pursuant to s. 49.45 (10), Stats., interpreting s. 49.46 (2) (a) 4. d. and (b) 6. g. and m., Stats., the Department of Health and Family Services will hold a public hearing to consider the repeal of s. HFS 107.12 (2) (b) and (3) (d); the repeal and recreation of s. HFS 107.113 (5) (d); and the creation of s. HFS 107.113 (5) (g) and 107.12 (4) (f) and (g), relating to private duty nursing and respiratory care service benefits covered by the Wisconsin Medical Assistance program, and affecting small businesses.

Hearing Information

The public hearings will be held:

Date & Time	Location
July 27, 2005 Wednesday 1:00 p.m. to 3:00 p.m.	500 Forest St. Marathon County Courthouse Room 131 Wausau, WI
July 28, 2005 Thursday 10:00 a.m. to noon	500 Riverview Ave. Room 1053 Waukesha, WI

The hearing site is fully accessible to people with disabilities. If you are hearing or visually impaired, do not speak English, or have circumstances that might make communication at a hearing difficult and if you, therefore, require an interpreter or a non−English, large print or taped version of the hearing document, contact the person at the address or phone number given above at least 10 days before the hearing. With less than 10 days notice, an interpreter may not be available.

Written comments may be submitted at the public hearing, or in lieu of attending a public hearing written comments can be submitted by regular mail or email to the contact person listed below. Written comments may also be submitted to the Department using the Wisconsin Administrative Rules Internet website at the web address listed below.

Deadline for Comment Submission

The deadline for submitting comments is **4:30 p.m., on Friday, August 12, 2005.**

Analysis Prepared by the Department of Health and Family Services

The Department proposes to revise ss. HFS 107.113 (5) and 107.12 (2) relating to the number of hours a nurse may provide private duty nursing services, including care to ventilator−dependent recipients, for reimbursement by Medicaid. Specifically, the proposed revisions will become more flexible to facilitate scheduling but restrict the total number of hours a nurse may work and still receive Medicaid reimbursement for such services.

Effect on Small Business

The proposed changes will have a beneficial effect on home health care agencies and nurses in independent private duty nursing practice that offer private duty nursing services, by providing these entities and their consumers with better scheduling flexibility.

Fiscal Estimate

The Department is updating and clarifying some requirements in its Medical Assistance rules. Chapter HFS 107 specifies the Wisconsin Medical Assistance (MA) covered services and reimbursement requirements for providers. As currently written, ch. HFS 107 limits the amount of time a nurse may provide direct private duty nursing (PDN) or respiratory care services (RCS). In particular, s. HFS 107.113 (5) (d), governing RCS, currently provides that "[s]ervices provided by one individual in excess of 12 continuous hours per day or 60 hours per week" are not covered services. The PDN rule has a similar limitation. That rule, s. HFS 107.12 (2) (b), states that PDN "is limited to 12 continuous hours in each 24 hour period and no more than 60 hours in a calendar week," and that "[a] prior authorization request for 2 consecutive 12−hour periods shall not be approved."

The Department has determined that strict adherence to the preceding requirements that are currently expressed in its administrative rules sometimes unnecessarily constrains the provision of needed personal care services and may therefore constitute an unjustified burden to both consumers and providers. Consequently, the Department is proposing to amend the rules to reduce these restrictions. Specifically, the Department is promulgating changes in the number of hours that private duty nurses and respiratory care nurses may work in a 24−hour period. The Department is further defining the 24−hour work period as a calendar day. For the purpose of scheduling breaks, it will retain the reference to any 24−hour period.

Under this revision to the rule, the total number of hours authorized for private duty nursing through the prior authorization process will not change. The rule change will help to simplify the scheduling of private duty nursing services. The Department does not expect any fiscal effect as a result of these changes.

Copy of Rule

A copy of the full text of the rules and the full text of the fiscal estimate, and other documents associated with this rulemaking may be obtained, at no charge, from the Wisconsin Administrative Rules website at http://adminrules.wisconsin.gov. At this website you can also register to receive email notification whenever the Department posts new information about this rulemaking and, during the public comment period, you can submit comments on the rulemaking order electronically and view comments that others have submitted about the rule.

A copy of the full text of the rule and the fiscal estimate may also be obtained by contacting the Department's representative listed below:

Al Matano
Division of Health Care Financing,
Bureau of Fee−for−service Health Care Benefits
P.O. Box 309
One West Wilson Street, Room 350
(608) 267−6848
MatanA@dhfs.state.wi.us

Notice of Hearing
Insurance
[CR 05−066]

NOTICE IS HEREBY GIVEN That pursuant to the authority granted under s. 601.41 (3), Stats., and the procedures set forth in under s. 227.18, Stats., OCI will hold a public hearing to consider the adoption of the attached proposed rulemaking order affecting s. Ins 50.30, Wis. Adm. Code, relating to actuarial opinion and summary.

