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EMERGENCY RULES NOW IN EFFECT

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

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

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, 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.

EMERGENCY RULES NOW IN EFFECT

Department of Commerce

**(Fee Schedule, Ch. Comm 2)
(Credentials, Ch. Comm 5)
(Elevators, Ch. Comm 18)**

Rules adopted revising **chs. Comm 2, 5 and 18**, relating to inspection of elevators and mechanical lifting devices.

Finding of Emergency

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

The Department inspects elevators and mechanical lifting devices to ensure these units are installed and operating in accordance with the elevator safety rules. The Department is required to inspect both new and existing elevator installations. Due to the increased number of elevators and mechanical lifting devices installed in new construction, the Department has not been able to keep up with all of its required inspections. To ensure that the citizens of Wisconsin are safe when using elevators and other mechanical lifting devices, the Department must increase the number of people performing these safety inspections.

The Department rules relating to fees, certification, and inspection procedures are being modified to permit additional individuals to perform inspections of elevators and other mechanical lifting devices. The Department proposes to fund additional inspections by amending its fees to match Department

expenses. Plan review and certificate of operation fees would be lowered. Inspection fees would be raised.

Publication Date: May 4, 1997
Effective Date: June 1, 1997
Expiration Date: October 30, 1997
Hearing Date: July 29, 1997

EMERGENCY RULES NOW IN EFFECT (3)

Department of Corrections

1. Rules adopted creating **ch. DOC 304**, relating to inmate secure work groups.

Finding of Emergency

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

Effective June 1, 1997, appropriations will be made available to the Department of Corrections for the establishment of secure work groups. Section 303.063 (2), Stats. requires that if the Department establishes a secure work program, the Department shall, before implementing the program, promulgate rules specifying the procedures and regulations relating to the program. The Department has just begun the permanent rule process for establishing the administrative rules for the secure work program. It typically takes nine months for a permanent administrative rule to be promulgated from the time the permanent rule making process begins.

The Department needs to adopt administrative rules regarding the organization and operation of the secure work group program in order to have rules in place which will comply with Sec. 303.063 (2), Stats. The rules will provide for the protection of the public, the correctional officers and the inmates by providing the requirements for participation in the program as well as providing for safety and security concerns.

An emergency currently exists as the prison population is idle and needs secure work groups to provide inmates work opportunities, to prepare inmates for work opportunities upon release to the community, and to reintegrate inmates into the community.

Publication Date: May 30, 1997
Effective Date: May 30, 1997
Expiration Date: October 28, 1997
Hearing Dates: August 25, 28 & 29, 1997

2. Rules adopted creating **ch. DOC 332**, relating to registration and community notification of sex offenders.

Finding of Emergency

The Department of Corrections finds that an emergency exists and that a rule is necessary for the immediate preservation of the public safety. A statement of the facts constituting the emergency is: The legislature has directed the department to implement programs for sex offender registration and community notification by June 1, 1997. Emergency rules are necessary to implement the

June 1, 1997, timeline mandated by the legislature, inform sex offenders of registration procedures, and inform law enforcement, victims and the public of the right to access information under the procedures designed by the department. Emergency rules are necessary to implement the June 1, 1997, timeline established by the legislature while permanent rules are developed and promulgated.

Publication Date: June 1, 1997
Effective Date: June 1, 1997
Expiration Date: October 30, 1997
Hearing Dates: August 27, 28 & 29, 1997

3. Rules adopted revising **ch. DOC 310**, relating to inmates complaint review system.

Finding of Emergency

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

There is a Corrections Complaint Examiner with two investigator positions and a program assistant position at the Department of Justice. The number and placement of these Corrections Complaint Examiner positions have been in effect for years. At the present time there is a substantial backlog of approximately 3,000 inmate complaints which need to be reviewed by the Corrections Complaint Examiner. The Department of Justice's position is that it will no longer do the Corrections Complaint Examiner function.

The Department must change its administrative rule to reflect the placement of the Corrections Complaint Examiner function from the Department of Justice to the Department of Corrections. The Department must also change its administrative rule regarding inmate complaints to make the system more efficient as a substantial backlog now exists, and there will be no new positions at the Department of Corrections to do the work of the Corrections Complaint Examiner.

The Department's purpose in the inmate complaint review system is to afford inmates a process by which grievances may be expeditiously raised, investigated, and decided. An efficient inmate complaint review system is required for the morale of the inmates and the orderly functioning of the institutions. An emergency exists due to the current backlog and the proposed moving of the function which will require the Department of Corrections to do the work of the Corrections Complaint Examiners with no new positions.

Publication Date: August 4, 1997
Effective Date: August 4, 1997
Expiration Date: January 2, 1998

EMERGENCY RULES NOW IN EFFECT

Health and Family Services **(Health, Chs. HSS 110--)**

Rules adopted revising **ch. HSS 163**, relating to certification for lead abatement work and lead management activities.

Finding of Emergency

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

Exposure to lead in paint, dust or soil is known to have both short term and long term deleterious effects on the health of children, causing learning disabilities, decreased growth, hyperactivity, impaired hearing, brain damage, and even death. Occupational

exposure in adults may result in damage to the kidneys, the central nervous system in general, and the brain in particular, and to the reproductive system. Children born of a parent who has been exposed to excessive levels of lead are more likely to have birth defects, mental retardation or behavioral disorders, or to die during the first year of childhood. About one child in six has a level of lead in the blood that exceeds the threshold for risk.

A residential dwelling or other building built before 1978 may contain lead-based paint. When lead-based paint on surfaces like walls, ceilings, windows, woodwork and floors is broken, sanded or scraped down to dust and chips, the living environment can become a source of poisoning for occupants. When it becomes necessary or desirable to identify lead hazards in order to determine the appropriate method of hazard reduction or abatement, it is imperative that persons who provide lead hazard evaluation and other lead management services be properly trained to ensure accurate lead inspection or assessment results. A reliable lead inspection or assessment is necessary to ensure a lead-safe environment for building occupants, especially children under the age of six, who are the most vulnerable population affected by lead-based paint and lead-contaminated dust and soil.

Under s. 254.176, Stats., the Department may establish training and certification requirements for any person who performs or supervises lead hazard reduction or lead management. In addition, s. 254.178, Stats., states that no person may advertise or conduct a training course in lead hazard reduction or lead management that is represented as qualifying persons for state certification unless the course is accredited by the Department.

In 1993, the Department created ch. HSS 163, Wis. Adm. Code, Certification for Lead Abatement and Other Lead Hazard Reduction, to regulate the training and certification of lead abatement workers and supervisors and to accredit the corresponding training courses. Rules were needed to meet eligibility requirements for a \$6 million federal Department of Housing and Urban Development (HUD) grant to fund lead hazard reduction in low and moderate income housing where children under the age of six are found to have elevated blood lead levels.

Development of rules for training and certifying lead management professionals, including lead inspectors, risk assessors, and project designers, and for accrediting the corresponding courses, was postponed pending publication of U.S. Environmental Protection Agency (EPA) lead training and certification regulations. Initially expected in June 1994, these EPA regulations were not published until August 29, 1996.

Since most lead management work to date has been associated with elevated blood lead level investigations conducted by state and local government employees who received appropriate training from EPA regional lead training centers, the delay in lead management rules was not a health hazard. The creation of the private inspection and risk assessment service market resulting from new federal HUD/EPA disclosure regulations, however, poses a health hazard if that market is not properly regulated.

Joint HUD/EPA regulations (24 CFR Part 35 and 40 CFR Part 745) now require that landlords and home sellers disclose the known presence of lead in rental units and homes being sold. These regulations took effect September 6, 1996, for owners of more than four dwelling units and December 6, 1996, for owners of four or fewer dwelling units. In addition, a home buyer is allowed 10 days to obtain a lead inspection or risk assessment before final obligation to purchase a home under a signed offer to purchase.

Due to the lack of state-accredited training courses and state-certified lead management professionals to fill the demand, lead management services are being offered by persons who may not possess appropriate education, experience or training. Unqualified lead inspectors and risk assessors can have an adverse effect on the state's residential marketplace. Based on an inaccurate inspection, a mortgage company could deny a mortgage loan, a home sale could fall through, or a property owner could expend large sums of money for unnecessary lead abatement actions. Even worse, the health of children may be jeopardized by erroneous findings that a lead hazard is not present, which can result in improper handling of lead-based paint materials.

HUD recently announced it was awarding the State of Wisconsin and the City of Milwaukee additional lead hazard reduction grants totaling over \$6.5 million. The grants require that money be disbursed only for lead-based paint activities performed by state-certified persons who have completed state-accredited lead training courses. Since Wisconsin does not yet certify lead inspectors, risk assessors, or project designers, grant mandates cannot be fully met, which could lead to funding difficulties and delay vital abatement activities.

This emergency order amends ch. HSS 163 to require accreditation of lead inspector, risk assessor and project designer training courses and, beginning April 19, 1997, certification of lead inspectors, risk assessors and project designers. In addition, references to "lead abatement or HUD-funded lead hazard reduction" have been changed to add lead management services. The order also adds accreditation and certification fees.

These rule changes are being published by emergency order to ensure, through Department certification and accreditation, that persons providing lead management services, including lead inspections, risk assessments and project design, are appropriately trained and qualified.

Publishing these rules as emergency rules also enables the State of Wisconsin and the City of Milwaukee to implement the federal grants which require that only trained and certified lead professionals perform lead hazard evaluations and lead hazard reduction and abatement.

Publication Date: February 18, 1997
Effective Date: February 18, 1997
Expiration Date: July 18, 1997
Hearing Date: March 18, 1997
Extension Through: September 15, 1997

EMERGENCY RULES NOW IN EFFECT (3)

Commissioner of Insurance

1. Rule was adopted revising s. **Ins 18.07 (5) (bg)**, relating to an increase in 1997-98 premium rates for the health insurance risk-sharing plan.

