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Emergency Rules Now in Effect

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

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

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

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

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

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

Beginning with rules filed with the Legislative Reference Bureau in 2008, the Legislative Reference Bureau will assign a number to each emergency rule filed, for the purpose of internal tracking and reference. The number will be in the following form: EmR 0801. The first 2 digits indicate the year of filing and the last 2 digits indicate the chronological order of filing during the year.

Agriculture, Trade & Consumer Protection (2)

1. Rules adopted revising **ch. ATCP 10**, relating to diseases of fish and farm–raised deer.

Finding of Emergency

(1) The Wisconsin department of agriculture, trade and consumer protection ("DATCP") administers Wisconsin's animal health and disease control programs, including programs to control diseases of fish and farm–raised deer.

Disease Testing of Fish

(2) DATCP regulates fish farms, including fish farms operated by the Wisconsin Department of Natural Resources ("DNR"). DATCP also regulates the import, movement and disease testing of fish.

(3) Viral hemorrhagic septicemia (VHS) is a serious disease of fish. VHS was first reported in Wisconsin on May 11, 2007, after the Wisconsin Veterinary Diagnostic Laboratory confirmed positive samples from freshwater drum (sheepshead) in Little Lake Butte des Mortes (part of the Lake Winnebago system). VHS was subsequently found in Lake Winnebago, and in Lake Michigan near Green Bay and Algoma. The source of VHS in these wild water bodies is not known. VHS has not yet been reported in any Wisconsin fish farms. VHS can be fatal to fish, but is not known to affect human beings.

(4) Current DATCP rules require health certificates for fish and fish eggs (*including bait*) imported into this state, for fish and fish eggs stocked into waters of the state, and for fish and fish eggs (including bait species) moved between fish farms in this state. *Import* health certificates must include VHS testing if the import shipment includes salmonids (salmon, trout, etc.) or originates from a state or province where VHS is known to occur. VHS testing is *not* currently required for fish or fish eggs stocked into waters of the state from Wisconsin sources, for bait fish or eggs originating from Wisconsin sources, for fish or fish eggs moved between fish farms in Wisconsin, or for non–salmonids imported from states where VHS has not yet been found.

(5) Because VHS has now been found in waters of the state, it is necessary to expand current VHS testing requirements. Because of the urgent need to minimize the spread of VHS in this state, it is necessary to adopt VHS testing requirements by emergency rule, pending the adoption of a "permanent" rule.

Disease–Free Herd Certification of Farm–Raised Deer Herds

(6) DATCP registers farm–raised deer herds in this state. DATCP also regulates the import, movement and disease testing of farm–raised deer. Under current DATCP rules, DATCP may certify a deer herd as brucellosis–free or tuberculosis–free, or both, based on herd test results provided by the deer keeper. Certification is voluntary, but facilitates sale and movement of deer.

(7) Under current rules, a tuberculosis–free herd certification is good for 3 years, but a brucellosis–free herd certification is good for only 2 years. There is no compelling veterinary medical reason for the difference. A rule change (extending the brucellosis–free certification term from 2 to 3 years) is needed to harmonize the certification terms, so that deer farmers can conduct simultaneous tests for both diseases. Simultaneous testing will reduce testing costs and limit stress on tested deer. An emergency rule is needed to avoid some unnecessary costs for deer farmers this year, pending the adoption of permanent rules.

Publication Date: October 31, 2007
Effective Date: October 31, 2007
Expiration Date: March 29, 2008
Hearing Date: January 14, 2008

2. **EmR 0804** – Creating **subch. IV of ch. ATCP 161**, relating to the "buy local" grant program created under s. 93.48, Stats.

Exemption From Finding of Emergency

DATCP has general authority under s. 93.07 (1), Stats., to interpret laws under its jurisdiction. Section 93.48 (1), Stats., specifically requires DATCP to adopt rules for the "buy local" grant program. Section 9103(3i) of 2007 Wisconsin Act 20 (biennial budget act) authorizes DATCP to adopt temporary emergency rules without the normal "finding of emergency," pending the adoption of "permanent" rules. This temporary emergency rule implements the "buy local" grant program on an interim basis, pending the adoption of "permanent" rules.

Publication Date:	**February 22, 2008**
Effective Date:	**February 22, 2008**
Expiration Date:	**May 1, 2009**

Commerce

Licenses, Certifications, etc., Ch. Comm 5

Rules adopted revising **ch. Comm 5**, relating to licensing of elevator contractors and installers.

Exemption From Finding of Emergency

Under the nonstatutory provisions of 2005 Wis. Act 456, the Department of Commerce was directed to issue emergency rules that implement provisions of the Act. The Act specifically states: "Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department of commerce is not required to provide evidence that promulgating rules under this subsection as emergency rules is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for the rules promulgated under this subsection."

The Act mandates the licensing of elevator contractors and installers. Under the Act no person may engage in the business of installing or servicing conveyances or working on a conveyance unless licensed as of June 1, 2007. These emergency rules are being adopted in order to provide the elevator industry the ability to comply with licensing aspects of the Act and continue working until permanent rules are implemented.

Publication Date:	**June 1, 2007**
Effective Date:	**June 1, 2007**
Expiration Date:	**See section 7 (2), 2005 Wis. Act 456**
Hearing Date:	**June 27, 2007**

Commerce

Financial Resources for Businesses and Communities, Chs. Comm 104–135

EmR 0802 – Creating **ch. Comm 132**, relating to implementing a program for certifying applicants and allocating dairy manufacturing facility investment tax credits, and affecting small businesses.

Finding of Emergency

The Department of Commerce finds that an emergency exists and that adoption of the rule included in this order is necessary for the immediate preservation of public welfare.

The facts constituting the emergency are as follows. Under sections 71.07 (3p) (b), 71.28 (3p) (b), and 71.47 (3p) (b) of the Statutes, as created in 2007 Wisconsin Act 20, a taxpayer may claim a dairy manufacturing facility investment credit for dairy manufacturing modernization or expansion during taxable years beginning after December 31, 2006. Sections 71.07 (3p) (a) 3., 71.28 (3p) (a) 3., and 71.47 (3p) (a) 3. of the Statutes define dairy manufacturing modernization or expansion as "constructing, improving, or acquiring buildings or facilities, or acquiring equipment, for dairy manufacturing . . . if acquired and placed in service in this state during taxable years that begin after December 31, 2006, and before January 1, 2015." Section 71.07 (3p) (c) 2m. a. of the Statutes states that the maximum amount of credits that may be claimed in fiscal year 2007–08 is $600,000.

Section 560.207 of the Statutes, as likewise created in 2007 Wisconsin Act 20, requires the Department to (1) implement a program for certifying taxpayers as eligible for the dairy manufacturing facility investment credit, (2) determine the amount of credits to allocate to those taxpayers, and (3) in consultation with the Department of Revenue, promulgate rules to administer the program. No other provisions are established in the Statutes regarding the specific process for taxpayers to use in applying for the credits, and for the Department of Commerce to use in certifying eligible taxpayers and in allocating the credits.

Because of enactment of 2007 Wisconsin Act 20, a number of entities that may be eligible for the tax credits have contacted the Department with inquiries concerning the process for applying for the credits, for expenditures that have been incurred during taxable years that began after December 31, 2006.

Entities that may be eligible for the tax credits for the 2007–08 fiscal year face near–term time constraints for filing their tax returns with the Department of Revenue. Although the Department of Commerce has begun promulgating the permanent rule that is required by 2007 Act 20, the time periods in chapter 227 of the Statutes for promulgating permanent rules preclude the permanent rule from becoming effective in time to readily accommodate claiming the tax credits for the 2007–08 fiscal year. This emergency rule will enable the Department of Commerce to establish an application, certification, and tax credit allocation process for the entities that need to soon file their tax returns for taxable years beginning after December 31, 2006.

Publication Date:	**February 4, 2008**
Effective Date:	**February 4, 2008**
Expiration Date:	**July 3, 2008**

Employment Relations Commission

Rule adopted amending **s. ERC 10.08 (1), (2), (3), (4), and (5),** relating to increased filing fees.

Finding of Emergency

The Employment Relations Commission finds that an emergency exists and that the attached rules are necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is as follows:

1. The Employment Relations Commission has a statutory responsibility in the private, municipal and state sectors for timely and peaceful resolution of collective bargaining disputes and for serving as an expeditious and impartial labor relations tribunal.

2. 2003 Wisconsin Act 33 eliminated $400,000 in General Program Revenue (GPR) and 4.0 GPR supported positions from the Commission's 2003–2005 budget and increased the number of Program Revenue (PR) filing fee supported positions by 2.0, from 3.0 to 5.0. The same legislation also abolished the Personnel Commission and transferred certain of that agency's former responsibilities to the Employment Relations Commission, without additional staff or funding.

3. The 2005–07 budget maintained the same reduced GPR funding and position levels and the additional PR positions as authorized in 2003 Wisconsin Act 33. The Governor's proposed budget for 2007–09 maintains the same number of GPR and PR funded positions as the previous two budgets.

