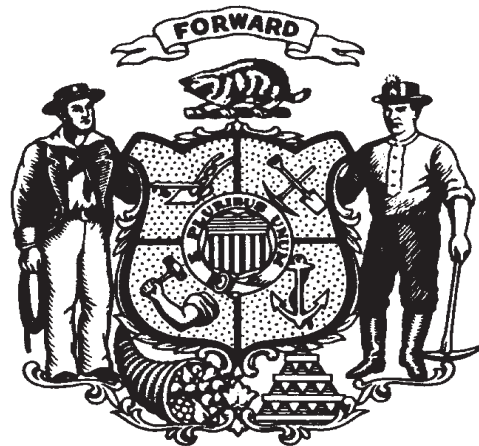


Wisconsin Administrative Register

No. 547



Publication Date: July 31, 2001

Effective Date: August 1, 2001



Revisor of Statutes Bureau
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Madison, Wisconsin 53703-3233

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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.

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

Agriculture, Trade & Consumer Protection

Rules adopted revising **ch. ATCP 80**, relating to pathogen-tests on ready-to-eat dairy products.

Finding of emergency

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) finds that an emergency exists and that an emergency rule is necessary to protect public health, safety and welfare. The facts constituting the emergency are as follows:

(1) DATCP licenses and inspects dairy plants under s. 97.20, Stats. Current DATCP rules, under s. ATCP 80.56 (4), Wis. Adm. Code, require dairy plant operators to report to DATCP the results of any microbiological test that confirms the presence of a pathogenic organism in a pasteurized or ready-to-eat dairy product.

(2) There has been a nationwide increase in food borne disease outbreaks associated with food and dairy products. Such outbreaks can occur when ready-to-eat foods enter food distribution channels without being tested for pathogenic bacteria.

(3) There is no national or state law requiring dairy plant operators to test ready-to-eat dairy products for pathogens prior to sale or distribution. Dairy plant operators have a natural incentive to test, in order to avoid liability and meet their customers' product safety demands. But the current test reporting requirement under s. ATCP 80.56 (4) discourages pathogen testing, because test reports become public records that may be open to public inspection even if the affected products are withheld from distribution.

(4) There is an urgent need to repeal this counterproductive reporting requirement, and to create alternative rules that will encourage pathogen testing and provide stronger public health protection. This emergency rule will encourage more pathogen testing, and provide stronger public health protection, pending the adoption of "permanent" rule changes.

Publication Date: March 2, 2001
Effective Date: March 2, 2001
Expiration Date: July 30, 2001
Hearing Dates: June 14 & 15, 2001

Commerce

(Flammable and Combustible Liquids – Ch. Comm 10)

Rules adopted revising **s. Comm 10.345**, relating to the effective date of required upgrades to aboveground bulk tanks that were in existence on May 1, 1991.

Finding of emergency

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

Wisconsin Administrative Code ch. Comm 10, Flammable and Combustible Liquids Code, became effective on 5/1/91. Section Comm 10.345 (2) contains requirements for bulk tanks in existence on that date to be provided with specific containment or leak detection upgrades within 10 years of that date. Some concerns have been expressed on the impact that compliance date could have on heating oil supplies and prices this winter. Construction requirements could result in a substantial number of tanks storing heating oil to be closed during the winter heating season in preparation for the required upgrades.

Based on these concerns, the department has agreed to extend the compliance deadline for 3 months until 8/1/01 if approvable tank system upgrade plans have been submitted to the department by 2/1/01.

Publication Date: January 6, 2001
Effective Date: January 6, 2001
Expiration Date: June 4, 2001
Hearing Date: February 27, 2001
Extension Through: August 2, 2001

Commerce

(Financial Assistance for Businesses and Communities) (Chs. Comm 105–128)

Rules adopted revising **ch. Comm 113** relating to the allocation of volume cap on tax-exempt private activity bonds.

Finding of emergency

The Department of Commerce finds that an emergency exists and that the adoption of a rule is necessary for the immediate preservation of public health, safety and welfare.

Pursuant to s. 560.032, Stats., the Department of Commerce (Commerce) is responsible for administering the allocation of volume cap. The emergency rule is being adopted to incorporate in the administrative code recent changes to the Internal Revenue Code (Section CFR 146) which increases state volume cap limits on tax-exempt private activity bonds. The year 2000 limit was \$50 per resident of the state. For the year 2001 the limit has been raised to \$62.50; for the year 2002, the limit will be \$75.00; and thereafter, the limit will be indexed to inflation. The rule identifies a formula for the allocation of volume cap for the year 2001 and future years. This emergency rule outlines the distribution of the volume cap between the State Building

Commission, the Wisconsin Housing and Economic Development Authority, and Commerce. The rules are also being revised to provide an allocation process that will allow Commerce to be more responsive to the needs of businesses as changes occur in the state's economy.

Publication Date: April 26, 2001
Effective Date: April 26, 2001
Expiration Date: September 23, 2001
Hearing Date: July 16, 2001

Corrections

Rules adopted revising **ch. DOC 309**, relating to sexually explicit material at adult correctional institutions.

Finding of emergency

The Department of Corrections finds that an emergency exists and that rules are necessary for preservation of the public welfare. A statement of the facts constituting the emergency is: Effective December 1, 1998, the Department implemented rules restricting inmates' access to sexually explicit material. These rules were challenged in federal court in a class action suit brought by several inmates (*Aiello v. Litscher*, Case No. 98-C-791-C, Western District of Wisconsin). The defendants filed a motion for summary judgment, but it was denied by the court in language that suggested the rules were unconstitutional in their present form based on a number of federal appellate court decisions that were reported after the rules were implemented.

In light of these developments, the parties negotiated a settlement which includes an immediate revision of the present rules to conform to the latest decisional law regarding the extent to which inmates' access to sexually explicit material can be restricted for legitimate penological objectives. Adoption of the revised rules no later than February 23, 2001, is necessary to avoid a lapse of the settlement agreement and lengthy trial with the attendant possibility of having to pay a considerable amount in attorneys' fees.

This order:

- Revises the present rules restricting inmates' access to sexually explicit material by prohibiting access to published material that depicts nudity on a routine or regular basis or promotes itself based on nudity in the case of individual one-time issues.
- Revises the present rules by prohibiting access to written material when it meets the legal definition of obscenity.

Publication Date: February 23, 2001
Effective Date: February 23, 2001
Expiration Date: July 23, 2001
Hearing Date: May 3, 4 & 9, 2001

Financial Institutions – Corporate and Consumer Services

Rules adopted repealing **ch. SS 3** and creating **chs. DFI-CCS 1 to 6**, relating to the Uniform Commercial Code.

Finding of emergency

2001 Act 10 repealed and recreated the Wisconsin Uniform Commercial Code ("UCC"), effective July 1, 2001. The act authorizes the Department of Financial Institutions to promulgate rules to implement the UCC. Without these rules, the department will be unable to operate either a state-wide lien filing system or give effect to the provisions of the UCC before permanent rules can be promulgated. The act is part of

an effort by the National Conference of Commissioners on Uniform State Laws and all member states to implement a revised model Uniform Commercial Code on July 1, 2001 to facilitate interstate commerce with nation-wide uniformity in lien filings. The rules address general provisions, acceptance and refusal of documents, the information management system, filing and data entry procedures, search requests and reports, and other notices of liens under the UCC.

Publication Date: July 2, 2001
Effective Date: July 2, 2001
Expiration Date: November 29, 2001

Health & Family Services (Community Services, Chs. HFS 30-)

A rule was adopted amending **s. HFS 94.20 (3)**, relating to patients' rights.

Finding of emergency

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

The Department operates secure mental facilities for the treatment of ch. 980, Stats., sexually violent patients. Departmental investigations have indicated that a portion of the ch. 980 inpatient population has routinely abused their s. HFS 94.20 telephone rights by making inappropriate calls to members of the public, by fraudulently placing numerous long distance calls that are billed to innocent third-parties or by operating fraudulent schemes. Since the Department has previously had no means of monitoring patient telephone use, the extent of this activity is unknown, but given the experience of investigations triggered by citizen complaints, it is clear that these sorts of activities are not infrequent among this population. In addition, experience with telephone monitoring in other secure institutions indicates that call monitoring can and does help staff detect contraband and other security-related issues and activities. These abuses are clearly contrary to the therapeutic activities conducted at the secure mental health facilities.

Until recently, the Department has been unable to stop these abuses because the Department's facilities lacked secure telephone systems. Previous DHFS efforts to obtain secure telephone systems from the telephone system's vendor used by the Department of Corrections were not successful because the call volume at DHFS's secure mental health facilities were viewed as insufficient to support the telephone system.

In late 2000, the Department of Corrections selected a new vendor for its secure telephone system. In May 2001, the new vendor agreed to also install the system in DHFS's secure mental health facilities. The installation of the system at the facilities will be completed by June 20, 2001. The systems will allow the Department to establish and enforce calling lists for each inpatient and monitor inpatients' calls for counter-therapeutic activity. An inpatient's calling lists is a finite number of telephone numbers associated with persons the inpatient is approved to contact by telephone. Use of calling lists alone, however, is insufficient to discourage and minimize inpatient attempts to subvert the system. The Department must monitor phone calls made by ch. 980 inpatients to discourage and minimize the occurrence of inpatients calling persons on their calling list who, in turn, subvert the secure system by forwarding the inpatient's call for the prohibited purposes and activities previously described. The Department must be able to monitor the phone calls of ch.

980 inpatients both to protect the public and promote therapeutic activities at the secure mental health facilities.