Exemption From Finding of Emergency

Pursuant to s. 619.14 (5) (e) Stats., the commissioner is not required to make a finding of an emergency to promulgate this emergency rule.

Analysis Prepared by the Commissioner of Insurance

1996-97 Premium Adjustments

The Commissioner of Insurance, based on the recommendation of the Health Insurance Risk-Sharing Plan ("HIRSP") board, is required to set the annual premiums by rule. The rates must be calculated in accordance with generally accepted actuarial principles and must be set at 60% of HIRSP's operating and administrative costs. This rule adjusts the premium rates for the period of July 1, 1997 to June 30, 1998 for persons entitled to a premium reduction under s. **Ins 18.07 (5) (bg)**. The reduced premium rates are calculated by applying the percentages mandated by s. 619.165 (1) (b), Wis. Stats., to the rate that a standard risk would be charged under an individual policy providing substantially the same coverage and deductibles as provided under the plan. This

adjustment represents an average 5.8% increase in premium payments over the most recent rates.

Publication Date: May 16, 1997
Effective Date: July 1, 1997
Expiration Date: November 29, 1997
Hearing Date: June 30, 1997

2. Rules adopted revising **ch. Ins 17**, relating to annual patients compensation fund and mediation fund fees calculation of adding certain physician specialties and UW hospital and clinics residents' fees.

Finding of Emergency

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

The deputy commissioner was unable to promulgate the permanent rule corresponding to this emergency rule, clearinghouse rule no. 97-71, in time for the patients compensation fund (fund) to bill health care providers in a timely manner for fees applicable to the fiscal year beginning July 1, 1997. The permanent rule was delayed pending legislative action on Senate Bill 145 which, if passed, will require a lowering of the fund fees originally proposed by the fund's board of governors. Senate Bill 145 may still reach the Senate floor this legislative session but, in all likelihood not before July 1, 1997, when this fee rule must be in effect. Assembly Bill 248, the Assembly bill which mirrors Senate Bill 145, passed the Assembly overwhelmingly.

The commissioner expects that the permanent rule will be filed with the secretary of state in time to take effect September 15, 1997. Because the provisions of this rule first apply on July 1, 1997, it is necessary to promulgate the rule on an emergency basis. A hearing on the permanent rule, pursuant to the published notice was held on May 30, 1997.

Publication Date: June 20, 1997
Effective Date: June 20, 1997
Expiration Date: November, 18, 1997

3. Rules adopted revising **ch. Ins 17**, relating to annual patients compensation fund and mediation fund fees for the fiscal year beginning July 1, 1997, adding certain physician specialties to those currently listed in the rule and providing that UW hospital and clinics residents' fees be calculated on a full-time-equivalent basis in the same manner as medical college of Wisconsin resident fees are currently calculated.

Finding of Emergency

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

1997 Wis. Act 11 was signed into law on July 14, 1997, but by its terms made effective July 1, 1997. Act 11 increased the required primary limits for health care providers subject to the fund from \$400,000 to \$1,000,000 for each occurrence and from \$1,000,000 to \$3,000,000 for an annual aggregate limit. A prior emergency rule effective June 20, 1997, set fund fees for the current fiscal year beginning July 1, 1997, based on the lower liability limits then in effect. The enactment of Act 11 on July 14, 1997, increasing the primary limits made this emergency rule necessary to reduce fund fees as of July 1, 1997, the effective date of that Act.

The commissioner expects that the revised permanent rule corresponding to this emergency rule, clearinghouse rule No.

97-71, will be filed with the secretary of state in time to take effect November 15, 1997. A hearing on the permanent rule, pursuant to published notice thereof, was held on May 30, 1997.

Publication Date: August 12, 1997
Effective Date: August 12, 1997
Expiration Date: January 10, 1998

EMERGENCY RULES NOW IN EFFECT

Natural Resources

(Fish, Game, etc., Chs. NR 1---)

Rule adopted creating s. NR 27.07, relating to notice of receipt of an application to incidentally take an endangered or threatened species.

Exemption From Finding of Emergency

1995 Wis. Act 296 establishes authority in the department of natural resources to consider applications for and issue permits authorizing the incidental take of an endangered or threatened species while a person is engaged in an otherwise lawful activity. Section 29.415 (6m) (e), Stats., as created, requires the department to establish by administrative rule a list of organizations, including nonprofit conservation groups, that have a professional, scientific or academic interest in endangered species or in threatened species. That provision further provides that the department then give notification of proposed takings under that subsection of the statutes to those organizations and establish a procedure for receipt of public comment on the proposed taking.

The proposed rule lists a number of organizations the department is familiar with as being interested in endangered and threatened species; a notification procedure to be used to notify them, and others, of a proposed taking; and a public comment procedure to be used for consideration of public comments. The notification procedure is not limited to mail distribution, but is broad to allow other forms of notification, such as electronic mail.

Publication Date: November 18, 1996
Effective Date: November 18, 1996
Expiration Date: See section 12m, 1996 Wis. Act 296
Hearing Date: January 14, 1997

EMERGENCY RULES NOW IN EFFECT (2)

Public Instruction

1. Rules adopted revising ch. PI 35, relating to the Milwaukee private school choice program.

Finding of Emergency

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

In his ruling, effective August 15, 1996, Judge Higginbotham prohibited the expansion of the Milwaukee private school choice program to religious private schools provided for under 1995 Wis. Act 27. On January 15, 1997, Judge Higginbotham determined that all other stipulations under the Act are allowed to continue until June 1997. At that time all of the provisions under the Act are suspended and the program reverts to previous statutory language.

Since the provisions under the Act (except for the participation of religious schools) are to be implemented for the remainder of the

1996-97 school year, rules must be in place as soon as possible in order to establish uniform financial accounting standards and financial audit requirements required of the participating private schools as provided for under the Act. The requirements established under this rule have been discussed with the private schools and initial indications reflect an acceptance of these provisions.

Since the private school choice program has yet to be reviewed by the Court of Appeals and possibly the Supreme Court, only emergency rules will be promulgated at this time in order to implement the provisions under the Act through the end of the 1996-97 school year. Permanent rules will be developed when judicial review is finalized.

Publication Date: February 19, 1997
Effective Date: February 19, 1997
Expiration Date: July 19, 1997
Hearing Date: April 1, 1997
Extension Through: August 30, 1997

2. Rules adopted revising chs. PI 3 and 4, relating to teacher certification requirements and certification program requirements.

Finding of Emergency

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

Proposed permanent rules were submitted to the Wisconsin Legislative Council on May 27, 1997. Most of the modifications made under the proposed permanent and emergency rules clarify, eliminate redundancy, and streamline current requirements to make the provisions under ch. PI 3 and 4 easier to read, understand, and implement. The rules also provide for consistency with other state agency licensure activity.

In order for teachers to apply for or renew specified licenses (license are issued July 1 through June 30) and for universities to have program requirements in place in time for the upcoming school year, rules must be in place as soon as possible.

Publication Date: July 1, 1997
Effective Date: July 1, 1997
Expiration Date: November 29, 1997

EMERGENCY RULES NOW IN EFFECT (2)

Department of Revenue

1. Rules were adopted amending s. Tax 11.05 (2)(s) and revising s. 11.86 (6), relating to sales and use tax treatment of landscaping services.

Finding of Emergency

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

Sections Tax 11.05 (2)(s) and 11.86 (6), Stats., state that landscaping services (e.g., planting, mowing, and fertilizing grass) are only taxable when they are performed in developed areas. Similar services performed in undeveloped areas (e.g., along highways) were determined by the department to not be landscaping services and therefore, the sale of such services was not subject to sales or use tax.

In case of the *Straight Arrow Construction Company, Inc. v. Wisconsin Department of Revenue* (8/28/96 and 4/4/97, Docket#93-S-569), the Wisconsin Tax Appeals Commission held

that there was no statutory basis for the distinction made by the department that certain services performed in developed areas were landscaping while the same services performed in undeveloped areas were not landscaping.

It necessary to promulgate this rule order to remove any threat of estoppel arguments and revenue loss to the state as a result of information contained in these rules that implies planting, mowing, fertilizing, and similar services performed in undeveloped areas are not taxable.

Publication Date: May 18, 1997
Effective Date: May 18, 1997
Expiration Date: October 16, 1997
Hearing Date: July 29, 1997

2. Rules adopted repealing **ch. ATCP 53** and creating **ch. Tax 53**, relating to increasing plat preview fees to cover all of the current costs of activities and services provided by the department under ss. 70.27 and 236.12, Stats.

Finding of Emergency

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

For the past three years, program costs have out paced revenues received. The Plat Review section has relied on their substantial cash balance to cover the difference. Projections indicate that cash reserves will be depleted within the next year or earlier. Without a plat review fee increase significant cutbacks in service to customers, the public, other state agency programs, and local units of government will be necessary. With such cut-backs state certified plats with saleable but not buildable lots could result. It should be noted that this program has not had a rate increase since 1985.

In order to address this problem, an administrative rule is in the process of being promulgated. Due to the complexities of where the Plat Review section physically resides (DATCP), who has program responsibility for it, combined with the 1996 Memorandum of Understanding between the Department of Revenue and the Department of Commerce, the administrative rule process has taken longer than anticipated and it is expected that the rule will not be completed for another 90 days.

In order to ensure that funding will be sufficient and that services to the citizens of this state remain uninterrupted, an emergency rule is necessary. In particular, this rule addresses the following needs:

- Ch. ATCP 53 is repealed.
- Ch. Tax 53 is created. Under this rule certain fees charged for plat review are increased.

Publication Date: June 1, 1997
Effective Date: June 1, 1997
Expiration Date: October 30, 1997
Hearing Date: July 11, 1997

EMERGENCY RULES NOW IN EFFECT

State Fair Park Board

Rules adopted revising **chs. SFP 2** and **7**, relating to regulation of activities at the state fair park and revising bond schedule.