4. In order to support the 5.0 PR positions provided in the state budgets since 2003, the Employment Relations Commission doubled its filing fees in August, 2003. Despite that increase, filing fee income has averaged $381,359 over

the past four fiscal years, an amount that was approximately $130,350 less each year than the average budget–authorized PR position expenditures for those same years. As a result the Commission's PR fund balance has been reduced to a level that is wholly insufficient to meet current PR expenditures.

5. Unless the emergency rule making procedures of s. 227.24, Stats., are utilized by the Employment Relations Commission to provide the increased filing fee revenue needed to support the 5.0 positions provided in the PR portion of the Commission's budget, the Commission's ability to provide timely and expeditious dispute resolution services will be significantly harmed.

Publication Date: **December 19, 2007**
Effective Date: **January 2, 2008**
Expiration Date: **May 31, 2008**
Hearing Date: **November 12, 2007**

Government Accountability Board

EmR 0803 – Repealing **s. Eth 3.01**, relating to the filing of all written communications and documents intended for the former Ethics Board; repealing **s. Eth 3.04,** relating to transcripts of proceedings before the former Ethics Board; and amending **s. ElBd 10.01**, relating to procedures for complaints with the former State Elections Board.

Finding of Emergency

The Government Accountability Board adopts this rule to clarify the complaint procedure applicable to complaints that will be filed with the Board under ethics, lobbying, contract–disclosure and campaign finance law and the separate complaint procedure applicable to complaints filed under elections law and the Help America Vote Act.

The Government Accountability Board finds that an emergency exists in the 2007 change in Wisconsin law that establishes the Wisconsin Government Accountability Board (effective January 10, 2008). Under 2007 Wisconsin Act 1, a statutory procedure or framework for investigation of complaints related to ethics, lobbying, contract disclosure and campaign finance, was established. That framework does not include the necessity of the filing of a complaint. Under the rules of the former Elections Board, Chapter ElBd 10, however, an investigation will not be commenced without the filing of a verified complaint. The Government Accountability Board finds that an emergency exists in the possible confusion that potential complainants may find in attempting to file a complaint with the Government Accountability Board and, as a result of that confusion, those complainants may be dissuaded from filing a complaint over which the Board has jurisdiction, or, because of that confusion, may fail to file that complaint in a timely fashion.

Publication Date: **February 10, 2008**
Effective Date: **February 10, 2008**
Expiration Date: **July 19, 2008**

Health and Family Services

Health, Chs. HFS 110—

Rules adopted revising **s. HFS 115.04**, to include the condition known as Severe Combined Immunodeficiency (SCID) and related conditions of immunodeficiency to the list of disorders and disorder types found under s. HFS 115.04.

Finding of Emergency

The early identification of particular congenital and metabolic disorders that are harmful or fatal to persons with the disorders is critical to mitigating the negative effects of such disorders. Therefore, s. 253.13, Wis. Stats., requires that every infant born be subjected to blood tests for congenital and metabolic disorders, as specified in administrative rules promulgated by the Department; however, parents may refuse to have their infants screened for religious reasons. The Department has issued ch. HFS 115, Screening of Newborns for Congenital and Metabolic Disorders, to administer this statutory requirement. Currently, s. HFS 115.04 lists 13 congenital and metabolic disorders and types of disorders, for a total of 47 different disorders, for which the state hygiene laboratory must test newborn blood samples.

In determining whether to add or delete disorders from the list under s. HFS 115.04, s. HFS 115.06 directs the Department to seek the advice of persons with expertise and experience concerning congenital and metabolic disorders. For this purpose, the Department has established the Wisconsin Newborn Screening Umbrella Advisory Group. Section HFS 115.06 also lists 6 criteria on which the Department must base its decision to add or delete disorders from s. HFS 115.04. These criteria are as follows:

1. Characteristics of the specific disorder, including disease incidence, morbidity, and mortality.
2. The availability of effective therapy and potential for successful treatment.
3. Characteristics of the test, including sensitivity, specificity, feasibility for mass screening and cost.
4. The availability of mechanisms for determining the effectiveness of test procedures.
5. Characteristics of the screening program, including the ability to collect and analyze specimens reliably and promptly, the ability to report test results quickly and accurately and the existence of adequate follow–up and management programs.
6. The expected benefits to children and society in relation to the risks and costs associated with the testing for the specific condition.

In consideration of these criteria, the Wisconsin Newborn Screening Advisory Umbrella Advisory Group has recently recommended the Department add the condition known as Severe Combined Immunodeficiency (SCID) and related conditions of immunodeficiency to the 13 disorders and types of disorders currently screened for and listed in s. HFS 115.04. Persons with SCID are extremely vulnerable to infections, to the degree that the condition is universally fatal without treatment within the first year of life. With an estimated prevalence of 1 in 66,000, and a Wisconsin annual birth rate around 71,000, the failure to screen for SCID could result in the death of 1–2 infants in the state every year.

The Advisory Group also recommended the Department begin screening newborns for SCID and related conditions of immunodeficiency as soon as possible. Before the screening can begin, the Department needs to add these conditions to the list in s. HFS 115.04. Therefore, it is proposed to put an emergency rule in effect first, to be followed by an identical proposed permanent rule to replace the emergency rule.

The Department will immediately promulgate identical permanent rules to replace these emergency rules.

Publication Date: **December 27, 2007**
Effective Date: **January 1, 2008**
Expiration Date: **May 30, 2008**
Hearing Date: **March 6, 2008**

Natural Resources

Fish, Game, etc., Chs. NR 1—

Rules adopted affecting **chs. NR 19 and 20**, relating to control of fish diseases and invasive species.

Finding of Emergency

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

The World Health Organization for Animal Health (OIE) lists Viral Hemorrhagic Septicemia (VHS) as a "notifiable" disease, meaning that outbreaks must be reported immediately. On May 11, the Department received notice that freshwater drum collected from Little Lake Butte des Morts (part of the Lake Winnebago system) were infected with the VHS virus. On May 23, May 24, and June 1, respectively, the Department learned that brown trout from Lake Michigan, smallmouth bass from Sturgeon Bay, and lake whitefish from Lake Michigan had tested positive for the virus.

Earlier, VHS had been discovered in the Great Lakes, and was known to be moving from the lower lakes (Ontario and Erie), where it has already caused large−scale fish kills, via Huron, where it has been present since 2005, to the upper lakes (Michigan and Superior). Lake Michigan is connected to the Mississippi River by the Chicago Sanitary and Ship Canal and Illinois River, allowing fish and fish diseases to reach the Mississippi drainage basin. Information obtained pursuant to an emergency rule that took effect May 17 revealed that 88 bait dealers harvest live wild minnows from a large number of state waters, including waters that are near or connected to the Mississippi river, the Lake Winnebago system, Green Bay and Lakes Michigan and Superior.

Twenty−seven species of Wisconsin fish have been identified as susceptible by the OIE or USDA APHIS, including most of our most important recreational and commercial species. It is expected the USDA APHIS will soon expand its emergency order limiting the interstate transportation of these species to apply to all fish species. The VHS virus can be transported from infected areas to areas where it is not yet present via live fish, fish eggs, refrigerated or frozen dead fish, or water where infected fish have been present. The presence of VHS virus in Wisconsin is therefore a threat to the public health or safety or to the environment.

Publication Date:	**November 2, 2007**
Effective Date:	**November 2, 2007**
Expiration Date:	**March 31, 2008**
Hearing Date:	**December 3, 2007**

Natural Resources

Environmental Protection – Water Regulation, Chs. NR 300—

Rules adopted revising **chs. NR 320, 323, 328, 329, 341, 343 and 345,** relating to general permit criteria requiring decontamination of equipment for invasive species and viruses.

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 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 under a general permit. There are no statutory general permits standards that require decontamination of equipment for invasive species and viruses. Without emergency rules to create new general permit standards, any condition imposed would be limited to individual permits only 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 standards to be in effect for the 2007 summer season, with specific standards that require decontamination of equipment for invasive species and viruses.

In addition, The Department of Natural Resources finds that an emergency exists and the foregoing rules are necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of facts constituting the emergency is: The World Health Organization for Animal Health (OIE) lists viral hemorrhagic septicemia (VHS) as a "notifiable" disease, meaning that outbreaks must be reported immediately. VHS has been discovered in the Great Lakes, and is moving from the lower lakes (Ontario and Erie), where it has already caused large−scale fish kills, via Huron, where it has been present since 2005, to the upper lakes (Michigan and Superior). Lake Michigan is connected to the Mississippi River by the Chicago Sanitary and Ship Canal and Illinois River, allowing fish and fish diseases to reach the Mississippi drainage. Twenty−seven species of Wisconsin fish have been identified as susceptible by the OIE or USDA APHIS, including most of our most important recreational and commercial species. The VHS virus can be transported from affected areas to areas where it is not yet present via live fish, fish eggs, refrigerated or frozen dead fish, or water where infected fish have been present. The presence of VHS virus in the Great Lakes is therefore a threat to the public health or safety or to the environment.