The Department is issuing these rules on an emergency basis to protect the public's safety by minimizing the recurring fraudulent activity associated with telephone use. These rules also ensure the public's safety and welfare by promoting the effective treatment mission of the secure mental health facilities. The recording capability of the telephone system hardware that has been installed at the Wisconsin Resource Center and the Sand Ridge Secure Treatment Center cannot be turned off, i.e., when the system is functional, all features of the system are fully operational. If the secure telephone system is not operational, both the Wisconsin Resource Center and the Sand Ridge facility will lose the therapeutic and safety advantages afforded by the system. Since the Sand Ridge facility is accepting its first patients during the week of June 18th, there is not alternative telephone system for patients.

Publication Date: June 22, 2001
Effective Date: June 22, 2001
Expiration Date: November 19, 2001

Health & Family Services – (2) (Health, Chs. HFS 110–)

1. Rules adopted revising **ch. HFS 163**, relating to certification for the identification, removal and reduction of lead-based paint hazards.

Finding of emergency

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

Summary

September 2000 regulations issued by the U.S. Department of Housing and Urban Development (HUD) assume states' commencing lead abatement activities compliant with the federal regulations beginning March 15, 2001. The Department estimates that about 5,000 structures in the state require lead abatement activities. About 300 persons need to be trained to conduct lead abatement activities on these 5,000 structures. Without DHFS issuance of revised training program requirements, Wisconsin's lead training programs will not alter their courses to HUD standards or receive state accreditation in time for sufficient personnel to be trained by the time high demands for lead abatement commences. To sanction ill-trained lead abatement personnel by March 15, 2001, the Department would needlessly endanger the health of both untrained lead abatement personnel and the public whose residences are affected.

Lead Abatement Activities

Residences built before 1978 have a high likelihood of containing lead-based paint. When lead-based paint is in poor condition or when it is disturbed through activities such as sanding or scraping, the paint can break down into chips and dust that become a potential source of lead poisoning for occupants. Wisconsin has nearly 500,000 rental units and 1 million owner-occupied units built before 1978 and presumed to contain lead-based paint.

Exposure to lead in paint, dust or soil has both short-term and long-term adverse health effects on children, causing learning disabilities, decreased growth, hyperactivity, impaired hearing, brain damage and even death. When not

fatal, these effects on the body last a lifetime. Of 63,400 Wisconsin children under the age of 6 screened for lead poisoning in 1999, 3,744 were identified as having lead poisoning. However, the number of children affected by lead poisoning is probably much greater, since the 63,400 screened represented only 16% of the state's children under the age of 6. Many of these children would not become lead poisoned if pre-1978 dwellings did not have deteriorated paint or lead-based paint on friction or impact surfaces and if lead-safe techniques were used when disturbing lead-based paint.

Lead poisoning can also affect older children and adults. In 1999, a 40-year old man employed to remove paint from windows of a rental dwelling was severely lead poisoned. He was hospitalized with complaints of headaches and joint pain. He underwent multiple sessions of chelation therapy to remove some of the lead from his blood, but still suffered serious neurological damage, which affected his speech and balance. This man's lead poisoning could have been avoided if he had been trained to use lead-safe techniques and personal protection equipment.

Existing Wisconsin Law

Chapter 254, Stats., provides for a comprehensive lead hazard reduction program, including lead exposure screening, medical case management and reporting requirements, and the development of lead training accreditation and certification programs. Under the authority of Chapter 254, Stats., the Department promulgated Chapter HFS 163, Wis. Adm. Code, in 1988 to provide rules for the certification of individuals performing lead hazard reduction and for the accreditation of the courses that prepare individuals for certification. These rules have been revised over time to meet requirements of the U.S. Environmental Protection Agency (EPA).

Wisconsin met federal standards for a state-administered lead training accreditation and certification program and received EPA authorization effective January 27, 1999. The Department's Asbestos and Lead Section of the Bureau of Occupational Health administers and enforces lead-based paint training, certification and work practice provisions of Chapter HFS 163, Wis. Adm. Code. The Section operates on a combination of program revenue and lead program development grants from the EPA.

Under Chapter HFS 163, Wis. Adm. Code, a person offering, providing or supervising lead-based paint activities for which certification is required must be certified as a lead company and may only employ or contract with appropriately certified individuals to perform these activities. An individual may apply for certification in the following disciplines: lead (Pb) worker, supervisor, inspector, risk assessor and project designer. For initial certification, the individual must be 18 years of age or older, must meet applicable education and experience qualifications, must successfully complete certification training requirements and, to be certified as a lead (Pb) inspector, risk assessor or supervisor, must pass a certification examination. All individuals must have completed worker safety training required by the U.S. Occupational Health and Safety Administration for lead in construction. In addition, a lead (Pb) worker, supervisor, or project designer must complete a 16-hour lead (Pb) worker course, a lead (Pb) supervisor or project designer also must complete a 16-hour lead (Pb) supervisor course, and a lead (Pb) project designer must complete an 8-hour lead (Pb) project designer course. A lead (Pb) inspector or risk assessor must complete a 24-hour lead (Pb) inspector course and a lead (Pb) risk assessor must also complete a 16-hour lead (Pb) risk assessor course.

New Federal Regulations

The U.S. Department of Housing and Urban Development (HUD) revised 24 CFR Part 35 effective September 15, 2000. The regulations require most properties owned by the federal government or receiving federal assistance to conduct specified activities to make the property lead-safe. Specifically, these regulations affect property owners receiving federal rehabilitation funds and landlords whose tenants receive federal rental assistance. To meet HUD's lead-safe standards, most affected properties must have a risk assessment completed and must use certified persons to reduce or eliminate the lead-based paint hazards identified in the risk assessment report. Property owners must also use trained people to perform maintenance or renovation activities and must have clearance conducted after completing activities that disturb lead-based paint. Clearance is a visual inspection and dust-lead sampling to verify that lead-based paint hazards are not left behind. The HUD regulations also establish a new, research-based standard for clearance that is more protective than HUD's previously recommended standard.

The EPA has issued a memorandum urging States to implement a lead sampling technician discipline for which a 1-day training course would be required. Addition of this discipline would help to meet the increased demand for clearance under both the HUD regulations and renovation and remodeling regulations being considered by EPA.

The EPA is preparing to promulgate lead renovation and remodeling regulations under 40 CFR Part 745. Under these training and certification regulations for renovators, any person who disturbs paint in a pre-1978 dwelling, other than a homeowner performing activities in an owner-occupied dwelling, will have to complete lead-safe training. EPA is also considering requiring clearance after any activity that disturbs paint in a pre-1978 dwelling, except when work on owner-occupied property was done by the property owner.

New Wisconsin Law

1999 Wisconsin Act 113 requires the Department to establish a process for issuing certificates of lead-free or lead-safe status and registering the properties for which certificates are issued. If a dwelling unit has a valid certificate of lead-free or lead-safe status when a person who resides in or visits the unit is lead poisoned, the property owner, and his or her agents and employees are generally immune from civil and criminal liability for their acts or omissions related to the lead poisoning or lead exposure. Act 113 also requires the Department to establish the requirements for a training course of up to 16 hours that property owners, their agents and employees may complete in order to receive certification. The Department must also specify the scope of the lead investigation and lead hazard reduction activities that may be performed following certification. Act 113 specifies that administrative rules to implement Act 113 must be submitted to the Legislative Council Rules Clearinghouse by December 1, 2000. The rules providing the standards for lead-free and lead-safe property, and the procedures for issuing certificates of lead-free status and lead-safe status, are being promulgated separately and are not expected to be published for several months.

Result of Changing Federal and State Requirements

New HUD regulations create an urgent need for appropriately trained and certified workers to conduct activities that reduce or identify lead-based paint hazards. Due to a lack of trained and certified individuals to perform the activities required by the HUD regulations, housing agencies in Wisconsin have been forced to ask HUD for a 6-month extension before beginning enforcement of the

regulations. To be granted the extension, the agencies must provide a plan for increasing the number of certified persons to meet the demand by March 15, 2001. If HUD does not grant an extension, millions of dollars in federal funding for rehabilitation and lead hazard reduction may be lost.

In addition to the demand for certified persons generated by the HUD regulations, Act 113 is generating its own demand for certified persons. Many property owners want to begin reducing lead-based paint hazards on their properties in order to meet the standards for lead-free or lead-safe property when the standards take effect. Although property owners and their employees may be certified now under Chapter HFS 163, Wis. Adm. Code, some property owners feel 5 days of training is too extensive for the work they will be performing. Act 113 requires the Department to establish the requirements for a training course of up to 16 hours that property owners, their agents and employees may complete in order to receive certification. This emergency rule meets the requirement of Act 113 by providing for certification as a lead (Pb) low-risk supervisor to independently perform limited lead hazard reduction activities after only 2 days of training.

Department Response

The Department is gravely concerned that a lack of properly trained and certified individuals to meet the increased demand may lead to an increase in lead poisoning due to work being performed by untrained individuals. The new disciplines in this emergency order will help meet the demand for certified individuals because the rules reduce the training hours required for certification by targeting training to specific activities. With more individuals becoming certified, housing authorities and property owners will be able to comply with HUD regulations and property owners will be able to reduce lead-based paint hazards in preparation for the implementation of Act 113 lead-free and lead-safe property standards.

In promulgating these revisions to the certification and training accreditation requirements under chapter HFS 163, the Department seeks to meet the needs of all the parties affected by training or certification requirements under State, federal or local lead regulations. For each revision made by these rules, the Department considered the impact of the cost, the ease with which persons could comply, the ability to easily move to a higher level of certification, and the consistency with other regulations. In developing the low-risk worker and low-risk supervisor disciplines, the Department also considered potential requirements of EPA's renovation and remodeling regulations.

The Department divided required training into smaller independent modules to allow individuals to complete the least amount of training necessary to safely and accurately perform the lead-based paint activities for which the individual becomes certified. In addition, the Department:

- Divided lead hazard reduction activities into those that are low-risk and high-risk.
- Divided site management activities into project design and supervision of low-risk versus high-risk activities.
- Divided lead investigation activities conducted by lead risk assessors into sampling, inspection, and hazard investigation.
- Revised the definitions, training and certification requirements and accreditation standards to reflect these categories of activities.