Finding of Emergency

The Wisconsin State Fair Park Board finds that an emergency exists and that the adoption of rules is necessary for the immediate

preservation of the public peace, health, safety and welfare of its citizens. The facts constituting this emergency are as follows:

During the annual State Fair, which is scheduled to begin on July 31, 1997, the Wisconsin State Fair Park is host to over 100,000 people per day and millions of dollars in merchandise and property. Initially, chapters SFP 1-7 were designed primarily to protect the property of the State Fair Park.

However, crime patterns at the State Fair Park have changed dramatically since those rules were adopted in 1967. With the increases in attendance and number of events in the intervening years, the number and severity of crimes against State Fair visitors, patrons, and property have necessarily increased. Also, a general rise in gang-related activity at Park events and during skating hours at the Pettit National Ice Center has occurred over the last several years. Consequently, there is a greater need for Park Police Department arrest authority on the Park grounds in order to ensure prosecutorial cooperation by Milwaukee County.

Due to excessive workloads, the Milwaukee County District Attorney's Office and the Milwaukee County Circuit Court system are reluctant to process and charge offenders for relatively minor property-type acts prohibited under the current SFP rules. Area and suburban Milwaukee County Police Departments have alleviated similar problems by conforming their ordinances to the county and state codes, authorizing their Police Departments to make lawful standing arrests for acts which the county will prosecute.

The State Fair Park Board seeks the same level of cooperation from Milwaukee county by conforming its rules to the county code. Therefore, these proposed emergency rules prohibit such activities as loitering, spray painting, theft, battery, and resisting/obstructing an officer, as well as various weapons prohibitions. There is also included provisions to protect the police horses which are not only an integral part of Park enforcement but are also a major public relations tool. With these changes, the Park administration can ensure a safe and family-oriented environment at this year's State Fair and other Park events. It is necessary to use the emergency rule for processing the proposed rule change to Administrative Code, reference to the bail bond schedule, section 5, s. SFP 7.02. Section 5, s. SFP 7.02 is amended to repeal the old bond schedule and recreate the new bond schedule to align the bond code with the corresponding section in the Wisconsin Administrative Code to take effect before the 1997 Wisconsin State Fair begins on July 31, 1997.

The State Fair Park Board has begun the permanent rule process but the normal process will take between 6 and 9 months to complete. It is imperative to have these rules in place by the time of the 1997 State Fair.

These rules are therefore adopted as emergency rules to take effect upon publication in the official state newspaper and filing with the Secretary of State and the Revisor of Statutes as provided in s. 227.24 (1) (c), Stats.

Publication Date: August 1, 1997
Effective Date: August 1, 1997
Expiration Date: December 30, 1997

EMERGENCY RULES NOW IN EFFECT

Department of Transportation

Rules adopted revising **ch. Trans 300**, relating to school buses.

Finding of Emergency

The Department of Transportation finds that an emergency exists and that a rule is necessary for the immediate preservation of the public safety. The amendments are needed to assure that school bus operators can purchase school buses manufactured using the latest in construction technology and providing equal strength and safety. Currently, there are estimated to be 60 buses on order by operators. Without this emergency rule, these buses could not be used in

Wisconsin when the school year begins in August 1997. Therefore, schools will start using alternative vehicles (production vans) because of the unavailability of the smaller school buses built to the safer school bus standards.

Publication Date: July 1, 1997
Effective Date: July 1, 1997
Expiration Date: November 29, 1997
Hearing Date: August 26, 1997

EMERGENCY RULES NOW IN EFFECT

Veterans Affairs

Rule adopted creating **s. VA 2.01 (2)(b)18.**, relating to the health care aid grant program.

Finding of Emergency

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

The department provides payment to dental providers for dentures under the health care aid grant program for needy veterans and their dependents. Under s. VA 2.01 (2)(b)2., Wis. Adm. Code, the Department is restricted to a \$50,000 cap per fiscal year for the payment of claims for dentures. As the result of a significant increase in the use of the health care aid grant program for dentures, the Department has received requests for approval of treatment plans involving dentures which would result in expenditures in excess of the fiscal year cap.

The treatment plans typically encompass the removal of teeth with a resulting need for dentures. Failure to promptly provide denture could have a negative impact upon an individual's health. It is therefore necessary to assure that the Department has sufficient authority to pay for the dentures included in treatment plans already received during this fiscal year. The emergency rule cap will accomplish this goal.

Publication Date: April 7, 1997
Effective Date: April 7, 1997
Expiration Date: September 5, 1997
Hearing Date: April 18, 1997

EMERGENCY RULES NOW IN EFFECT (2)

Workforce Development

(Economic Support, Chs. DWD 11–59)

1. Rules adopted renumbering **subch. VII of ch. HSS 55** and creating **s. DWD 56.08**, relating to the administration of child care funds and required parent copayments.

Finding of Emergency

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

The Governor has directed the Child Care Working Group to analyze the impact that the federal legislation will have on child care in Wisconsin and on the Wisconsin Works program, and to analyze and identify effective methods and funding sources to increase child care options and expand the availability of affordable child care. The

Governor has approved a new schedule for child care copayments and this rule places the new schedule into operation. The use of an emergency rule allows the implementation of the new schedule immediately.

Publication Date: December 30, 1996
Effective Date: December 30, 1996
Expiration Date: May 29, 1997
Extension Through: September 25, 1997

2. Rules were adopted creating **ch. DWD 12**, relating to Wisconsin Works program.

Exemption From Finding of Emergency

The Legislature in s.275(3) of 1995 Wis. Act 289 permitted the Department to promulgate the rules required under ss. 49.143 to 49.157, Stats., as created by Act 289, by using emergency rulemaking procedures but without having to make a finding of emergency.

Analysis Prepared by the Department of Workforce Development

Wisconsin Works (W-2), the replacement program for the Aid to Families with Dependent Children (AFDC) program, is based squarely on work. Rather than offering welfare checks to those who do not work, as AFDC does currently, W-2 offers participants the opportunity to move into the work world and become self-sufficient through employment.

These rules provide the administrative framework under which the Department will implement a W-2 pilot program in two counties, Fond du Lac and Pierce, effective March 1, 1997. As the pilot counties for the Work Not Welfare program which began January 1, 1995, these two counties have had experience in implementing major welfare reform efforts. The W-2 program includes work opportunities, job access loans, education and training activities to enhance employability, intensive case management, child care and child support enforcement and other employment supports such as transportation assistance and access to health care services under the Medical Assistance program.

Wisconsin Works (W-2) was authorized through enactment of 1995 Wis. Act 289 which Governor Thompson signed into law on April 25, 1996. Under s.49.141(2)(b), Stats., if a federal waiver is granted or federal legislation is enacted, the Department of Workforce Development could begin to implement W-2 no sooner than July 1, 1996 and must fully implement the W-2 program statewide in September 1997. The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) was signed into law on August 22, 1996. It creates the Temporary Assistance for Needy Families (TANF) program which ends the entitlement program under Title IV-A of the Social Security Act and creates a block grant program under which states receive monies to provide cash and other benefits to help needy families support their children while at the same time requiring families to participate in work program activities which will help them become self-sufficient. In general, a state may not use any part of the TANF grant to provide assistance to a family for more than 60 months.

States must ensure, under section 114 of P.L. 104-193, that families who meet the AFDC eligibility requirements in effect on July 16, 1996, have access to Medical Assistance. Wisconsin has not yet obtained the necessary waivers or federal legislation that would allow the implementation of the W-2 health plan. Therefore, W-2 participants who meet the July 16, 1996, AFDC eligibility requirements or are eligible under s.49.46 or 49.47, Stats., and the implementing administrative rules, Chs. HFS 101-108, administered by the Department of Health and Family Services, may apply and be determined eligible for Medical Assistance.

Under W-2, there will be a place for everyone who is willing to work to their ability. The program is available to parents with minor children, low assets and low income who need assistance in becoming self-sufficient through employment. The W-2 program provides cash benefits only for those individuals who participate in

W-2 employment and training activities. W-2 agencies have the option, for participants in a community service job or a transitional placement, to aggregate education and training hours for approved programs to allow an individual to participate in education and training activities for more than 10 or 12 hours per week within the first few months of participation. Each eligible W-2 applicant will meet with a Financial and Employment Planner (FEP) who will help the individual develop a self-sufficiency plan and determine their place on the W-2 employment ladder. The ladder consists of four levels of employment options, in order of preference: unsubsidized employment; subsidized employment through a trial job for those participants who need minimal assistance but where unsubsidized employment is not available; a community service job for those participants who need to practice work habits and skills necessary to move into unsubsidized employment; and transitional placement for those unable to perform independent, self-sustaining work. Individuals placed in a trial job will receive wages from an employer. Individuals placed in a community service job will receive a monthly benefit of \$555 and individuals placed in a transitional placement will receive a monthly benefit of \$518. W-2 participants are limited to 24 months in a single subsidized employment position category. Extensions may be granted on a limited basis when local labor market conditions preclude opportunities or when the participant has significant barriers which prevent him or her from obtaining unsubsidized employment. Child care is available for those individuals who have children under the age of 13 and need child care in order to work or participate in a W-2 employment position. The W-2 program will be administered by contracted agencies which may include counties, tribal agencies and private agencies in geographic areas determined by the Department.

These are the rules for implementation of the Wisconsin Works program. The rules include eligibility requirements for those individuals applying for a W-2 employment position or child care, time-limited benefits for participants in W-2 employment positions, good cause for failure or refusal to participate in W-2 employment positions or other required employment and training activities, how sanctions are applied for failure to meet the W-2 employment position participation requirements, and school attendance requirements under the Learnfare program for the children of W-2 employment position participants.

