

Wisconsin Administrative Register

No. 638



Publication Date: February 28, 2009

Effective Date: March 1, 2009



Legislative Reference Bureau
<http://www.legis.state.wi.us/rsb/code.htm>

The Wisconsin Administrative Register is published twice
monthly by the Legislative Reference Bureau.

Questions, comments, or corrections should be directed to:

Bruce Hoesly (608) 266-7590
email: bruce.hoesly@legis.wisconsin.gov

The Wisconsin Administrative Register and Administrative Code
may be obtained from the
Department of Administration
Office of Document Sales
(608) 266-3358
and may be accessed on the internet at:
<http://www.legis.state.wi.us/rsb/code.htm>

Table of Contents

Emergency Rules Now in Effect.**Pages 5 to 10**

Commerce:

Fee Schedule, Ch. Comm 2Revises s. Comm 2.68, relating to public swimming pool and water attraction plan review and inspection fees. **EmR0837*****Elevators, Escalators and Lift Devices, Ch. Comm 18***Repeals s. Comm 18.1702 (8), relating to a wear and fatigue monitoring system and a device that protects against suspension loss for electric traction elevators that use smaller sized wire ropes. **EmR0901*****Uniform Dwelling, Chs. Comm 20–25******Wisconsin Commercial Building Code, Chs. Comm 60–66***
Revises Chs. Comm 20, 21, 62 and 66, relating to carbon monoxide alarms and affecting small business. **EmR0826*****Financial Resources for Businesses and Communities, Chs. Comm 104–135***Revises Ch. Comm 108 and s. Comm 154.06 (intro.), relating to emergency assistance grants in the community development block grant program, and affecting small businesses. **EmR0823**Creates s. Comm 113.03 (4), relating to allocation of volume cap on tax-exempt private activity bonds. **EmR0831**

Corrections:

Creates s. DOC 332.20, relating to establishing a reimbursement fee to offset the costs of monitoring persons subject to global positioning system tracking or passive positioning system tracking. **EmR0835**

Financial Institutions — Securities:

Revises Chs. DFI–Sec 4, 5 and 10, relating to misleading designations or certifications regarding special expertise in the financial or retirement needs of seniors. **EmR0829**

Government Accountability Board:

Repeals and recreates Ch. GAB 4, relating to observers at a polling place or other location where votes are being cast, counted or recounted. **EmR0830**Amends s. GAB 6.05, relating to filing campaign finance reports in electronic format. **EmR0902** *[First Appearance]*

Health Services:

(Formerly Health and Family Services)

Mgmt. & Technology & Strategic Finance, Chs. HFS 1—Revises Ch. HFS (DHS) 12, relating to background checks of individuals who provide personal care services, and affecting small businesses. **EmR0832**Revises s. HFS (DHS) 10.23, relating to confidentiality requirements of the Family Care program. **EmR0834*****Health, Chs. HFS 110—***Creates Ch. HFS (DHS) 119, relating to training and qualifications for EMTs, first responders, and individuals providing instruction. **EmR0825**

Military Affairs — Wisconsin Emergency Management:	Revises Ch. WEM 1, relating to fee revisions to facilities housing hazardous chemicals, hazardous substances, and extremely hazardous substances. EmR0836
Natural Resources:	<i>Environmental Protection — General, Chs. NR 100—</i> Revises Ch. NR 198, relating to grants for the control of aquatic invasive species. EmR0809
Regulation and Licensing:	Revises s. RL 161.04, relating to examinations for substance abuse professionals. EmR0819 Creates s. RL 91.01 (3) (k), relating to training and proficiency in the use of automated external defibrillators for certification as a massage therapist or bodyworker. EmR0827 Revises ss. RL 180.02 and 181.01, relating to training and proficiency in the use of automated external defibrillators for licensure as a licensed midwife. EmR0828
Revenue:	Creates ss. Tax 8.03 and 8.05, relating to registration of wine collectors and the creation and organization of small winery cooperative wholesalers. EmR0820
Transportation:	Revises Chs. Trans 325, 326 and 327, relating to motor carrier safety, and hazardous material transportation safety. EmR0833
Workforce Development:	<i>Public Works Construction Contracts, Chs. DWD 290–294</i> Revises s. DWD 290.155 (1), relating to the adjustment of thresholds for application of prevailing wage rates. EmR0838
Scope Statements.	
Workforce Development:	<i>Unemployment Insurance, Chs. DWD 100–150</i> Revises Ch. DWD 110, relating to coverage and related records and reports, and Ch. DWD 111, relating to quarterly wages reporting requirements. Revises Ch. DWD 127, relating to work search. Revises Ch. DWD 132, relating to determining eligibility for benefits. Revises Ch. DWD 100, relating to definitions and Ch. DWD 150, relating to miscellaneous provisions.
Submittal of Rules to Legislative Council Clearinghouse.	
Government Accountability Board:	Page 13 Amends s. GAB 1.28, relating to the definition of the term “political purpose.” CR 09–013
Labor and Industry Review Commission:	Revises Chs. LIRC 1 to 4 regarding petitions for commission review filed by facsimile in equal rights cases, update the page designation for filing petitions for commission review in unemployment insurance and workers’ compensation cases via the internet; and correct erroneous references to venue for appeals to circuit court from commission decisions when the plaintiff lives outside of Wisconsin. CR 09–014

Natural Resources:

Fish, Game, etc., Chs. NR 1—

Revises Chs. NR 10, 11, and 15, relating to the 2009 annual spring hearings relating to hunting, trapping, closed areas and game refuges. **CR 09–015**

Revises Ch. NR 25, relating to commercial fishing in outlying waters and affecting small business. **CR 09–016**

Rule–Making Notices.

Pages 14 to 17

Government Accountability Board:

Hearing to consider emergency rule amending s. GAB 6.05, relating to filing campaign finance reports in electronic format. **EmR0902**

Natural Resources:

Fish, Game, etc., Chs. NR 1—

Hearings to consider rules revising Ch. NR 25, relating to commercial fishing in outlying waters and affecting small business. **CR 09–016**

Submittal of Proposed Rules to the Legislature.

Page 18

Commerce:

Licenses, Certifications and Registrations, Ch. Comm 5

Revises s. Comm 5.73, relating to retail liquefied gas suppliers. **CR 08–092**

Uniform Dwelling Code, Chs. Comm 20–25

Wis. Commercial Building Code, Chs. Comm 60–66

Revises ss. Comm 21.095 and 62.1200, relating to carbon monoxide alarms. **CR 08–085**

Health Services:

Health, Chs. DHS 110—

Creates Ch. DHS 119, relating to AED training for EMS personnel. **CR 08–082**

Marriage and Family Therapy, Professional Counseling and Social Work Examining Board:

Revises ss. MPSW 11.01, 12.01, and 14.01, relating to the licensing requirements for a professional counselor.

CR 08–088

Transportation:

Revises Ch. Trans 126, relating to municipal or county vehicle registration fees. **CR 08–113**

Workforce Development:

Public Works Construction Contracts, Chs. DWD 290–294

Revises s. DWD 290.155, relating to the adjustment of thresholds for the application of prevailing wage rates.

CR 09–001

Rule Orders Filed with the Legislative Reference Bureau.

Page 19

Health Services:

Community Services, Chs. DHS 30—

Creates Ch. DHS 35, relating to outpatient mental health clinics. **CR 06–080**

Rules Published with this Register and Final Regulatory Flexibility Analyses.

Page 20

Sections Affected by Rule Revisions and Corrections.

Pages 21 to 22

Sections Affected by Corrections Not Published.

Pages 23 to 25

Public Notices

Pages 26 to 28

Children and Families:

Relating to the 2009 Maximum Birth Cost Judgment Amount Schedule.

Relating to the 2009 Child Care Copayment Schedule.

Health Services:

Relating to the Medicaid Nursing Facility Payment Plan: FY 08–09 (Medical Assistance reimbursement of nursing homes).

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: EmR0801. The first 2 digits indicate the year of filing and the last 2 digits indicate the chronological order of filing during the year.

Commerce

Fee Schedule, Ch. Comm 2

EmR0837 — Rule adopted revising **s. Comm 2.68**, relating to public swimming pool and water attraction plan review and inspection fees.

Finding of Emergency

The Department of Commerce finds that an emergency exists within the state of Wisconsin and that adoption of an emergency rule is necessary for the immediate preservation of the public health, safety and welfare. A statement of the facts constituting the emergency is as follows.

1. Implementation of the federal Virginia Graeme Baker Pool and Spa Safety Act necessitates most existing public swimming pools and water attractions to undergo physical modifications to reduce the risk of entrapment at suction outlets.

2. The Virginia Graeme Baker Pool and Spa Safety Act has a compliance date of December 19, 2008.

3. The department estimates that 3,700 existing pools and water attractions will need to be modified in order to comply with the federal act.

4. The current department plan review fees and inspection fees under s. Comm 2.68 reflect an estimated average time and cost to provide those services. For the types of pool and water attraction modifications necessary to comply with the Virginia Graeme Baker Pool and Spa Safety Act, the department believes that the time and cost to provide the service will be below the averages reflected under the current fee structure of section Comm 2.68.

5. The department believes that a temporary fee reduction to facilitate plan review and inspection relative to the Virginia Graeme Baker Pool and Spa Safety Act is in alignment with the direction provided under s. 101.19, Stats., of keeping fees consistent with the costs of providing service.

Publication Date:	December 15, 2008
Effective:	December 15, 2008 through May 13, 2009
Hearing Date:	January 8, 2009

Commerce

Elevators, Escalators and Lift Devices, Ch. Comm 18

EmR0901— Rule adopted repealing **s. Comm 18.1702 (8)**, relating to a wear and fatigue monitoring system and a device that protects against suspension loss for electric traction elevators that use smaller sized wire ropes.

Finding of Emergency

The Department of Commerce finds that an emergency exists within the state of Wisconsin and that adoption of an emergency rule is necessary for the immediate preservation of the public health, safety and welfare. A statement of the facts constituting the emergency is as follows.

1. The recent revision of chapter Comm 18, Elevators, Escalators and Lift Devices, references and adopts the 2007 edition of the national standard ASME A17.1, developed by the American Society of Mechanical Engineers. Effective January 1, 2009, the regulations include a provision, s. Comm 18.1702 (8), that requires a wear and fatigue monitoring system and a device that protects against suspension loss for electric traction elevators using smaller sized wire ropes.