Hearing Information

Date:	**July 29, 2005**
Time:	10:00 a.m., or as soon thereafter as the matter may be reached
Place:	OCI, Room 223, 125 South Webster St., 2nd Floor, Madison, WI

Written comments or comments submitted through the Wisconsin Administrative Rule website at: https://adminrules.wisconsin.gov on the proposed rule will be considered. The deadline for submitting comments is 4:00 p.m. on the 7th day after the date for the hearing stated in this Notice of Hearing.

Written comments should be sent to: Fred Nepple, OCI Rule Comment for Rule Ins 5030, Office of the Commissioner of Insurance, PO Box 7873, Madison WI 53707−7873

Analysis Prepared by the Office of the Commissioner Of Insurance (OCI)

Statutes interpreted: Sections 600.01, 601.42, 601.465, Stats.

Statutory authority: Sections 601.42 and 601.465 and ch. 618, Stats.

OCI proposes this rule to require reports and other information relating to actuarial opinions prepared and field for property and casualty insurers, including nondomestic insurers licensed under ch. 618, Stats. Section 601.42, Stats., establishes the statutory authority to require reports and submission of other information from any person, including a licensed insurer, subject to regulation under the Insurance Code. Section 601.465, Stats., establishes OCI's authority to retain the reports and information as privileged and confidential.

Related Statutes or Rules: The proposed rule is intended to supplement the information required to be filed with insurer's annual financial statements under ch. Ins 50, Wis. Adm. Code.

Summary: Section Ins 50.30, Wis. Adm. Code, currently requires licensed property and casualty insurers that file a NAIC financial statement to also file an actuarial opinion. Under current law OCI may also ask an insurer to file the supporting actuarial summary and work papers. This proposed rule will require all domestic property and casualty insurers that are required to file an actuarial opinion to also file a supporting actuarial opinion summary. The proposed rule also notes that OCI, as under current law, may require a licensed non−domestic property and casualty insurer to file a summary and supporting work papers. The actuarial summary and work papers support the actuarial opinion, which is a public document, however the proposed rule notes the required supporting actuarial summary and work papers, with their detailed proprietary information, may be retained as confidential by OCI under s. 601.465, Stats.

Federal Comparison

Comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule: None

State Comparisons

All of the adjacent state insurance departments are considering seeking legislation or a rule or are in the process of promulgating a rule to put in effect the NAIC Model. However none have yet adopted the NAIC Model. Accordingly the current status is:

Iowa: None

Illinois: None

Minnesota: None

Michigan: None

Summary of factual data and analytical methodologies

This proposed rule is based on the NAIC Property and Casualty Actuarial Opinion Model Law. It reflects the experience and recommendations of insurance financial regulators relating to analysis of the subject matter of the currently required actuarial opinion.

Initial Regulatory Flexibility Analysis

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: Small mutual insurers.

b. Description of reporting and bookkeeping procedures required: The proposed rule requires filing of a summary of information derived from the already currently required actuarial analysis.

c. Description of professional skills required: The actuarial professional services currently required will also address requirements of the proposed rule.

There are only five mutual insurers that will be subject to the rule that are "small businesses." This is based on an analysis of financial statements filed by property and casualty insurers conducted by the bureau of financial analysis and examination. The assessment of fiscal and economic impact on these insurers is based on bureau of financial analysis and examination professional assessment, and the bureau's past experience in the analysis and examination of actuarial reports and opinions.

The OCI small business coordinator is Eileen Mallow and may be reached at phone number (608) 266− 7843 or at email address Eileen.Mallow@oci.state.wi.us

Fiscal Estimate

The limited fiscal effect of the proposed rule on the insurers will be due to the cost of producing and submitting the Actuarial Opinion Summary. The Actuarial Opinion Summary will illustrate the difference between the insurer's recorded loss and loss adjustment expense reserves and the actuary's point estimates and/or range of reasonable estimates. This information is currently required to be included in the opining actuary's report, so including it in the Actuarial Opinion Summary will not involve significant additional work or expense.

The proposed rule also includes a conditional requirement. If the insurer has a one−year adverse development in excess of 5% of surplus during 3 of the last 5 years, the insurer's actuary must provide commentary. This requirement would not be applicable for most insurers in most years. Where it is applicable the actuary will have already considered the causes of the adverse trend and providing a commentary will not involve any significant additional cost.

Agency Contact Person

A copy of the full text of the proposed rule changes, analysis and fiscal estimate may be obtained from the WEB sites at: **http://oci.wi.gov/ocirules.htm**

or by contacting Inger Williams, OCI Services Section, at:

Phone:	(608) 264−8110
Email:	Inger.Williams@OCI.State.WI.US
Address:	125 South Webster Street 2nd Floor Madison WI 53702
Mail:	PO Box 7873, Madison WI 53707−7873

Submission of Comments

The deadline for submitting comments is 4:00 p.m. on the 14th day after the date for the hearing stated in the Notice of Hearing.