Publication Date: December 1, 2000
Effective Date: December 1, 2000
Expiration Date: April 30, 2001
Hearing Date: January 12, 16, 17, 18 and 19, 2001
Extension Through: August 27, 2001

2. Rules adopted revising **ch. HFS 119**, relating to the Health Insurance Risk-Sharing Plan (HIRSP).

Exemption from finding of emergency

Section 149.143 (4), Stats., permits the Department to promulgate rules required under s. 149.143 (2) and (3), Stats., by using emergency rulemaking procedures, except that the Department is specifically exempted from the requirement under s. 227.24 (1) and (3), Stats., that it make a finding of emergency. These are the emergency rules. Department staff consulted with the Health Insurance Risk-Sharing Plan (HIRSP) Board of Governors on April 25, 2001 on the rules, as required by s. 149.20, Stats.

Analysis Prepared by the Department of Health and Family Services

The State of Wisconsin in 1981 established a Health Insurance Risk-Sharing Plan (HIRSP) for the purpose of making health insurance coverage available to medically uninsured residents of the state. HIRSP offers different types of medical care coverage plans for residents.

One type of medical coverage provided by HIRSP is the Major Medical Plan. This type of coverage is called Plan 1. Eighty-six percent of the 10,790 HIRSP policies in effect in March 2001, were of the Plan 1 type. Plan 1 has Option A (\$1,000 deductible) or Option B (\$2,500 deductible). The rate increases for Plan 1 contained in this rulemaking order increase an average of 3.4%. Rate increases for specific policyholders range from 0.0% to 4.9%, depending on a policyholder's age, gender, household income, deductible and zone of residence within Wisconsin. This increase reflects industry-wide premium increases and takes into account the increase in costs associated with Plan 1 claims. According to state law, HIRSP premiums must fund 60% of plan costs and cannot be less than 150% of the amount an individual would be charged for a comparable policy in the private market.

A second type of medical coverage provided by HIRSP is supplemental coverage for persons eligible for Medicare. This type of coverage is called Plan 2. Plan 2 has a \$500 deductible. Fourteen percent of the 10,790 HIRSP policies in effect in March 2001, were of the Plan 2 type. The rate increases for Plan 2 contained in this rulemaking order increase an average of 3.4%. Rate increases for specific policyholders range from 0.0% to 4.9%, depending on a policyholder's age, gender, household income and zone of residence within Wisconsin. These rate increases reflect industry-wide cost increases.

The Department through this rulemaking order proposes to amend ch. HFS 119 in order to update HIRSP premium rates in accordance with the authority and requirements set out in s. 149.143 (3) (a), Stats. The Department is required to set premium rates by rule. HIRSP premium rates must be calculated in accordance with generally accepted actuarial principles.

The Department through this order is also adjusting the total HIRSP insurer assessments and provider payment rates in accordance with the authority and requirements set out in s. 149.143 (2) (a) 3. and 4., Stats. With the approval of the HIRSP Board of Governors and as required by statute, the Department reconciled total costs for the HIRSP program for calendar year 2000. The Board of Governors approved a methodology that reconciles the most recent calendar year actual HIRSP program costs, policyholder premiums, insurance assessments and health care provider contributions collected with the statutorily required funding formula.

By statute, the adjustments for the calendar year are to be applied to the next plan year budget beginning July 1, 2001.

The total annual contribution to the HIRSP budget provided by an adjustment to the provider payment rates is \$19,982,024. The total annual contribution to the HIRSP budget provided by an assessment on insurers is \$19,617,772. On April 25, 2001, the HIRSP Board of Governors approved the calendar year 2000 reconciliation process and the HIRSP budget for the plan year July 1, 2001 through June 30, 2002.

The fiscal changes contained in this order also reflect the conversion of HIRSP from cash accounting to accrual accounting, as recommended by the Legislative Audit Bureau and the HIRSP Board of Governors. Cash accounting recognizes the costs of claims and expenses when paid. Accrual accounting recognizes the costs of claims and expenses in the time period when first incurred. Basically, HIRSP program liabilities have been understated under the cash accounting methodology. The net effect of the HIRSP conversion to accrual accounting is to provide a more accurate reflection of the program's financial condition.

Publication Date: June 29, 2001
Effective Date: July 1, 2001
Expiration Date: November 28, 2001

Insurance

Rules adopted revising **ch. Ins 17**, relating to annual patients compensation fund and mediation fund fees.

Finding of emergency

The commissioner of insurance 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 commissioner was unable to promulgate the permanent rule corresponding to this emergency rule, clearinghouse rule No. 01-035, 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, 2001.

The commissioner expects the permanent rule will be filed with the secretary of state in time to take effect October 1, 2001. Because the fund fee provisions of this rule first apply on July 1, 2001, it is necessary to promulgate the rule on an emergency basis. A hearing on the permanent rule, pursuant to published notice thereof, was held on May 16, 2001.

Publication Date: June 12, 2001
Effective Date: July 1, 2001
Expiration Date: November 28, 2001

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

Rules adopted amending **s. NR 20.20 (73) (j) 1. and 2.**, relating to sport fishing for yellow perch in Green Bay and its tributaries and **s. NR 25.06 (2) (b) 1.**, relating to commercial fishing for yellow perch in Green Bay.

Finding of emergency

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

Yellow perch contribute significantly to the welfare of Wisconsin citizens by supporting popular and economically valuable sport and commercial fisheries. The yellow perch population in Green Bay is rapidly declining. This decline reflects a number of years of very poor reproduction. The

only recent year with reasonably good natural reproduction was 1998. The fish spawned that year contributed to the sport harvest in 2001 and will become vulnerable to commercial gear this summer. Sport and commercial harvests of adult yellow perch must be limited immediately in order to protect those fish and maximize the probability of good reproduction in the near future.

Publication Date: June 30, 2001
Effective Date: July 1, 2001
Expiration Date: November 28, 2001
Hearing Date: August 13, 2001
 [See Notice this Register]

Public Service Commission

Rules adopted amending s. PSC 116.03 (4) and creating s.

PSC 116.04 (6) relating to the definition of fuel and permissible fuel costs.

Finding of emergency

In order to preserve the health, safety, and welfare of Wisconsin residential, commercial and industrial ratepayers it is necessary to amend ch. PSC 116 Wis. Adm. Code. Amending the definition of "fuel" in s. PSC 116.03 (4) and creating s. PSC 116.04 (6) would allow investor-owned utilities the ability to incorporate the cost of voluntary curtailment into the cost of fuel to increase the reliability of electric service in Wisconsin for the summer of 2001 and beyond. This change would assist in implementing the requirement of 1999 Wis. Act 9, s. 196.192 (2) (a), Stats.

Publication Date: May 19, 2001
Effective Date: May 19, 2001
Expiration Date: October 16, 2001

Scope statements

Agriculture, Trade and Consumer Protection

Subject

Personal privacy and credit card security. *Objective of the Rule.* Require direct marketers that enter into privacy agreements with customers to honor those privacy agreements. Prohibit a direct marketer from charging a consumer's credit card account unless the consumer authorizes the direct marketer to do so.

Policy Analysis

Under s. 100.20 (3), Stats., the department may adopt rules to prohibit unfair business practices and prescribe fair practices.

Wisconsin consumers complain that some direct marketers have unfairly used the consumers private information. The consumers complain that the direct marketers obtain the private information in a legitimate business transaction, but then use the information for other purposes not approved by the consumer.

For example, some direct marketers have sold consumers' credit card numbers to other sellers. The other sellers have then used the consumers' credit card numbers, without the consumers' authorization, to solicit consumers and charge consumer credit accounts in transactions unrelated to the original transactions. These practices expose consumers to unwelcome solicitations and unauthorized credit charges.

Policy Alternatives

- Do nothing. If the department does nothing, these unfair direct marketing practices will likely continue and become more widespread.
- Wait for legislature to enact broader privacy legislation. There is no guarantee that such legislation will ever be enacted, or that it will address the credit card abuses identified by the department.
- Investigate direct marketers on a case by case. Issue individual orders, not rules. This is a piecemeal approach that may never keep pace with widespread problems.

Statutory Authority

The department proposes this rule under authority of s. 100.20 (2), Stats.

Staff Time Required

The department estimates that it will use approximately .50 FTE staff time to develop this rule. This includes research, drafting, preparing related documents, holding public hearings, coordinating advisory council discussions and communicating with affected persons and groups. The department will assign existing staff to developing this rule.

Health and Family Services

Subject

The Department proposes to create a new chapter (HFS 39) of administrative rules relating to relinquishing and reclaiming custody of a newborn child. The Department is proposing to develop these rules in response to 2001 Wisconsin Act 2. The primary purpose of Act 2 is to assure that unwanted infants are not abandoned or harmed by a

parent who does not wish to raise the child. Section 2 of Act 2 (newly created s. 48.195 (6), Stats.) directs the Department to develop and promulgate rules implementing the Act. The rules will address the different circumstances under which a parent might relinquish custody of a newborn child (no more than 72 hours old). The rules will also prescribe a means by which a parent who relinquishes custody of his or her newborn child may, until the granting of an order terminating parental rights, choose to be identified as the child's parent.

Policy Analysis

Policies in the proposed rules will relate to the process by which a law enforcement officer, emergency medical technician or hospital staff person is to take such infant into custody and the process by which a parent who relinquishes custody of the newborn child may reclaim his or her child. Policies the Department anticipates to also specify in rule relate to information that must be provided to the parent and the prohibition on any official party from attempting to determine the identity or location of the parent.

Statutory Authority

Section 48.195 (6), Stats., as created by 2001 Wis. Act 2.