Publication Date:	**July 12, 2007**
Effective Date:	**July 12, 2007**
Expiration Date:	**December 9, 2007**
Hearing Date:	**August 13, 2007**
Extension Through:	**April 5, 2008**

Natural Resources

Environmental Protection – Air Pollution Control, Chs. NR 400—

Rules adopted creating **s. NR 462.015**, relating to national emission standards for hazardous air pollutants for industrial, commercial and institutional boilers and process heaters and potentially affecting small business.

Finding of Emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public welfare. Preservation of the public welfare necessitates putting the rule into effect prior to the time that it would take if the department complied with the normal procedures. Federal regulations that are the basis for ch. 462, Wis. Adm. Code, were vacated on July 30, 2007 by the U.S.

Court of Appeals. Both the vacated federal regulations and ch. NR 462 contain a date for compliance of September 13, 2007. This order is designed to bring state rules into conformity with the court–ordered vacatur of the federal regulations. Normal rule–making procedures will not allow implementation of ch. NR 462 to be stayed before September 13, 2007.

Publication Date: **September 13, 2007**
Effective Date: **September 13, 2007**
Expiration Date: **February 10, 2008**
Hearing Date: **October 26, 2007**
Extension Through: **April 10, 2008**

Public Instruction (3)

1. A rule is adopted creating **ch. PI 33**, relating to grants for nursing services.

Finding of Emergency

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

The school nursing grant program under s. 115.28 (47), Stats., was created under 2007 Wisconsin Act 20. The Act became effective October 27, 2007, and appropriated $250,000 annually beginning in the 2007–08 school year. In order for school districts to develop applications and for the department to review the applications and grant awards in time for the program to operate in the second semester of the school year, rules must be in place as soon as possible to establish application criteria and procedures.

Publication Date: **November 24, 2007**
Effective Date: **November 24, 2007**
Expiration Date: **April 23, 2008**
Hearing Date: **February 21, 2008**

2. **EmR 0801** – Creating **ch. PI 31,** relating to grants for science, technology, engineering, and mathematics programs.

Finding of Emergency

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

The STEM program under s. 115.28 (46), Stats., was created under 2007 Wisconsin Act 20. The Act became effective October 27, 2007, and appropriated $61,500 annually beginning in the 2007–08 school year. In order for school districts to develop applications and for the department to review the applications and grant awards in time for the program to operate in the second semester of the school year, rules must be in place as soon as possible to establish application criteria and procedures.

Publication Date: **January 30, 2008**
Effective Date: **January 30, 2008**
Expiration Date: **June 28, 2008**
Hearing Dates: **March 18 and 21, 2008**

3. **EmR 0805** – Creating ch. PI 16, relating to four–year–old kindergarten grants.

Finding of Emergency

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

The 4–year–old kindergarten grant program under s. 115.445, Stats., was created under 2007 Wisconsin Act 20. The Act became effective October 27, 2007, and appropriated $3 million annually beginning in the 2008–09 school year. In order for school districts to develop application criteria and procedures in time for the program to operate in the upcoming school year, rules must be in place as soon as possible.

Publication Date: **February 25, 2008**
Effective Date: **February 25, 2008**
Expiration Date: **July 24, 2008**

Revenue (2)

1. Rules adopted amending **s. Tax 2.505**, relating to the computation of the apportionment fraction by multistate professional sports clubs.

Finding of Emergency

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

The emergency rule is to prescribe the method to be used for apportioning the apportionable income of interstate professional sports clubs.

It is necessary to promulgate this rule order to provide the method of apportionment to be used by interstate professional sports clubs.

Publication Date: **October 12, 2007**
Effective Date: **October 12, 2007**
Expiration Date: **March 10, 2008**

2. A rule was adopted revising **s. Tax 8.63,** interpreting s. 125.54 (7), Stats., relating to liquor wholesale warehouse facilities.

Finding of Emergency

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

The emergency rule is to change the amount of floor space that a liquor wholesaler warehouse facility described in a wholesalers' permit is required to be from 4,000 to 1,000 square feet of floor space. It also creates a provision that allows the minimum square footage requirement to be waived when it is determined that a waiver is fair and equitable.

It is necessary to promulgate this rule order to remove the threat of revenue loss to bona fide liquor wholesalers as a result of having applications for issuance or renewal of permits denied solely because they do not meet the square footage requirement in the existing rule.

This rule is therefore promulgated as an emergency rule and shall take effect upon publication in the official state newspaper. Certified copies of this rule have been filed with the Secretary of State and Revisor of Statutes, as provided in s. 227.24, Stats.

Publication Date: **October 29, 2007**
Effective Date: **October 29, 2007**
Expiration Date: **March 27, 2008**
Hearing Date: **January 2, 2008**

Transportation

Rule adopted creating **ch. Trans 178**, relating to the Unified Carrier Registration System.

Analysis

This chapter establishes in the Wisconsin Administrative Code the fees to be charged under the Unified Carrier Registration (UCR) system, and establishes a method for counting the number of vehicles so that an entity knows whether it is required to register under UCR and, if so, which fee bracket applies to the entity.

Exemption From Finding of Emergency

The Legislature, by Section 2927, as created by 2007 Wis. Act 20, provides an exemption from a finding of emergency for the adoption of the rule.

Publication Date: **December 19, 2007**
Effective Date: **December 19, 2007**
Expiration Date: **May 18, 2008**
Hearing Date: **March 5, 2008**

Workforce Development (2)

Family Supports, Chs. DWD 12 to 59

1. Rule adopted amending **s. DWD 56.06 (1) (a) 1. and creating s. DWD 56.06 (1) (a) 1. r.**, relating to child care rates.

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:

2007 Wisconsin Act 20 reflects that child care rates will not be increased for the 2008–2009 biennium. Chapter DWD 56 currently provides that child care rates shall be set annually in accordance with a market rate survey and procedures described in s. DWD 56.06 (1). Historically, the rate adjustments have been effective January 1 of the new year. This emergency rule is necessary to provide that child care rates will not be adjusted for 2008 in accordance with 2007 Wisconsin Act 20. A corresponding permanent rule will provide that child care rates will not be adjusted for 2008 and 2009.

Publication Date: **December 27, 2007**
Effective Date: **January 1, 2008**
Expiration Date: **May 30, 2008**
Hearing Date: **March 10, 2008**

2. **EmR 0806** − Rule adopted amending **s. DWD 56.08 (1) and (2) (a), (e), and (f)** and repealing and recreating **Table DWD 56.08**, relating to child care copayments and affecting small businesses.

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 Department of Health and Human Services is requiring that Wisconsin eliminate different copayment amounts for families who receive child care services from a certified provider and families who receive child care services from a licensed provider. The change to the copayment schedule must be implemented by April 1, 2008, or Wisconsin risks losing $82 million annually from the Child Care Development Fund.

Publication Date: **February 27, 2008**
Effective Date: **March 30, 2008**
Expiration Date: **August 27, 2008**
Hearing Date: **April 11, 2008**
[See Notice this Register]

Workforce Development

Public Works Construction Contracts, Chs. DWD 290 to 294

Rule adopted amending **ss. DWD 290.155 (1) and 293.02 (1) and (2),** relating to the adjustment of thresholds for application of prevailing wage rates and payment and performance assurance requirements and affecting small businesses.

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:

Adjusting the thresholds for application of the prevailing wage rate requirements by emergency rule ensures that the adjustments are effective on a date certain that is prior to the time of year that project requests are generally submitted to the Department and applicability of the prevailing wage law is determined. The adjustment avoids imposing an additional administrative burden on local governments and state agencies caused by an effective decrease of the thresholds due solely to inflation in the construction industry. The adjustment of the thresholds for the application of the payment and performance assurance requirements avoids imposing an additional administrative burden on contractors for the same reason. If these new thresholds are not put into effect by emergency rule, the old thresholds will remain effective for approximately six to seven months, until the conclusion of the permanent rule−making process. The thresholds are based on national construction cost statistics and are unlikely to be changed by the rule−making process.

Publication Date: **December 27, 2007**
Effective Date: **January 1, 2008**
Expiration Date: **May 30, 2008**
Hearing Date: **February 14, 2008**

Scope Statements

Agriculture, Trade and Consumer Protection

Subject

Revising s. ATCP 139.055, relating to toys and other articles that present a hazard and unreasonable risk of personal injury.

Objective of the Rule

This rule will ban and prohibit from sale or distribution the following products because they present a hazard and unreasonable risk of personal injury:

- Any toy or other article intended for use by children that bears any paint or other similar surface–coating material containing lead compounds of which the lead content is in excess of federal or industry standards.
- Any toy or other article intended for use by children that contains magnets which may be swallowed by a child.
- Any baby crib that does not comply with federal or industry standards.
- Any baby walker that does not comply with industry standards for stair–fall protection.
- Any yo–yo toy that contains an object attached to a rubber cord.
- Lawn darts and other similar sharp–pointed toys usually intended for outdoor use and having the potential for causing puncture wound injury.