Publication Date: March 1, 1997
Effective Date: March 1, 1997
Expiration Date: July 29, 1997
Hearing Dates: May 21 & 28, 1997
Extension Through: September 27, 1997

EMERGENCY RULES NOW IN EFFECT

Workforce Development

(Labor Standards, Chs. DWD 270-279)

Rules were adopted revising **ch. DWD 272**, relating to the minimum wage.

Finding of Emergency

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

In addition to raising the minimum wage to \$4.75 per hour on October 1, 1996, and \$5.15 per hour on September 1, 1997, the

federal Fair Labor Standards Act provides for an "opportunity wage" of \$4.25 per hour which may be paid by each new employer to a person under the age of 20 during the first 90 days of employment. The Department's permanent rules to raise the state minimum wage contained provisions creating an opportunity wage that are the same as those of the federal law.

On April 10, 1997, the State Senate Committee on Labor, Transportation and Financial Institutions suspended the portions of **CR 96-181** relating to the opportunity wage. The Department proceeded with formal adoption of the provisions of the rule that were not suspended; the permanent rule changes will become effective on June 1, 1997. On April 17, 1997, the Joint Committee for Review of Administrative Rules (JCRAR) unanimously approved extension of the Department's emergency rule on minimum wage, which includes the provisions on the opportunity wage. The emergency rule extension lasts until June 27, 1997.

The respective votes of the two Legislative committees have caused uncertainty as to whether the provisions relating to the opportunity wage remain in effect through June 27, 1997, or expire on June 1, 1997. The JCRAR has met several times since the standing committee's suspension but its only action on this issue was to extend the emergency rule, which includes the opportunity wage provision. The legal interpretation from the Legislative Council as to the precedence of the emergency rule provision vs. the permanent rule provision has not been definitive.

It appears that the JCRAR will vote in June on the standing committee suspension of the opportunity wage provisions of the permanent rule. If the JCRAR does not concur in the standing committee's suspension, the Department will proceed to promulgate the opportunity wage provisions on a permanent basis. However, due to timelines required for promulgation of permanent rules, this provision would not likely take effect permanently until September 1, 1997. Thus, the delays in action coupled with interpretive uncertainty could result in a regulatory gap that would cause confusion amongst the state's employees and employers over the provisions in effect after June 1, 1997. The Department believes that such uncertainty throughout the state would be undesirable.

In absence of definitive legal opinion or action on the opportunity wage issue by the JCRAR, this emergency rule alleviates uncertainty as to whether the opportunity wage provisions are effective after June 1 by explicitly maintaining their effect. The Department will make every reasonable effort to comply with the JCRAR's intent once action is taken. If the JCRAR affirms the standing committee's suspension, the Department will immediately withdraw the provisions of this emergency rule. If the JCRAR does not affirm the standing committee's suspension, this emergency rule will prevent a gap in coverage of the opportunity wage between the date of JCRAR action in June and the effective date of permanent provisions on the opportunity wage.

This emergency rule also contains a provision that prohibits the displacement of an employee that occurs solely for the purpose of hiring an opportunity employee. This language is similar to a provision of the federal law and was included by the Department because the Senate Committee on Labor, Transportation and Financial Institutions asked that the state rule also contain this provision. This language was originally submitted to the Senate Labor, Transportation and Financial Institutions Committee as a germane modification to CR-96-181 on March 31, 1997. It was the Department's intent to promulgate this provision as part of the permanent rule. However, this provision was inadvertently omitted from the final draft.

Publication Date: May 31, 1997
Effective Date: May 31, 1997
Expiration Date: October 29, 1997
Hearing Date: August 12, 1997

EMERGENCY RULES NOW IN EFFECT

Workforce Development

(Wage Rates, Chs. ILHR 290-294)

Rules adopted revising **ch. ILHR 290**, relating to the determination of prevailing wage rates for workers employed on state or local public works projects.

Finding of Emergency

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

On December 11, 1996, this Department adopted an emergency rule and began permanent rulemaking to amend the former ch. ILHR 290, Wis. Adm. Code, in accordance with 1995 Act 215, which

enacted changes in the laws governing the determination of prevailing wage rates for state and local public works projects. Among the provisions of that emergency rule was a section on the classification of subjourneypersons.

The initial emergency rule will expire on May 10, 1997. The Department has developed a different provision on subjourneypersons which it is submitting for legislative committee review as a part of the permanent rule in its proposed final draft stage. In the meantime, it is necessary to have a formal policy on subjourneypersons in effect so that the Department may continue to issue wage determinations on state and local public works projects without causing the projects to be delayed. Therefore, the Department is adopting the new subjourneyperson policy, and related procedural provisions, as an emergency rule.

Publication Date: May 10, 1997
Effective Date: May 10, 1997
Expiration Date: October 8, 1997
Hearing Date: June 19, 1997

STATEMENTS OF SCOPE OF PROPOSED RULES

Natural Resources

Subject:

Ch. NR 2 – Relating to identifying procedural changes that will make contested case hearings for chs. 30 and 31, Stats., more efficient.

Description of policy issues:

Description of policy issues to be resolved, include groups likely to be impacted or interested in the issue:

Review existing hearings procedures for chs. 30–31, Stats., to provide for more efficient and streamlined decisionmaking that can be accomplished without statutory changes.

Among the issues the Legal Services/Fish and Habitat drafting team will consider are:

- ▲ Eliminate or limit discovery for Class I contested cases;
- ▲ Design limited hearing procedures for Class I cases similar to worker's compensation hearing;
- ▲ Create a nonjudicial appeal process to allow for review of initial field decision;
- ▲ Review ch. NR 2, Wis. Adm. Code, to recommend changes that will make the decisionmaking process more efficient;
- ▲ Determine whether on-site hearings are feasible; and
- ▲ Identify substantive rules that will allow for more efficient decisionmaking.

This action represents a change from past policy.

Explanation of the facts that necessitate the proposed change:

The Board has not created special hearing procedures for individual programs in the past.

Limited staff resources and public desire for quicker decisions on chs. 30–31, Stats., permits dictate that more efficient hearing procedures be developed.

Statutory authority:

Section 227.11 (2), Stats.

Anticipated time commitment:

The anticipated time commitment is 120 hours. Three hearings are proposed to be scheduled during 1998 in locations in North, Central and South Wisconsin.

Natural Resources

Subject:

Ch. NR 18 – Relating to northern goshawks.

Description of policy issues:

Description of policy issues to be resolved, include groups likely to be impacted or interested in the issue:

Closure of season on the taking of northern goshawks young (eyasses) from the wild. Resident and nonresident falconers will be affected by the proposed rule.

The proposed rule represents a change from past policy.

Explanation of the facts that necessitate the proposed change:

① The U.S. National Forest Service is considering closure of national forest lands to the taking of goshawk young in Wisconsin.

② There is heightened concern among state and federal authorities over the take of goshawk young in Wisconsin.

③ Ongoing research on the nesting density and nesting success of goshawks appears to have been compromised on national forests, where most nesting goshawks occur.

④ A ban on goshawk take must be statewide, because there would be greater pressure on this sensitive resource on state and private properties if only a national forest ban was in place.

Statutory authority:

Sections 23.09, 23.11, 29.02, 29.085, 29.174, 29.175 (1) and (3) and 227.11 (2) (a), Stats.

Anticipated time commitment:

The anticipated time commitment is 72 hours. Two hearings are proposed to be scheduled during December, 1997 in Madison and Rhineland.

SUBMITTAL OF RULES TO LEGISLATIVE COUNCIL CLEARINGHOUSE

Notice of Submittal of Proposed Rules to Wisconsin Legislative Council Rules Clearinghouse

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

Higher Educational Aids Board

Rule Submittal Date

Notice is hereby given that on August 18, 1997, the Higher Educational Aids Board submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

Statutory authority:

Sections 39.41 (8) and 227.11 (2), Stats.

The rule affects ch. HEA 9, Wis. Adm. Code, relating to the administration of the Wisconsin academic excellence scholarship.

Reason for Rules:

The 1989 Wis. Act 31 created s. 39.41, Stats., which provides for scholarships to high school seniors with the highest cumulative grade point average in their class. The Wisconsin Higher Educational Aids Board (HEAB) administers this scholarship program under s. 39.41, Stats., and under ch. HEA 9. As of August 18, 1997, ch. HEA 9 addressed only issues relating to AES recipients after their selection. HEAB is proposing to repeal and recreate ch. HEA 9 at this time in order to put in place rules addressing issues relating to the selection process itself. These rules will not affect expenditures of State funds for the AES program.

This rulemaking order describes the requirements made of students, high schools, school districts, and HEAB in the selection of scholarship recipients and in the disbursement of the scholarships.

Agency Procedure for Promulgation

Public hearing under ss. 227.16, 227.17 and 227.18, Stats., approval of rules in final draft form by the HEAB Secretary; and legislative standing committee review under s. 227.19, Stats.

Contact People

Valorie T. Olson
Telephone (608) 267-9865 or (608) 267-2206

Jane Hojan-Clark
Telephone (608) 264-6181

Alice Winters
Telephone (608) 267-2213

Regulation & Licensing

Rule Submittal Date

On August 15, 1997, the Department of Regulation and Licensing submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

Statutory authority:

Sections 227.11 (2) and 458.03 (1) (b) and (e) and (2) (b) and 458.085, Stats.

The proposed rule-making order affecting chs. RL 80 to 87 relates to the regulation of certified and licensed appraisers.

Agency Procedure for Promulgation

A public hearing is required and is scheduled for September 24, 1997.

Contact Person

Pamela Haack
Rules Center Coordinator
Telephone (608) 266-0495

Workforce Development

Rule Submittal Date

On August 18, 1997, the Department of Workforce Development submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

Statutory authority:

Sections 102.15 (1), 102.28 (2) (b), 102.37 and 102.38, Stats.