2. The department included the wear and fatigue monitoring system and protection device requirements in anticipation that the next edition of the national ASME A17.1 standard would incorporate a similar provision. The department developed s. Comm 18.1702 (8) based on code language being proposed by the national standard ASME A17.1 Committee.

3. The wear and fatigue monitoring system and the device to protect against suspension loss were not incorporated into the next version of the ASME A17.1. The ASME A17.1 Committee withdrew the section because of implementation concerns, and at this time it is unclear what the final section on suspension ropes and their connections in elevators will include.

4. Because the department adopts by reference the national standard ASME A17.1, it recognizes that without promulgating this emergency rule, there could be confusion in what constitutes recognized safe practices for a monitoring system and protection against suspension loss for electric traction elevators. The department believes that repealing s. Comm 18.1702 (8) will keep the Wisconsin code in alignment

with the most current edition of ASME A17.1 and still promote safety.

Publication Date: February 5, 2009
Effective: February 5, 2009 through July 4, 2009
Hearing Date: March 2, 2009

Commerce

Uniform Dwelling, Chs. Comm 20–25 Wisconsin Commercial Building Code, Chs. Comm 60–66

EmR0826 — Rules adopted to renumber s. **Comm 66.0911**; to amend s. **Comm 20.24 (1) and (2)**; and to create ss. **Comm 21.095, 20.24 Table 20.24–14, 62.1200, 62.3500 (3) (e), 66.0911 (title) and (2)**, relating to carbon monoxide alarms and affecting small business.

Exemption From Finding of Emergency

Under the nonstatutory provisions of 2007 Wisconsin Act 205, the Department of Commerce is 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, neither the department of commerce or the department of health services is 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 installation and maintenance of carbon monoxide alarms in buildings accommodating certain types of residential occupancies and within which fuel burning appliances are located. Residential occupancies include tourist rooming houses, bed and breakfast establishments, and any public building that is used for sleeping or lodging, such as, hotels, motels, condominiums, apartment buildings, dormitories, fraternities, sororities, convents, seminaries, community based residential facilities, home shelters, but not hospitals and nursing homes. The Act requires the installation of carbon monoxide alarms in new buildings as of October 1, 2008. The owners of existing buildings will have until April 1, 2010 to install the carbon monoxide alarms. The Act also provides for the omission of carbon monoxide alarms in certain instances which are further clarified by the administrative rules.

Publication Date: September 10, 2008
Effective: October 1, 2008 through February 27, 2009
Hearing Date: October 14, 2008

Commerce (2)

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

- EmR0823** — Rules adopted amending **Comm Table 108.6–1, sections Comm 108.07 (5), 108.22 (1), and 154.06 (intro.)**, relating to emergency assistance grants in the community development block grant program, 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 health, safety, and welfare. The facts constituting the emergency are as follows.

Currently under sections Comm 108.06, 108.07, and 108.22 of the Wisconsin Administrative Code, as promulgated under sections 560.04, 560.045, and 560.9809 of the Statutes, the Department may annually use up to 5 percent of its federal Community Development Block Grant (CDBG) funds to repair or replace public infrastructure or facilities, or for emergency services necessitated by a natural disaster or catastrophic event. Also under sections Comm 108.07 and 108.22, the maximum amount of CDBG funds that the Department can award to any local government for a natural disaster or catastrophic event is \$500,000.

Currently under section Comm 154.06, as promulgated under sections 560.02 (4) and 560.9809 (2) of the Statutes, the Department may annually use up to \$2,000,000 of CDGB funds to address emergency housing needs caused by natural disasters or catastrophic events.

Because of the unprecedented levels of damage to public infrastructure and facilities from the severe storms and widespread flooding that occurred throughout the State in June 2008, the need for emergency assistance to communities far exceeds the \$1.35 Million of CDBG funding that results from the above 5–percent limit, and the need for emergency housing assistance for low and moderate income households far exceeds the above \$2,000,000. Communities and households in 28 of the 30 counties where the Governor has declared a state of emergency are eligible for this CDBG program assistance.

This emergency rule repeals the above limits of 5 percent, \$500,000 and \$2,000,000. This will enable the Department to (1) use any available CDBG funds for emergency assistance with repairing or replacing public infrastructure and facilities, and with repairing or replacing homes damaged by the severe storms and flooding; and (2) base the award amounts on the scope of the damages and destruction in the community and on the funds available.

Publication Date: July 16, 2008
Effective: July 16, 2008 through December 12, 2008
Hearing Date: August 27, 2008
Extension Through: April 11, 2009

- EmR0831** — Rules adopted creating section **Comm 113.03 (4)**, relating to allocation of volume cap on tax–exempt private activity bonds.

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. Because of widespread disruption of the housing markets, Congress has enacted the Housing and Economic Recovery Act of 2008 (the “Act”), which contains various relief measures relating to housing. Section 3021 of the Act creates a special one–time additional allocation of volume cap for calendar year 2008, to be used for the issuance of single–family housing bonds and multifamily housing bonds no later than December 31, 2010.

Under section 560.032 of the Statutes, the Department of Commerce is charged with allocating to Wisconsin issuers the private activity bond volume cap allocated to Wisconsin under the Internal Revenue Code of 1986, 26 USC 146. This emergency rule is necessary to implement the special allocation of volume cap under the Act, as described above.

Pursuant to section 227.24 of the Statutes, this rule is adopted as an emergency rule to take effect upon publication

in the official state newspaper and filing with the Legislative Reference Bureau.

Publication Date: September 27, 2008
Effective: September 27, 2008
 through February 23, 2009
Hearing Date: October 27, 2008

Corrections

EmR0835 — Rules adopted creating s. DOC 332.20, relating to establishing a reimbursement fee to offset the costs of monitoring persons subject to global positioning system tracking or passive positioning system tracking.

Finding of Emergency

The department of corrections finds that an emergency exists and that rules included in this order are necessary for the immediate preservation of public peace, health, safety and welfare. A statement of the facts constituting the emergency is:

Under 2005 WI Act 431, section 8, the legislature requires certain persons who have been convicted of a serious child sex offense, who have been found not guilty of a serious child sex offense by reason of mental disease or mental defect, or who are the subject of notification under s. 301.46 (2m) (am), Stats., to be placed on lifetime tracking under a global positioning system (GPS) or a passive positioning system (PPS). The legislature also authorized the department to establish a rule to require persons who are subject to GPS tracking or PPS tracking to pay the cost of tracking.

If the rule is not created promptly and immediately, the department will not be able to collect the fees which are to be used to offset the costs of the tracking program, which could result in a lessening of tracking due to budget limitations.

The purpose of the emergency rule is to require all persons who are subject to tracking to pay the tracking fee which is used to offset the costs of the tracking program. The permanent rule process has been started. However, the permanent rule process will take approximately nine months to complete. Emergency rules are necessary to respond promptly to the collection of tracking fees while permanent rules are being developed.

Publication Date: November 12, 2008
Effective: November 12, 2008
 through April 10, 2009
Hearing Date: December 11, 2008

Financial Institutions — Securities

EmR0829 — Rules adopted amending s. DFI–Sec 4.06 (2) (i) and to create ss. DFI–Sec 4.06 (1) (v), 5.06 (14) and Chapter DFI–Sec 10, relating to making it a dishonest or unethical practice for securities licensees to make use of misleading designations or certifications purporting to demonstrate special expertise in the financial or retirement needs of seniors.

Finding of Emergency

The Division of Securities of the Department of Financial Institutions for the State of Wisconsin finds that an emergency exists and that the rules are necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency follows:

The Division is taking immediate, emergency–rule action to protect seniors in Wisconsin from being misled through the use by securities licensees of designations and credentials that imply or represent that a person has special expertise, certification, or training in financial planning for seniors, but where such designations and/or credentials are either non–existent or do not involve significant education, testing, training or experience, and in reality are marketing ploys.

Publication Date: September 18, 2008
Effective: September 18, 2008
 through February 14, 2009
Extension Through: April 15, 2009

Government Accountability Board (2)

- EmR0830** — Rules adopted repealing and recreating Chapter GAB 4, relating to observers at a polling place or other location where votes are being cast, counted or recounted.

Finding of Emergency

Pursuant to section 227.24, Stats., the Government Accountability Board finds that an emergency exists in the Board's May 5, 2008 decision to decline to reaffirm the administrative rule section EIBd 4.01 because the rule was inconsistent with the requirements of its enabling statute, s. 7.41, Stats. The statute states that any member of the public is allowed to be present at the polls on Election Day to observe; however, it does not specify standards of conduct they must abide by.

The Board further finds that given the intense interest in the fall election, the expected high turnout, the increasing use of observers in the polling place, and the comments of municipal and county clerks regarding the obstacles observers can pose to the orderly conduct of elections, it is necessary to codify standards to regulate the observers' conduct and that the attached rule governing observer conduct must be adopted prior to the fall elections to ensure the public peace and safety with respect to the administration of the fall elections.

Publication Date: September 26, 2008
Effective: September 26, 2008
 through February 22, 2009
Hearing Date: November 11, 2008

- EmR0902** — Rule adopted amending s. GAB 6.05, relating to filing campaign finance reports in electronic format.

Finding of Emergency

The Government Accountability Board amends s. GAB 6.05, Wis. Adm. Code, relating to filing campaign finance statements in electronic format. The amended rule creates a uniform requirement and restricts registrants to an "electronic format" compatible with the Board's electronic filing system for filing campaign finance reports.

Pursuant to s. 227.24, Stats., the Government Accountability Board finds an emergency exists because the Board's January 18, 2008 decision to implement the use of a new electronic filing system, and the technical requirements thereof, conflicts with the technical electronic format filing permitted by the previous rule. In effect, the current electronic filing system cannot work without a uniform and restricted electronic format that is compatible with the new electronic filing system.

The Board adopts the legislature's policy findings of s. 11.001, Stats., emphasizing that one of the most important

sources of information to voters about candidates is available through the campaign finance reporting system. The Board further finds that it is necessary to codify a uniform electronic format filing requirement to ensure the proper operation of the current electronic filing system so that the campaign finance information is available to voters. The amended rule, GAB 6.05, must be adopted immediately to ensure the public peace and welfare with respect to the administration of current and future elections.