This rule will adopt any consumer product safety standard that has been adopted pursuant to the federal consumer product safety act, 15 USC 2051 et seq., as it may apply to any of the products regulated by the rule.

This rule will clarify the statutory authority that applies to the products regulated by the rule, and determine whether the sale or distribution of the product is an unfair method of competition or trade practice under s. 100.20(2), Wis. Stats.

Policy Analysis

Section ATCP 139.055, Wis. Adm. Code, bans toys and other articles under the authority of ss. 100.37 (2) and 100.42 (2), Stats.

Under s. 100.37 (2) (d), Stats., the department may prohibit by rule the sale of any toy or article intended for use by children which present a mechanical hazard such that the public health and safety can only be protected by keeping the toy or article out of the channels of commerce in this state.

Under s. 100.42 (2), Stats., the department may by rule adopt consumer product safety standards that have been promulgated pursuant to the federal consumer product safety act.

Section ATCP 135.055, Wis. Adm. Code, is also adopted under s. 100.20 (2), Stats., which authorizes the department to declare the sale or distribution of a product to be an unfair trade practice and to prescribe by rule fair trade practices.

The products listed have been recognized by the Federal Consumer Product Safety Commission (CPSC) and associations representing both consumers and industry as hazardous products that present an unreasonable risk of personal injury. These products are widely distributed for sale in Wisconsin by a number of different businesses. Current law does not adequately protect the public from harm that may be caused by these hazardous products. The distribution or sale of these products is an unfair method of competition and an unfair trade practice.

Section ATCP 137.055, Wis. Adm. Code, has been promulgated under the authority of, among other laws, ss. 100.20 (2), 100.37 (2), and 100.42 (2), Stats. This rule may be clarified by further explaining how these authorities apply to the products regulated by the rule.

Policy Alternatives

Issue special orders under ss. 100.37 (2) (e) and 100.42 (3), Stats., against individual businesses prohibiting the business from selling or distributing a specific product. If the product is widely distributed and sold by a large number of businesses, a special order will have to be issued to each individual business. Whenever a business not subject to a special order begins distributing or selling the product, the department will have to issue a new special order.

Do nothing. If DATCP does nothing, Wisconsin will have to depend on the CPSC for enforcing bans and standards. Being a Federal agency, the CPSC is less likely to act against products that pose a regional threat to Wisconsin children. The CPSC has not imposed bans or required mandatory standards for all of the hazardous products that would be subject to this rule. Enforcement options are more limited under Federal law than they would be under this rule.

Statutory Authority

Sections 93.07 (1), 100.20 (2), 100.37 (2) and 100.42 (2), Wis. Stats.

Entities Affected by the Rule

This rule protects children and the public from harm caused by hazardous and unsafe products in the marketplace. This rule imposes restrictions on businesses that distribute or sell products that present a hazard and unreasonable risk of personal injury. This rule protects businesses that distribute or sell *safe* products from competition by businesses that distribute and sell similar products that are hazardous and unsafe. This bill protects consumers from unknowingly purchasing products that are hazardous.

Comparison with Federal Regulations

The CPSC regulates products that present a hazard and unreasonable risk of personal injury by prescribing safety standards and imposing a ban on sales and distribution. Enforcement options for Wisconsin under the federal laws are limited. In recent years, the CPSC has refrained from prescribing standards or imposing bans, and has instead issued advisory statements recommending compliance with voluntary industry standards.

Estimate of Time Needed to Develop the Rule

DATCP estimates that it will use approximately .5 FTE staff time to develop this rule. This includes research, drafting, preparing related documents, holding public hearings, coordinating advisory council discussions and communicating with affected persons and groups. DATCP will assign existing staff to develop this rule.

Submittal of Rules to Legislative Council Clearinghouse

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

Health and Family Services

Management and Technology and Strategic Finance, Chs. HFS 1— Community Services, Chs. HFS 30—

CR 08−017

On February 22, 2008, the Department of Health and Family Services submitted a proposed rule−making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order revises chs. HFS 1 and 65, relating to children's long−term support services and family support services.

Agency Procedure for Promulgation

Public hearings will be held on March 26, 2008.

Contact Information

For substantive questions on rules contact:
Katie Sepnieski
1 W. Wilson St., Rm. 418
PO Box 7851
Madison, WI 53702
sepnikm@dhfs.state.wi.us
608−267−3377

For small business considerations and rules processing information contact:
Rosie Greer
608−266−1279
greerrj@dhfs.state.wi.us

Public Instruction

CR 08−018

On February 25, 2008, the Department of Public Instruction submitted a proposed rule−making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order creates ch. PI 16, relating to four−year−old kindergarten grants.

Agency Procedure for Promulgation

Public hearings will be scheduled. The Division for Libraries, Technology, and Community Learning is primarily responsible for promulgation of this rule.

Contact Information

If you have questions regarding this rule, you may contact Jill Haglund, Early Childhood Consultant, (608) 267−9625, jill.haglund@dpi.wi.gov.

Workforce Development

Family Supports, Chs. DWD 12−59

CR 08−020

On March 3, 2008, the Department of Workforce Development submitted a proposed rule−making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order revises s. DWD 56.08, relating to child care copayments and affecting small businesses.

Agency Procedure for Promulgation

A public hearing is required and will be held on April 11, 2008. The organizational unit responsible for the promulgation of the proposed rules is the DWD Division of Family Supports.

Contact Information

Elaine Pridgen
Phone: (608) 267−9403
Email: elaine.pridgen@dwd.state.wi.us

Workforce Development

Unemployment Insurance, Chs. DWD 100−150

CR 08−019

On March 3, 2008, the Department of Workforce Development submitted a proposed rule−making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order revises chs. DWD 100, 140, and 149, relating to disclosure of unemployment insurance records and affecting small businesses.

Agency Procedure for Promulgation

A public hearing is required and will be held on April 8, 2008. The organizational unit responsible for the promulgation of the proposed rules is the DWD Unemployment Insurance Division.

Contact Information

Elaine Pridgen
Phone: (608) 267−9403
Email: elaine.pridgen@dwd.state.wi.us

Rule–Making Notices

Notice of Hearings

Health and Family Services

Management and Technology and Strategic Finance, Chs. HFS 1—
Community Services, Chs. HFS 30—

CR 08–017

NOTICE IS HEREBY GIVEN That pursuant to ss. 46.03 (18), 46.10 (1) to (14) (a), s. 46.27 (2) (h) 1., 46.985, (2) (a) 8., and 227.11 (2), Stats., and interpreting ss. 46.011 (1g), 46.27 (11), 46.275, 46.277, 46.278, Stats., the Wisconsin Department of Health and Family Services will hold public hearings to consider the repeal of s. HFS 65.02 (6) and (9); amendment of ss. HFS 1.01 (1) and (2) (j), 1.02 (6) (d), 1.03 (12) (c) (intro.) and (21) (intro.), and 65.04 (1) (d); repeal and re–creation of s. HFS 65.05 (7); and creation of ss. HFS 1.02 (6) (f) and 1.065, relating to determining parental payment limits for children's long term support services and family support services at the dates, times, and locations listed below.

Hearing Information

Date and Time	Location
March 26, 2008 3:00 – 6:00 p.m.	UW – Stevens Point Collins Classroom Center 124 2100 Main Street Stevens Point WI 54481 By Videoconference
March 26, 2008 3:00 – 6:00 p.m.	UW – Waukesha Room C103 1500 University Drive Waukesha WI 53188 By Videoconference
March 26, 2008 3:00 – 6:00 p.m.	By Videoconference UW – Madison Pyle Center Room 227 702 Langdon St Madison WI 53706
March 26, 2008 3:00 – 6:00 p.m.	UW– Menasha Fox Valley Room 1838 1478 Midway Rd Menasha WI 54952 By Videoconference
March 26, 2008 3:00 – 6:00 p.m.	UW – LaCrosse Communications Wing 102 1725 State St LaCrosse WI 54601 By Videoconference

The hearing sites are fully accessible to people with disabilities. If you are hearing impaired, do not speak English or have circumstances that might make communication at a hearing difficult; you require an interpreter or a non–English large print or taped version of the proposed rules, contact the person at the address or telephone number given below at least 10 days before the hearing. With less than 10 days notice, an interpreter may not be available. The public hearings will be held via video conferencing with it originating from UW–Madison, Pyle Center.

Submission of Written Comments

Written comments may be submitted at the public hearing or submitted to the contact person listed below. Comments may also be made using the Wisconsin Administrative Rule Website at http://adminrules.wisconsin.gov. The deadline for submitting comments to the Department is 6:00 p.m. on March 26, 2008.

Copies of Rules and Fiscal Estimate

A copy of the full text of the rules and the fiscal estimate can be obtained at no charge from the Wis. Administrative Rules Website at http://adminrules.wisconsin.gov or by contacting the person listed below.

Agency Contact Person

Katie Sepnieski
1 W. Wilson Street, Room 418
PO Box 7815
Madison, WI 53707
608–267–3377

Analysis Prepared by the Department of Health and Family Services

Statutes interpreted

Sections 46.011 (1g), 46.27 (11), 46.275, 46.277, 46.278, Stats.