Description of the proposed rule:

The rule relaxes reporting requirements for employers and insurers and specifies deadlines for reporting in several cases where none are specified under current law. Insured employers are no longer required to file any first report of injury with the Department. The 7-day standard for first reports is set at 14 days for insurers and self-insured employers. The 14-day standard for filing the supplemental report (WKC-13) is changed from 14 days after injury to 30 days after injury.

Reason for the proposed rule:

The rule affecting s. DWD 80.02 is intended to clarify reporting requirements for employers, self-insured employers and insurance carriers, and to eliminate reporting of no-lost-time injuries by employers.

Agency Procedure for Promulgation

A public hearing is scheduled for Thursday, September 11, 1997, at 10:00 a.m., in Room 371, GEF #1, 201 E. Washington Ave., Madison, Wisconsin.

Contact People

Agency contact person for substantive questions:

Richard D. Smith
Director, Bureau of Legal Services
Worker's Compensation Division
Telephone (608) 267-6704

Agency contact person for internal processing:

Sharon Fellows
Program Assistant
Telephone (608) 266-1340

NOTICE SECTION

Notice of Hearings

Commerce

(Building and Heating, etc., Chs. ILHR 50-64)

Notice is given that pursuant to s. 101.02 (1) and (15), Stats., the Department of Commerce proposes to hold public hearings to consider the revision of ch. ILHR 60, Wis. Adm. Code, relating to child day care facilities.

Hearing Information

September 29, 1997 Monday 11:00 a.m.	Room E101 1000 Campus Drive Northcentral Tech. College Wausau
September 30, 1997 Tuesday 10:30 a.m.	Room 45 819 North Sixth St. Milwaukee State Office Bldg. Milwaukee
October 1, 1997 Wednesday 10:00 a.m.	Room 103 Conference Room 201 E. Washington Ave. GEF-I, State Office Bldg. Madison

A copy of the rules to be considered may be obtained from the Department of Commerce, Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707, by calling Margaret Slusser at (608) 261-6546, (608) 264-8777 (TTY), (608) 267-9566 (FAX), email Slussma@mail.state.wi.us or at the appointed times and places the hearings are held.

Written Comments

Interested persons are invited to appear at the hearings and will be afforded the opportunity of making an oral presentation of their positions. Persons making oral presentations are requested to submit their facts, views and suggested rewording in writing. Written comments from persons unable to attend the public hearings, or who wish to supplement testimony offered at the hearings, may be submitted no later than **October 17, 1997**, for inclusion in the summary of public comments submitted to the Legislature. Any such comments should be submitted to Diane Meredith at the address noted above. Written comments will be given the same consideration as testimony presented at the hearings. Persons submitting comments will not receive individual responses.

These hearings are held in accessible facilities. If you have special needs or circumstances which may make communication or accessibility difficult at the hearing, please call Diane Meredith (608) 266-8982 or (608) 264-8777 (TTY) at least 10 days prior to the hearing date. Accommodations such as interpreters, English translators or materials in audio tape format will, to the fullest extent possible, be made available on request by a person with a disability.

Analysis of Proposed Rules

Statutory Authority: s. 101.02 (1) and (15)

Statute Interpreted: s. 101.02 (15)

The purpose of chapter ILHR 60 is to establish minimum design and construction requirements for the health and safety of the employees and occupants of buildings and facilities used as day care centers.

The proposed changes to this chapter are in response to the 1995 Wisconsin Act 439 to permit children under the age of 24 months to be cared for on a floor other than the first floor or ground floor of a child day care center. The following is a summary of the major changes being proposed in chapter ILHR 60. These changes reflect safeguards contained in national model building and life safety codes.

1. Cross-reference ch. HFS 55 for the staff to child ratios. [ILHR 60.11]
2. Require the installation of sprinklers in buildings where children under the age of 24 months are cared for on floors above or below the first floor or ground floor level. It also requires these floor levels to be divided into at least 2 smoke compartments. [Table 60.30]
3. Restrict children under the age of 24 months to be cared for on the first floor or ground floor in buildings of wood frame unprotected construction. [Table 60.30]
4. Reorganize the requirements on exiting and emergency lighting for improved readability. [ILHR 60.30 and ILHR 60.38]
5. Require the installation of a fire alarm system or an approved smoke detection system when children under the age of 24 months are cared for on floors below the first floor or ground floor level. [ILHR 60.36]
6. Establish construction and exiting requirements for smoke compartments. [ILHR 60.39 and 60.40]

Environmental Assessment

Notice is hereby given that the Department has prepared a preliminary environmental assessment (EA) on the proposed rules. The preliminary recommendation is a finding of no significant impact. Copies of the preliminary EA are available from the department on request and will be available at the public hearings. Requests for the EA and comments on the EA should be directed to:

Diane Meredith
Division of Safety & Buildings
Department of Commerce
P.O. Box 7969
Madison, WI 53707
Phone (608) 266-8982
or TTY (608) 264-8777

Written comments will be accepted until **October 17, 1997**.

Initial Regulatory Flexibility Analysis

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

Architectural and engineering design firms and day care providers will be affected by the proposed rules. When a day care provider remodels or alters an existing day care facility or builds a new day care facility, the construction must comply with the rules.

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

Building alteration or new construction plans must show compliance with the new rules, if children under the age of 24 months will be cared for in the facility.

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

None known

Fiscal Estimate

The proposed rule changes relate to permitting children under the age of 24 months to be cared for on a floor above or below the level of exit discharge. The Division's policy is to protect the public health,

safety and welfare of small children in day care facilities. The proposed rule changes require higher classes of construction, sprinklering and compartmentalization of the floor levels. These changes will not create a fiscal impact.

Notice of Hearing

Regulation & Licensing

Notice is hereby given that pursuant to authority vested in the Department of Regulation and Licensing in ss. 227.11 (2), 458.03 (1) (b) and (e), 458.03 (2) (b) and 458.085, Stats., and interpreting ss. 458.06 (3) (b) and (c), 458.08 (3) (c), 458.13 and 458.24, Stats., the Department of Regulation and Licensing will hold a public hearing at the time and place indicated below to consider an order to revise chs. RL 80 to 87, relating to the regulation of certified and licensed appraisers.

Hearing Information

September 24, 1997 Room 180
 Wednesday 1400 E. Washington Ave.
 10:00 a.m. Madison, WI

Appearances at the Hearing

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Regulation and Licensing, Office of Administrative Rules, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received by **October 10, 1997** to be included in the record of rule-making proceedings.

Analysis prepared by the Department of Regulation and Licensing

Statutes authorizing promulgation: ss. 227.11 (2), 458.03 (1) (b) and (e), 458.03 (2) (b) and 458.085

Statutes interpreted: ss. 458.06 (3) (b) and (c), 458.06 (4) (c), 458.08 (3) (c), 458.13 and 458.24

In this proposed rule-making order the Department of Regulation and Licensing amends, renumbers, repeals and recreates numerous provisions contained in chs. RL 80 to 87, and Appendix I, relating to the regulation of certified and licensed appraisers. Significant changes to the current rules are as follows:

Section RL 80.03 is revised to create definitions for "accredited college or university" and "non-complex 1-to-4 family residential property appraisal." In addition, the definition of "appraisal experience" is being revised to include a reference to condemnation appraisals and real estate consulting assignments and to omit references to real estate counseling assignments and appraisal course instruction.

Section RL 81.01 (3) is being amended to change the number of hours of education instruction which must be completed in order to obtain an appraiser credential, from 75 to 90 hours for licensed appraisers, and from 165 to 180 hours for certified general appraisers.

Section RL 83.01 is amended to reflect that applicants seeking certified residential appraiser credentials must report at least 2,500 hours of appraisal experience obtained continuously over a period of not less than 24 months, and individuals seeking certified general appraiser credentials must report at least 3,000 hours of appraisal experience obtained over a period of not less than 30 months. Under the current rules, individuals seeking residential and general appraiser certifications are required to report 2,000 hours of experience acquired in any 2 calendar years.

Section RL 85.01 is amended to reflect that starting with the January 1, 2000 renewal date, appraisers will be required to report completion of 28 hours of continuing education instead of 20 hours, as required under current law.

Section 458.13 (2), Stats., provides that at the time of every 4th renewal each applicant shall submit proof of attendance at and completion of, within the 2 years immediately preceding the date on which the renewal application is submitted, the educational course and examination described in s. 458.06 (2) (d). The number of hours of attendance at an educational course required under this subsection shall be applied to satisfy the renewal requirement under sub. (1).

For purposes of clarity, the proposed rules seek to amend s. RL 85.01 (3) to include, in part, the text of the language contained in s. 458.06 (2) (d). After reviewing s. 458.13 (2), Stats., it has become apparent that the term "every 4th renewal" may be interpreted in several different ways. For example, the term may be interpreted to mean the 4th renewal period for a particular credential holder; the 4th renewal period for a group of credential holders who were granted credentials within the same biennium or every 4th renewal period subsequent to the department's initial 1992 renewal period.

Chapter RL 87, Appendix I, is being amended to reflect revisions made by the Appraisal Standards Board of the Appraisal Foundation to the Uniform Standards of Professional Appraisal Practice ("USPAP"). These amendments, which reflect revisions contained in the 1997 edition of USPAP, include:

(1) Revisions to the Conduct section of the Ethics Provision which clarify the appraiser's obligation to refrain from using or relying upon unsupported conclusions relating to characteristics of individuals or groups in developing and reporting appraisals.

(2) Revisions to the Definitions section, which include a revised definition of "Client" and a new definition for "Intended Use" and "Intended User."

(3) Revisions to Standards Rule 1-3 (a), which replace the term "neighborhood" with "market area" and, in order to avoid confusion, delete language in the Comment section similar to that adopted in the Conduct section of the Ethics Provision and described in paragraph (1) above, and

(4) Adoption of the Statement on Appraisal Standards No. 9, Identification of the Client's "Intended Use" in developing and reporting Appraisal, Consulting or Review Assignment opinions and conclusions.