Mailing address:

Fred Nepple
Legal Unit − OCI Rule Comment for Rule Ins 5030
Office of the Commissioner of Insurance
PO Box 7873
Madison WI 53707−7873

Street address:

Fred Nepple
Legal Unit − OCI Rule Comment for Rule Ins 5030
Office of the Commissioner of Insurance
125 South Webster St – 2nd Floor
Madison WI 53702

WEB Site: **http://oci.wi.gov/ocirules.htm**

Notice of Hearing
Marriage and Family Therapy, Professional Counseling and Social Work Examining Board
[CR 05−043]

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board in ss. 15.08 (5) (b), 227.11 (2) and 457.03 (2), Stats., and interpreting s. 457.03 (2), Stats., the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board will hold a public hearing at the time and place indicated below to consider an order to amend s. MPSW 20.02 (18), relating to recordkeeping by marriage and family therapists, professional counselors and social workers.

Hearing Date, Time and Location

Date:	**August 2, 2005**
Time:	9:30 a.m.
Location:	1400 East Washington Avenue Room 179A Madison, Wisconsin

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Regulation and Licensing, Office of Legal Counsel, P.O. Box 8935, Madison, Wisconsin 53708, or by email to pamela.haack@drl.state.wi.us. Written comments must be received on or before **August 12, 2005** to be included in the record of rule−making proceedings.

Analysis Prepared by the Dept. of Regulation and Licensing

Statutes interpreted: Section 457.03 (2), Stats.

Statutory authority: Sections 15.08 (5) (b), 227.11 (2) and 457.03 (2), Stats.

Section MPSW 20.02 (18) requires social workers, marriage and family therapists, and professional counselors to maintain adequate records relating to professional services that they provide to clients. However, this provision does not provide any details as to what should be contained in those records or for how long they need to be maintained. Under this proposal, records must contain five key elements and must be prepared in a timely fashion. In addition, clinical records must be maintained for seven years following the conclusion of treatment.

The current rule specifies a requirement to keep adequate records relating to the service provided to a client; however, there is no specific definition as to the types of records that must be kept, or timeframes for the preparation and retention of client records.

The proposed rule amendment creates a clear recordkeeping requirement of clinical services provided by licensed marriage and family therapists, professional counselors and clinical social workers. The records kept must include: assessment, diagnosis, treatment plan, progress notes and a discharge summary. The reports should be prepared not more than 7 days following client contact and the discharge summary should be prepared promptly upon closure of a client's case. Client case records must be kept for at least 7 years after the final date recorded for service in the record.

The proposed rule change is good because it clarifies the existing recordkeeping rule to better protect the public as well as assist the therapists, counselors and social workers by setting clear expectations and standards for recordkeeping, a standard which was only implied before as "adequate." Small business will only be affected in the sense that recordkeeping is now more clearly defined; however, there should be no fiscal impact as the existing rule already required adequate recordkeeping.

Summary of factual data and analytical methodologies

No study resulting in the collection of factual data was used in reference to this rule−making effort. The primary methodology for revising the rule is the board's ongoing analysis and determination that a rules change is necessary.

Fiscal Estimate

The department estimates that this rule will require staff time in the Division of Enforcement and in the Office of Legal Counsel to receive, investigate and prosecute approximately five complaints annually. The value of these staff's salary and fringe benefits for this work is estimated at $6,206.

The department finds that this rule has no significant fiscal effect on the private sector.

Effect on Small Business

Pursuant to s. 227.114 (1), Stats., these proposed rules will have no significant economic impact on a substantial number of small businesses.

Text of Rule

SECTION 1. MPSW 20.02 (18) is amended to read:

MPSW 20.02 (18) Failing to maintain adequate records relating to services provided a client in the course of a professional relationship. A credential holder providing clinical services to a client shall maintain records documenting an assessment, a diagnosis, a treatment plan, progress notes, and a discharge summary. All clinical records shall be prepared in a timely fashion. Absent exceptional circumstances, clinical records shall be prepared not more than one week following client contact, and a discharge summary shall be prepared promptly following closure of the client's case. Clinical records shall be maintained for at least 7 years after the last service provided, unless otherwise provided by federal law.

Agency Contact Person

Pamela Haack, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 171, P.O. Box 8935, Madison, Wisconsin 53708−8935.

Telephone: (608) 266−0495.

Email: pamela.haack@drl.state.wi.us.