Statutory authority

Sections 46.03 (18), 46.10 (1) to (14) (a), 46.27 (2) (h) 1., 46.985 (2) (a) 8., and 227.11 (2), Stats.

Explanation of agency authority

- Section 46.03 (18), Stats., requires the Department to establish a uniform system of fees for services provided or purchased by the Department, or a county department under s. 46.215, 46.22, 51.42, or 51.437, Stats.
- Section 46.10 (1) to (14) (a), Stats., establishes parental liability for services provided or purchased by the Department or county department for minor children and requires fees for services received by minor children to be paid in accordance with the fee schedule established by the department. Section 46.10 (1) to (14) (a) also establishes requirements for fee collection.
- Section 46.27 (2) (h) 1., Stats., requires rules for long–term community support service fee schedule be part of the uniform fee schedule under s. 46.03 (18), Stats.
- Section 46.985, (2) (a) 8., Stats., requires the Department to promulgate rules for determining a family's ability to bear the cost of the services and goods it needs under the family support program.
- Section 227.11 (2), Stats., provides state agencies with general rulemaking authority.

Related statute or rule

See the "Statute interpreted" section.

Plain language analysis

Families with children who have long–term care support needs receive services from a number of programs implemented by county human and social services agencies under the Children's Long–Term Support (CLTS) Waivers; the Community Integration Program (CIP1); the Community Options Program (COP); and the Family Support Program (FSP). As required under s. 46.10 (1) to (14) (a), Stats., parents of children who receive these services pay a portion of the costs for these services.

The Department's order proposes to create rules under ch. HFS 1, to codify, in administrative rule, the schedule by which county agencies determine the limits on parental payments required under s. 46.10 (1) to (14) (a), Stats., for services received by children with long–term supports needs under the various programs. The Department established the parental payment limits for services received under these programs in 2005. The parental payment limits are currently implemented under s. HFS 1.03 (13m). The proposal to codify the parental payment limits in rules only slightly modifies the schedule pursuant to which the limits are determined. This was done to assure a consistent application across family size.

The proposed codification of the schedule would not result in a loss of services nor any changes to services to families.

The Department also proposes to provide that counties using s. HFS 65.05 (7), to determine parental payment limits for services received by families under the Family Support Program be determined using the same schedule as is applicable to the services identified in the preceding paragraph. Under s. HFS 65.05 (7), counties assess parental payment limits after calculating parent's annual gross income, which is adjusted by a budget allowance for the family size according to Federal Poverty Level (FPL) guidelines, liability for medical expenses, any amounts payable by parents for other services under ch. HFS 1, and other reductions as determined by the county implementing the program.

Under the proposed rule, counties which currently collect fees under s. HFS 65.05 (7) would assess parents who have annual incomes at or above 330% of the FPL a percentage (which could range from a minimum 1% to a maximum 41%) of the child's plan costs. The parental payment limits for these families would be determined by counties after calculating the parent's annual gross income, adjusted by a standard allowance; or actual medical or dental expenses claimed on the parent's federal income tax form Schedule A, whichever is higher, the family's poverty level for the family size, and the child's service plan costs. Under this schedule, counties would not collect parental payments from families who have annual incomes below 330% of the FPL.

Overall, the proposed change in the manner in which the parental payment limits are calculated for services provided under the Family Support Program would result in parents paying in proportion to their income levels and a unified system for calculating parental payments for children's long term support services.

Comparison with federal regulations

There are no proposed or existing federal regulations that are similar to the proposed rules.

Comparison with rules in adjacent states

Illinois: There are no proposed or existing state regulations that are similar to the proposed rules.

Iowa: There are no proposed or existing state regulations that are similar to the proposed rules.

Michigan: There are no proposed or existing state regulations that are similar to the proposed rules.

Minnesota: There are no proposed or existing state regulations that are similar to the proposed rules.

Summary of factual data and analytical methodologies

Prior to the implementation of the parental payment limit in July 2005, the Department sought and received input regarding the parental payment limit for all children's long–term support programs including the family support program, and the community options program from the Council for Children with Long–Term Support Needs, which provides recommendations to the Department regarding administrative infrastructure, accountability measures and mechanisms, financing systems, training programs, and program design elements that address the needs of children with long–term support needs. The Department also sought and received input from the Wisconsin Human Services Association, Wisconsin Counties' Association, and Disability Rights Wisconsin.

Initial Regulatory Flexibility Analysis

The proposed rule would not affect businesses.

Small business regulatory coordinator

Rosie Greer
Greerrj@dhfs.state.wi.us
608–266–1279

Fiscal Estimate

Summary

Under the proposed rule, counties which currently collect fees under s. HFS 65.05 (7) would assess parents who have annual incomes at or above 330% of the FPL a percentage (which could range from a minimum 1% to a maximum 41%) of the child's plan costs. The parental payment limits for these families would be determined by counties after calculating the parent's annual gross income, adjusted by a standard allowance; or actual medical or dental expenses claimed on the parent's federal income tax form Schedule A, whichever is higher, the family's poverty level for the family size, and the child's service plan costs. Under this schedule, counties would not collect parental payments from families who have annual incomes below 330% of the FPL.

The amount of the annualized payments collected by counties under the proposed rule is indeterminate due to a number of variables that are difficult to quantify. Counties differ in how they collect parental payments for the Family Support Program, which may affect whether they currently use the fee schedule established by the Department under s. HFS 1.03 (13m), or the fee schedule under s. HFS 65.05 (7), or both to determine parental payment limits. Under the proposed rules, counties would collect parental payments from families receiving services under the Family Support Program, whose incomes are at or above 330% of the FPL who do not currently pay parental fees. Counties could also collect higher parental payments from families who have incomes at or above 330% of the FPL, because the payment limits would be determined in proportion to the costs of the child's service plan, family size, and income level. At the same time, counties would collect no fees from families whose incomes are below 330% of the FPL.

Counties would not incur additional costs associated with implementing the proposed change, since counties already have the staff expertise and appropriate calculation tables from the Department needed to determine the parental payment liability. This proposed order, in general, would provide a unified system for calculating parental payments for

children's long term support services. The proposed rules would not have a fiscal effect on the Department. The proposed rules do not affect businesses.

State fiscal effect

None.

Local government fiscal effect

Indeterminate.

Local government units affected

Counties.

Private sector fiscal effect

None.

Long–range fiscal implications

None known.

Notice of Hearing

Natural Resources

Environmental Protection – Air Pollution Control, Chs. NR 400—

CR 07–036

NOTICE IS HEREBY GIVEN That pursuant to ss. 227.11 (2) (a), and 285.11 (1) and (6), Stats., interpreting ss. 285.11 (6), Stats., the Department of Natural Resources will hold a public hearing on revisions to ch. NR 446, Wis. Adm. Code, relating to the establishment of provisions for coal–fired electric generating units in Wisconsin to limit mercury air emissions. The State Implementation Plan developed under s. 285.11 (6), Stats., is also being revised.

In May 2007, public hearings were held on revisions to chs. NR 440 and 446, relating to the establishment of provisions for coal–fired electric generating units in Wisconsin to comply with the Clean Air Mercury Rule (CAMR) promulgated by the U.S. Environmental Protection Agency (EPA). On February 8, 2008, the Washington D.C. Court of Appeals vacated the CAMR. The Court found that the EPA's approach to regulating mercury emissions from coal–fired electric generating units in the CAMR was unlawful. As a result these proposed revisions no longer include provisions related to the federal CAMR.

The Department is proceeding with this rulemaking to address Governor Doyle's August 25, 2006, directive to the Department to develop a rule achieving a 90% reduction of mercury emissions from coal–fired power plants. In addition, these revisions respond to a January 22, 2007, Citizen Petition submitted to the Department and Natural Resources Board under provisions in ss. 227.11 (2) (a) and 227.12 (1) and (2), Wis. Stats., and s. NR 2.05 Wis. Adm. Code. This petition requested that the Department and Board conduct rulemaking proceedings to revise and adopt rules that require a 90% to 95% reduction of mercury to the air from coal–fired electric generating units in the state by January 1, 2012.

Under these proposed revisions to ch. NR 446, the state's large coal–fired electric generating units, 150 megawatts and larger, must follow one of two compliance paths to achieve a 90% mercury emission reduction. By January 1, 2015, the state's large coal–fired electric generating units, 150 megawatts and larger, must achieve a 90% mercury reduction, as measured from the mercury content of coal combusted, or limit the concentration of mercury emissions to 0.008 pounds mercury per gigawatt–hour.

Under the alternative multipollutant compliance path an additional six years, until January 1, 2021, is allowed for large coal–fired electric generating units to achieve the 90% mercury reduction requirement. By January 1, 2015, these large units must achieve nitrogen oxides and sulfur dioxide reductions beyond those currently required by federal and state regulations. An interim mercury reduction of 70% must be achieved by January 1, 2015 and beginning January 1, 2018 another interim reduction of 80% is required. Owners and operators must designate which of their large electric generating units will follow the multipollutant option within 24 months after the effective date of the rule. Large electric generating units that are not designated for the multipollutant option, will, by default, be required to achieve the 90% mercury emission reduction by 2015.