Text Of Rule

SECTION 1. RL 80.02 is amended to read:

RL 80.02 INTENT. The intent of the department in adopting chs. RL 80 to 87 is to establish minimum standards for professional appraisal practice for certified and licensed appraisers which are consistent with the uniform standards of professional appraisal practice promulgated by the appraisal standards board of the appraisal foundation. It is further intended that these rules shall establish standards of competency such that persons certified or licensed as appraisers are qualified to perform appraisals for federally related transactions under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, 12 USC 3331 et seq., Title XI and United States Code.

SECTION 2. RL 80.03 (1) and (1a) are renumbered RL 80.03 (1a) and (1b).

SECTION 3. RL 80.03 (1) is created to read:

RL 80.03 (1) "Accredited college or university" means an institution which is accredited by a regional or national accrediting agency recognized by the U.S. department of education.

SECTION 4. RL 80.03 (3) is amended to read:

RL 80.03 (3) "Appraiser experience" means experience obtained by the performance of fee and staff appraisals, ad valorem tax appraisals, technical review appraisals, condemnation appraisals, appraisal analyses, highest and best use studies, real estate counseling consulting assignments or real estate broker's market analyses in accordance with the uniform Standards standards of professional appraisal practice, as in effect at the time the experience was obtained, or by the teaching of appraisal courses.

SECTION 5. RL 80.03 (10a) is created to read:

RL 80.03 (10a) "Non-complex 1-to-4 family residential property appraisal" means an appraisal of 1-to-4 family residential property in which the property to be appraised, the form of ownership, or market conditions are typical.

SECTION 6. RL 80.03 (13), (15) (intro.), (a) and (b) are amended to read:

RL 80.03 (13) “Real estate ~~counseling~~ consulting” means the performance of ~~real estate consulting~~ services in accordance with Standards 4 and 5 of the uniform standards of appraisal practice as specified in Appendix I.

(15) (intro.) “Transaction value” means one of the following:

(a) For loans or other extensions of credit, the amount of the loan or extension of credit;

(b) For sales, leases, purchases, and investments in or exchanges of real property, the market value of the real property interest involved;

SECTION 7. RL 80.03 (17) is repealed.

SECTION 8. RL 81.01 (intro.) and (3) are amended to read:

RL 81.01 APPLICATIONS FOR CERTIFIED AND LICENSED APPRAISERS. (intro.) An applicant for certification or licensure shall apply on a form provided by the department. Any applicant who files an application for certification or licensure, but does not comply with a request for information related to the application or meet all requirements within one year from the date of filing, shall file, subsequent to the denial of the application, a new application and fee if certification or licensure is sought at a later date. A qualified applicant with a disability shall be provided with reasonable accommodations. The application shall include:

(3) A transcript or proof of ~~75~~ 90, 120 or ~~165~~ 180 hours of instruction as provided for in ss. RL 84.02, 84.03 and 84.04.

SECTION 9. RL 81.03 (1) (c), (2) (intro.), (a), (b) and (c) are amended to read:

RL 81.03 (1) (c) The appraiser completes the application and pays the fee specified in s. 440.05 ~~(6)~~ (2), Stats.

(2) (intro.) An appraiser seeking a temporary registration shall apply on a form provided by the department. An applicant who fails to comply with a request for information related to the application or to meet all requirements for registration within one year from the date of filing, shall submit a new application and fee if registration is sought at a later date. The application shall include all of the following:

(a) The fee specified in s. 440.05 ~~(6)~~ (2), Stats.;

(b) Written verification of current appraiser licensure or certification submitted by an authorized state official for each state wherein the applicant holds an appraiser license or certification;

(c) A description of the appraisal assignment in this state including, but not limited to, information pertaining to the type of property being appraised, the location and approximate size of the property, the anticipated completion date and the name and address of the lender requesting the appraisal; and,

SECTION 10. RL 81.04 (3) is amended to read:

RL 81.04 (3) LICENSED APPRAISER. A licensed appraiser may conduct appraisals of complex 1-to-4 family residential property having a transaction value of not more than \$250,000; non-complex 1-to-4 family residential real estate property, having a transaction value of not more than one million dollars, and commercial real estate having a transaction value of not more than \$250,000.

Note: Under federal law, a financial institution is responsible for making the final determination of whether an appraisal is complex. A financial institution may presume that appraisals of 1-to-4 family residential properties are not complex, unless the institution has readily available information that a given appraisal will be complex. If during the course of the appraisal a licensed appraiser identifies factors that would result in the property, form of ownership, or market conditions being considered atypical, the financial institution must either ask the licensed appraiser to complete the appraisal and have a certified appraiser approve and cosign the appraisal, or engage a certified appraiser to complete the appraisal. 12 CFR 225.63.

SECTION 11. RL 82.02 (2) (intro.), (a), (b) and (c) are amended to read:

RL 82.02 (2) (intro.) An applicant shall not cheat or attempt to cheat on an examination by any means, including, but not limited to any one of the following:

(a) Giving or receiving answers to examination questions;

(b) Attempting to obtain, receive or communicate to other persons examination questions;

(c) Using unauthorized materials during any portion of the examination;

SECTION 12. RL 82.04 (1) (intro.), (a), (b) and (c) are amended to read:

RL 82.04 (1) (intro.) To claim an error on the Wisconsin statutes and rules examination, an applicant shall file a written request with the department within 30 days of the date the applicant reviews the examination. The request shall include all of the following:

(a) The applicant’s name and address;

(b) The type of certificate for which the applicant applied;

(c) A description of the mistakes the applicant believes were made in the examination content, procedures, or scoring, including the specific questions or procedures claimed to be in error; and,

SECTION 13. RL 83.01 (1) is amended to read:

RL 83.01 (1) ~~Applicants for~~ An applicant seeking certification as a residential or general appraiser shall submit evidence satisfactory to the department that the applicant has at least ~~2 years of experience as defined in s. RL 80.03 (17)~~ 3,000 hours of appraisal experience obtained continuously over a period of not less than 30 months.

SECTION 14. RL 83.01 (1a) is created to read:

RL 83.01 (1a) An applicant seeking certification as a residential appraiser shall submit evidence satisfactory to the department that the applicant has at least 2,500 hours of appraisal experience obtained continuously over a period of not less than 24 months.

SECTION 15. RL 83.01 (3) (b) is amended to read:

RL 83.01 (3) (b) Include one or more of the following types of appraisal experience: fee and staff appraisal, ad valorem tax appraisal, technical review appraisal, condemnation appraisal, appraisal analysis, highest and best use study, feasibility analysis, real estate ~~counseling,~~ consulting or real estate broker’s market analysis ~~or appraisal course instruction.~~

SECTION 16. RL 83.01 (3) (d) is created to read:

RL 83.01 (3) (d) Include, in the case of licensed appraisers and certified residential appraisers, no more than 25% commercial appraisal experience.

SECTION 17. A Note following RL 83.01 (4) (c) is created to read:

Note: Application forms required for certification or licensure may be obtained from the Department of Regulation and Licensing, Bureau of Business and Design Professions, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

SECTION 18. RL 84.01 (6) (intro.), (a), (b), (c) and (9) are amended to read:

RL 84.01 (6) (intro.) Credit may be allowed for a correspondence course, video or remote television presentation which satisfies all of the following requirements:

(a) The course is presented by an accredited college or university which offers correspondence programs in other disciplines;

(b) An individual successfully completes a written examination administered by a proctor approved by the course provider;

(c) An individual is awarded a minimum of one semester credit upon successful completion of the course; and,

(9) The licensed and certified residential appraiser programs of study are expected to provide all appraisers with a foundation of knowledge. The courses which satisfy the requirements for appraiser licensure and residential appraiser certification may be acceptable towards satisfying the course work requirement for general appraiser certification.

SECTION 19. RL 84.02 (2), (3) (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p) and (q) are amended to read:

RL 84.02 (2) Any approved program of study for certified residential appraisers shall include not less than 15 hours of instruction in professional standards and code of ethics applicable to appraisers and not less than 20 hours of instruction in commercial income approach as described in sub. (3) (r).

- (3) (a) Appraisal standards and ethics;
- (b) Appraisal statistical concepts;
- (c) Cost approach;
- (d) Economic principles;
- (e) Highest and best use analysis;
- (f) Influences on real estate value;
- (g) Legal considerations in appraisal;
- (h) Property description;
- (i) Real estate financing;
- (j) Real estate markets and analysis;
- (k) Reconciliation of values;
- (l) Residential income approach;
- (m) Sales comparison approach;
- (n) Site value;
- (o) Types of value;
- (p) Valuation of partial interests; ~~and.~~

SECTION 20. RL 84.02 (3) (r) is created to read:

RL 84.02 (3) (r) Commercial income approach:

1. Mathematics of finance, including compounding, discounting, and mortgage loans.
2. Property income and expense estimating, including lease analysis and analysis of operating statements.
3. Methods of calculating property reversions.
4. Methods of converting income to value:
 - a. Direct capitalization.
 - b. Residual methods, such as land, building, property, and equity.
 - c. Mortgage equity methods, such as simple mortgage equity and Ellwood/Akerson method.
 - d. Discounted cash flow methods and internal rate of return.

SECTION 21. RL 84.03 (1), (2) (intro.), (3) (a), (b), (c) 1., 2., 3., 4. a., b., c., (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p) and (q) are amended to read:

RL 84.03 (1) A program of study for certified general appraisers shall include at least ~~465~~ 180 hours of instruction.