Submission of Comments

Comments may be submitted to Pamela Haack, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 171, P.O. Box 8935, Madison, Wisconsin 53708−8935. Email pamela.haack@drl.state.wi.us. Comments must be received on or before August 11, 2005, to be included in the record of rule−making proceedings.

Notice of Hearings
Natural Resources
(Environmental Protection−General)
[CR 05−058]
(reprinted & corrected from 6/30/05 Register)

NOTICE IS HEREBY GIVEN that pursuant to ss. 59.692, 227.11 (2) (a) and 281.31, Stats., interpreting ss. 59.69, 59.692 and 281.31, Stats., the Department of Natural Resources will hold public hearings on revisions to ch. NR 115, Wis. Adm. Code, relating to minimum standards for county shoreland zoning ordinances. The proposed revisions are intended to meet the statutory objectives of the program, while providing certainty and flexibility to counties and property owners. Changes include adding definitions to the rule for clarity; establishing standards for multi−unit residential development, mobile home parks and campgrounds; providing exemptions for certain activities from shoreland setback and shoreland vegetation standards; establishing impervious surface standards; and replacing the "50% rule" for nonconforming structures with a standard based on the size and location of structures. These changes will significantly decrease the number of variances granted by counties, allowing certain activities to be allowed with a simple administrative permit by the county. Substantive changes include:

Language is added to advance the statutory purposes of the program found in s. 281.31 (1), Stats.

Language is added recognizing that this rule only establishes minimum standards for county shoreland zoning ordinances, and counties may adopt more protective regulations to adequately protect local resources.

Language consistent with s. 59.692(7), Stats., is added to clarify how this rule impacts lands annexed or incorporated by cities and villages.

Language clarifying the authority of the town shoreland zoning ordinances is added.

Language clarifying the applicability of ch. NR 115 in areas under the jurisdiction of ch. NR 118 is added.

The number of definitions was increased from 13 to 52 to help provide consistency in interpretation of county shoreland zoning ordinances

The requirement for land division review is changed from the creation of "3 or more lots" to the creation of "one or more lots" to ensure that all new lots created meet minimum lot size requirements. This standard was added to protect prospective property owners and ensure that all lots have a buildable area.

If new lots are created that are divided by a stream or river, one side of the lot must meet minimum lot size requirements and density standards. No portion of a lot or parcel divided by a navigable stream may be developed unless that portion of the lot or parcel meets or is combined to meet the minimum lot size requirements and density standards. This provision will ensure that development only takes place on lots or parcels which meet minimum lot size requirements, again safeguarding property owners.

Counties may adopt standards to regulate substandard lots in common ownership.

Minimum lot size and density standards are established for multi−unit residential development, mobile home parks, campgrounds and other types of uses.

Counties may request the approval of an alternative regulation for campgrounds that is different than the minimum standards in ch. NR 115. Counties utilizing this option must demonstrate how the alternative regulation would achieve the statutory purposes of the program.

Counties are granted the flexibility to regulate keyhole lots.

New lot width measurement is developed which will accommodate irregular shaped lots.

Counties are granted the flexibility to regulate backlots in the shoreland zone.

Outlots may be created as part of a subdivision plat or certified survey map.

Counties may request the approval of standards for alternative forms of development with reduced lot sizes and development densities for planned unit developments, cluster developments, conservation subdivisions, and other similar alternative forms of development if they include, at a minimum, a required shoreland setback of more than 75 feet and a larger primary buffer than is required in s. NR 115.15 (2).

Language is added to address structures exempted by other state or federal laws from the shoreland setback standards.

Provisions are added to allow counties to exempt 15 types of structures from the shoreland setback, an increase from 3 exempted structures.

The construction of new dry boathouses is prohibited.

Standards are established to qualify a lot for a reduced setback and two methods of calculating the reduced setback are provided. Counties may also request approval of an alternative setback reduction formulate, demonstrating how the alternative is as effective in achieving the purposes of s. 281.31 (1) and (6), Stats.

Language governing management of shoreland vegetation in the primary shoreland buffer is improved, resulting in a more functional buffer protection habitat and water quality.

Tree and shrubbery pruning is allowed. Removal of trees and shrubs may be allowed if exotic or invasive species, diseased or damaged, or if an imminent safety hazard, but must be replaced.

Provisions are added to allow counties to exempt 7 types of activities from the shoreland vegetation provisions.

A formula to calculate the vegetative buffer mitigation requirements for existing multiple−unit developments was added to proportionately mitigate based on the intensity of the project.

A formula for the width of access corridors is provided, replacing the "30 feet in any 100 feet" provision, which was confusing if a lot had less than 100 feet of frontage.

Existing lawns may be maintained indefinitely in the primary shoreland buffer, unless a property owner decides to initiate one of 5 actions that require restoration of the primary shoreland buffer.