Staff Time Required

The Department anticipates expending approximately 200 hours of time developing this rulemaking order. The Department will also convene a small working group comprised of county and state agency staff to review and comment on drafts of the proposed rules. As development of the rulemaking order progresses, the drafts will be distributed to the Department of Administration Division of Hearings and Appeals, the Department of Justice, the Wisconsin County Human Services Association's Child and Families Technical Advisory Committee and other interested and affected parties.

Natural Resources

Subject

Amend ch. NR 115 – Wisconsin's Shoreland Management Program.

Policy Analysis

Pursuant to ss. 59.692 and 281.31 Wis. Stats., ch. NR 115 provides that shoreland zoning regulations shall: "further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses, and reserve shore cover and natural beauty." NR 115 contains the statewide minimum standards for the shoreland zoning in unincorporated areas. With the exception of the wetland provisions added in the early 1980's, the basic county shoreland zoning standards have essentially remained unchanged since NR 115 was created. However, a number of the provisions found in NR 115 are outdated and/or difficult to enforce. In addition, development pressures have increased, more property owners want to improve nonconforming structures, are seeking variances, and the resulting impacts need to be addressed.

Groups likely to be impacted by these issues include a) property owners; b) zoning administrators and county officials; c) realtors; d) contractors, and others who provide

land alteration services; e) members of the public who recreate on or near navigable waters.

The county shoreland zoning standards found in NR 115 were established in the late 1960's based on a combination of the best available scientific information, professional judgment, and the feasibility of implementation. The standards for minimum lot widths, restrictions on vegetative cutting, and the building setback distances were intended to create a buffer to minimize disturbances to aquatic resources and preserve the natural beauty of our lakes, rivers and streams.

Current development pressures pose major challenges to the Shoreland Management Program, primarily because the state standards in NR 115 have not been amended to keep pace with the changing times. Waterfront development is booming across the state, with property values increasing up to 400% in the early 1990s for some northern counties. In southeast Wisconsin, most lakes larger than 10 acres have developed shorelines. Many homeowners and visitors seek out lakes and rivers as havens to enjoy natural beauty in a quiet setting, yet the sheer number of users and owners can create user conflicts and put pressure on limited resources. The scarcity of prime waterfront lands means that areas once passed over for residential development are now being developed.

Statutory Authority

Sections 59.692 and 281.31, Stats.

Staff Time Required

820 hours.

Natural Resources

Subject

NR 324, Shore Protection for Wisconsin Inland Lakes/Flowages. This order codifies standards for Department decisions on permit applications for shoreland alternations for the purpose of shore protection. The rules will prevent adverse effects of shore protection construction and to achieve consistency in the application of navigable water laws for the construction of shore protection.

Policy Analysis

This rule will provide shore protection standards for inland lakes & flowages. The rule will describe: 1) Standard Bioengineering designs for shore protection; 2) Designs for traditional hard armoring (riprap and retaining walls); and 3) Technical designs for offshore wave protection structures (tree-drops, branch box breakwater, temporary screens, geotextile roll, floating-breakwaters, stone dikes, stone island). The rule draft will classify types of inland lakes/flowages of similar exposure for the purpose of administering a shore protection program. The rule will guide appropriate erosion designs to balance the needs of erosion control with minimizing nearshore alterations. Within each tier or class of inland lake shore protection treatments will be grouped into one of four regulatory categories; 1) designs encouraged with no regulatory review; 2) designs encouraged with minimal review (short-form process); 3) designs discouraged or with critical review (long-form process); and 4) designs prohibited. The rule will also define structure as opposed to fill for purposes of shore protection.

Permitting of these shore protection structures is currently addressed through Departmental guidance. This rule will establish consistency in decision-making while offering better protection to nearshore habitats. The rule will

encourage erosion control practices that are beneficial to fish and wildlife habitat, and also prohibit practices that severely degrade nearshore habitats and can be accomplished by other more appropriate techniques.

Statutory Authority

Sections 30.2035, 30.12 (2) and (3), Stats.

Staff Time Required

720 hours.

Natural Resources

Subject

Chapter NR 726 Case Closure – relating to the application of deed restrictions and GIS registry notification to closure of contaminated properties with residual soil contamination.

Chapter NR 749 – relating to fees for providing assistance; remediation and redevelopment program.

Policy Analysis

The rule change is proposed to clarify the criteria for applying deed restrictions to contaminated properties where residual soil contamination remains after site closure. The rule changes include a soil geographic information system (GIS) registry to replace the use of soil deed notices. The soil GIS registry will be analogous to the groundwater GIS registry currently under development by the Department. Sites closed with residual soil contamination will be placed on the soil GIS registry as a means of notifying future owners/users of the property of the existence of soil contamination. The rule change will help ensure consistent application of deed restrictions by staff at the Department of Natural Resources and the Department of Commerce. Fees will be charged at the time closure is requested to maintain the soil GIS registry. The rule change will affect owners of contaminated properties by clearly establishing the type of institutional control that will be used by the agencies at the time of closure. The soil GIS registry will provide the public with access to information about properties closed with residual soil contamination.

Currently, deed restrictions and deed notices are placed on contaminated properties with residual soil contamination largely at the discretion of agency staff. Chapter NR 726 currently requires deed restrictions only for industrial properties with soil contamination above non-industrial soil cleanup standards. The proposed rule change will establish specific criteria for applying soil deed restrictions in other situations as well. Use of soil deed notices will be eliminated from the current rule and the GIS registry for groundwater contamination will be expanded to include sites with residual soil contamination remaining at the time of closure. Establishment of fees to maintain the soil GIS registry is NOT a change from past policy. Currently, fees are charged for registering sites with contaminated groundwater.

Statutory Authority

Sections 227.11 (2) (a), 292.11 and 292.31, Stats.

Staff Time Required

207 hours.

Public Service Commission

Subject

Chapter PSC 114, Wis. Adm. Code – Wisconsin State Electrical Code (WSEC) Volume 1, relating to electric safety of utility facilities.

Policy Analysis

The objective of this rulemaking is to incorporate into the Administrative Code revisions to the National Electrical Safety Code that have been adopted since 1997.

Volume 1 of the State Electrical Code, codified in ch. PSC 114, is administered by the Commission. It deals with safety requirements for the installation, operation, and maintenance of primarily outdoor electric supply and communications lines and facilities used by utilities, including electric and telecommunications suppliers, railroads, and cable television providers.

Chapter PSC 114 has been and is based on the National Electrical Safety Code (NESC), which is also known as American National Standards Institute (ANSI) C2. The NESC is revised and updated every five years necessitating subsequent periodic revision of WSEC, Volume 1 to adopt the latest national standard. In 1979, 1982, 1985, 1988, 1991, 1994, and 1997, the Commission adopted the 1977, 1981, 1984, 1987, 1990, 1993, and 1997 editions of the NESC, respectively, with certain changes, deletions, and additions which apply in Wisconsin only and are contained in ch. PSC 114, Wis. Adm. Code.

The 2002 edition of the NESC will be issued in August 2001 and a corresponding revision of Chapter PSC 114 is now desired to complement the latest edition of the national code, correct deficiencies, and make any other necessary changes to update and improve the code. Usually, a volunteer technical advisory committee is appointed to prepare, review, and recommend change proposals. Typically, representation includes persons from affected utilities, railroads or related trade associations, unions, the Department of Commerce, Commission staff, and public members.

Statutory Authority

Sections 196.02 (3), 196.74, and 227.11 (2), Stats.

Staff Time Required

The Commission estimates that approximately two

hundred (200) hours of employee time will be required to develop the proposed revision. No additional resources are likely to be needed in order to complete this project.

Transportation**Subject**

This proposal will amend ch. Trans 276, which establishes a network of highways on which long combination vehicles may operate, by adding 7 highway segments to the network. The actual segments being proposed are:

STH 107 from CTH "A" to STH 64

CTH "A" from STH 97 to CTH "K"

CTH "K" from Wausau to Merrill

CTH "Q" from CTH "K" to USH 51

CTH "U" from STH 107 to USH 51

STH 97 from STH 29 S. of Athens to STH 64

STH 77 from USH 53 in Minong to USH 63 in Hayward

Policy Analysis

Federal law requires the Department of Transportation to react within 90 days to requests for changes to the long truck route network. Wisconsin state law requires that the Department use the administrative rule process to deal with changes to the long truck route network. Chapter Trans 276 is an existing rule set up for long truck routes. The Department has received requests from Marth Transportation, Inc., in Marathon County and Con-Way Express in Hayward to add these highway segments.

Statutory Authority

Section 348.07 (4), Stats.

Staff Time Required

It is estimated that state employees will spend 40 hours on the rule-making process, including research, drafting and conducting a public hearing.

Submittal of rules to legislative council clearinghouse

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

Natural Resources

Rule Submittal Date

On July 9, 2001, Natural Resources submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rule relates to fish passages.

Agency Procedure for Promulgation

A hearing will be scheduled at a later date.

Contact Information

If you have questions regarding the proposed rules, please contact:

Karl Scheidegger
Bureau of Fisheries Management and Habitat
Protection
(608) 267-9426

Natural Resources

Rule Submittal Date

On July 9, 2001, Natural Resources submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rule relates to the control of mercury emissions to address the atmospheric deposition of mercury.

Agency Procedure for Promulgation

A public hearing will be held in the fall of 2001.

Contact Information

If you have questions regarding the proposed rules, please contact:

Jon Heinrich
Bureau of Air Management
(608) 267-7547

Transportation

Rule Submittal Date

On July 16, 2001, the Department of Transportation submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rule relates to fees for searching, verifying and certifying motor vehicle records.

Agency Procedure for Promulgation

A public hearing is required and is scheduled for August 21, 2001.