(2) (intro.) Any approved program of study for certified general appraisers shall include within the ~~465~~ 180 hours:

- (3) (a) Appraisal standards and ethics;
- (b) Appraisal statistical concepts;
- (c) 1. Mathematics of finance, including compounding, discounting, and mortgage loans;
- 2. Property income and expense estimating, including lease analysis and analysis of operating statements;
- 3. Methods of calculating property reversions;
- 4. a. Direct capitalization;
- b. Residual methods, such as land, building, property, and equity;
- c. Mortgage equity methods, such as simple mortgage equity and Ellwood/Akerson method; ~~and.~~
- (d) Cost approach;
- (e) Economic principles;
- (f) Highest and best use analysis;
- (g) Influences on real estate value;
- (h) Legal considerations in appraisal;
- (i) Property description;

- (j) Real estate financing;
- (k) Real estate markets and analysis;
- (l) Reconciliation of values;
- (m) Residential income approach;
- (n) Sales comparison approach;
- (o) Site value;
- (p) Types of value;
- (q) Valuation of partial interests, including leasehold and leased fee valuation; ~~and.~~

SECTION 22. RL 84.04 (1), (2), (3) (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o) and (p) are amended to read:

RL 84.04 (1) An applicant seeking licensure as an appraiser shall submit evidence satisfactory to the department that the applicant has completed a program of study for licensed appraisers of at least ~~75~~ 90 hours of instruction.

(2) Any approved program of study for licensed appraisers shall include within the ~~75~~ 90 hours, not less than 15 hours of instruction in professional standards and code of ethics applicable to appraisers and not less than 20 hours of instruction in commercial income approach as described in sub. (3) (r).

- (3) (a) Appraisal standards and ethics;
- (b) Appraisal statistical concepts;
- (c) Cost approach;
- (d) Economic principles;
- (e) Highest and best use analysis;
- (f) Influences on real estate value;
- (g) Legal considerations in appraisal;
- (h) Property description;
- (i) Real estate financing;
- (j) Real estate markets and analysis;
- (k) Reconciliation of values;
- (l) Residential income approach;
- (m) Sales comparison approach;
- (n) Site value;
- (o) Types of value;
- (p) Valuation of partial interests; ~~and.~~

SECTION 23. RL 84.04 (3) (r) is created to read:

RL 84.04 (3) (r) Commercial income approach:

1. Mathematics of finance, including compounding, discounting, and mortgage loans.
2. Property income and expense estimating, including lease analysis and analysis of operating statements.
3. Methods of calculating property reversions.
4. Methods of converting income to value:
 - a. Direct capitalization.
 - b. Residual methods, such as land, building, property, and equity.
 - c. Mortgage equity methods, such as simple mortgage equity and Ellwood/Akerson method.
 - d. Discounted cash flow methods and internal rate of return.

SECTION 24. RL 85.01 (1) and (2) are amended to read:

RL 85.01 (1) Every certified and licensed appraiser shall complete at least ~~20~~ 28 hours of continuing education in each biennial renewal period as required in s. 458.13 (1), Stats., 4 of which shall include instruction in the professional standards and code of ethics applicable to appraisers.

Note: Proof of completion of the 28 hours of continuing education required under sub. (1) is not required to be submitted until the January 1, 2000 renewal date.

(2) Continuing education hours may be applied only to satisfy the continuing education requirements for the biennial renewal period in which the hours were acquired and may not be carried over to the next biennial renewal period.

SECTION 25. RL 85.01 (3) is repealed.

SECTION 26. RL 85.01 (5) and (6) are amended to read:

RL 85.01 (5) Credit may be allowed for appraiser education course instruction provided by a course instructor in connection with an approved continuing education program.

(6) To audit for compliance the department may require any certified or licensed appraiser to submit evidence of completion of ~~20~~ 28 hours of continuing education for the biennium preceding the renewal. Every certified and licensed appraiser shall retain records of continuing education credits for at least 5 years.

SECTION 27. RL 85.02 (8) (intro.), (a), (b), (c) and (9) (a) are amended to read:

RL 85.02 (8) (intro.) A correspondence course, video or remote television presentation which satisfies all of the following requirements may be approved:

(a) The course is presented by an accredited college or university which offers correspondence programs in other disciplines; and

(b) An individual successfully completes a written examination administered at a location by a proctor approved by the course provider; and

(c) An individual is awarded a minimum of one semester credit upon successful completion of the course; and

(9) (a) Be an instructor of appraisal courses who teaches or has taught appraisal courses at an accredited ~~institution of higher education college or university or a vocational, technical and adult education school.~~

SECTION 28. RL 86.01 (2) is amended to read:

RL 86.01 (2) All appraisals shall conform to the uniform standards of professional appraisal practice set forth in Appendix I. ~~No certified or licensed appraiser may sign any written appraisal report which was not prepared by the appraiser or under his or her supervision.~~

SECTION 29. RL 86.01 (2a) is created to read:

RL 86.01 (2a) No certified or licensed appraiser may sign any written appraisal report which was not prepared by the appraiser or under his or her supervision.

SECTION 30. RL 87.01 (1) is amended to read:

RL 87.01 (1) Applications for renewal shall be submitted prior to the applicable renewal date specified under s. 440.08 (2) (a), Stats., as appropriate, and proof of completion of ~~20~~ 28 hours of continuing education coursework as required under s. RL 85.01.

SECTION 31. RL 87.02 (1), (2) (intro.), (a) and (b) are amended to read:

RL 87.02 (1) If applying less than 5 years after the renewal date, submitting proof of completion of ~~20~~ 28 hours of continuing education as required under s. RL 85.01 and paying the renewal fees specified in s. 440.08 (2) (a) 11., 11m. and 12. and (3), Stats.

(2) (intro.) If applying 5 years or more after the renewal date, submitting proof of completion of ~~20~~ 28 hours of continuing education as required under s. RL 85.01, paying the renewal fees specified in s. 440.08 (2) (a) 11. and 12. and (3), Stats., and submitting proof of one or more of the following, as determined by the department to ensure protection of the public health, safety and welfare:

(a) Successful completion of educational coursework ~~required by the department to ensure protection of the public health, safety and welfare; and,~~

(b) Successful completion of an the examination required by the department to ensure protection of the public health, safety and welfare on Wisconsin statutes and rules or the national appraiser certification or licensure examination.

Fiscal Effect

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.

2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.

3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

Initial Regulatory Flexibility Analysis

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

Copies of Rule and Contact Person

Copies of this proposed rule are available without cost upon request to: Pamela Haack, Department of Regulation and Licensing, Office of Administrative Rules, 1400 East Washington Avenue, Room 171, P.O. Box 8935, Madison, Wisconsin 53708 (608) 266-0495.

Notice of Hearing

Workforce Development (Worker's Compensation, Chs. DWD 80-82)

Notice is hereby given that pursuant to ss. 102.15, 102.28 (2) (b), 102.37 and 102.38, Stats., the Department of Workforce Development proposes to hold a public hearing to consider a revision of ch. DWD 80, relating to reports.

Hearing Information

The public hearing is scheduled as follows:

Date & Time	Location
Sept. 11, 1997 Thursday 10:00 a.m.	Room 371, GEF# 1 201 E. Washington Ave. MADISON, WI

This hearing is held in an accessible facility. If you have special needs or circumstances which may make communication or accessibility difficult at the hearing, please call (608) 266-1340, or Telecommunications Device for the Deaf (TTY) at (608) 266-1340, at least 10 days prior to the hearing date. Accommodations such as interpreters, English translators or materials in audiotape format will, to the fullest extent possible, be made available on request by a person with a disability.

Copies of Rule

A copy of the rules to be considered may be obtained from contacting the address or phone number given below, or at the appointed time and place the hearing is held.

Division of Worker's Compensation
Telephone (608) 266-1340
State Dept. of Workforce Development
201 E. Washington Ave.
P.O. Box 7901
MADISON, WI 53707-7901

Written Comments

Interested people are invited to appear at the hearing and will be afforded the opportunity of making an oral presentation of their positions. People making oral presentations are requested to submit their facts, views and suggested rewording in writing. Written comments from people unable to attend the public hearing, or who wish to supplement testimony offered at the hearing may be submitted no later than **September 12, 1997**, for inclusion in the summary of public comments submitted to the Legislature. Any such comments should be submitted to Richard D. Smith at the address noted above. Written comments will be given the same consideration as testimony presented at the hearing. People submitting comments will not receive individual responses.

Analysis of the Proposed Rule

Statutory authority: ss. 102.15 (1), 102.28 (2) (b), 102.37 and 102.38

The rule clarifies reports required by the Department from insured employers, self-insured employers and insurance carriers. Generally, the rule eliminates or relaxes *reporting* requirements. It does not change prompt *payment* standards.

Significant changes include:

1) Insured employers are no longer required by rule to file any first report of injury (WKC-12);

2) Insurance carriers will file the WKC-12 on behalf of their insured, but the deadline for doing so has been changed from 7 days after the injury to 14 days after the injury;

3) The current 14-day standard for insurance carriers and self-insured employers to file a supplemental report (WKC- 13) and, if necessary, related documents (WKC- 13 -A, Part-time Employee Statement), has been changed from 14 days after the injury to 30 days after the injury; and,

4) Clarification that, except where investigations continue beyond 14 days, insurance carriers and self-insured employers are only required to report compensable injuries, not alleged injuries.

Under current law, there are several provisions in s. DWD 80.02 where the time period for reporting information is not specified or is indefinite (e.g., "immediately"). This rule sets a time period for reporting the information that is consistent with current, informal, Department expectations. The rule also requires that, except for the WKC- 12 and initial WKC- 13, insurance carriers and self-insured employers shall provide injured employes with a copy of the documents submitted to the Department. There are other minor clarifications or updates of language in the existing rule.

Initial Regulatory Flexibility Analysis

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

Businesses that usually employ 3 or more employes or which pay \$500 in a calendar quarter to all employes are subject to the Worker's Compensation Act and this rule.

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

For smaller employers (i.e., those who are insured, not self-insured employers) this rule eliminates the requirement to file any first reports of injury with the Department. Insurers will be required to file the document on behalf of their insured employers.

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

None.