Best management practices must be implemented and maintained that, to the maximum extent practicable, result in no increase in storm water discharge from impervious surfaces.

If a project results in a lot being covered with 20% or more impervious surfaces, the shoreland buffers must be preserved or restored in compliance with the standards in s. NR 115.15 (applies only to lots with lands within 75 feet of the ordinary high water mark).

An erosion control and revegetation plan is required for land disturbing activities to minimize erosion and sedimentation caused by the activity.

A county permit is required for land disturbing activities in the shoreland zone if the project includes 2,000 square feet or more of land.

Counties shall exempt from the permit requirement activities that have already received permits from other identified permitting authorities.

Counties may require a wetland buffer to minimize the impacts of land disturbing activities to prevent damage to wetlands.

The "50% rule" is removed, and a standard for the regulation of nonconforming structures based on the location and size of structures is used.

Unlimited ordinary maintenance and repairs is allowed on nonconforming structures.

Structural alternations are allowed on nonconforming structures if mitigation is implemented as specified by the county.

Expansion and replacement of nonconforming accessory structures is prohibited, unless located in a campground or mobile home park, and certain standards are satisfied.

Expansions of nonconforming principal structures is allowed is the structure is set back at least 35 feet from the ordinary high water mark, if the footprint cap is not exceeded, if mitigation is implemented as specified by the county and if other standards are met.

Replacement of nonconforming principal structures is allowed on the existing foundation anywhere within the shoreland setback area, and on new foundations if the structure is setback at least 35 feet from the ordinary high water mark, if mitigation is implemented as specified by the county, and if other standards are met.

Replacement of nonconforming principal structures is prohibited if the structure has no foundation, the foundation extends below the ordinary high water mark or the structure extends over the ordinary high water mark.

Counties shall adopt a mitigation system that is roughly proportional to the impacts of activities proposed.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have an economic impact on small businesses. The Department's Small Business Regulatory Coordinator may be contacted at:

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

NOTICE IS HEREBY FURTHER GIVEN that the Department has prepared an Environmental Assessment in accordance is s. 1.11, Stats., and ch. NR 150, Wis. Adm. Code, that has concluded that the proposed rule is not a major state action which would significantly affect the quality of the human environment and that an environmental impact statement is not required.

NOTICE IS HEREBY FURTHER GIVEN that the Department will hold question and answer session from 4:30 p.m. until 5:45 p.m. prior to each hearing. Department staff will be available to answer questions regarding the proposed rules.

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

Tuesday, **July 12, 2005** at 6:00 p.m.
Chippewa Valley Technical College
620 Clairemont Avenue
Eau Claire

Wednesday, **July 13, 2005** at 6:00 p.m.
Wis. Indianhead Technical College
2100 Beaser Avenue
Ashland

Thursday, **July 14, 2005** at 6:00 p.m.
Egg Harbor Room, Landmark Resort
7643 Hillside Road
Egg Harbor

Tuesday, **July 19, 2005** at 6:00 p.m.
Western WI Technical College
304 6th Street North
La Crosse

Wednesday, July 20, 2005 at 6:00 p.m.
Whispering Pines Room, Grand Pines Resort
12355 W. Richardson Bay Road
Hayward [Additional hearing]

Thursday, **July 21, 2005** at 6:00 p.m.
Sentry World Theater
1800 North Point Drive
Stevens Point

Tuesday, **July 26, 2005** at 6:00 p.m.
UW Washington County
400 University Drive
West Bend

Wednesday, **July 27, 2005** at 6:00 p.m.
Grand Chute Town Hall
1900 Grand Chute Boulevard
Grand Chute

Thursday, **July 28, 2005** at 6:00 p.m.
Holiday Inn Express [Changed location]
Pelican/Shepherd Rooms
668 West Kemp Street
Rhinelander

Tuesday, **August 2, 2005** at 6:00 p.m.
Lake Lawn Resort
2400 East Geneva Street
Delavan

Thursday, **August 4, 2005** at 6:00 p.m.
Oak Hall Room, Fitchburg Community Center
5520 Lacy Road
Fitchburg

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of information material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Toni Herkert at (608) 266−0161 with specific information on your request at least 10 days before the date of the scheduled hearing.

The proposed rule and fiscal estimate may be reviewed and comments electronically submitted at the following Internet site: adminrules.wisconsin.gov. Written comments on the proposed rule may be submitted via U.S. mail to Toni Herkert, Bureau of Watershed Management, P.O. Box 7921, Madison, WI 53707. Comments may be submitted until August 12, 2005. 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. Herkert.

Notice of Hearing
Revenue
[CR 05−063]

NOTICE IS HEREBY GIVEN That pursuant to s. 227.11 (2), Stats., and interpreting s. 70.32 (2r) (c), Stats., the Department of Revenue will hold a public hearing at the time and place indicated below, to consider the amendment of rules relating to the use−value assessment of agricultural property.