Small coal–fired electric generating units, greater than 25 megawatts but less than 150 megawatts, must reduce their mercury emissions to a level defined as Best Available Control Technology (BACT). After all the mercury reduction requirements in these proposed revisions become effective for small and large electric generating units almost 4,400 pounds of mercury air emissions will be prevented from being emitted annually.

These revisions retain the January 1, 2010, mercury reduction requirement in the current state mercury rule. Under this requirement the state's four major utilities, Alliant Energy, Dairyland Power Cooperative, WE Energies and Wisconsin Public Service Corporation, must reduce mercury emissions from their existing coal–fired electric generating units 40% from the baseline established under provisions in the current rule.

The revisions also propose that any new coal–fired electric generating unit install mercury control technology which achieves a minimum mercury reduction of 90% when it commences operation.

NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary finding under s. 285.27 (2) (b), Stats., that the mercury emission limitations proposed in this revision are needed to protect public health and welfare. In the absence of a federal standard promulgated under section 112, the hazardous air pollutant provisions of the Clean Air Act, the Department may promulgate a standard if it finds that a standard is needed to provide adequate protection of public health and welfare. The Department's is also seeking comment on this preliminary public health and welfare finding.

Hearing Information

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

April 7, 2008, Monday at 9:00 a.m.	Room G09, GEF II 101 S. Webster Street Madison, WI

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please contact Robert Eckdale at (608) 266–2856 or by e–mail at Robert.Eckdale@Wisconsin.Gov with specific information on your request at least 10 days before the date of the scheduled hearing.

Copy of Rule

The proposed rule and supporting documents, including the fiscal estimate and preliminary public health finding, may be viewed and downloaded and comments electronically submitted at the following Internet site: http://adminrules.wisconsin.gov. (Search this Web site using the Natural

Resources Board Order Number AM–32–05.) If you do not have Internet access, a personal copy of proposed rule and supporting documents, including the fiscal estimate and public health finding may be obtained from Robert Eckdale by calling (608) 266–2856 or by writing him at Bureau of Air Management, P.O. Box 7921, Madison, WI 53707.

Submission of Written Comments

Written comments on the proposed rule and preliminary public health finding may also be submitted to Jon Heinrich, Bureau of Air Management, P.O. Box 7921, Madison, WI 53707 or by e–mail to Jon.Heinrich@Wisconsin.Gov no later than April 14, 2008. Written comments will have the same weight and effect as oral statements presented at the public hearings.

Initial Regulatory Flexibility Analysis

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have a direct economic impact on small businesses. The proposed revisions impose no reporting, compliance or performance standards on small businesses. The proposed revisions may increase the cost of electricity and therefore may have an indirect impact on small businesses through higher electricity costs. The Department's Small Business Regulatory Coordinator may be contacted at Small.Business@Wi.Gov or by calling (608) 266–1959.

Environmental Analysis

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

Fiscal Estimate

State fiscal estimate

1. *Cost Impacts to the Department* – The fiscal estimate for the revisions to Chapter NR 446 that became effective in October 2004 required a staff allocation of 0.5 FTE through 2009 that was reduced to 0.25 FTE from 2010 through 2015. After 2015, requirements would be implemented without an increase in complement. The Department assumes the same staff allocations for these proposed revisions. However, because the proposed rule revisions require additional compliance notifications and determinations, the staff allocation must increase 0.25 FTE from 2010 through 2012. Assuming $80,000 per FTE, this results in an increase of $20,000 per year from 2010 through 2012.

2. *Revenue Impacts to the Department* – The annual emission fees paid to the Department are not significantly affected by the anticipated decrease in mercury emissions. However, fees may significantly decrease if utilities elect to reduce NO_x and SO_2 emissions under the multipollutant provision of the proposed revisions. If all eligible EGUs pursued the multi–pollutant alternative, collected emission fees may be reduced from 2005 levels by approximately $1,000,000 per year based upon the current emission fee of $35.71 per ton.

Local government fiscal estimate

Manitowoc Public Utilities (MPU) is the only one locally–owned electric utility that will be affected by these revisions. The costs to MPU are similar to other electric utilities in the state. The total cost for MPU is estimated to be in the range of 0.04 to 0.12 cents/KWh or $160,000 to $500,000 dollars per year.

Electric utility sector fiscal estimate

1. *Cost of Chapter NR 446 Requirements* – The revisions to Chapter NR 446 that became effective in October 2004 affected EGUs operated by "Major Utilities" including Alliant Energy, Dairyland Power Cooperative, WE–Energies, and Wisconsin Public Service Corporation. The cost for achieving a 75% mercury emission reduction for each major utility was estimated to be in the range of 0.16 to 0.18 cents per kilowatt–hour of generated electricity (cents/KWh) with a total cost for the four major utilities of 71 to 84 million dollars per year. These cost estimates are contained in a technical support document developed in 2003[1].

2. *Cost of Revised Chapter NR 446 Requirements* – The cost estimate for these revisions to Chapter NR 446 replace the 2003 cost estimates. The cost estimates reflect achieving a 90% mercury emission limitation for larger EGUs and BACT level of control for the smaller EGUs. In addition, since the 2003 evaluation, advancements in mercury control technology have occurred and control technology costs have changed. Also, more EGUs are affected by these revisions as compared to the current requirements in Chapter NR 446. The average cost to the utility sector is estimated to be 0.06 to 0.14 cents/KWh and cost to implement the proposed revisions is 38 to 91 million dollars per year. The lower cost range reflects the integration of mercury control with the control of other pollutants.

State fiscal effect

Decrease in existing revenues.

Increase in costs

The increase of costs may be possible to absorb within the agency's budget.

Local government fiscal effect

Mandatory increase in costs.

Types of local government units affected

Others.

Fund sources affected

PRO

Affected Chapter 20 Appropriations

Section 20.370 (2) (bg), Stats.

Notice of Hearing
Workforce Development
Family Supports, Chs. DWD 12–59
CR 08–020

NOTICE IS HEREBY GIVEN that pursuant to ss. 49.155 (5) and 227.11 (2) (a), Stats., the Department of Workforce Development proposes to hold a public hearing to consider rules revising s. DWD 56.08, relating to child care copayments and affecting small businesses.

Hearing Information

April 11, 2008	MADISON
Friday	G.E.F. 1 Building, D203
10:30 a.m.	201 E. Washington Avenue

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

Visitors to the GEF 1 building are requested to enter through the left East Washington Avenue door and register with the customer service desk. The entrance is accessible via a ramp from the corner of Webster Street and East Washington Avenue. If you have special needs or circumstances regarding communication or accessibility at the hearing, please call (608) 267–9403 at least 10 days prior to the hearing date. Accommodations such as ASL interpreters, English translators, or materials in audio format will be made available on request to the fullest extent possible.

Agency Contact Person

Laura Saterfield, Child Care Section Chief
Email: laura.saterfield@dwd.state.wi.us
Phone: (608) 266–3443.

Copy of Rule

An electronic copy of the proposed rules is available at http://www.dwd.state.wi.us/dwd/hearings.htm. A copy of the proposed rules is also available at http://adminrules.wisconsin.gov. This site allows you to view documents associated with this rule's promulgation, register to receive email notification whenever the Department posts new information about this rulemaking order, and submit comments and view comments by others during the public comment period. You may receive a paper copy of the rule or fiscal estimate by contacting:

Elaine Pridgen
Office of Legal Counsel
Dept. of Workforce Development
P.O. Box 7946
Madison, WI 53707–7946
(608) 267–9403
elaine.pridgen@dwd.state.wi.us

Submission of Written Comments

Written comments on the proposed rules received at the above address, email, or through the http://adminrules.wisconsin.gov web site no later than April 11, 2008, will be given the same consideration as testimony presented at the hearing.

Analysis Prepared by the Department of Workforce Development

Statutory authority

Sections 49.155 (5) and 227.11 (2), Stats.

Statutes interpreted

Section 49.155 (5), Stats.

Explanation of agency authority

Section 49.155 (5), Stats., provides that an individual is liable for the percentage of the cost of child care specified by the department in a printed copayment schedule.

Summary of the proposed and emergency rules

Since 1997, the child care parental copayment schedule in DWD 56.08 has provided different copayment amounts for parents who receive child care services from a certified child care provider and parents who receive child care services from a licensed provider. A certified provider may provide child care services for 1 to 3 unrelated children, care in the child's home, or care for school–age children and receive reimbursement from state or federal funds. Certified providers are regulated by the Department. A child care provider who provides care and supervision for more than 3 unrelated children for compensation is required to be licensed by the Department of Health and Family Services.