Publication Date: February 5, 2009
Effective: February 5, 2009 through July 4, 2009
Hearing Date: March 20, 2009

Health Services (2)

(Formerly Health and Family Services)

Management & Technology & Strategic Finance, Chs. HFS (DHS) 1—

1. **EmR0832** — Rule adopted to repeal s. HFS (DHS) 12.03 (15) and to create ss. HFS (DHS) 12.03 (20m), 12.115 and Table HFS (DHS) 12.115, relating to background checks of individuals who provide personal care services, and affecting small businesses.

Finding of Emergency

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

2007 Wisconsin Act 172 requires the department to specify by rule, the crimes, a conviction of which an entity must disclose to a client or a client’s guardian before the caregiver provides the client with personal care services in the client’s home. Act 172 also requires the department to define the term “substitute caregiver”. Under s. 50.065 (2m) (d), Stats., as created by 2007 Wisconsin Act 172, the department created a list of crimes required and also as required defined the term “substitute caregiver”.

Effective November 1, 2008, entities, including home health agencies and temporary employment agencies, are required under s. 50.065 (2m) (d), Stats., to disclose to the client or the client’s guardian, the assigned caregiver’s convictions of crimes specified by the department by rule.

Publication Date: October 20, 2008
Effective: November 1, 2008 through March 31, 2009
Hearing Date: January 6, 2009

2. **EmR0834** — Rules adopted amending s. HFS (DHS) 10.23 (2) (d) 2., relating to confidentiality requirements of the Family Care program that prohibit benefit specialists from disclosing personally identifying information about a client without the client’s informed consent, unless required by law.

Finding of Emergency

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

Chapter HFS 10 is the department’s rule that guides the implementation of the department’s Family Care program. Included in these provisions are standards for confidentiality which prohibit disability benefit specialists from disclosing personally identifying information about a client without the client’s consent unless required by law. Because disability benefit specialists are permissive reporters, and thus not required to report abuse, neglect, or financial exploitation of elder adults and adults at risk under ss. 46.90 (4) (ar) and 55.043 (1m) (br), Stats., s. HFS 10.23 (2) (d) 2., effectively prevents disability benefits specialists from making such disclosures.

Amending s. HFS 10.23 (2) (d) 2., to allow disability benefit specialists to report abuse, neglect, or financial exploitation under ss. 46.90 (4) (ar) and 55.043 (1m) (br), Stats., would help to ensure that elder adults and adults-at-risk who may have been abused, neglected, or financially exploited are brought to the attention of the abuse, neglect and exploitation response systems outlined under ss. 46.90 and 55.043, Stats.

Publication Date: November 3, 2008
Effective: November 3, 2008 through April 1, 2009
Hearing Date: January 27, 2009

Health Services

(Formerly Health and Family Services)

Health, Chs. HFS 110—

EmR0825 — Rule adopted creating Chapter HFS 119, to require emergency medical technicians, first responders, and individuals who provide instruction to emergency medical technicians and first responders to complete training on the use of automated external defibrillators and to specify the content of the training, qualifications of providers, and frequency with which training is to be completed, and affecting small businesses.

Exemption From Finding of Emergency

The legislature by 2007 Act 104 provides the department with an exemption from a finding of emergency to adopt these emergency rules.

Publication Date: August 29, 2008
Effective: September 1, 2008 through January 28, 2009
Hearing Date: December 11, 2008
Extension Through: March 29, 2009

Military Affairs —

Wisconsin Emergency Management

EmR0836 — Rule adopted revising Chapter WEM 1, relating to fee revisions to facilities housing hazardous chemicals, hazardous substances, and extremely hazardous substances as defined in s. WEM 1.02 (5).

Finding of Emergency

The Wisconsin Division of Emergency Management (WEM)/State Emergency Response Commission finds that an emergency exists and that a rule revision is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of facts constituting an emergency is as follows:

Emergency response to and planning for accidental or purposeful releases of dangerous chemicals will be

compromised by a significant reduction of money available to fund emergency management activities at the county level. County emergency management agencies will be unable to fully comply with state and federal laws. Wisconsin Emergency Management would also experience substantial reductions in capabilities to assist local units of government with their state and federally required responsibilities. Sufficient funding of the county grant program and WEM activities is necessary to protect and defend the citizens of Wisconsin from accidental releases and releases caused by terrorist actions.

Publication Date: December 1, 2008
Effective: December 1, 2008 through April 29, 2009
Hearing Dates: December 18 and 19, 2008

Natural Resources

Environmental Protection – General, Chs. NR 100—

EmR0809 — Rule adopted to repeal s. NR 198.15 (2), to renumber s. NR 198.12 (6) to (10), to amend ss. NR 198.11, 198.14 (1) (e) and (f) 2., 198.23 (5) to (7), 198.33 (5), and 198.44 (5) and to create ss. NR 198.12 (6) and (7), 198.33 (6) and subch. V of ch. NR 198, relating to grants for the control of aquatic invasive species.

Finding of Emergency

The substantial increase in grant funding is a strong message from the Legislature that concern over the welfare of our public waters is growing, along with the expectation that these additional funds be put to work as soon as possible. The appropriation from which these funds are spent is a biennial appropriation, meaning that any unspent funds at the end of the biennium automatically lapse back to the Water Resources Account of the Conservation Fund. The timeline for permanent rule promulgation and the lack of staff to provide support to eligible sponsors may impede the Department's ability to fully and responsibly invest the authorized spending by the end of the biennium because of the current rule's limitations. An emergency rule will help to minimize or eliminate the amount of funds that are lapsed.

Publication Date: April 7, 2008
Effective: July 1, 2008 through November 27, 2008
Hearing Dates: July 22 to August 5, 2008
Extension Through: March 27, 2009

Regulation and Licensing (3)

- EmR0819** — A rule adopted revising s. RL 161.04, relating to examinations for substance abuse professionals.

Finding of Emergency

The department has made a finding of emergency. The current rules require an applicant for a clinical substance abuse counselor credential to pass an oral examination. The company that produced that examination is not giving that examination after June 1, 2008. This emergency rule creates a time period for a transition to enable a category of applicants to get a clinical substance abuse counselor credential. Persons holding a clinical substance abuse counselor credential can apply for a supervisory credential. There is a strong need for more supervisors in this field because services can only be

provided under supervision. This rule will enable more applicants to receive a supervisor credential and is therefore necessary to maintain the health, safety and welfare of the public.

Publication Date: June 18, 2008
Effective: June 18, 2008 through November 14, 2008
Hearing Date: November 11, 2008
Extension Through: March 14, 2009

- EmR0827** — Rule adopted creating s. RL 91.01 (3) (k), relating to training and proficiency in the use of automated external defibrillators for certification as a massage therapist or bodyworker.

Exemption From Finding of Emergency

Section 41 (2) (b) of the nonstatutory provisions of 2007 Wisconsin Act 104 provides that notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department of regulation and licensing is not required to provide evidence that promulgating a rule as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated to implement 2007 Wisconsin Act 104. Notwithstanding s. 227.24 (1) (c) and (2) of the statutes, these emergency rules will remain in effect until the date on which the final rules take effect.

Publication Date: September 10, 2008
Effective: September 10, 2008 through the date on which the final rules take effect
Hearing Date: November 26, 2008

- EmR0828** — Rules adopted to amend s. RL 181.01 (2) (c); and to create ss. RL 180.02 (1m), (3m) and (11), 181.01 (1) (d), (2) (c) 1. and 2., relating to training and proficiency in the use of automated external defibrillators for licensure as a licensed midwife.

Exemption From Finding of Emergency

Section 41 (2) (b) of the nonstatutory provisions of 2007 Wisconsin Act 104 provides that notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department of regulation and licensing is not required to provide evidence that promulgating a rule as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated to implement 2007 Wisconsin Act 104. Notwithstanding s. 227.24 (1) (c) and (2) of the statutes, these emergency rules will remain in effect until the date on which the final rules take effect.

Publication Date: September 10, 2008
Effective: September 10, 2008 through the date on which the final rules take effect
Hearing Date: November 26, 2008

Revenue

EmR0820 — Rule adopted creating ss. Tax 8.03 and 8.05, relating to the registration of wine collectors, establishing standards of eligibility for registration as a wine collector, specifying the form and manner of notice required prior to the sale of wine by a wine collector, and the creation and organization of small winery cooperative wholesalers.

Exemption From Finding of Emergency

The legislature by Section 50 of 2007 Wisconsin Act 85 provides an exemption from a finding of emergency for the adoption of the rule.

Publication Date: June 26, 2008
Effective: June 26, 2008 through July 1, 2010 or the date on which permanent rules take effect, whichever is sooner.

Transportation

EmR0833 — Rule adopted revising **Chs. Trans 325, 326 and 327**, relating to motor carrier safety, and hazardous material transportation safety.

Finding of Emergency

The Department of Transportation finds that an emergency exists and that an emergency rule is necessary for the immediate preservation of the public peace, health, safety or welfare. Recently enacted commercial motor carrier safety regulations apply to drivers and carriers transporting property and passengers by commercial vehicles in interstate commerce and enhance highway safety. It is imperative the industry operates under a single set of safety regulations to minimize confusion that could result in inadvertent noncompliance or application of an outdated safety standard. Also pursuant to 49 CFR 350.331(d), States are required to adopt compatible laws or rules to remain eligible for Motor Carrier Safety Assistance Program funding. Currently, Wisconsin receives approximately \$4 million in such funding, which is used to administer various highway safety programs, and that funding and the safety programs it supports will be in jeopardy if Wisconsin does not implement these changes immediately. The Motor Carriers Association has urged the Department to implement these changes as it will help ensure uniformity and increased highway safety.

Publication Date: November 5, 2008
Effective: November 5, 2008 through April 3, 2009
Hearing Date: December 2, 2008

Workforce Development

*Public Works Construction Contracts,
Chs. DWD 290–294*

EmR0838 – Rules adopted revising s. **DWD 290.155 (1)**, relating to the adjustment of thresholds for application of prevailing wage rates.

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:

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. 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 permanent rule-making process.

Publication Date: December 29, 2008
Effective: January 1, 2009 through May 30, 2009
Hearing Date: February 12, 2009

Scope Statements

Workforce Development

Unemployment Insurance, Chs. DWD 100–150

Subject

Revises Chapter DWD 110, relating to coverage and related records and reports, and Chapter DWD 111, relating to quarterly wages reporting requirements.