Hearing Date, Time and Location

Date:	**July 25, 2005**
Time:	1:00 P.M.
Location:	Department of Revenue Building Events Room 2135 Rimrock Road Madison, WI

Handicap access is available at the hearing location.

Written Comments

Interested persons are invited to appear at the hearing and may make an oral presentation. It is requested that written comments reflecting the oral presentation be given to the department at the hearing. Written comments may also be submitted to the contact person shown below no later than **August 1, 2005**, and will be given the same consideration as testimony presented at the hearing.

Contact Person

Scott Shields
Department of Revenue
Mail Stop 6−97
2135 Rimrock Road
P.O. Box 8971
Madison, WI 53708−8971
Telephone: (608) 266−2317
E−mail: sshields@dor.state.wi.us

Analysis Prepared by the Department of Revenue

Statute interpreted:	Section 70.32 (2r) (c), Stats.
Statutory authority:	Section 227.135, Stats.
Related statute or rule:	Section 70.32 (2r) (c), Stats.

Each agency may promulgate rules that interpret the provisions of any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute.

Pursuant to s. 70.32 (2r) (c), Stats., agricultural land is assessed according to the income that could be generated from its rental for agricultural use. Wisconsin Chapter Tax 18 specifies the formula that is used to estimate the net rental income per acre. Income, expense, and value are determined by applying an owner−operator appraisal methodology. With an owner−operator method, net income is determined by deducting all operating costs and overhead from gross income. The formula specifies corn prices, cost of corn production, and corn yield for determining net income. Net income is capitalized to determine the agricultural use−value

per acre. The capitalization rate is the sum of the interest rate for a medium−sized, 1−year adjustable rate mortgage and the municipal net tax rate for property taxes levied two years prior to the assessment year.

A landlord−tenant appraisal methodology is another means to estimate rental income. The basis for this method is an agreement or crop−share lease between a landowner (landlord) and a farm operator (tenant). Crop−share leases allow landowners and farm operator to share risk and management of a farm operation. The lease provisions will specify the distribution of income and costs. Typically, income and direct operational costs are equally distributed among the landowner and farm operator with the landowner assuming all property tax payments and the farm operator assuming all labor and machinery costs.

The proposed rule order specifies the provisions of a crop−share lease for determining the net rental income per acre of agricultural land for 2006 and thereafter. The rule will specify the process and components for determining the landowner's share of gross income, cost of production, and net income.

Second, the proposed rule specifies a capitalization rate that is 11% or the sum of the interest rate for a medium−sized, 1−year adjustable rate mortgages and the municipal net tax rate for property taxes levied two years prior to the assessment year, whichever is greater.

Third, the proposed rule specifies that the annual change, either positive or negative, in use−values for 2006 and thereafter shall be limited to the percentage change in the statewide equalized value in the prior year. In determining the percentage change in the statewide equalized value, the value of agricultural land and the value of new construction are excluded.

Lastly, the proposed rule repeals subdivisions that are no longer applicable.

Further detail is provided in the summary of factual data section below.

Federal Comparison

Property taxation is governed by Wisconsin's constitution and statutes, as such there are no current or pending federal regulations regarding agricultural assessment.

State Comparisons

The valuation of agricultural land in Illinois, Michigan and Minnesota are specified by statute; therefore, there are no administrative rules related to agricultural valuation in these states. The Iowa administrative rule related to agricultural valuation provides no detail regarding the formula used to calculate agricultural land value; reference is made to the Iowa real property appraisal manual.

Summary of factual data and analytical methodologies

The proposed rule order specifies a landlord−tenant crop−share appraisal method to estimate the rental income of agricultural land. Under a crop−share lease agreement, a landowner provides the land and assumes the property tax expenses for the land. A farm operator provides the machinery, fuel, and labor. The landowner and farm operator share the direct operating expenses, including the seed, fertilizer, and pesticides or chemicals. Income from the harvested crop is also shared on the same basis as the direct operating costs. The proposed rule provides for an equal distribution of income and cost among the landowner and farm operator, which is reflective of a common crop−share lease.

Gross income, cost of production, and net income are determined based upon the following.

- Gross income is determined by multiplying the 5−year average corn yield by the 5−year average market price of corn. The result is reduced by 50% in order to determine the landowner's income under a crop−share lease.
- Cost of production is determined by multiplying the 5−year average direct operating costs of corn production by the 5−year average corn yield. The result is reduced by 50% in order to determine the landowner's costs under a crop−share lease.
- The landowner also incurs a management expense that captures the cost of maintaining and administering the operation. Management expense is 7.5% of the landowner's gross income.
- Net income is calculated by subtracting management expenses and direct operating expenses from gross income. Dividing net income by the capitalization rate provides the estimated value of agricultural land.
- Property taxes, which are a landowner responsibility, are realized in the capitalization rate.
- With the exception of the capitalization rate's municipal tax rate, all data is averaged over a 5−year period.