When the Department submitted the federal fiscal year 2008–2009 Child Care and Development Fund (CCDF) State Plan for approval to the federal Department of Health & Human Services, DHHS responded with a notice that the plan was not approvable as submitted. The DHHS review found that Wisconsin's sliding fee scale (parental copayment schedule) is not allowable under CCDF regulations because it includes different copayment amounts based on category of care, such as certified versus licensed providers, and this difference interferes with parental choice of providers. Failure to submit an approvable plan could potentially result in a disruption of federal funding provided to Wisconsin for child care services for eligible families.

The Department submitted a corrective plan eliminating the different copayment amounts for certified and licensed care. DHHS has approved the corrective Wisconsin State Plan contingent upon implementation of changes to the copayment schedule with a deadline of April 1, 2008.

Currently, the copayments paid by families who receive child care services from a certified provider are lower than the copayments paid by families who receive child care services from a licensed provider. The emergency and proposed rules will eliminate the differential copayment amounts by increasing copayments for certified care to the same level as copayments for licensed care. The emergency rule is effective March 30, 2008.

The current s. DWD 56.08 provides a copayment schedule and language that copayment amounts will be based on family size, family gross income, the number of children in a given family in child care, and the type of child care selected, with certain exceptions. The proposed rule will repeal "type of child care selected" from these provisions and update the copayment schedule to provide the same copayment amounts for certified and licensed care at the licensed care level. The copayment schedule is also adjusted for the 2008 federal poverty levels as provided under s. DWD 56.08 (3).

Comparison with federal regulations

Under 45 CFR 98.42, lead agencies must establish, and periodically revise, by rule, a sliding fee scale that provides for cost sharing by families that receive child care services funded by the Child Care Development Fund. Sliding fee scales are to be based on income, family size, and other factors as appropriate. The section of the preamble to the rule regarding sliding fee scales refers readers to 45 CFR 98.43 regarding equal access (63 Fed. Reg. 39936, 39957, July 24, 1998).

The rule on equal access at § 98.43 provides that the state agency shall certify that the payment rates for the provision of child care services are sufficient to ensure equal access for eligible families as families who are not eligible to receive CCDF child care assistance. The state agency must show how a choice of the full range of providers is made available (center, group, family, and in–home care), how payments rates are adequate based on a local market survey, and how copayments based on a sliding fee scale are affordable. Payment rates must be consistent with 45 CFR 98.30 regarding parental choice requirements. Among other things, the parental choice requirements provide that state regulatory requirements may not have "the effect of limiting parental access to or choice from among such categories of care or types of providers, as defined in 45 CFR 98.2."

The section of the preamble to the rule regarding equal access (63 Fed. Reg. 39936, 39960, July 24, 1998) provides that:

> [S]liding fee scales should not be designed in a way that limits parental choice…Sliding fees scales must continue to be based on family size and income as § 98.42(b) has not changed. We note that this regulation provides Lead Agencies with the flexibility to take additional elements into consideration when designing their fee scales, such as the number of children in care. However, as was stated in the preamble to the regulations published on August 4, 1992, basing fees on the cost or category of care is not allowed (57 Fed. Reg. 34380).

The preamble to the August 4, 1992, rule (57 Fed. Reg. 34352, 34411) actually provides that "While Grantees may take into account the cost of care in establishing a fee scale (e.g., the family pays a percentage of the cost of care), the Grantee may not vary the fee scale based on the category of care or the type of provider."

The definitions section of the current rule at 45 CFR 98.2 provides that "categories of care" means "center–based child care, group home child care, family child care and in–home care." The rule defines "types of providers" as "different classes of providers under each category of care. For the purposes of CCDF, types of providers include non–profit providers, for–profit providers, sectarian providers and relatives who provide care."

In its review of the 2008–2009 Wisconsin State Plan, the federal Department of Health & Human Services included licensed versus certified child care in the definition of "categories of care."

Comparison with rules in adjacent states

Minnesota. Copayment amounts are based on gross income and household size.

Illinois. Copayment amounts are based on family income, family size, and number of children in care.

Michigan. Copayment amounts are based on family size and family income.

Iowa. Copayment amounts are based on gross income, family size, and units of service used.

Summary of factual data and analytical methodologies

The federal Department of Health and Human Services has required that Wisconsin eliminate differential copayment amounts based on category of care, such as certified versus licensed providers.

Initial Regulatory Flexibility Analysis

The rule will affect small businesses as defined in s. 227.114 (1), Stats., but will not have a significant economic impact on a substantial number of small businesses. The Department's Small Business Regulatory Coordinator is Elaine Pridgen, elaine.pridgen@dwd.state.wi.us or (608) 267–9403.

Analysis used to determine effect on small businesses

Certified providers will need to collect the increased copayments directly from families who use their child care services. If providers allow families to pay the increased copayment in installments, they may have additional bookkeeping. There are no reporting requirements necessary for compliance with the rule.

Fiscal Estimate

Summary

By combining the copayment rates for licensed and certified care at the licensed level, the Department will experience savings related to the increased copayment for certified care. By comparing the current copayments at the certified rate against the new copayment and applying that to the cost of care for child care subsidy parents who used certified care in SFY 07, it is estimated that the Department will realize about $475,000 in savings in direct child care subsidies for the three months that the rule will be effective in SFY 08, based on savings of $1,900,000 that might be expected for a full year.

Savings may diminish over time when program participants experience no differential in cost for varying types of care. As a result, SFY 09 savings are assumed to be only twice the SFY 08 amount, or $950,000.

Current–year appropriations are still anticipated to be fully expended.

State fiscal effect

Decrease in costs.

Local government fiscal effect

None.

Fund sources affected

GPR, FED, SEG

Affected Chapter 20 Appropriations

Section 20.445 (3), Stats.

Long–range fiscal implications

If program participants migrate to higher cost licensed care, the change may be cost neutral over time.

Notice of Hearing
Workforce Development
Unemployment Insurance, Chs. DWD 100–150
CR 08–019

NOTICE IS HEREBY GIVEN that pursuant to ss. 108.14 (2) and s. 227.11 (2) (a), Stats., the Department of Workforce Development proposes to hold a public hearing to consider rules revising chs. DWD 100, 140, and 149, relating to disclosure of unemployment insurance records and affecting small businesses.

Hearing Information

April 8, 2008	MADISON
Tuesday	G.E.F. 1 Building, B103
1:30 p.m.	201 E. Washington Avenue

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

Visitors to the GEF 1 building are requested to enter through the left East Washington Avenue door and register with the customer service desk. The entrance is accessible via a ramp from the corner of Webster Street and East Washington Avenue. If you have special needs or circumstances regarding communication or accessibility at the hearing, please call (608) 267–9403 at least 10 days prior to the hearing date.

Accommodations such as ASL interpreters, English translators, or materials in audio format will be made available on request to the fullest extent possible.

Agency Contact Person

Daniel LaRocque, Director
Bureau of Legal Affairs
Phone: (608) 267–1406
Email: daniel.larocque@dwd.state.wi.us.

Copy of Rule

An electronic copy of the proposed rules is available at http://www.dwd.state.wi.us/dwd/hearings.htm. A copy of the proposed rules is also available at http://adminrules.wisconsin.gov. This site allows you to view documents associated with this rule's promulgation, register to receive email notification whenever the Department posts new information about this rulemaking order, and submit comments and view comments by others during the public comment period. You may receive a paper copy of the rule or fiscal estimate by contacting:

Elaine Pridgen
Office of Legal Counsel
Dept. of Workforce Development
P.O. Box 7946
Madison, WI 53707–7946
(608) 267–9403
elaine.pridgen@dwd.state.wi.us

Submission of Written Comments

Written comments on the proposed rules received at the above address, email, or through the http://adminrules.wisconsin.gov web site no later than April 9, 2008, will be given the same consideration as testimony presented at the hearing.

Analysis Prepared by the Department of Workforce Development

Statutory authority

Sections 108.14 (2) and 227.11, Stats.

Statutes interpreted

Sections 108.14 (7) and 108.24, Stats.

Related statutes and rules

Title III of the Social Security Act; Federal Unemployment Tax Act (26 USC 3302); 20 CFR Part 603

Explanation of agency authority

Section 108.14 (7), Stats., provides that the records made or maintained by the department in connection with the administration of the unemployment insurance program are confidential and shall be open to public inspection or disclosure only to the extent that the department permits in the interest of program. No person may permit inspection or disclosure of any record provided to it by the department unless the department authorizes the inspection or disclosure.

The department may provide records made or maintained by the department in connection with the administration of the unemployment insurance program to any government unit, corresponding unit in the government of another state, or any unit of the federal government. No such unit may permit inspection or disclosure of any record provided to it by the department unless the department authorizes the inspection or disclosure.

Section 108.24 (4), Stats., provides that any person who, without authorization of the department, permits inspection or disclosure of any unemployment insurance record shall be fined not less than $25 nor more than $500 or may be imprisoned in the county jail for not more than one year or both. Each such unauthorized inspection or disclosure constitutes a separate offense.

Section 108.14 (2), Stats., provides that the department may adopt and enforce all rules which it finds necessary or suitable to carry out Chapter 108, Stats.