Contact Information

If you have questions regarding the proposed rules, please contact:

Carson Frazier
Bureau of Vehicle Services
(608) 266-7857

Rule-making notices

Notice of Hearing

Agriculture, Trade and Consumer Protection

[CR 01-076]

Reprinted from Mid-July 2001 Register

The State of Wisconsin Department of Agriculture, Trade and Consumer Protection announces that it will hold a public hearing on a proposed rule to amend ch. ATCP 21, and to clarify statutory references in ch. ATCP 29, Wis. Adm. Code, related to plant inspection and pest control. The department will hold one hearing at the time and place shown below. The department invites the public to attend the hearing and comment on the proposed rule. Following the public hearing, the hearing record will remain open until August 24, 2001 for additional written comments.

You may obtain a free copy of this rule by contacting the Wisconsin Department of Agriculture, Trade and Consumer Protection, Agricultural Resource Management, 2811 Agriculture Drive, P.O. Box 8911, Madison, WI 53708-8911, or by calling (608) 224-4574. Copies will also be available at the hearing.

Hearing impaired persons may request an interpreter for this hearing. Please make reservations for a hearing interpreter by **August 7, 2001** by writing to Paula Noel, 2811 Agriculture Drive, P.O. Box 8911, Madison, WI 53708, (608) 224-4574. Alternatively, you may contact the Department TDD at (608) 224-5058. Handicap access is available at the hearing.

Hearing Date, Time and Location

Tuesday, August 21, 2001 – 1:00 until 4:00 p.m.
 Dept. of Agriculture, Trade and Consumer Protection
 Board Room
 2811 Agriculture Drive
 Madison, WI 53704
 Handicapped accessible

Analysis prepared by the Department of Agriculture, Trade and Consumer Protection

Statutory Authority: ss. 93.07 (1) and (12), 94.01 (1)

Statutes Interpreted: ss. 93.07 (12) and (13), 94.01, 94.76 (1) to (4).

This rule repeals current import controls designed to prevent the spread of Japanese beetles into this state. Despite the current import controls, Wisconsin is now infested with Japanese beetle. The current import controls therefore serve no purpose, and may unnecessarily impede interstate commerce. This rule also updates scientific terminology and statutory references in current rules.

Background

Japanese Beetle; Repeal of Import Controls

The Department of Agriculture, Trade and Consumer Protection (DATCP) administers plant pest control rules under ch. ATCP 21, Wis. Adm. Code. Current rules include import controls designed to prevent the spread of Japanese beetles into Wisconsin. Persons who import certain plants, soil and other materials from areas infested with Japanese beetles must have those materials inspected and certified by

a pest control official in the state or province of origin. The inspector must certify that the import shipment is free of Japanese beetle. The importer must pay for the inspection and certification.

Despite these import controls, the Japanese beetle has now infested Wisconsin and over half of all U.S. states. Because Wisconsin is now infested, its current import controls may serve no useful purpose and may unnecessarily impede interstate commerce. Wisconsin's current import restrictions are not consistent with the U.S. Domestic Japanese Beetle Harmonization Plan adopted by the National Plant Board. That plan recommends regulation of imports to states that are not yet infested, but does *not* recommend regulation of imports to states (like Wisconsin) that are already infested.

Taxonomic Name Change

DATCP currently regulates honeybee shipments, under ch. ATCP 21, Wis. Adm. Code, to prevent the spread of honeybee pests in this state. Two of these pests have undergone taxonomic name changes.

State Pest Control Programs

Current DATCP rules under ch. ATCP 29, Wis. Adm. Code, regulate the use of pesticides in this state. DATCP and its agents are currently exempt from these rules when engaged in state pest control programs under s. 94.02, Stats. or ch. ATCP 21, Wis. Adm. Code.

Rule Contents

Japanese Beetle; Repeal of Import Controls

Consistent with the national harmonization plan, this rule repeals current Japanese beetle inspection and certification requirements for materials imported into Wisconsin. This repeal will not affect the natural spread of the Japanese beetle in Wisconsin. DATCP will continue to inspect and certify export shipments from Wisconsin to non-infested states that require such inspection and certification.

Taxonomic Name Change

The International Committee on Systematic Bacteriology (1993) has changed the scientific name of the pathogen, American foulbrood. The scientific journal, *Experimental and Applied Acarology* (2000), has changed the scientific name of the Varroa mite. This rule updates those pests names. The name changes will not change the regulation of honeybee shipments.

State Pest Control Programs

This rule clarifies in ATCP 29, Wis. Adm. Code, that DATCP and its agents are exempt when engaged in state pest control programs under s. 94.01, Stats.

Fiscal Estimate

This rule will have no fiscal impact on the department or other units of government. These rule changes eliminate the current Japanese beetle import restrictions. Wisconsin has become infested despite the import restrictions. Therefore, the rule no longer serves a useful purpose. The department currently inspects and certifies Wisconsin nurseries in infested areas, to facilitate export of items that may transport Japanese beetle. This practice of certification to permit Wisconsin nurseries to export to uninfested states will continue. There are no additional costs to local government.

Initial Regulatory Flexibility Analysis

Plant Inspection and Pest Control

The Department of Agriculture, Trade and Consumer Protection currently regulates the import of plants, soil and other materials for the presence of Japanese beetle under ch. 94, Stats. and s. ATCP 21.11, Wis. Adm. Code. Despite these import controls, Wisconsin is now infested with Japanese beetle, making continued import control meaningless. Under the present rule, the costs for inspection and certification are born by the out-of-state business. In an unknown number of cases, the costs of these controls may have been passed through to nurseries in Wisconsin, most of which are small businesses.

The proposed rule changes repeal the import controls on Japanese beetle and will have no impact on nurseries in Wisconsin except as far as they will no longer be subject to any pass-through on inspection and certification costs. The repeal of the import controls on Japanese beetle have no reporting, recordkeeping or procedural impacts on the conduct of the Wisconsin nursery businesses.

Taxonomic Name Change and State Pest Control Programs

The proposed changes to scientific names of two honeybee pests and the clarification of the department's exemptions from its own rules on pesticide applications in particular situations will have no impact on small businesses in Wisconsin.

Small Businesses Affected by this Rule

This rule will have little or no effect on nurseries in Wisconsin, most of which are small businesses. Under current rules, out-of-state businesses shipping into Wisconsin have incurred costs for Japanese beetle inspection and certification. This rule eliminates those costs. To the extent that out-of-state importers passed on the costs to nurseries receiving import shipments in Wisconsin, this rule will decrease costs to Wisconsin nurseries.

Notice of Hearing

Commerce

(Flammable and Combustible Liquids, Ch. Comm 10)

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.09 (3), 101.14 (4) (a), and 101.142, Stats., the Department of Commerce will hold a public hearing on proposed rules relating to chapter Comm 10, Flammable and Combustible Liquids Code.

The public hearing will be held as follows:

Date and Time: Wednesday, August 15, 2001 @ 10:00 a.m.

Location: Tommy G. Thompson Commerce Center
Conference Room 3B
201 West Washington Avenue
Madison, WI

Analysis prepared by the Department of Commerce

Statutory Authority: ss. 101.09 (3) and 101.14 (4) (a), Stats.

Statutes Interpreted: ss 101.09 (3), 101.11 (2), 101.14 (4) (1) and (g) and 101.142, Stats.

Under the statute sections listed above, the department has the responsibility to adopt rules for the safe storage, handling and use of flammable and combustible liquids. The

requirements established in this code encompass both fire and environmental safety aspects for flammable and combustible liquids.

The changes contained in this proposal are intended primarily to update adopted national standards, remove obsolete deadline requirements and streamline administrative processes. Some of the changes are designed to correct typographic errors and clarify ambiguous requirements. Wherever possible, conflicting rules in this chapter have been repealed so the requirement will be as specified in the current national standard. Additional requirements have been added for more frequent monitoring of corrosion protection measures.

Interested persons are invited to appear at the hearings and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until Friday, August 31, 2001, to permit submittal of written comments from persons who are unable to attend a hearing or who wish to supplement testimony offered at a hearing. Written comments should be submitted to Duane Hubeler, Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, WI 53701-2689.

These hearings are held in accessible facilities. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 266-0762 or (608) 264-8777 (TTY) at least 10 days prior to the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon request by a person with a disability.

The proposed rules and an analysis of the proposed rules are available on the Internet at the Environmental and Regulatory Services Division web site at www.commerce.state.wi.us/ER/ER-BST-Comm10CodeRevision. Paper copies may be obtained without cost from Linda Hahn, Department of Commerce, Storage Tank Bureau, P.O. Box 7837, Madison, WI 53701-7837, Email lhahn@commerce.state.wi.us, telephone (608) 266-0762 or (TTY) (608) 264-8777. Copies will also be available at the public hearings.

Initial Regulatory Flexibility Analysis

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

Owners and installers of storage tank systems will be affected by these rules.

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

There are no additional reporting or bookkeeping procedures required for compliance with these proposed rules. The existing requirements for tank registration and tank permitting have been streamlined.

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

There are no additional professional skills necessary for compliance with these proposed rules.

Fiscal Estimate

There are no changes proposed in these rules that will affect staffing levels or revenues.

Notice of Hearing

Natural Resources

(Fish and Game, etc., chs. NR 1—)

NOTICE IS HEREBY GIVEN that pursuant to ss. 29.014 (1), 29.041, 29.519 (1), 227.11 (2) (a) and 227.24, Stats., interpreting ss. 29.014 (1), 29.041 and 29.519 (1), Stats., the Department of Natural Resources will hold a public hearing on Natural Resources Board Emergency Order No. FH-28-01(E) pertaining to fishing for yellow perch in Green Bay. This emergency order took effect on July 1, 2001. The emergency rule reduces the sport fishing daily bag limit for yellow perch caught in Green Bay and its tributaries to 10. Currently the daily bag limit is 25 in total for panfish, including yellow perch. The total annual commercial harvest of yellow perch from zone 1 (Green Bay) is reduced from 200,000 pounds to 20,000 pounds.