Policy Analysis

In 2007 Wisconsin Act 59, the Legislature made several changes to the employer payment and reporting requirements for the Unemployment Insurance program. *See*, Wis. Stat. §§108.02(21)(b), 108.067(1), 108.151(7)(h), 108.16(8)(b), 108.17(2), (2b), (2c), (2g), 108.17(7), 108.19(1m), 108.205(1m) and (2), and 108.22(1) and (9). Chapters 110 and 111 contain references to old language and old provisions of the statutes. The rules will be amended to comply with the current statutory language. Other provisions in Chapters DWD 110 and 111 will also be reviewed for possible changes.

Statutory Authority

Sections 108.14 (2), 108.205, 108.22 (1) (c), and 227.11, Stats.

Comparison with Federal Regulations

Federal unemployment insurance law requires every state to have a system for employers to file quarterly wage reports. Section 108.205, Stats., implements the federal wage reporting requirements in Wisconsin. Chapter DWD 111 specifies the procedures by which employers comply with the quarterly wage reporting requirements. Chapter DWD 110 specifies other records and reports required to be submitted to the department to determine an employing unit's status and contribution liability. The method by which the state administers quarterly wage reporting is not an area which is regulated by federal law or subject to any proposed federal regulation.

Entities Affected by the Rule

Employers in Wisconsin.

Estimate of Time Needed to Develop the Rule

90 hours.

Agency Contact

Tracey Schwalbe, Research Attorney
Unemployment Insurance Division
Email: tracey.schwalbe@wisconsin.gov
Phone: (608) 266–9641

Workforce Development

Unemployment Insurance, Chs. DWD 100–150

Subject

Revises Chapter DWD 127, relating to work search.

Policy Analysis

Section 108.04 (2), Stats., provides that a claimant must be able to work and available for work and must conduct a

reasonable search for suitable work. Prior to April 1, 2008, both DWD 127, Work Search, and DWD 128, Ability to Work and Availability for Work, prevented disqualification for failing to comply with work search requirements or inability to work or unavailability for work prior to the department's mailing of an unemployment benefit check unless the claimant had concealed information pertaining to his or her work search efforts or the work search or ability/availability for work. As of April 1, 2008, DWD 128 was changed to permit a disqualification for previously paid weeks when there was no concealment on the part of the claimant. The department seeks to develop the same rule for the work search situation and to provide that if benefits are paid to the claimant and it is later determined that the claimant did not comply with the work search requirements, benefits may be denied regardless of whether there was concealment on the part of the claimant. Other provisions in Chapter DWD 127 will also be reviewed for possible changes.

Statutory Authority

Sections 108.04 (2) (a) 3., 108.14 (2) , and 227.11, Stats.

Comparison with Federal Regulations

There is a federal requirement that UI claimants search for work, but there is no federal law on the specific issues addressed in the proposed rule.

Entities Affected by the Rule

Employers and employees in Wisconsin.

Estimate of Time Needed to Develop the Rule

50 hours.

Agency Contact

Tracey Schwalbe, Research Attorney
Unemployment Insurance Division
Email: tracey.schwalbe@wisconsin.gov
Phone: (608) 266–9641

Workforce Development

Unemployment Insurance, Chs. DWD 100–150

Subject

Revises Chapter DWD 132, relating to determining eligibility for benefits.

Policy Analysis

The Federal Unemployment Tax Act (FUTA) generally requires equal treatment for the payment of unemployment compensation on the basis of service to certain nonprofit organizations, federally recognized Indian tribes, and state and local government workers in the same amount, on the same terms, and subject to the same conditions, as other service subject to state law. An exception to this requirement of equal treatment in FUTA Section 3304(a)(6)(A)(i–iv) involves the treatment of professional and nonprofessional employees of educational institutions, educational service agencies, and other entities pertaining to the denial of unemployment compensation during periods between or within academic years or terms when there is a contract or

reasonable assurance that such individual will perform such service in the same or similar capacity in the ensuing academic year or term. Section DWD 132.04 explains what constitutes “reasonably similar terms” for the “same or similar capacity” federal requirement for benefit eligibility of educational employees. The rule needs to be brought up-to-date with the current wording and numbering of Wis. Stat. s. 108.04 (17) regarding educational employees.

Section DWD 132.03 describes the standard applied to determining whether the exception to the quit disqualification in Wis. Stat. §108.04(7)(k) applies. Under §108.04(7)(k), a claimant who terminates part-time work is not disqualified from receiving benefits if the claimant is otherwise eligible to receive benefits because of the loss of full-time work and this loss makes it economically unfeasible to continue the part-time work. The definitions of part-time and full-time work need to be brought up-to-date with current definitions in DWD ch. 100. The department will consider changes to the definitions of terms and also consider expanding the definition and standard to the quit exception in Wis. Stat. §108.04(7)(o). Under that section, a claimant who terminates his or her employment in one of two or more concurrently held positions is not disqualified from receiving benefits if the claimant is otherwise eligible to receive benefits and the claimant terminated before receiving notice of termination from the other employing unit for which the claimant worked full-time.

Section DWD 132.05 (1) (b) provides that the misconduct standard will apply to disciplinary suspensions under Wis. Stat. s. 108.04 (6). This reference will be deleted because the statute no longer includes consideration of misconduct. *See*, 1991 Wis. Act 89, section 16. Other provisions in Chapter DWD 132 also will be reviewed for the need for additional definitions and other possible changes.

Statutory Authority

Sections 108.14 (2) and 227.11, Stats.

Comparison with Federal Regulations

26 USC 3304(a)(6)(A)(i-iv) involves the treatment of professional and nonprofessional employees of educational institutions, educational service agencies, and other entities pertaining to the denial of unemployment compensation during periods between or within academic years or terms when there is a contract or reasonable assurance that such individual will perform such service in the same or similar capacity in the ensuing academic year or term. State law must deny benefits to professional employees between and within the academic years or terms when a contract or reasonable assurance exists. State law may deny benefits to nonprofessional employees between and within the academic years or terms when a contract or reasonable assurance exists.

Reasonable assurance under federal law means that the individual has a written, oral or implied agreement that s/he will perform services in the same or similar capacity during the ensuing academic year, term, or remainder of the term. In order for there to be a reasonable assurance, there must be a bona fide offer of employment, not just a possibility that employment will exist. In addition, reasonable assurance exists only if the economic terms and conditions of the job offered in the second period are not substantially less (as determined by state law) than the terms and conditions for the

job in the first period. The rule defines the standard for the type of work that is “substantially less favorable” for purposes of determining if a claimant has “reasonable assurance” of a position with the employer.

Entities Affected by the Rule

Employers and employees in Wisconsin.

Estimate of Time Needed to Develop the Rule

90 hours.

Agency Contact

Tracey Schwalbe, Research Attorney
Unemployment Insurance Division
Email: tracey.schwalbe@wisconsin.gov
Phone: (608) 266-9641

Workforce Development

Unemployment Insurance, Chs. DWD 100-150

Subject

Revises Chapter DWD 100, relating to definitions and Chapter DWD 150, relating to miscellaneous provisions.

Policy Analysis

Chapter DWD 100 designates the meanings of words used in Chapters 100 through 150. The department has made several changes to the rules and will review the terms and definitions in Chapter 100 to ensure the continued appropriateness of the current definitions or need for additional definitions.

Section DWD 150.05 lists various forms used by the department. Many of the forms listed are out-of-date. Where applicable, the department will provide notes to the rules indicating which forms are required and where they may be obtained to better relate the required forms to the applicable provisions. The department will not duplicate the list of forms in s. DWD 150.05. The forms not referenced in notes to the rules will be updated if appropriate. Other provisions in Chapters DWD 100 and 150 also will be reviewed for possible changes.

Statutory Authority

Sections 108.14 (2) , 227.11 and 227.14 (3), Stats.

Comparison with Federal Regulations

There is a no federal law on the specific issues addressed in the proposed rule.

Entities Affected by the Rule

Employers and employees in Wisconsin.

Estimate of Time Needed to Develop the Rule

90 hours.

Agency Contact

Tracey Schwalbe, Research Attorney
Unemployment Insurance Division
Email: tracey.schwalbe@wisconsin.gov
Phone: (608) 266-9641

Submittal of Rules to Legislative Council Clearinghouse

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

Government Accountability Board CR 09–013

On February 5, 2009, the Government Accountability Board submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order amends section GAB 1.28, relating to the definition of the term “political purpose.”

Agency Procedure for Promulgation

A public hearing will be scheduled at a later time. The Government Accountability Board is primarily responsible for preparing the proposed rule.

Contact Information

Shane W. Falk, Staff Counsel
Government Accountability Board
212 E. Washington Avenue, 3rd Floor
P.O. Box 2973
Madison, WI 53701–2973
Phone: 608–266–2094
Email: Shane.Falk@wisconsin.gov

Labor and Industry Review Commission CR 09–014

On February 5, 2009, the Labor and Industry Review Commission submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed rules clarify and update certain provisions of Chapters LIRC 1 to 4 regarding petitions for commission review filed by facsimile in equal rights cases, update the page designation for filing petitions for commission review in unemployment insurance and workers’ compensation cases via the internet; and correct erroneous references to venue for appeals to circuit court from commission decisions when the plaintiff lives outside of Wisconsin.

Agency Procedure for Promulgation

The Commission proposes to proceed under the 30–notice procedure, without a public hearing. The rule is being prepared by members of the Commission and Commission staff.

Contact Information

James Pflasterer, General Counsel
Phone: 608–266–7728
Email: james.pflasterer@dwd.wisconsin.gov

Natural Resources

Fish, Game, etc., Chs. NR 1— CR 09–015

On February 13, 2009, the Department of Natural Resources submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order revises Chapters NR 10, 11, and 15, relating to the 2009 annual spring hearings relating to hunting, trapping, closed areas and game refuges.

Agency Procedure for Promulgation

A hearing will be scheduled at a later time.

Contact Information

Scott Loomans
Bureau of Wildlife Management
Phone: 608–267–2452

Natural Resources

Fish, Game, etc., Chs. NR 1— CR 09–016

On February 12, 2009, the Department of Natural Resources submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order revises Chapter NR 25, relating to commercial fishing in outlying waters and affecting small business.

Agency Procedure for Promulgation

Public hearings will be held on March 18 and 20, 2009.