Fiscal Estimate

This rule streamlines and clarifies reporting requirements for insured employers, self-insured employers and insurance carriers. The requirement that insured employers report directly to the Department of Workforce Development all work-related injuries that involve three or more days of lost time is eliminated in the revisions to s. DWD 80.02. These injuries will be reported to the employers worker's compensation insurance carrier, who will be responsible for reporting them to the Department.

The Department receives approximately 65,000 injury claims per year. Over one-half of these claims are reported by insured employers. Some employers mistakenly report injury claims that do not involve at least three days of lost time. This "over-reporting" of several thousand claims per year generates unnecessary work for Department staff, including monitoring claim status and requesting additional information about the claim from the insurance carrier and/or employer.

It is assumed that the proposed changes to s. DWD 80.02 will have the following effect on the staff workload:

☞ Reduce by 5,000 the number of claims currently reported to the Department that need not be reported;

☞ Reduce the amount of correspondence currently sent to carriers and employers to clarify what appear to be not reportable claims;

☞ Reduce the amount of correspondence and phone calls received from carriers in response to Department inquiries regarding non-reportable claims;

☞ Reduce the amount of documents required to be imaged, reviewed and logged into the Department's claim information system.

This rule change will enable the Department to reallocate approximately 0.5 FTE position to higher priority claims monitoring work.

Long-Range Fiscal Implications:

Improved quality of claim reporting, more timely reporting and reduced exchange of correspondence between the Department and employers/carriers.

*NOTICE OF SUBMISSION OF PROPOSED RULES TO THE PRESIDING OFFICER OF
EACH HOUSE OF THE LEGISLATURE, UNDER S. 227.19, STATS.*

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

Health & Family Services (CR 97-91):

Ch. HSS 163 – Relating to certification to perform lead abatement, other lead hazard reduction work, and lead management activities, accreditation of training courses for individuals performing those activities and approval of training course managers, principal instructors and guest instructors.

Insurance, Commissioner of (CR 97-71):

SS. Ins 17.01 and 17.28 – Relating to annual patients compensation fund and mediation fees for the fiscal year beginning July 1, 1997.

Law Enforcement Standards Board (CR 96-118):

Chs. LES 1 to 6 – Relating to training and employment standards for law enforcement, tribal law enforcement, jail and secure detention officers and to administration of training.

Psychology Examining Board (CR 97-85):

S. Psy 4.02 – Relating to continuing education.

Revenue (CR 97-56):

SS. Tax 11.32 and 11.68 – Relating to Wisconsin sales and use taxes.

Revenue (CR 97-90):

SS. Tax 11.05 and 11.86 – Relating to the Wisconsin sales and use tax treatment of landscaping services and sales and purchases by governmental units and the use of exemption certificates.

Transportation (CR 97-34):

Ch. Trans 177 – Relating to motor carriers.

Workforce Development (CR 97-100):

S. DWD 272.14 – Relating to displacement of employees and the minimum wage.

ADMINISTRATIVE RULES FILED WITH THE REVISOR OF STATUTES BUREAU

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

Corrections (CR 96-92):

An order repealing and recreating ch. DOC 326, relating to leave for qualified inmates.
Effective 10-01-97.

Corrections (CR 96-163):

An order creating s. DOC 313.025, relating to the definition of a "prison industry" pursuant to s. 227.11 (2) (a), Stats.
Effective 10-01-97.

Natural Resources (CR 96-188):

An order affecting ss. NR 120.02, 120.14 and 120.18, relating to the nonpoint source pollution abatement program.
Effective 10-01-97.

Natural Resources (CR 97-15):

An order affecting ss. NR 20.03, 20.04, 20.09, 20.10, 26.05, 26.08, 26.09 and 26.14, relating to sport fishing and fish refuges.
Effective 03-01-98.

Natural Resources (CR 97-17):

An order affecting ch. NR 809, relating to safe drinking water standards.
Effective 11-01-97.

Natural Resources (CR 97-18):

An order affecting ss. NR 10.001, 10.06, 10.103, 10.106, 10.145, 10.28, 10.29, 11.032 and 19.13, relating to hunting and trapping.
Part effective 11-01-97.
Part effective 12-01-97.
Part effective 03-01-98.

Natural Resources (CR 97-19):

An order affecting ss. NR 10.01, 10.07, 10.12, 10.13, 10.145, 10.27, 10.28, 10.29, 10.34, 10.35, 10.37, 10.40, 15.015 and 15.022, relating to hunting and trapping.
Part effective 11-01-97.
Part effective 01-01-98.
Part effective 03-01-98.
Part effective 05-01-98.

Revenue (CR 96-79):

An order affecting ch. Tax 18, relating to assessment of agricultural land beginning in 1998.
Effective 10-01-97.

Revenue (CR 97-46):

An order amending s. Tax 11.66 (2) (intro.) and (5), relating to telecommunications services.
Effective 10-01-97.

Revenue (CR 97-53):

An order repealing ch. ATCP 53 and creating ch. Tax 53, relating to changing the agency acronym to reflect the program transfer from the Department of Agriculture, Trade and Consumer Protection to the Department of Revenue, and to increase plat review fees to cover all of the current costs of activities and services provided by the Department of Revenue under ss. 70.27 and 236.12, Stats.
Effective 10-01-97.

RULES PUBLISHED IN THIS WIS. ADM. REGISTER

*The following administrative rule orders have been adopted and published in the **August 31, 1997 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.

Health & Family Services (CR 97-24):

An order repealing ch. HSS 148, relating to rural counties participating in the Wisconsin breast cancer screening project.

Effective 09-01-97.

Health & Family Services (CR 97-36):

An order affecting ss. HFS 1.01, 1.02, 1.03, 1.05 and 1.07, relating to operation of the uniform fee system, including determination of parental liability for the cost of court-ordered substitute care of a child.

Effective 09-01-97.

Insurance, Commissioner of (CR 97-7):

An order affecting s. Ins 3.46, relating to the requirements for tax deductible long-term care insurance.

Effective 09-01-97.

Natural Resources (CR 96-148):

An order affecting chs. NR 102, 105, 106 and 207, relating to surface water quality standards, criteria and their implementation procedures.

Effective 09-01-97.

Natural Resources (CR 96-178):

An order affecting ss. NR 502.06 & 506.105 and chs. NR 503, 504, 512, 514, 516 and 520, relating to solid waste management.

Part effective 09-01-97.

Part effective 10-01-97.

Natural Resources (CR 96-187):

An order repealing s. NR 728.11 (4), relating to the sunset of s. NR 728.11.

Effective 09-01-97.

FINAL REGULATORY FLEXIBILITY ANALYSES

1. Health & Family Services (CR 97–24)

Ch. HSS 148 – Rural counties participating in the Wisconsin Breast Cancer Screening Project.

Summary of Final Regulatory Flexibility Analysis:

The order will not affect small businesses as “small business” is defined in s. 227.114(1)(a), Stats. The rules are being repealed because the program statute was amended to delete mention of a list of 12 rural counties in the state that have the highest incidence of late stage breast cancer and to repeal the requirement that the Department specify those counties by rule.

Summary of Comments:

No comments were reported.

2. Health & Family Services (CR 97–36)

Ch. HFS 1 – Operation of the Department’s uniform fee system including determination of parental liability for the cost of court-ordered substitute care of a child.

Summary of Final Regulatory Flexibility Analysis:

The proposed rules will not directly affect small businesses as “small business” is defined in s. 227.1 114(1)(a), Stats. They apply to the Department, the Wisconsin Department of Corrections, county social service and human service departments and county child support agencies, and they will affect also the parents of children who are in court-ordered substitute care placements.

Summary of Comments:

No comments were reported.

3. Insurance (CR 97–7)

S. Ins 3.46 (18) – Requirements for qualified tax deductible long term care policies.

Summary of Final Regulatory Flexibility Analysis:

The Office of the Commissioner of Insurance has determined that this rule will not have a significant economic impact on a substantial number of small businesses and therefore a final regulatory flexibility analysis is not required.

Summary of Comments from Legislative Standing Committees:

The legislative standing committees had no comments on this rule.

4. Natural Resources (CR 96–148)

Chs. NR 102, 105, 106 and 207 – Surface water quality standards, criteria and their implementation procedures.

Summary of Final Regulatory Flexibility Analysis:

The U.S. Environmental Protection Agency has assessed the impact of the Great Lakes Initiative on small facilities under the requirements of the Regulatory Flexibility Act. In the final guidance summary, they concluded the following:

“...EPA is certifying that this rule will not have a significant economic impact on a substantial number of small entities... small facilities are projected to incur costs of only approximately \$500 per facility to comply with subsequently promulgated requirements that are consistent with the final Guidance. Accordingly, EPA believes there will be no significant economic impact on a substantial number of small entities as a result of State or Tribal implementation of the final Guidance.”

Summary of Comments:

The rules were reviewed by the Senate Agriculture and Environmental Resources Committee and the Assembly Environment Committee. There were no comments.

5. Natural Resources (CR 96–178)

Chs. NR 500 – 520 – Solid Waste Management.

Summary of Final Regulatory Flexibility Analysis:

The Department does not believe that the proposed revisions will have a significant economic impact on a substantial number of small businesses. In general, these revisions affect municipalities and larger businesses.

Summary of Comments:

The rules were reviewed by the Assembly Natural Resources Committee and the Senate Agriculture and Environmental Resources Committee. There were no comments.

6. Natural Resources (CR 96–187)

S. NR 728.11 – Sunset of s. NR 728.11.

Summary of Final Regulatory Flexibility Analysis:

The requirements for responding to and addressing discharges of hazardous substances are not changed by this rule amendment. The responsible party and/or property owner for a site is still required to restore the environment to the extent practicable. However, under this rule some lower priority sites will be placed on hold with no further enforcement action initiated until adequate staff resources become available.

Summary of Comments:

The rules were reviewed by the Assembly Natural Resources Committee and the Senate Agriculture and Environmental Resources Committee. There were no comments.

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