Summary of the proposed rule

Federal requirement. The U.S. Department of Labor issued its final rule regarding Federal–State Unemployment Compensation Program: Confidentiality and Disclosure Requirements of State UC Information on September 27, 2006. (71 Fed. Reg. 56830; codified at 20 CFR Part 603) States must amend their laws, rules, procedures, and existing agreements to comply with the federal rule by October 27, 2008.

The first federal Notice of Proposed Rulemaking concerning confidentiality and disclosure of state unemployment insurance information was issued in 1992. (57 Fed. Reg. 10064) In 1993, the Department of Workforce Development promulgated Chapter DWD 149, regarding disclosure of unemployment insurance records, based on the 1992 proposed federal rule. Chapter DWD 149 is being updated and reorganized to reflect the requirements of the final federal rule issued September 2006.

Records confidential. The proposed rules provide that unemployment insurance records made or maintained by the department are confidential and not open to public inspection or disclosure, except as specified. The department may disclose the following unemployment insurance records if the disclosure is in the interest of the unemployment insurance program and does not interfere with the efficient administration of the program: (1) public domain information; (2) appeals records and decisions with social security numbers redacted; (3) any unemployment insurance record that has been screened to prevent identification of the worker or employing unit that is the subject of the record or which could foreseeably be combined with other publicly available information to reveal any identifying particulars of an individual or employing unit; (4) unemployment insurance records to claimants, employing units, their agents, and authorized third parties and the permissive disclosure of records. The department shall disclose unemployment records required by federal and state law.

Notice to claimants and employers. The department shall notify every claimant at the time of application and periodically thereafter that confidential unemployment insurance information pertaining to the claimant may be requested and used for other governmental purposes, including verification of eligibility for other government programs. The department shall notify every employer subject to ch. 108, Stats., annually that wage information and other confidential unemployment insurance information may be requested and used for other governmental purposes, including verification of an individual's eligibility for other government programs.

Disclosure to claimants, employing units, their agents, and authorized third parties. An unemployment insurance record concerning a claimant is available to that claimant. A record concerning a claimant's work for an employing unit, an identification of the employing unit as a party of interest, or a record concerning status or liability under Chapter 108, Stats., is available to an employing unit.

The department may disclose a record to an attorney or agent of a claimant or employing unit only if the attorney or agent furnishes a written statement authorizing release or if

the department verifies that the attorney or agent represents the claimant or employing unit. An elected official is an agent when acting in response to a constituent's inquiry about an unemployment insurance issue. A union representative is an agent when acting for a claimant.

The department may disclose an unemployment insurance record to an authorized third party that is not an agent of an individual or employer if the third party provides a written release containing specified information and signed by the individual or employer to whom the information pertains. The department may disclose an unemployment insurance record if the purpose specified either provides a service to the individual such that the individual expects to receive a benefit as a result of signing the release or carries out administration or evaluation of a public program to which the release pertains.

Mandatory disclosure of records. The proposed rules list federally–mandated disclosures. These federal mandates include information necessary for the proper administration of the UI program, such as the Internal Revenue Service for purposes of unemployment tax administration, the U.S. Citizen and Immigration Services for purposes of verifying a claimant's immigration status, federal officials for purposes of oversight of the UI program, and any other state to properly administer its UI program. Some of the federal–mandated disclosures are included in a system of required information sharing primarily among state and local agencies administering several federally–assisted programs.

Other required disclosures include disclosure to the state lottery board, upon request, information regarding any delinquency in the payment of contributions under ch. 108, Stats., by any person who desires to contract with the lottery board for the retail sale of lottery tickets and information to any government unit in the administration of a program of general relief or general assistance.

Permissive disclosure of records. If the department approves the purposes for which unemployment insurance records are requested, the records may be disclosed to the U. S. Department of Labor, the Unemployment Insurance Advisory Council, a government official with authority to obtain the information pursuant to a subpoena or court order, a public official or its agent or contractor for use in the performance of official duties, and any other disclosure as provided in these rules.

Confidentiality safeguard requirements. Third party recipients of unemployment insurance records must comply with all of the following confidentiality safeguard requirements:

- Safeguard disclosed information against unauthorized access or redisclosure.
- Use the disclosed information only for the purposes authorized by law and consistent with any applicable record disclosure agreement.
- Store disclosed information in a safe place physically secure from unauthorized access.
- Store and process information in electronic format in a way that unauthorized persons cannot obtain the information by any means.
- Ensure that only authorized persons are given access to disclosed information stored in a computer system.
- For third parties authorized to receive information by a claimant or employer maintain a copy of the written release authorizing each access and ensure that access to disclosed information will be only to those authorized under the release.
- Instruct all persons having access to disclosed information of the confidentiality requirements and the penalties for unauthorized disclosure, and have these persons sign an acknowledgement that they have been so instructed and agree to report any infraction promptly.
- Dispose of all disclosed records and copies after the purpose for which the information disclosed has been served or when the department considers appropriate, except for disclosed information possessed by any court.
- Allow the department to conduct on–site inspections of the disclosed records and to audit for compliance with this section.

No person, government unit, or other entity to which the department discloses an unemployment insurance record may redisclose information obtained from that record without the prior written approval of the department.

Record disclosure agreement. The proposed rules include provisions from the federal regulation regarding when a record disclosure agreement shall be in effect before disclosure of unemployment insurance records, other circumstances when a record disclosure agreement may be required, and what must be in the agreement.

Fee for disclosing unemployment insurance records. The federal regulation requires and the proposed rules provide that the department shall charge a fee for disclosing an unemployment insurance record when the disclosure is for a third party, government unit, or entity that requests the record and disclosure is not necessary for the proper administration of the unemployment insurance program, unless only incidental staff time and nominal processing costs are involved in making the disclosure. The department may charge a fee for disclosures in certain other circumstances. The fee may not exceed the actual, necessary, and direct costs of location and disclosure.

Comparison with federal regulations

The proposed rules are being updated to comply with the federal regulation regarding state disclosure of unemployment insurance records.

Comparison with rules in adjacent states

The adjacent states either have or will be updating their statutes and rules on disclosure of unemployment insurance records to comply with the federal regulation by October 27, 2008.

Summary of factual data and analytical methodologies

The proposed rules update the department's rules on disclosure of unemployment insurance records to comply with 20 CFR Part 603.

Initial Regulatory Flexibility Analysis

The rule will affect small businesses but will not have a significant economic impact on a substantial number of small businesses. The Department's Small Business Regulatory Coordinator is Elaine Pridgen, elaine.pridgen@dwd.state.wi.us, (608) 267–9403.

Analysis used to determine effect on small businesses

The proposed rules may affect small business as employing units who may request records, but the rules have no financial impact on these businesses and does not change the types of records they may access. There are no reporting, bookkeeping, or other procedures required for compliance with the proposed rule and no professional skills are required of small businesses.

Fiscal Estimate

The proposed rules have no fiscal effect because most disclosures of unemployment insurance records involve only incidental staff time and nominal processing costs.

State fiscal effect

None.

Local government fiscal effect

None.

Long–range fiscal implications

None.

Submittal of Proposed Rules to the Legislature

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

Workforce Development

Public Works Construction Contracts, Chs. DWD 290−294

CR 08−003

A rule−making order revising ss. DWD 290.155 (1) and 293.02 (1) and (2), relating to the adjustment of thresholds for application of prevailing wage rates and payment and performance assurance requirements.

Rule Orders Filed with the Legislative Reference Bureau

The following administrative rule orders have been filed with the Legislative Reference Bureau and are in the process of being published. The date assigned to each rule is the projected effective date. It is possible that the publication date of these rules could be changed. Contact the Legislative Reference Bureau at bruce.hoesly@legis.wisconsin.gov or (608) 266−7590 for updated information on the effective dates for the listed rule orders.

Commerce

Rental Unit Energy Efficiency, Ch. Comm 67

CR 07−008

A rule−making order revising ch. Comm 67, relating to rental unit energy efficiency.
Effective 5−1−08.

Natural Resources

Environmental Protection − Air Pollution Control, Chs. NR 400—

CR 06−109

A rule−making order revising ch. NR 440, relating to incorporation of revisions and additions to the federal New Source Performance Standards.
Effective 6−1−08 or 7−1−08.

Natural Resources

Environmental Protection − Air Pollution Control, Chs. NR 400—

CR 07−040

A rule−making order revising chs. NR 400, 406, 407 and 410, relating to construction permits, portable source relocation and affecting small business.
Effective 5−1−08.

Natural Resources

Environmental Protection − Air Pollution Control, Chs. NR 400—

CR 07−045

A rule−making order revising chs. NR 466 and 484, and creating ch. NR 460 Appendix JJJJ, relating to national emission standards for hazardous air pollutants for paper and other web surface coating processes.
Effective 5−1−08.

Revenue

CR 07−091

A rule−making order amending s. Tax 2.505, relating to the computation of the apportionment fraction by multistate professional sports clubs.
Effective 4−1−08.

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