Contact Information

William Horns
Bureau of Fisheries Management
Phone: 608–266–8782
Email: William.Horns@wisconsin.gov

Rule–Making Notices

Notice of Hearing

Government Accountability Board

EmR0902

NOTICE IS HEREBY GIVEN that pursuant to ss. 5.05 (1) (f), 227.11 (2) (a), and 227.24, Stats., the Government Accountability Board will hold a public hearing to consider adoption of an emergency rule to amend section GAB 6.05, Wis. Adm. Code, relating to filing campaign finance reports in electronic format.

Hearing Information

The public hearing will be held at the time and location shown below.

<u>Date and Time</u>	<u>Location</u>
March 20, 2009 at 9:00 a.m.	Government Accountability Board Office 212 E. Washington Avenue 3 rd Floor Madison, Wisconsin 53703

This public hearing site is accessible to people with disabilities. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please contact the person listed below.

Statement of Emergency Finding

The Government Accountability Board amends s. GAB 6.05, Wis. Adm. Code, relating to filing campaign finance statements in electronic format. The amended rule creates a uniform requirement and restricts registrants to an “electronic format” compatible with the Board’s electronic filing system for filing campaign finance reports.

Pursuant to s. 227.24, Stats., the Government Accountability Board finds an emergency exists because the Board’s January 18, 2008 decision to implement the use of a new electronic filing system, and the technical requirements thereof, conflicts with the technical electronic format filing permitted by the previous rule. In effect, the current electronic filing system cannot work without a uniform and restricted electronic format that is compatible with the new electronic filing system.

The Board adopts the legislature’s policy findings of s. 11.001, Stats., emphasizing that one of the most important sources of information to voters about candidates is available through the campaign finance reporting system. The Board further finds that it is necessary to codify a uniform electronic format filing requirement to ensure the proper operation of the current electronic filing system so that the campaign finance information is available to voters. The amended rule, GAB 6.05, must be adopted immediately to ensure the public peace and welfare with respect to the administration of current and future elections.

Analysis Prepared by the Government Accountability Board

Statutes interpreted

Section 11.21 (16), Stats.

Statutory authority

Sections 11.21 (16), 5.05 (1) (f), 227.11 (2) (a) and 227.24, Stats.

Explanation of agency authority

Under the existing statute, s. 11.21 (16), Stats., the Government Accountability Board is specifically charged with developing rules to address compliance with the electronic format filing requirement of this statute. Under the existing rule, GAB 6.05 the term “electronic format” does not restrict registrants to the electronic filing system currently in use by the Board. Adoption of this rule will create a uniform electronic format filing requirement that is compatible with the Board’s current electronic filing system.

Related statute or rule

Chapter 11, Wis. Stats. — Campaign Financing.

Plain language analysis

This amended rule, GAB 6.05, creates a uniform requirement and restricts registrants to an “electronic format” compatible with the Board’s electronic filing system for filing campaign finance reports.

Comparison with federal regulations

Federal regulations mandated electronic filing of campaign finance reports with a standard uniform system since January 1, 2001. 11 CFR 104.18.

Comparison with rules in adjacent states

Illinois mandates electronic filing of campaign finance reports with a standard uniform system for committees exceeding \$10,000.00 in receipts or expenditures, strongly encouraging all other committees to file electronically. Michigan, Minnesota, and Iowa have optional electronic filing of campaign finance reports.

Summary of factual data and analytical methodologies

Adoption of the rule was primarily predicated upon the legislature’s previous appropriation of funds to purchase an electronic filing system for campaign finance reports. In addition, the Government Accountability Board approved the use of an electronic filing system for campaign finance reports beginning year end 2008.

Analysis and supporting documentation used to determine effect on small businesses

The rule will have no effect on small business, nor any economic impact.

Small Business Impact

The creation of this rule does not affect business.

Fiscal Estimate

The creation of this rule has no new fiscal effect. The legislature has previously appropriated funds to purchase the electronic filing system for campaign finance reports.

Agency Contact Person

Shane W. Falk, Staff Counsel, Government Accountability Board, 212 E. Washington Avenue, 3rd Floor, P.O. Box 2973, Madison, Wisconsin 53701–2973; Phone 266–2094; Shane.Falk@wisconsin.gov

Text of Proposed Rule

Pursuant to the authority vested in the State of Wisconsin Government Accountability Board by ss. 11.21 (16), 5.05 (1)

(f), 227.11 (2) (a) and 227.24, Stats., the Government Accountability Board hereby adopts an emergency rule amending GAB 6.05, Wis. Adm. Code, interpreting s. 11.21(16), Stats., as follows:

GAB 6.05 Filing campaign finance reports in electronic format. (1) Definitions: As used in this rule:

(a) "Campaign period" for a candidate, personal campaign committee or support committee has the same meaning as provided in s. 11.26 (17), Stats., and for any other registrant begins on January 1 of an odd-numbered year and ends on December 31 of the following year.

(b) "Contribution" has the same meaning as provided in s. 11.01 (6), Stats.

(c) "Electronic format" means ~~computer diskette or a computer file created using Access or Excel software or software that produces a delimited file~~ the government accountability board's internet-based Campaign Finance Information System.

(d) "Filing officer" means the government accountability board.

(e) "Registrant" has the same meaning as provided in s. 11.01 (18m), Stats.

(f) "Report" means any filing required by ss. 11.05, 11.06, 11.12 (5) and (6), 11.20, and 11.23, Stats.

(2) Any registrant who files with the government accountability board and who accepts contributions or makes disbursements in a total amount or value of \$20,000 or more during a campaign period shall file each campaign finance report that is required to be filed by ch. 11, Stats., in ~~an~~ the electronic format specified by this rule.

(3) Any registrant not required to file reports electronically may elect to file any campaign finance report in ~~an~~ the electronic format specified by this rule.

(4) Any campaign finance report filed in ~~an~~ the electronic format shall be transmitted in time to be received by the filing officer no later than the time provided by law for filing the report. Any registrant who files a campaign finance report electronically shall, thereafter, file electronically all campaign finance reports required to be filed by the registrant.

~~(5) A registrant shall submit a trial report to the board before the end of the report period to determine if the report is in a format that meets the board's requirements set out in this rule.~~

~~(6)(5) Each registrant who files a report in an the electronic format specified by this rule shall file, with the filing officer, a paper copy of the report that complies with the format set forth in Forms EB-2, EB-2a, EB-3, EB-4, EB-7, EB-10, EB-10a, EB-12 or EB-24. That paper copy of the report shall be signed by an individual authorized by the registrant to file and filed no later than the time prescribed by law for filing the report need not file a copy of the report in any other medium and shall be deemed to have satisfied the requirement of s. 11.21 (16), Stats.~~

Notice of Hearings

Natural Resources

Fish, Game, etc., Chs. NR 1—

CR 09-016

NOTICE IS HEREBY GIVEN that pursuant to ss. 23.11 (1), 29.014 (1), 29.041, 29.519 (1m) (b), (c) and (2) (d), and 227.11(2) (a), Stats., the Department of Natural Resources will hold public hearings on Natural Resources Board Order No. FH-21-08 revising Chapter NR 25, relating to

commercial fishing on the Great Lakes. The proposed rule revisions address three issues: the definition of the Great Lakes commercial fishing "license year", annual re-licensing requirements for Great Lakes commercial fishers, and the number of available commercial fishing licenses for Lake Michigan.

Hearing Information

The hearings will be held on:

March 18, 2009 The theater
Wednesday Northern Great Lakes Visitor Center
at 5:00 P.M. 29270 County Highway G
Ashland, Wisconsin

March 20, 2009 Cleveland Training Room, L242
Friday Lakeshore Technical College
at 5:00 P.M. 1290 North Avenue
Cleveland, Wisconsin

Pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call William Horns at (608) 266-8782 with specific information on your request at least 10 days before the date of the scheduled hearing.

Copy of Proposed Rule and Submittal of Written Comments

The rule and fiscal estimate may be reviewed and comments electronically submitted at the following Internet site: <http://adminrules.wisconsin.gov>. Written comments on the rule may be submitted via U.S. mail to Mr. William Horns, Bureau of Fisheries Management and Habitat Protection, P.O. Box 7921, Madison, WI 53707. Comments may be submitted until March 31, 2009. Written comments whether submitted electronically or by U.S. mail will have the same weight and effect as oral statements presented at the public hearings. A personal copy of the rule and fiscal estimate may be obtained from Mr. Horns.

Analysis Prepared by the Department of Natural Resources

Statutes interpreted

Sections 23.09, 29.011 (1), (2), 29.014 (1), 29.041 and 29.519, Stats.

Statutory authority

Sections 23.11 (1), 29.014 (1), 29.041, 29.519 (1m) (b), (c) and (2) (d), and 227.11 (2) (a), Stats.

Rule summary

SECTION 1 of the Order amends the definition of the outlying waters commercial fishing "license year" from the current fiscal year to correspond with the calendar year, but only after an 18-month long transition license year.

SECTION 2 of the Order pertains to licensing of commercial fishers on Lake Superior. Beginning with applications due in 2011 for licensing during the 2012 license year, a minimum harvest requirement for annual relicensing is established to be consistent with the requirement for Lake Michigan as revised by SECTION 3 of the Order. Under the proposed Order, the applicant must have reported a harvest during the previous year of at least 20 times the average daily reported harvest for the past 12 months by all fishers on Lake Superior. As with Lake Michigan, special provisions are made for years when harvest limits are changed by the department and when unavoidable circumstances prevent an applicant from meeting the minimum harvest requirement.

This SECTION also amends the criteria used to rank applications for issuance of licenses.

SECTION 3 of the Order pertains to licensing of commercial fishers on Lake Michigan. It establishes a minimum number of commercial licenses (65), replacing a provision under which the number of available licenses in any year is reduced when a license is not renewed.

Under the current rule, to qualify for relicensing, an applicant must show that during the preceding license year, he or she either:

(a) reported the harvest of a specified poundage of smelt (by trawling) from any geographic zone or have reported the harvest from any geographic zone of at least 30 times the average daily reported harvest of smelt (by trawling) during the year by all fishers in the same geographic zone, whichever is less, or

(b) reported the harvest of a specified poundage of all commercial fish except smelt from any geographic zone, or have reported the harvest from any geographic zone of at least 30 times the average daily reported harvest of all commercial fish except smelt during the year by all fishers in the same geographic zone, whichever is less.

Under the proposed Order, the standards for annual relicensing are amended so that an applicant's harvest during preceding license year is compared with 20 times the average daily reported harvest, instead of 30 times the average daily reported harvest, of all commercial fishers in that zone.