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

Monday, August 13, 2001

5:00 p.m.

Auditorium, Bay Beach Wildlife Sanctuary
1660 East Shore Drive
Green Bay, WI

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

There is no fiscal impact anticipated from the promulgation of this rule.

Written comments on the emergency rule may be submitted to Mr. William Horns, Bureau of Fisheries Management and Habitat Protection, P.O. Box 7921, Madison, WI 53707 no later than August 14, 2001. Written comments will have the same weight and effect as oral statements presented at the hearing. A copy of the emergency rule [FH-28-01] may be obtained from Mr. Horns.

Notice of Hearing

Transportation

[CR 01-084]

NOTICE IS HEREBY GIVEN that pursuant to s. 227.11, Stats., and interpreting ss. 19.32, 19.37, 341.17 and 342.09, Stats., the Department of Transportation will hold a public hearing in **Room 254** of the Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin on the **21st** day of **August**, 2001, at **2:00 PM**, to consider the amendment of ch. Trans 195, Wis. Adm. Code, relating to fees for searching, verifying and certifying motor vehicle records.

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

The public record on this proposed rule making will be held open until close of business on Friday, August 24, 2001, to permit the submission of written comments from persons unable to attend the public hearing or who wish to supplement testimony offered at the hearing. Any such comments should

be submitted to Carson Frazier, Department of Transportation, Bureau of Vehicle Services, Room 253, P. O. Box 7911, Madison, WI 53707-7911.

Parking for persons with disabilities and an accessible entrance are available on the north and south sides of the Hill Farms State Transportation Building.

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 227.11, Stats.

STATUTES INTERPRETED: ss. 19.32, 19.37, 341.17 and 342.09, Stats.

General Summary of Proposed Rule

Chapter Trans 195 establishes the Department of Transportation's administrative interpretation of several statutory provisions relating to fees and procedures for searching, verifying and certifying documentation contained in the records of the Division of Motor Vehicles. The current fees for search, verification and certification of driver records, motor vehicle title and registration records, and other Division of Motor Vehicle records set forth in ch. Trans 195 is \$3.00. This rule making will remove any references to fees for driver records, while such fees for driver records shall continue to be set forth in the statutes, and shall increase the fees for the search, verification and certification of motor vehicle title and registration records and other Division of Motor Vehicle records to \$5.00. Telephone accounts require a minimum fee, which is currently \$18 monthly (representing 6 vehicle records checked in a month). As the record fee increases to \$5, the minimum fee for telephone accounts will increase to \$30 monthly.

Fiscal Effect

The Department estimates that the number of vehicle record abstract requests will decline, as a result of fee increase (along with a decline resulting from implementation of the federal Driver Privacy Protection Act), from an annual level of 63,750 to 49,875. However, with the fee increase, revenue to the Transportation Fund is estimated to increase by \$58,125, from \$191,250 annually to \$249,375 annually. The Department estimates an additional \$9,000 annually from the fee increase for certification and verification of both driver license and vehicle records.

Telephone accounts require a minimum fee, which is currently \$18 monthly (representing 6 vehicle records checked in a month). As the record fee increases to \$5, the minimum fee for telephone accounts will increase to \$30 monthly. This change is accounted for within the revenue estimate cited above.

The Department estimates that there will be no fiscal impact from the promulgation of this proposed rule on the liabilities of any county, city, village, town, school district, technical college district, or sewerage district.

Initial Regulatory Flexibility Analysis

The proposed rule will have negligible impact on small businesses. Vehicle record abstracts are generally obtained by attorneys and private investigators, towing companies, debt collectors, and similar businesses. While these businesses will be required to pay an increased fee, the number of vehicle record abstracts which any single business obtains is a very small number (about 50,000 vehicle records are accessed annually, in a statewide fleet of about 4.5 million vehicles). Thus, a \$2 per record fee increase will have negligible impact on any single business. The telephone account minimum fee, representing 6 vehicle records checked in a month, is accounted for within the numbers cited above.

About 2,500 certifications and verifications each year are requested, for vehicle records (out of a fleet of about 4.5 million vehicles). About 2,000 certifications and verifications of driver license records are requested each year (in a population of about 3.5 million drivers). Thus, a \$2 per certification/verification fee increase will have negligible impact on any single business.

Copies of Proposed Rule

Copies of the proposed rule may be obtained upon request, without cost, by writing to Carson Frazier, Bureau of Vehicle Services, Room 253, P.O. Box 7911, Madison, WI 53707-7911, or by calling (608) 266-7857. Hearing-impaired individuals may contact the Department using TDD (608) 266-3096. Alternate formats of the proposed rule will be provided to individuals at their request.

Submittal of proposed rules to the legislature

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

Corrections

(CR 00-140)

Ch. DOC 302 – Relating to classification, assessment and evaluation and program review.

Health and Family Services

(CR 99-071)

Ch. HFS 58 – Relating to the eligibility of nonparent relatives of children to receive kinship care benefits to help them provide care and maintenance for the children.

Health and Family Services

(CR 01-051)

Ch. HFS 120 – Relating to the collection, analysis and dissemination of health care information.

Health and Family Services

(CR 01-052)

Ch. HFS 110 – Relating to licensing of ambulance service providers and licensing of emergency medical technicians–basic and emergency medical technicians–basic IV.

Natural Resources

(CR 01-002)

Relating to control of particulate matter emissions.

Natural Resources

(CR 01-030)

Relating to cooperating forester program and private forestry priorities for assistance.

Natural Resources

(CR 01-036)

Relating to administration of the forest crop law and the managed forest law.

Public Service Commission

(CR 01-033)

Ch. PSC 185 – Relating to adding sewerage systems.

Workforce Development

(CR 01-039)

Ch. DWD 128 – Relating to unemployment insurance requirement of ability to work and availability for work.

Rule orders filed with the revisor of statutes bureau

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

**Commerce
(CR 00-132)**

An order affecting chs. Comm 2 and 33, relating to tramways, lifts and tows.
Effective 9-1-01

**Corrections
(CR 01-022)**

An order affecting ch. DOC 309, relating to resources for inmates.
Effective 9-1-01

**Financial Institutions-Savings Institutions
(CR 01-041)**

An order affecting ch. DFI-SB 16, relating to investments in development companies.
Effective 9-1-01

**Natural Resources
(CR 00-160)**

An order affecting chs. NR 422 and 484, relating to volatile organic compound emissions and national emission standards for hazardous air pollutants for wood furniture manufacturing.
Effective 9-1-01

Rules published with this register and final regulatory flexibility analyses

The following administrative rule orders have been adopted and published in the July 31, 2001 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.

Agriculture, Trade and Consumer Protection (CR 99-151)

An order affecting ch. ATCP 81 relating to cheese grading, packaging and labeling.
Effective 8-1-01

Final Regulatory Flexibility Analysis

Under this rule, cheese manufacturers will be permitted to use electronic code labeling as an alternative method to list any or all of the items of information required on the manufacturer's label for bulk cheese, as long as the cheese remains under the control and custody of the manufacturer. The decision to label bulk cheese in this manner will be fully voluntary. Coding methods will not be standardized under one uniform system from company to company. Therefore, the manufacturer must provide a scanner or other appropriate device where the cheese is located that enables an employee or agent of the department to decode the information into a readable format. If the cheese is stored in public warehouse facilities, the warehouse may need to make adjustments in its recordkeeping and warehousing operations.

Bulk cheese must be labeled by the manufacturer with a standard, uncoded label format if the cheese will be sold in bulk form at a later date. Bulk cheese is often sold to other cheese packaging plants, manufacturers of processed or cold pack cheese, retail stores, and restaurants that have a need for product label information in a readily understandable format. Standard formats may also be necessary for interstate shipments to comply with labeling laws in other states.

In this rule, Wisconsin grade labeling is prohibited on cheese manufactured in other states or foreign countries. Protection of the "added value" attributable to Wisconsin grade labels for Wisconsin-made cheese will be expected to enhance the marketshare of our state's dairy industry.

Under the rule, licensed cheese graders must maintain and make their grading records available for inspection. Recordkeeping requirements will now include the name of the cheese, identification of the state and dairy plant where the cheese was manufactured, the date of manufacture and the vat identification of each grade lot. Many graders already record and keep this information on a voluntary basis. The required manufacturing information will enable traceback in dairy plant records to ascertain fat and moisture content for each lot of cheese if the fat or moisture content is measured. This requirement has the potential to decrease the need for official sampling when monitoring compliance with standards of identify and the need to place a product under temporary holding order. It will also enable the department to confirm that out-of-state cheese is not grade-labeled with a Wisconsin grade mark.

At the request of industry, this rule eliminates the weight and size requirements for Swiss cheese rindless blocks to provide greater flexibility for our manufacturers to meet the

demand of their customers. Other rule changes are minor and technical in nature and are not expected to require any additional reporting or recordkeeping, knowledge or professional skills, nor increase costs to small businesses.

Legislative Committee Action

On March 22, 2001, the department transmitted the above rule for legislative committee review. The rule was assigned to the Senate Committee on Labor and Agriculture on March 28 and the Assembly Committee on Agriculture on April 2, 2001. No action was taken by the Senate Committee on Labor and Agriculture during the review period. The Assembly Committee on Agriculture requested a meeting with the department and a 30-day extension of the initial review period. No action was taken during the extended review period.

Agriculture, Trade and Consumer Protection (CR 00-183)

An order affecting ch. ATCP 97 relating to public warehouse keeper license fees.
Effective 8-1-01

Final Regulatory Flexibility Analysis

This rule regulates public warehouse keepers to protect depositors. The regulatory program is funded entirely by license fees. Current fees are not adequate to sustain the program. License fees were last increased in 1994.

This rule increases annual license fees for public warehouse keepers, many of whom are small businesses. The fee increases range from 20% to 25%, depending upon the square footage of space used for storage of property of others, with a maximum increase of \$100.