Fiscal Estimate

The proposed rule amending Chapter Tax 18 would have the effect on 2006 and later assessments of agricultural land.

Under the current permanent rule, the 2006 use value of agricultural land would be based on the 5−year average corn price, cost, and yield for the 1999−2003 period, and the capitalization rate would be based on the 5−year average interest rate for the 2001−2005 period. Using the data for these periods, it is estimated that agricultural land values would be negative. It is unclear how property with negative values would be taxed.

To avoid negative values for agricultural land, the Department of Revenue issued emergency rules to hold agricultural land values at 2003 levels in both 2004 and 2005.

Under the proposed permanent rule, the 2006 and later use values would be based on income capability from agricultural land using a crop share lease approach. Under a crop share lease, a landowner and a farm operator share the cost of growing a crop. The common split in such agreement is 50−50, where the landowner and farm operator equally share the harvested grain and input expenses. The proposed rule specifies the process of determining gross income, cost of production, and net income. Also, the proposed rule specifies a capitalization rate as a 1−year adjustable rate mortgage for farmland plus the net tax rate in the municipality from all taxing jurisdictions or 11%, whichever is greater.

Under the proposed permanent rule, the annual change of agricultural land value per acre would be limited to the percentage change in equalized value of real and personal property statewide, less new construction and agricultural land. From 2003 to 2004 the statewide equalized value (less new construction and agricultural land) increased by 6%. Assuming the same growth in equalized value from 2004 to 2005, assessed values per acre for each type of soil would only increase by 6% from current values. As a result, statewide agricultural land values will approximately equal $2.1 billion in 2006. Since growth of agricultural land value will be limited to the statewide change in equalized value excluding new construction and agricultural land itself, agricultural land as a share of total equalized value will decrease.

An average 200 acre farm can be an illustration of the fiscal effect on farmland property taxes. For example, under the current permanent and emergency rules, an acre of grade 1 soil in Dodge County was assessed and then frozen at $261 per acre. Assuming an average Dodge County tax rate of $21.48 per $1,000 of assessed value, property taxes levied on a 200

acre farmland in 2005 were about $1,120 ($261 x 200 x 0.02148). Under the proposed permanent rule, a grade 1 soil would be assessed at $276 ($261 x 1.06) per acre. Because agricultural land value growth will be smaller than the growth of total equalized value, property tax on agricultural land as a percent of total levies is expected to decrease statewide. Property tax changes will vary by municipality, however, based on local decisions and changes in state aid.

Under the proposed rule, there will be no loss of state forestry tax revenue. To the extent that the current permanent rule would result in negative values for agricultural land and therefore a loss of state forestry tax revenue, the proposed rule would result in an increase of $413,000 in state forestry tax revenues ($2.1 billion x .0002).

Relative to the valuation of agricultural land under the emergency rules that were adopted to avoid negative values, however, the proposed rule will result in a forestry tax revenue increase of about $23,000.

Effect on Small Business

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

Text of Rule

SECTION 1. Tax 18.07 (1) (b) 1., 2., 3., are amended to read:

Tax 18.07 (1) (b) *Net rental income per acre.* 1. Beginning in ~~1997~~ 2006 and in each year thereafter, net rental income per acre for each category of agricultural land in each municipality shall be calculated according to the income attributable to a landowner under a crop−share lease. The department shall assume a lease agreement where the income and direct operating costs are distributed equally between the landowner and farm operator. The department shall adhere to professionally accepted appraisal practices in determining gross income, cost of production, and net income that are attributable to a landowner under a crop−share lease. Net income shall be calculated by subtracting average total cost of production per acre under subd. 3. from average gross income per acre under subd. 2.

2. Beginning in ~~1997~~ 2006 and in each year thereafter, the landowner's average gross income per acre for each category of agricultural land in each municipality shall be calculated by multiplying the category's 5−year average corn yield per acre, adjusted for the typical productivity of that category, by the 5−year average corn market price per unit of output. The product shall be reduced by 50% to reflect a crop−share lease with equal distribution of income. Yield per acre shall be based on the ~~federal soil conservation~~ natural resource conservation service's soil productivity indices and corn market price data shall be obtained from the Wisconsin department of agriculture, trade and consumer protection. If the ~~federal soil conservation~~ natural resource conservation service and the Wisconsin department of agriculture, trade and consumer protection are unable to provide, or to provide timely, soil productivity indices and corn market price data, respectively, comparable data shall be obtained from other generally acceptable sources.