The current rules provide that a license may be reissued even if the minimum catch requirement is not met, if the department determines that unavoidable circumstances prevented it. The Order clarifies the concept of unavoidable circumstances by specifying some of examples that the department may consider.

SECTION 4 of the Order establishes a priority system used to rank applications for issuance of licenses that parallels the priority system used for Lake Superior.

SECTION 5 of the Order provides that for the single 18-month license year required for transition from the current fiscal-year-based license year to the new calendar-year-based license year, annual harvest limits shall be 2.0 times those that apply to all 12-month license years, but with limitations as to when during the 18-month transition license year the fish may be harvested.

SECTION 6 of the Order makes housekeeping changes needed to implement the new calendar-year-based license year.

Comparison with federal regulations

The department is not aware of any existing or proposed federal regulation that would govern commercial fishing in Wisconsin's waters of Lake Michigan and Green Bay or Lake Superior.

Comparison of similar rules in adjacent states

Iowa has no Great Lakes waters and therefore no commercial fishing regulations applicable to such waters. The central issues in this rule proposal are 1) number of Great Lakes licenses, 2) relicensing criteria, and 3) duration of the license year.

1. Number of Great Lakes commercial fishing licenses.

Illinois — The number of licenses is fixed at 5.

Michigan — The number is limited to the number issued the previous year. The number issued during the current license year is 56. This does not include Native American commercial fishers fishing under Tribal authority.

Minnesota — The number of master licenses is fixed at 25.

2. Relicensing requirement.

Illinois — Commercial licenses are re-issued every 3 years if several requirements are met. Licenses may be issued to corporations. The licensing requirements for individuals and corporations are a) actual residence (for individuals) or incorporation (for corporations) in Illinois for the immediately preceding year, b) legal ownership or legal control of a vessel of at least 12 net tons with valid current Coast Guard documentation, an Illinois port of registration, and demonstrated compliance with all State requirements for such vessels, c) possession of at least 6,000 feet of gill net meeting specified standards, d) agreement to keep appropriate daily records, e) an annual operational plan for the coming year, f) agreement to permit Illinois DNR biologists and conservation police officers to obtain information about the harvest as deemed necessary, g) licensing of all equipment as required by state law, h) a boat captain who is a legal resident of Illinois.

Michigan — Annual relicensing requires legal possession of the license during the entire previous year or acquisition of the license by transfer during that year.

Minnesota — None known.

3. Commercial fishing license year.

Illinois — April 1 through March 31 of the following year.

Michigan — January 1 through December 31.

Minnesota — March 1 through February 28 of the following year.

Summary of factual data and analytical methodologies

This rule was not based on a technical analysis of data. It was developed in consultation with commercial fishers to address expressed concerns regarding relicensing criteria for Great Lakes commercial fishing licenses and the dates marking the start and end of a commercial fishing license year.

Analysis and supporting documentation used to determine effect on small businesses

We know that small businesses relating to commercial fishing and wholesale fish dealing may be affected by the rule. However, we currently have no basis for quantifying the economic impacts of the rule.

Small Business Impact

This rule is of interest to commercial fishers and was initiated in response to their expressed concerns. For commercial fishers on Lake Michigan it will allow annual relicensing in some situations that would otherwise have led to denial of relicensing requests. For commercial fishers on Lake Superior, new minimum catch requirements are established that may require additional fishing effort by some individuals in order to remain licensed in succeeding years. The establishment of a calendar-year-based license year will improve business planning for some licensees by making the license year complement the biological fishing year for some commercial fish species.

The rule will be enforced by department Conservation Wardens under the authorities of chapters 23 and 29, Stats., through routine patrols, record audits of wholesale fish dealers and commercial fishers and follow up investigations of citizen complaints.

Initial Regulatory Flexibility Analysis

Pursuant to s. 227.114, Stats., the proposed rule may have an impact on small businesses. The initial regulatory flexibility analysis is as follows:

Types of small businesses affected

Lake Michigan commercial fishing license holders will find re-licensing requirements to be less burdensome. Lake

Superior commercial fishing businesses will have additional re-licensing requirements, although the intent is not to affect any license holders who are currently active. The redefinition of “license year” will simplify business decision making for some commercial fishers. The increase in the number of Lake Michigan commercial fishing licenses may make it easier for current licensees to sell all or part of their businesses.

Description of reporting and bookkeeping procedures required

The rule will not require any additional reporting, bookkeeping or other procedures.

Description of professional skills required

No new skills will be required.

Small business regulatory coordinator

The Department’s Small Business Regulatory Coordinator for this rule may be contacted at Peter.Flaherty@Wisconsin.gov or by calling (608) 266-8254

Environmental Impact

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

Summary

The proposed rule makes several changes to the Department’s administrative rules for Great Lakes commercial fishing. These changes have no fiscal impact at either the state or local level.

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.

Commerce

Licenses, Certifications and Registrations, Ch. Comm 5

CR 08–092

A rule-making order revising section Comm 5.73, relating to retail liquefied gas suppliers.

Commerce

Uniform Dwelling Code, Chs. Comm 20–25
Wis. Commercial Building Code, Chs. Comm 60–66

CR 08–085

A rule-making order revising sections Comm 21.095 and 62.1200, relating to carbon monoxide alarms.

Health Services

Health, Chs. DHS 110—

CR 08–082

A rule-making order creating Chapter DHS 119, relating to AED training for EMS personnel.

Marriage and Family Therapy, Professional Counseling and Social Work Examining Board

CR 08–088

A rule-making order revising sections MPSW 11.01, 12.01, and 14.01, relating to the licensing requirements for a professional counselor.

Transportation

CR 08–113

A rule-making order revising Chapter Trans 126, relating to municipal or county vehicle registration fees.

Workforce Development

Public Works Construction Contracts,
Chs. DWD 290–294

CR 09–001

A rule-making order revising section DWD 290.155, relating to the adjustment of thresholds for the application of prevailing wage rates.

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.

Health Services

Community Services, Chs. DHS 30—

CR 06-080

Creates Chapter DHS 35, relating to outpatient mental health clinics.
Effective 6-1-09. [Amended]

Rules Published with this Register and Final Regulatory Flexibility Analyses

The following administrative rule orders have been adopted and published in the February 28, 2009, Wisconsin Administrative Register. Copies of these rules are sent to subscribers of the complete Wisconsin Administrative Code and also to the subscribers of the specific affected Code.

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

Commerce Electrical, Ch. Comm 16 CR 08-047

Revises Chapter Comm 16, relating to electrical construction. Effective 3-1-09.

Summary of Final Regulatory Flexibility Analysis

Pursuant to s. 227.19 (3m), Stats., the Department of Commerce has determined that the rules to update Chapter Comm 16 will not have a significant impact on a substantial number of small businesses.

Summary of Comments by Legislative Review Committees

No comments were received.

Commerce Wis. Commercial Building Code, Chs. Comm 60-66 Plumbing, Chs. Comm 81-87 CR 08-055

Revises Chapters Comm 62 and 81 to 84, relating to the Wisconsin uniform plumbing code and the commercial building code. Effective 3-1-09.

Summary of Final Regulatory Flexibility Analysis

Pursuant to s. 227.19 (3m), Stats., the Department of Commerce has determined that the rules to update Chapters Comm 62 and Comm 81 to 84 will not have a significant impact on a substantial number of small businesses.

Summary of Comments by Legislative Review Committees

No comments were received.

Commerce Public Swimming Pools and Water Attractions, Ch. Comm 90 CR 08-056

Revises Chapter Comm 90, relating to the design and construction of public swimming pools and water attractions. Effective 3-1-09.

Summary of Final Regulatory Flexibility Analysis

Pursuant to s. 227.19 (3m), Stats., the Department of Commerce has determined that the rules to update Chapter Comm 90 will not have a significant impact on a substantial number of small businesses.

Summary of Comments by Legislative Review Committees

No comments were received.

Health Services Health, Chs. DHS 110— CR 08-036

Repeals and recreates Chapter DHS 159, relating to the training and certification of individuals performing regulated asbestos abatement activities, the certification of companies providing regulated asbestos activities, the accreditation of asbestos training courses, the approval of asbestos training instructors, and the responsibilities of designated school asbestos coordinators, and affecting small businesses. Effective 5-1-09.

Summary of Final Regulatory Flexibility Analysis

Training providers indicated to the Department that the rule may have a significant economic impact on their small businesses. The Department relieved the burden on those businesses by decreasing proposed fees and phasing in the fee increases over a two year period. In addition, the Department, in consultation with training providers, made several other changes to the rule that reduced the rule's financial and administrative impact on the businesses.

Summary of Comments by Legislative Review Committees

On October 31, 2008, the Senate Committee on Health, Human Services, Insurance, and Job Creation requested the Department to consider phasing in the Department's proposed fee increases. The Department modified the rule by phasing in the reduced fees over a two year period. The Department submitted the modified rule to the Senate Committee and the Assembly Committee on Health and Healthcare Reform on December 12, 2008. No further comments were received.

Workforce Development Labor Standards, Chs. DWD 270-279 CR 08-069

Revises Chapter DWD 272, relating to increasing Wisconsin's minimum wages. Effective 3-1-09.

Summary of Final Regulatory Flexibility Analysis

The rule will affect small businesses but will not have a significant economic impact on a substantial number of small businesses as defined in s. 227.114 (1), Stats. The number of workers that will be covered by the state minimum wage increase but are not covered by the federal minimum wage is very small. Also, most of the amusement and recreational workers who were paid less than \$7.25 per hour in 2007 were already being paid at least \$7.00 per hour.

Summary of Comments by Legislative Review Committees

The Assembly Jobs and the Economy Committee requested a meeting to discuss the rule. However, no comments were received from either legislative review committee.

Sections Affected by Rule Revisions and Corrections

The following administrative code sections had rule revisions and corrections take place in **February 2009**, and will be effective as indicated in the history note for each particular section. For additional information, contact the Legislative Reference Bureau at (608) 266-7590.