Summary of Comments of Legislative Standing Committees

On April 4, 2001, this department transmitted the above rule for legislative committee review. On April 12, the rule was assigned to the Assembly Committee on Small Business and Consumer Affairs. On April 11, it was assigned to the Senate Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

Neither committee took any action on the rule during its review period.

Agriculture, Trade and Consumer Protection (CR 01-015)

An order affecting ch. ATCP 161 relating to payments to ethanol producers.
Effective 8-1-01

Final Regulatory Flexibility Analysis

199 Wis. Act 55 created an ethanol payment program under s. 93.75, Wis. Stats. Under this program, the department is authorized to make payments to certain ethanol producers. The legislation requires the department to adopt rules for the program.

To be eligible for a payment, the ethanol producer must produce at least ten million gallons of ethanol per year. The legislation requires the department to pay ethanol producers (who meet the requirements in the statute and rule) .20 cents per gallon for not more than 15 million gallons.

Ethanol producers may only apply if they have been in business for sixty months or less. Furthermore, the entire program is scheduled to sunset on July 1, 2006.

There is little chance that any ethanol producer who can produce the minimum ten million gallons per year would also meet the state's definition of a "small business" contained in s. 227.114 (1) (s), Stats. In that statutory section, "small business" means a business entity, including its affiliates, which is independently owned and operated and not dominant in its field, and which employs fewer than twenty-five full time employees or which has gross annual sales of less than \$2,500,000. Consequently, the department expects this program to have minimal impact on small business in the ethanol production industry.

The program is expected to have a major positive impact on the prices of agricultural products used in the production of ethanol. By providing another market for these agricultural crops, the prices for those crops will likely increase and this increase in prices will benefit Wisconsin farmers. Since the payment program is designed to promote the purchase of crops grown in Wisconsin, there will be a benefit to Wisconsin small businesses derived from this program and rule.

Legislative Committee Actions

On April 20, 2001, DATCP transmitted the above rule for legislative committee review. On April 23, the rule was referred to the Assembly Committee on Agriculture. On April 25, the rule was referred to the Senate Committee on Labor and Agriculture.

Both committees allowed the review period to expire without taking any action.

Corrections

(CR 00-079)

An order revising ch. DOC 306, relating to security. Effective 8-1-01

Final Regulatory Flexibility Analysis

There is no impact on small business.

Summary of Comments of Legislative Standing Committees

No comments were reported.

Employee Trust Funds

(CR 00-021)

An order revising ss. ETF 10.31 and 10.35, relating to participation in the variable trust funds. Effective 8-1-01

Final Regulatory Flexibility Analysis

This rule does not affect small businesses.

Summary of Comments of Legislative Standing Committees

No comments were reported.

Employee Trust Funds

(CR 00-022)

An order revising chs. ETF 10 and 20, relating to creditable service. Effective 8-1-01

Final Regulatory Flexibility Analysis

This rule concerns a retirement program open exclusively to qualifying employees of the state, counties (except Milwaukee County) and municipalities which have elected to participate in the Wisconsin Retirement System, as provided in Wis. Stat. 40.21. The Department therefore anticipates that the provisions of this proposed rule will have no direct adverse impact on small businesses.

Summary of Comments of Legislative Standing Committees

No comments were reported.

Financial Institutions-Securities

(CR 01-025)

An order revising chs. DFI-Sec 1 and 5 relating to the Investment Adviser Registration Depository. Effective 8-1-01

Final Regulatory Flexibility Analysis

No final regulatory flexibility analysis is included on the basis that the Division of Securities has determined, after complying with s. 227.016 (1) to (5), Wis. Stats., that the rules will not have a significant economic impact on a substantial number of small businesses.

Summary of Comments of Legislative Standing Committees

No comments were reported.

Geologist, Hydrologists and Soil Scientists

(CR 00-139)

An order revising ch. GHSS 1, relating to a rules committee. Effective 8-1-01

Final Regulatory Flexibility Analysis

The rules will have no significant economic impact on a substantial number of small businesses as defined in s. 227.114 (1) (b), Stats.

Summary of Comments of Legislative Standing Committees

No comments were reported.

Insurance

(CR 00-188)

An order affecting ch. Ins 3 relating to long-term care insurance. Effective 1-1-02

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 of Legislative Standing Committees

The legislative standing committees had no comments on this rule.

Natural Resources

(CR 00-135)

An order affecting chs. NR 1, 50 and 51 relating to stewardship program. Effective 8-1-01

Final Regulatory Flexibility Analysis

The proposed rules are applicable to municipalities, nonprofit conservation organizations, conservation organizations and friends groups. The rules impose no

compliance or reporting requirements on small businesses. Therefore, a final regulatory flexibility analysis is not required.

Summary of Comments of Legislative Standing Committees

The proposed rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Environmental Resources. Though the Assembly Committee on Natural Resources extended their review period, there were no comments or recommendations on the proposed rule.

Natural Resources (CR 00-136)

An order revising chs. NR 116 and 333 relating to dam design and construction standards and zoning downstream of dams.

Effective 8-1-01

Final Regulatory Flexibility Analysis

The proposed rule does not regulate small business; therefore, a final regulatory flexibility analysis is not required.

Summary of Comments by Legislative Review Committees

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

Natural Resources (CR 00-163)

An order affecting ch. NR 1, relating to the Natural Resources Board policy on wetlands preservation, protection, restoration and management.

Effective 8-1-01

Final Regulatory Flexibility Analysis

The proposed rules do not regulate businesses. Therefore, a final regulatory flexibility analysis is not required.

Summary of Comments by Legislative Review Committees

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

Natural Resources (CR 00-176)

An order to create ch. NR 754 relating to environmental insurance requirements for liability exemptions for voluntary remediation.

Effective 8-1-01

Final Regulatory Flexibility Analysis

The Department does not expect any impact on small businesses as a result of this rule because the decision on whether or not to purchase this insurance is voluntary.

Summary of Comments by Legislative Review Committees

The proposed rule was reviewed by the Assembly Committee on Environment and the Senate Committee on Environmental Resources. There were no comments.

Natural Resources (CR 00-177)

An order affecting ch. NR 47 relating to the federal costs sharing program to suppress gypsy moths.

Effective 8-1-01

Final Regulatory Flexibility Analysis

The proposed rule is a grant program for counties; therefore, a final regulatory flexibility analysis is not required.

Summary of Comments by Legislative Review Committees

The rule was referred to the Assembly Committee on Rural Affairs and Forestry and the Senate Committee on Environmental Resources. On May 17, 2001, the Senate Committee on Environmental Resources held a public hearing. There were no requests for modifications as a result of the hearing.

Pharmacy Examining Board (CR 00-165)

An order affecting ch. Phar 7, relating to transfer of prescription orders.

Effective 8-1-01

Final Regulatory Flexibility Analysis

The rules have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

Summary of Comments of Legislative Standing Committees

No comments were reported.

Public Instruction (CR 00-186)

An order revising ch. PI 26, relating to the education for employment program.

Effective 1-1-04

Final Regulatory Flexibility Analysis

This rule revision does not impact small businesses.

Summary of Comments of Legislative Standing Committees

No comments were reported.

Public Service Commission (CR 00-165)

An order creating ch. PSC 118, relating to the use of renewable resource credits.

Effective 8-1-01

Final Regulatory Flexibility Analysis

The proposed rules would apply to electric public utilities and retail electric cooperatives. The proposed rules do not affect small businesses as defined in s. 227.114, Stats.

Summary of Comments of Legislative Standing Committees

No comments were reported.

Workforce Development (CR 00-181)

An order revising ch. DWD 80 relating to worker's compensation insurer name change or reorganization.

Effective 8-1-01

Final Regulatory Flexibility Analysis

The proposed rules have no significant impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

Summary of Comments of Legislative Standing Committees

None.

Sections affected by rule revisions and corrections

The following administrative rule revisions and corrections have taken place in **July 2001**, and will be effective as indicated in the history note for each particular section. For additional information, contact the Revisor of Statutes Bureau at (608) 266-7275.

Revisions

Agriculture, Trade and Consumer Protection:

Ch. ATCP 81

- S. ATCP 81.20 (intro.), (4) and (6)
- S. ATCP 81.21 (2)
- S. ATCP 81.215 (entire section)
- S. ATCP 81.22 (1)
- S. ATCP 81.24 (1) and (3)
- S. ATCP 81.25 (1) (e)
- S. ATCP 81.30 (2) (chart)
- S. ATCP 81.70 (4) (b)
- S. ATCP 81.71 (4) (b)

Ch. ATCP 97

- S. ATCP 97.04 (entire section)

Ch. ATCP 161

- SS. ATCP 161.30 to 161.37 (entire sections)

Corrections:

Ch. DOC 306 (entire chapter)

Employee Trust Funds:

Ch. ETF 10

- S. ETF 10.01 (1k)
- S. ETF 10.31 (entire section)
- S. ETF 10.35 (entire section)

Ch. ETF 20

- S. ETF 20.19 (entire section)

Financial Institutions--Securities:

Ch. DFI--Sec 1

- S. DFI--Sec 1.02 (18) to (21)

Ch. DFI--Sec 5

- S. DFI--Sec 5.01 (1), (2) and (8)
- S. DFI--Sec 5.03 (1) (p) and (q)
- S. DFI--Sec 5.05 (8)
- SS. DFI--Sec 5.07 and 5.08 (entire sections)
- SS. DFI--Sec 5.10 to 5.12 (entire sections)

Geologists, Hydrologists, etc., Examining Board:

Ch. GHSS 1

- S. GHSS 1.07 (entire section)

Insurance, Commissioner of:

Ch. Ins 3

- S. Ins 3.455 (3) (c) to (g), (5) (b) and (d), (9) (e) and (f), (9m) and (10)
- S. Ins 3.46 (3) (j), (4) (u), (5) (b), (9) (b) to (j), (11m) and (19)

Natural Resources:

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

Ch. NR 1

- S. NR 1.445 (entire section)
- S. NR 1.95 (1), (2) (intro.), (3) (b), (4), (5) and (6)

Ch. NR 47

- S. NR 47.005 (1)
- S. NR 47.007 (1)
- S. NR 47.008 (1)
- SS. NR 47.910 to 47.917 (entire sections)

Ch. NR 50

- SS. NR 50.16 and 50.165 (entire sections)
- S. NR 50.22 (entire section)

Ch. NR 51

- S. NR 51.002 (1) to (30)
- SS. NR 51.003 and 51.004 (entire sections)
- S. NR 51.02 (entire section)
- S. NR 51.03 (1) (intro.), (c), (d) and (f), (3), (7), (9), (11), (12) and (15) to (20)
- S. NR 51.04 (1) (a) and (d), (3) and (4)
- SS. NR 51.05 to 51.09 (entire sections)
- SS. NR 51.24 to 51.41 (entire sections)
- S. NR 51.42 (1), (2), (3) and (6)
- S. NR 51.43 (3) (c)
- S. NR 51.44 (entire section)
- S. NR 51.45 (2) (d)
- S. NR 51.46 (1), (2), (3) (intro.), (c) and (d) and (4) to (11)
- SS. NR 51.50 to 51.54 (entire sections)
- SS. NR 51.61 and 51.62 (entire sections)
- S. NR 51.63 (2)
- S. NR 51.64 (entire section)
- S. NR 51.65 (1) (intro.), (2), (4) and (6)
- SS. NR 51.66 and 51.67 (entire sections)
- S. NR 51.70 (2)
- S. NR 51.72 (2) to (5)
- S. NR 51.73 (1) and (3) (intro.)
- S. NR 51.74 (2) (intro.) to (d) and (f), (3), (4) and (6) (b) to (g)

S. NR 51.75 (intro.), (5) and (13)
 SS. NR 51.80 to 51.994 (entire sections)

Natural Resources:

(Environmental Protection--General, Chs. NR 100--)

Ch. NR 116

S. NR 116.08 (1), (2), (3) (a), (b) and (c), (4) (a) and (b)
 and (5) (a)

(Environmental Protection--Water Regulation, Chs. NR 300--)

Ch. NR 333

S. NR 333.02 (entire section)
 S. NR 333.03 (1) to (5), (8), (9), (13) to (17) and
 (20) to (28)
 SS. NR 333.04 to 333.07 (entire sections)
 S. NR 333.08 (3)
 S. NR 333.09 (entire section)

(Environmental Protection--Investigation and Remediation, Chs. NR 700--)

Ch. NR 754 (entire chapter)

Pharmacy Examining Board:

Ch. Phar 7

S. Phar 7.05 (3), (5) and (6) (intro.)

Public Instruction:

Ch. PI 26

S. PI 26.01 (entire section)
 S. PI 26.02 (1) to (23)
 S. PI 26.03 to 26.06 (entire sections)

Public Service Commission:

Ch. PSC 118 (entire chapter)

Workforce Development:

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

Ch. DWD 80

S. DWD 80.67 (entire section)

Editorial corrections

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

Administration:

Chs. Adm 65 to 68 (entire chapters) were renumbered
 to chs. Comm 95 to 98 under s. 13.93 (2m) (b) 1.,
 Stats.

Commerce:

(Manufactured/Mobile Home Parks, Sellers and Dealers, Chs. Comm 95-98)

Chs. Comm 95 to 98 (entire chapters) were
 renumbered from chs. Adm 65 to 68 under s. 13.93
 (2m) (b) 1., Stats., and corrections were made under
 s. 13.93 (2m) (b) 6. and 7., Stats.

Health and Family Services:

(Community Services, Chs. HFS 30--)

Ch. HFS 83

S. HFS 83.03 (1) (b) and (2) (e) had corrections made
 under s. 13.93 (2m) (b) 7., Stats.
 S. HFS 83.14 (6) (a) had a correction made under
 s. 13.93 (2m) (b) 7., Stats.
 S. HFS 83.41 (7) had a correction made under s. 13.93
 (2m) (b) 7., Stats.
 S. HFS 83.42 (15) had a correction made under s. 13.93
 (2m) (b) 7., Stats.

(Health, Chs. HFS 110--)

Ch. HFS 124

S. HFS 124.05 (3) (f) had a correction made under
 s. 13.93 (2m) (b) 7., Stats.
 S. HFS 124.14 (1) had a correction made under s. 13.93
 (2m) (b) 7., Stats.

Ch. HFS 125

S. HFS 125.03 (1), (6) and (7) had corrections made
 under s. 13.93 (2m) (b) 7., Stats.

Natural Resources:

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

Ch. NR 1

S. NR 1.70 (3) (b) had a correction made under s. 13.93
 (2m) (b) 6., Stats.

Ch. NR 51

S. NR 51.74 (6) (a) had a correction made under
 s. 13.93 (2m) (b) 7., Stats.

(Environmental Protection--General, Chs. NR 100--)

Ch. NR 116

S. NR 116.12 (1) (e) had a correction made under
 s. 13.93 (2m) (b) 7., Stats.
 S. NR 116.13 (8) had a correction made under s. 13.93
 (2m) (b) 7., Stats.
 S. NR 116.15 (1) (intro.) had a correction made under
 s. 13.93 (2m) (b) 7., Stats.
 S. NR 116.19 (1) and (4) (intro.) had corrections made
 under s. 13.93 (2m) (b) 7., Stats.
 S. NR 116.21 (6) (b) had corrections made under
 s. 13.93 (2m) (b) 7., Stats.

Public Service Commission:

Ch. PSC 1

S. PSC 1.02 (entire section) had a correction made
 under s. 13.93 (2m) (b) 7., Stats.

Sections affected by revisor's corrections not published

Revisor's corrections under s. 13.93 (2m) (b), Stats., identified in this Wis. Adm. Register.

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

Location of invalid cross-reference	Invalid cross-reference	Correction
ERC 17.01	111.70 (3) (d) (twice)	111.70 (4) (d) (twice)
ERC 17.04 (3) (b)	111.70 (3) (d)	111.70 (4) (d)
ERC 21.08 (5) (a)	111.05 (3) (m)	111.05 (3m)
LIRC 1.01	106.04 (10), 106.07 (4)	106.52 (4), 106.56 (4)
LIRC 2.03	DWD 140.23	DWD 140.21 (2)
LIRC 4.01 (intro.)	106.04	106.50, 106.52
LIRC 4.04 (2)	106.04 (10) (b)	106.52 (4) (b)
LIRC 4.04 (2)	106.04 (10) (c)	106.52 (4) (c)
LIRC 4.04 (2)	106.04 (9)	106.52 (3)
NR 13.04 (1) (a) 23.	29.092 (2) (n)	29.563 (11) (b) 1.
NR 13.04 (1) (a) 24.	29.512 (5) (a)	29.563 (5) (a) 1.
NR 13.04 (1) (a) 25.	29.092 (6)	29.563 (6)
NR 13.04 (1) (a) 26.	29.092 (7) (h)	29.563 (7) (c)
NR 13.04 (1) (a) 27.	29.092 (8) (c) through (f)	Note: Section 29.092 (9) (c) to (f), Stats., was repealed by 1997 Wis. Act 248.
NR 13.04 (1) (a) 28.	29.092 (9)	29.563 (9)
NR 13.04 (1) (a) 29.	29.092 (10)	29.563 (11) (a) 1.
NR 13.04 (1) (a) 30.	29.092 (13)	29.563 (12)
NR 13.04 (1) (a) 31.	29.092 (15)	29.563 (14) (c)
NR 13.04 (1) (a) 37.	29.17	29.614
NR 13.04 (1) (a) 38.	29.174	29.014, 29.035, 29.037, 29.053, and 29.192
NR 13.04 (1) (a) 43.	29.283 (1)	29.404
NR 13.04 (4) (a) 22.	29.52	Note: Section 29.52, Stats., was repealed by 1997 Wis. Act 27.
NR 13.04 (4) (a) 33.	29.60	29.088
NR 13.10 (1) (d)	29.29 (1)	29.601 (1)
NR 13.40 (2)	21.171 (4) (b)	29.171 (4) (b)
NR 22.02 (8)	29.001 (27) (a)	29.001 (54)

Location of invalid cross-reference	Invalid cross-reference	Correction
NR 22.02 (10)	29.001 (27) (a)	29.001 (74)
NR 150.22 (2) (d)	32.095	ch. 32
NR 172.01	285.31 (5)	Note: Section 285.31, Stats., was repealed by 1997 Wis. Act 27.
NR 172.02	285.31 (5)	Note: Section 285.31, Stats., was repealed by 1997 Wis. Act 27.
NR 172.05	285.31 (5) (c)	Note: Section 285.31, Stats., was repealed by 1997 Wis. Act 27.
NR 190.002	66.299 (1) (a)	66.0131 (1) (a)
NR 281.075 (2) (a)	196.01 (1) (d)	196.01 (5)
NR 700.11 (2) (e)	101.143 (3) (cq) 1.	101.143 (3) (cp) 1.
NR 714.01	289.06 (1) (a) and (b)	289.06 (1)
Pod 1.02 (2)	961.10 (4)	961.01 (4)
Pod 1.09 (4)	448.01 (8)	448.60 (4)
Pod 3.01 (1)	448.465 (twice)	448.665 (twice)
Pod 3.02 (1) (intro.)	448.465	448.665

Executive orders

The following are recent Executive Orders issued by the Governor.

Executive Order 16. Relating to the proclamation of a state of emergency.

Executive Order 17. Relating to proclaiming a state of emergency relating to drought conditions.

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