3. Beginning in ~~1997~~ 2006 and in each year thereafter, the landowner's average total cost of production per acre for each category of agricultural land shall be calculated by multiplying the category's 5−year average corn yield per acre, adjusted for the typical productivity of that category, by the 5−year average cost of corn production. ~~calculated from farm expense information obtained from the Wisconsin department of agriculture, trade and consumer protection, the university of Wisconsin, federal agencies, or farm credit services associations.~~ In calculating the 5−year average cost of corn production, the department shall include the direct operating costs incurred by the landowner under a crop−share lease, which shall include the cost of seed, fertilizer, lime, manure, chemicals, commercial drying, interest on operating capital, or their equivalent. The total cost of corn production is reduced by 50% to reflect a crop−share lease with equal distribution of direct operating costs. The 5−year average cost of corn production shall not include those costs incurred by a farm operator under a crop−share lease, which includes labor, opportunity cost of unpaid labor, machinery, fuel, repairs, overhead, or their equivalent. An additional landowner cost for operational management, equal to 7.5% of the average gross income determined in subd 2., shall be subtracted from the average gross income calculation in subd. 2. Property taxes are not a farm expense for purposes of calculating average total cost of production per acre. Yield per acre shall be based on the ~~federal soil conservation~~ natural resource conservation service's soil productivity indices and cost of corn production data shall be obtained from the Wisconsin department of agriculture, trade and consumer protection. If the ~~federal soil conservation~~ natural resource conservation service and the Wisconsin department of agriculture, trade and consumer protection are unable to provide, or to provide timely, soil productivity indices and cost of corn production data, respectively, comparable data shall be obtained from other generally acceptable sources.

SECTION 2. Tax 18.07 (1) (b) 4., 5., 6., and 7. are repealed.

SECTION 3. Tax 18.07 (1) (c) 5. is amended to read:

Tax 18.07 (1) (c) 5. The capitalization rate for each municipality for each assessment year shall be 11% or ~~calculated by adding~~ the sum of the statewide 5−year moving average rate for the year prior to the assessment year and ~~to~~ the net tax rate of that municipality for the property tax levy 2 years prior to the assessment year, whichever is greater.

SECTION 4. Tax 18.07 (1) (c) 6. and 7. are repealed.

SECTION 5. Tax 18.07(1) (d) 1. and 2. are created to read:

Tax 18.07 (1) (d) 1. Beginning in 2006 and in each year thereafter, increases and decreases in the use values for each category of agricultural land in each municipality shall be limited to the prior year's percentage change in the statewide equalized value. When determining the percentage change in the statewide equalized value, the department shall exclude the value of agricultural land and new construction. New construction shall include increases in land value due to higher land use, new subdivisions, and increases in improvement value due to new construction, completion of improvements partially assessed, remodeling and additions, and land improvements such as addition of curb, gutter, sewer, water, or their equivalent. The amount of new construction shall be reduced by the loss of land utility and loss of property value due to full or partial destruction, removal, contamination, or their equivalent.

2. The department shall calculate the percentage change from the previous year's use−values to the current year's use−values according to the formula in 18.07(1)(b). Increases and decreases in the use values for each category of agricultural land in each municipality shall be limited to the percentage change determined in subd 1. If the increase or decrease is less than the percentage change determined in subd. 1, the use value per acre will equal the value calculated by the department according to the formula in 18.07(1)(b).

SECTION 6. Tax 18.07 (3) (a) is amended to read:

Tax 18.07 (3) (a) The assessor shall determine the use value of each parcel of agricultural land based on the use value per acre for that category of agricultural land in that municipality provided by the department~~, adjusted by the assessor to reflect more accurately the use value of that parcel of agricultural land~~.

Submittal of proposed rules to the legislature

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

Commerce

(CR 05−025)

Chs. Comm 2, 5 and 41, relating to boilers and pressure vessels.

Insurance

(CR 05−028)

Ch. Ins 17, relating to annual injured patients and families compensation fund fees.

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 04−072)

An order affecting ch. Comm 91, relating to equal speed of access to toilets at facilities where the public congregates.

Effective 1−1−06.

Commerce
(CR 05−010)

An order affecting ch. Comm 16, relating to electrical construction.

Effective 9−1−05.

Commerce
(CR 05−011)

An order affecting ch. Comm 5, relating to welder, electrician and plumber credentials.

Effective 8−1−05.

Natural Resources
(CR 05−016)

An order affecting ch. NR 10, relating to deer hunting as it relates to the management of chronic wasting disease.

Effective 9−1−05.

Pharmacy Examining Board
(CR 05−001)

An order affecting ch. Phar 6, relating to variance alternatives of alarm systems.

Effective 9−1−05.

State Public Defender
(CR 04−038)

An order affecting ch. PD 6, relating to the repayment of cost of legal representation.

Effective 9−1−05.

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