Revisions

Commerce

Ch. Comm 16 (Entire Chapter)

Ch. Comm 62

Comm 62.2900 (1)

Comm 62.2902 (1) (a)

Ch. Comm 81

Comm 81.01 (5), (20), (67e), (67m), (79), (79m), (80), (82e), (108e), (115), (120), (147), (151) to (154), (156), (163), (189), (199e), (203), (204), (204m), (209e), (209m), (231m), (234), (252e), (258), (269), (288)

Comm 81.20 (1), Tables 81.20-1 to 13

Ch. Comm 82

Comm 82.20 (1) (c), (4) (b), (13) (e), Tables 82.20-1 and 2

Comm 82.21 (1) (intro.), (b), (d), (2), (3), (9)

Comm 82.22

Comm 82.30 (3), (4) (b) to (e), (6) (a), (b), (10) (a), (11) (e), (f), (h), Tables 82.30-1 to 3

Comm 82.31 (4) (a), (5), (6), (10) (c), (13) (a), (14) (g), (17) (a), (b)

Comm 82.32 (4) (b)

Comm 82.33 (7) (a), (8) (d), (9) (c), (f)

Comm 82.34 (3) (a), (4) (b), (5), (14) (a)

Comm 82.35 (3) (a), (b), (5) (a) and Table 82.35

Comm 82.36 (4) (b), (8) (a), (11)

Comm 82.37 (3) (b)

Comm 82.38 Table 1

Comm 82.40 (3) (b), (d), (e), (5) (c), (6) (a), (7) (d), (8) (b), (d), (e), (j), Tables 82.30-1, 2, 3e

Comm 82.41 (3) (b), (4) (c), (f), (i), (n), (5) (a), (e), (f), Tables 82.41-1 and 2

Comm 82.50 (3) (b)

Comm 82.51

Comm 82.70 Table 1

Comm 82 Appendix

Ch. Comm 84

Comm 84.10 Table 84.10

Comm 84.11 Table 84.11

Comm 84.20 (3) (b), (5) (b), (n), (o), (p)

Comm 84.30 (5) (c), Tables 84.30-2, 5 to 8, 10

Comm 84.40 (2) (a), (4) (b), (6) (a), (8) (c), (9) (a), (10) (b), (12) to (19)

Ch. Comm 90 (Entire Chapter and Appendix)

Health Services

Ch. DHS 159 (Entire Chapter and Appendix)

Workforce Development

Ch. DWD 272

DWD 272.03 (1), (1m) (intro.), (3), (3m) (intro.)

DWD 272.05

DWD 272.07 (3), (3g), (3r) (intro.)

Editorial Corrections

Corrections to code sections under the authority of s. 13.92 (4) (b), Stats., are indicated in the following listing.

Children and Families

Ch. DCF 49

DCF 49.06 (3) (a)

Commerce

Ch. Comm 16

Comm 16.001 (1)

Comm 16.004 (1), (2)

Comm 16.701 (1)

Comm 16.940 (2) (a), (c), (d), (3) (a)

Comm 16.950 (1)

Ch. Comm 62

Comm 62.2902 (1) (a)

Ch. Comm 81

Comm 81.01 (80m), (82e), (108s), (203m), (286), (288e)

Ch. Comm 82

Comm 82.20 (3)

Comm 82.21 (1) (b), (2) (a) to (d), (g), (h)

Comm 82.30 (6) (a)

Comm 82.31 (17) (a)

Comm 82.33 (8) (d) (intro.)

Comm 82.41 (6)

Ch. Comm 90

Comm 90.03 (39), (40)

Comm 90.13 (10) (b)

Comm 90.14 (10) (a)

Comm 90.17 (1) (b)
Comm 90.20 (3)
Comm 90.21 (10)

Financial Institutions — Securities

Ch. DFI—Sec 2
DFI—Sec 2.02 (9) (c)
DFI—Sec 2.028 (1) (a)

Workforce Development

Ch. DWD 272
DWD 272.085 (2)
DWD 272.12 (2) (f)

Sections Affected by Corrections Not Published

Corrections under s. 13.92 (4) (b), Stats., identified in this Wis. Adm. Register.

Subscriber's note: Please make corrections (manually) in your printed code. The affected sections are shown as corrected on the Legislative Reference Bureau Internet site, [Http://www.legis.state.wi.us/rsb/](http://www.legis.state.wi.us/rsb/), and on the WisLaw® CD-ROM. Printed code will be shown as corrected in its next printing.

Location of Agency Reference and/or Cross-Reference	Outdated Agency Reference / Invalid Cross-Reference	Correction
ATCP 10.03 (4), 10.66 (2) (a)	department of health and family services	department of health services
ATCP 30.24 (10) (a) 1.	department of health and family services	department of health services
ATCP 55.01 (2) (a) (intro.)	department of health and family services	department of health services
ATCP 60.08 (7) (a) 8.	department of health and family services, under ch. HFS 196	department of health services, under ch. DHS 196
BC 2.03 (8) (intro.) and Note	department of health and family services ch. HFS 173, ch. HFS 161	department of health services ch. DHS 173, ch. DHS 161
Comm 3.03 (2) (c)	department of health and family services	department of health services
Comm 5.12 (2) (h), 5.99 (1)	Comm 82.21 (3)	Comm 82.22 (9)
Comm 61.60 (5) (f) 1. c.	department of health and family services	department of health services
Comm 64.0202 (1) (c)	"DHFS" means the department of health and family services	"DHS" means the department of health services
Comm 65.0202 (1)	"DHFS" means the department of health and family services	"DHS" means the department of health services
Comm 67.02 (2) (g)	department of health and family services	department of health services
Comm 83.32 (1) (h) 1.	ch. HFS 178	ch. DHS 178
DOC 311.03 (4)	department of health and family services ch. HFS 145	department of health services ch. DHS 145
DOC 322.04 (4)	department of health and family services	department of health services
DOC 348.07 (intro.)	ch. HFS 190	ch. DHS 190
DOC 349.08 (3)	ss. HFS 190.09 and 190.10	ss. DHS 190.09 and 190.10
DOC 350.08 (intro.)	ch. HFS 190	ch. DHS 190
WEM 8.02 (5), 8.08	chs. HFS 110 to 113	chs. DHS 110 to 113
ER-MRS 8.01, 8.02, 8.06	department of health and family services	department of health services
FD 2.10 (2)	s. HFS 136.04	s. DHS 136.04
HA 3.01 (2)	departments of health and family services, ...	departments of health services, chil- dren and families, ...
HA 3.02 (5)	the Wisconsin department of health and family services, ...	the Wisconsin department of health services, the Wisconsin department of children and families, ...
HA 3.02 (11)	department of health and family services	department of health services

Location of Agency Reference and/or Cross-Reference	Outdated Agency Reference / Invalid Cross-Reference	Correction
HA 3.02 (17)	the secretary of the department of health and family services, ...	the secretary of the department of health services, the secretary of the department of children and families, ...
Ins 9.01 (9)	s. HFS 124.24	s. DHS 124.24
Ins 17.01 (2) (e), 17.25 (8) (a) 5.	department of health and family services	department of health services
Ins 17.25 (5) (c)	s. HFS 105.20 (1)	s. DHS 105.20 (1)
Ins 17.25 (5) (n)	s. HFS 101.03 (10)	s. DHS 101.03 (10)
Ins 17.28 (6) (o)	s. HFS 120.03 (13)	s. DHS 120.03 (13)
Jus 8.04 (1) (a), 8.10	department of health and family services	department of health services
Jus 9.04 (2) (f), 9.09	department of health and family services	department of health services
LES 4.03 (1) (b)	department of health and family services	department of health services
MPSW 6.02, 6.03, 6.04 Note	department of health and family services	department of health services
Med 1.02 (5)	department of health and family services	department of health services
Med 3.02 (5)	department of health and family services	department of health services
Med 4.02 (5)	department of health and family services	department of health services
Med 13.03 (2) (a) and (b)	department of health and family services (4 places)	department of health services (4 places)
Med 22.06 (2) (d)	department of health and family services	department of health services
NR 64.11 (2)	department of health and family services (4 places)	department of health services (4 places)
NR 80.03 (3) and (7)	department of health and family services	department of health services
NR 102.05 (6) (a)	s. HFS 157.44	s. DHS 157.44
NR 104.05 Table 3, line 48	Department of Health and Family Services	Department of Corrections
NR 116.12 (2) (b) 3.	department of health and family services	department of health services
NR 150.25 (2) (c)	ch. NR 149, HFS 157 or HSS 165	ch. NR 149, DHS 157 or 165
NR 500.03 (187)	s. HFS 157.03 (299)	s. DHS 157.03 (299)
NR 526.02 (6)	ch. HFS 157	ch. DHS 157
NR 809.60 (4), 809.705 (1) (a)	department of health and family services	department of health services
NR 812.07 (28)	DHFS department of health and family services	DHS department of health services
NR 812.22 (6) (b)	DHSS ch. HSS 165	DHS ch. DHS 165
NHA 1.02 (2n)	department of health and family services	department of health services
OT 4.03 (2) (e)	department of health and family services	department of health services
Phar 9.01	ch. HFS 132	ch. DHS 132

Location of Agency Reference and/or Cross-Reference	Outdated Agency Reference / Invalid Cross-Reference	Correction
Psy 4.02 (5) (a) and (b)	department of health and family services (4 places)	department of health services (4 places)
PSC 160.071 (1) (f), 160.115 (1) (c)	department of health and family services	department of health services
PSC 165.052 (5) (title)	Health and Family Services Department	County Health and Social Services Department
PI 8.01 (2) (i)	department of health and family services	department of health services
RL 141.07 (1) (b), (2) (a) 2., (b) 2.	department of health and family services	department of health services
RL 166.08 (2) (h)	department of health and family services	department of health services
Trans 1.06 (6)	department of health and family services'	department of health services'
Trans 2.05 (3)	department of health and family services'	department of health services'
Trans 301.96 (3) (d)	s. HFS 105.39	s. DHS 105.39
Trans 309.02 (1)	s. HFS 110.03 (3)	s. DHS 110.03 (3)
Trans 309.02 (5)	s. HFS 111.03 (5)	s. DHS 111.03 (5)
Trans 309.07 (3)	department of social services	department of health services
Trans 309.18 (1)	ch. HFS 110	ch. DHS 110
Trans 309.24 (1) (a), (y), (3) (d), (4) (d)	department of health and family services	department of health services
VA 2.01 (1) (c)	department of health and family services	department of health services
VA 2.03 (4)	department of industry, labor and human relations, the department of health and family services	department of workforce development
VFF-EMT 1.03 (5)	chs. HFS 110, 111, 112 or 113	chs. DHS 110, 111, 112 or 113
DWD 270.12 (2) (b) 2. (intro.)	s. HFS 172.23 (1) (d)	s. DHS 172.23 (1) (d)

Public Notices

Department of Children and Families

Revision of schedule of “Maximum Birth Cost Judgment Amounts for Low–Income Payers at 75% to 125% of the Federal Poverty Guidelines” under s. DCF 150.05 (2) (c), Wisconsin Administrative Code

Chapter DCF 150

APPENDIX D

Maximum Birth Cost Judgment Amounts for Low–Income Payers at 75% to 125% of the 2009 Federal Poverty Guidelines*

Monthly Income Up To:	Percent	Number of Months	Maximum Birth Cost Judgment**
\$ 675	3.28%	36	\$ 797
\$ 700	3.38%	36	\$ 852
\$ 725	3.47%	36	\$ 906
\$ 750	3.57%	36	\$ 964
\$ 775	3.66%	36	\$ 1,021
\$ 800	3.76%	36	\$ 1,083
\$ 825	3.85%	36	\$ 1,143
\$ 850	3.95%	36	\$ 1,209
\$ 875	4.04%	36	\$ 1,273
\$ 900	4.14%	36	\$ 1,341
\$ 925	4.24%	36	\$ 1,412
\$ 950	4.33%	36	\$ 1,481
\$ 975	4.43%	36	\$ 1,555
\$ 1,000	5.52%	36	\$ 1,987
\$ 1,025	4.62%	36	\$ 1,705
\$ 1,050	4.71%	36	\$ 1,780
\$ 1,075	4.81%	36	\$ 1,861
\$ 1,100	4.91%	36	\$ 1,944
\$ 1,125	5.00%	36	\$ 2,025

* Effective March 1, 2009.

** The maximum birth cost judgment amount may not exceed the identified percentage of the father’s current monthly income available for child support multiplied by 36 months.

Department of Children and Families

Revision of Child Care Co-Payment Schedule for Licensed and Certified Care under s. DCF 201.08 (3) (a) 4., Wisconsin Administrative Code

Chapter DCF 201

Table DCF 201.08

Effective February 15, 2009

Child Care Co-Payment Schedule for Licensed and Certified Care

Look down the column of the appropriate family size until you find the gross family monthly income level at or just below the family income. Look to the right to find the appropriate co-payment by family size.

	FAMILY SIZE										WEEKLY CO-PAY AMOUNT				
	2	3	4	5	6	7	8	9	10 or more	1	2	3	4	5 or more	
70% FPL	\$850	\$1,068	\$1,286	\$1,504	\$1,723	\$1,941	\$2,159	\$2,377	\$2,595	6	10	15	19	25	
75% FPL	\$911	\$1,144	\$1,378	\$1,612	\$1,846	\$2,079	\$2,313	\$2,547	\$2,781	6	13	18	24	29	
80% FPL	\$971	\$1,221	\$1,470	\$1,719	\$1,969	\$2,218	\$2,467	\$2,717	\$2,966	8	14	20	26	32	
85% FPL	\$1,032	\$1,297	\$1,562	\$1,827	\$2,092	\$2,357	\$2,622	\$2,886	\$3,151	12	18	24	29	38	
90% FPL	\$1,093	\$1,373	\$1,654	\$1,934	\$2,215	\$2,495	\$2,776	\$3,056	\$3,337	14	22	29	36	43	
95% FPL	\$1,153	\$1,450	\$1,746	\$2,042	\$2,338	\$2,634	\$2,930	\$3,226	\$3,522	18	26	35	43	50	
100% FPL	\$1,214	\$1,526	\$1,838	\$2,149	\$2,461	\$2,773	\$3,084	\$3,396	\$3,708	20	29	38	48	55	
105% FPL	\$1,275	\$1,602	\$1,929	\$2,257	\$2,584	\$2,911	\$3,238	\$3,566	\$3,893	23	32	42	50	59	
110% FPL	\$1,336	\$1,678	\$2,021	\$2,364	\$2,707	\$3,050	\$3,393	\$3,735	\$4,078	26	36	43	53	61	
115% FPL	\$1,396	\$1,755	\$2,113	\$2,472	\$2,830	\$3,188	\$3,547	\$3,905	\$4,264	29	37	47	56	64	
120% FPL	\$1,457	\$1,831	\$2,205	\$2,579	\$2,953	\$3,327	\$3,701	\$4,075	\$4,449	32	42	50	58	68	
125% FPL	\$1,518	\$1,907	\$2,297	\$2,686	\$3,076	\$3,466	\$3,855	\$4,245	\$4,634	36	45	53	63	73	
130% FPL	\$1,578	\$1,984	\$2,389	\$2,794	\$3,199	\$3,604	\$4,009	\$4,415	\$4,820	37	49	59	69	80	
135% FPL	\$1,639	\$2,060	\$2,481	\$2,901	\$3,322	\$3,743	\$4,164	\$4,584	\$5,005	41	53	64	76	87	
140% FPL	\$1,700	\$2,136	\$2,573	\$3,009	\$3,445	\$3,882	\$4,318	\$4,754	\$5,191	43	56	68	79	92	
145% FPL	\$1,761	\$2,212	\$2,664	\$3,116	\$3,568	\$4,020	\$4,472	\$4,924	\$5,376	47	59	69	82	94	
150% FPL	\$1,821	\$2,289	\$2,756	\$3,224	\$3,691	\$4,159	\$4,626	\$5,094	\$5,561	50	61	74	85	98	
155% FPL	\$1,882	\$2,365	\$2,848	\$3,331	\$3,814	\$4,297	\$4,780	\$5,264	\$5,747	52	64	76	88	100	
160% FPL	\$1,943	\$2,441	\$2,940	\$3,439	\$3,937	\$4,436	\$4,935	\$5,433	\$5,932	56	68	79	92	104	
165% FPL	\$2,003	\$2,518	\$3,032	\$3,546	\$4,060	\$4,575	\$5,089	\$5,603	\$6,117	57	70	82	93	106	
170% FPL	\$2,064	\$2,594	\$3,124	\$3,654	\$4,183	\$4,713	\$5,243	\$5,773	\$6,303	58	74	85	98	109	
175% FPL	\$2,125	\$2,670	\$3,216	\$3,761	\$4,306	\$4,852	\$5,397	\$5,943	\$6,488	60	75	88	101	111	
180% FPL	\$2,186	\$2,747	\$3,308	\$3,869	\$4,430	\$4,991	\$5,552	\$6,113	\$6,674	62	78	92	104	114	
185% FPL	\$2,246	\$2,823	\$3,399	\$3,976	\$4,553	\$5,129	\$5,706	\$6,282	\$6,859	64	80	94	106	118	
-----185% of the Federal Poverty Level-----															
190% FPL	\$2,307	\$2,899	\$3,491	\$4,083	\$4,676	\$5,268	\$5,860	\$6,452	\$7,044	65	82	98	108	120	
195% FPL	\$2,368	\$2,975	\$3,583	\$4,191	\$4,799	\$5,406	\$6,014	\$6,622	\$7,230	68	85	100	111	124	
200% FPL	\$2,428	\$3,052	\$3,675	\$4,298	\$4,922	\$5,545	\$6,168	\$6,792	\$7,415	69	86	103	114	126	
-----+200% of the Federal Poverty Level----->>>															

Note: The copayment rate for teen parents who are not Learnfare participants is minimum copay and is found by selecting the lowest income line (70%) FPL and then finding the copayment listed for the appropriate number of children. Parents who have left a W-2 employment position for unsubsidized work also qualify for the minimum copay for one month. Families with children who are authorized for 20 hours or less are subject to one half of their share of the family copay listed above for those children. No copay is required for parents who participate in Learnfare or Food Stamp Employment and Training. Foster parents do not have a copayment responsibility for the foster children in their care. Kinship care relatives caring for a child under a court order do not have a copayment responsibility. Kinship care relatives caring for a child without a court order pay the minimum copay, unless they are receiving a child care subsidy for another child who is subject to a copayment greater than the minimum copay.

Department of Health Services
State of Wisconsin Medicaid Nursing Facility Payment Plan: FY 08–09
(Medical Assistance Reimbursement of Nursing Homes)
(Amended)

The State of Wisconsin reimburses Medicaid–certified nursing facilities for long–term care and health care services provided to eligible persons under the authority of Title XIX of the Federal Social Security Act and ss. 49.43 to 49.47, Wisconsin Statutes. This program, administered by the State’s Department of Health Services, is called Medical Assistance (MA) or Medicaid. Federal Statutes and regulations require that a state plan be developed that provides the methods and standards for setting payment rates for nursing facility services covered by the payment system. A plan that describes the nursing home reimbursement system for Wisconsin is now in effect as approved by the Centers for Medicare and Medicaid Services (CMS).

This notice corrects the notice concerning this change that was published in the mid–February Administrative Register.

The Department is proposing changes in the methods of payment to nursing homes and, therefore, in the plan describing the nursing home reimbursement system. The changes are effective March 1, 2009.

The proposed changes would update the payment system and make a payment–related policy change.

The estimated increase in annual aggregate expenditures attributable to these changes for nursing homes serving MA residents is approximately \$90,000 all funds, (\$54,000 FFP), excluding patient liability.

The proposed change is being implemented to comply with Wisconsin Statutes governing Medicaid payment systems, particularly s. 49.45 (6m), Wis. Stats.

The proposed change is as follows:

Create Sections 2.760 and 3.657 to provide — \$1,000/facility to reimburse the registration costs for participating in a program to reduce pressure sores.

Copies of the Proposed Changes:

Copies of the available proposed changes and proposed rates may be obtained free of charge by writing to:

Division of Long Term Care
Attention: Nursing Home Medicaid Payment Plan
P.O. Box 7851
Madison, WI 53701–7851

or by faxing James Cobb at 608–264–7720.

Written Comments/Meetings:

Written comments on the proposed changes may be sent to the Division of Long Term Care at the above address. The comments will be available for public review between the hours of 7:45 a.m. and 4:30 p.m. daily in Room B274 of the State Office Building, 1 West Wilson Street, Madison, Wisconsin. Revisions may be made in the proposed changes based on comments received.

The State of Wisconsin
Department of Administration
Bureau of Document Services
Document Sales and Distribution Section
P.O. Box 7840
Madison, Wisconsin 53707-7840



First Class Mail

Dated Material. Please Do Not Delay!