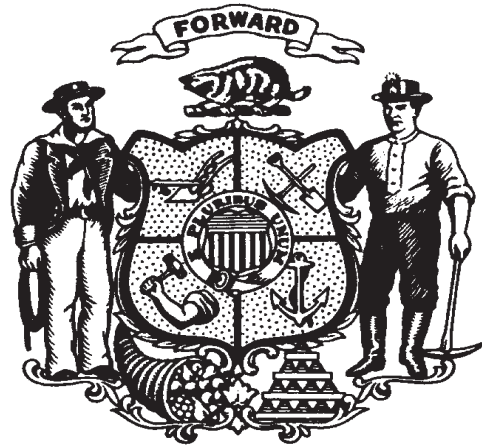


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Emergency rules now in effect

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 (2)

1. Rules adopted revising **chs. ATCP 10 and 11** relating to chronic wasting disease in cervids.

Finding of emergency

(1) Chronic wasting disease is a contagious disease known to affect several species of the cervid family, including elk, white-tailed deer, black-tailed deer, red deer and mule deer. The disease is always fatal. At the present time, there is no scientific evidence to suggest that chronic wasting disease is transmitted to non-cervids or to humans. But there is limited scientific knowledge about the disease, and this lack of knowledge has contributed to public concerns.

(2) The cause of chronic wasting disease is not fully understood. The disease appears to be related to aberrant protein molecules called prions. By an unknown mechanism, prions apparently cause other protein molecules in the cervid brain to take aberrant forms. The disease causes microscopic vacuoles (holes) in the brain. Diseased cervids become emaciated, display abnormal behavior patterns, and experience loss of bodily functions.

(3) Science does not understand how chronic wasting disease is spread. It is thought that infected cervids can transmit the disease to other cervids, either directly or by contaminating their environment. It appears that cervid-to-cervid contact facilitates the spread of the disease.

(4) On February 27, 2002, the national veterinary services laboratory informed Wisconsin that it had confirmed chronic wasting disease for the first time in this state. The laboratory confirmed the disease in test samples collected from 3 free-ranging white-tailed deer killed by hunters during the November 2001 gun deer season. The Wisconsin Department of Natural Resources (DNR) collected these samples as part of a statewide disease surveillance program. With the voluntary cooperation of hunters, DNR collected test samples

from deer killed and registered by hunters at selected hunting registration sites around the state. DNR collected a total of 345 samples statewide, including 82 samples at the Mt. Horeb registration station. The 3 deer that tested positive for chronic wasting disease were all registered at the Mt. Horeb station. The 3 deer were shot in close proximity to each other in Vermont Township in Dane County. We do not know how the 3 deer were exposed to chronic wasting disease, nor do we know the extent of infection in the free-ranging herd.

(5) We do not know whether any captive cervids in Wisconsin are infected with chronic wasting disease (there are no findings to date). If captive cervids are infected, the close proximity of cervids within a captive herd may facilitate the spread of disease within the herd. The movement of infected cervids between herds may spread the disease to other herds. Contact between free-ranging and captive cervids may also spread the disease.

(6) Persons importing captive cervids to Wisconsin must obtain an import permit from the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). Importers must identify the herd of origin and the herd of destination. A veterinarian must certify that the cervids appear to be in good health, and that they have been tested for tuberculosis and brucellosis. There is no chronic wasting disease testing requirement, because there is no way to test live cervids for the disease.

(7) Since 1995, a total of 2,604 captive cervids have been legally imported into Wisconsin. This includes 2,020 elk, 191 whitetail deer, 12 mule deer and 387 other cervids. Chronic wasting disease has been found in free-ranging herds or in some captive herds in Colorado, Nebraska, Oklahoma, Kansas, Montana, South Dakota, and Wyoming. Since 1995, a total of 410 captive cervids have been legally imported to Wisconsin from these states. Most other states lack active chronic wasting disease surveillance programs, so the full extent of the disease is not known with certainty.

(8) DATCP currently registers captive cervid herds, other than white-tail deer herds. DNR currently licenses captive white-tail deer herds. Since 1998, DATCP has sponsored a voluntary program to monitor for chronic wasting disease among the captive herds that it registers. Approximately 50 herd owners currently participate in this program.

(9) Since chronic wasting disease was confirmed in this state, there has been widespread public concern about the disease. The public has expressed concern about the health of free-ranging deer and elk, and about potential threats to humans, livestock and deer-related businesses. Hunters and consumers have expressed food safety concerns. There is currently no scientific evidence to suggest that chronic wasting disease is transmissible to non-cervids or to humans. But there is limited scientific knowledge about the disease, and this lack of knowledge has contributed to public concerns.

(10) In order to protect the public peace, health, safety and welfare, it is necessary to take immediate steps to prevent and control the spread of chronic wasting disease in this state. Among other things, it is necessary to impose further controls on the import and movement of captive cervids and to implement a mandatory monitoring program. DATCP may adopt rules to implement these measures.

(11) Normal rulemaking procedures require up to a year or more to complete. A temporary emergency rule is needed to protect the public peace, health, safety and welfare, pending

the adoption of longer-term rules. This emergency rule will implement essential prevention and control measures on an immediate, interim basis.

Publication Date: April 9, 2002
Effective Date: April 9, 2002
Expiration Date: September 6, 2002
Hearing Date: May 22, 2002

2. Rules adopted revising **ch. ATCP 96** relating to milk producer security.

Finding of emergency

(1) The Legislature, in 2001 Wis. Act 16, repealed and recreated Wisconsin's agricultural producer security program. The new program is codified in ch. 126, Stats. (the "new law"). The new law takes effect, for milk contractors, on May 1, 2002. The new law is intended to protect milk producers against catastrophic financial defaults by milk contractors.

(2) The new law applies to milk contractors, including dairy plant operators, producer agents and other milk handlers, who procure producer milk in this state. Under the new law, milk contractors must be licensed by the Wisconsin department of agriculture, trade and consumer protection (DATCP). Milk contractors must pay license fees and do one or more of the following:

(a) Contribute to Wisconsin's agricultural producer security fund, to help secure milk payments to milk producers.

(b) File security with DATCP.

(c) File financial statements with DATCP, showing that the contractor meets minimum financial standards specified in ch. 126, Stats.

(3) The new law regulates producer agents (who market milk and collect payment for milk producers, without taking title to the milk), but treats them differently than other milk contractors. Producer agents may have lower fund participation requirements, and may file smaller amounts of security, than other milk contractors. The program may provide correspondingly less compensation to producers if a producer agent defaults.

(4) It is important to clarify the following matters before the new law takes effect for milk contractors on May 1, 2002:

(a) The treatment of dairy plant operators who provide custom processing services to milk producers, without marketing or taking title to milk or dairy products.

(b) The treatment of producer agents. Under s. 126.51, Stats., DATCP must adopt rules for milk contractors who wish to qualify as producer agents under the new law.

(c) The treatment of persons who market only processed dairy products for milk producers, without procuring, marketing or processing raw producer milk.

(d) The method by which milk contractors calculate and report milk payment obligations, for the purpose of calculating fund assessments and security requirements under the new law.

(5) Under s. 126.81 (4), Stats., DATCP may require milk contractors to disclose their security and fund contribution status to milk producers. It is important for milk contractors to begin making these disclosures soon after the new law takes effect, so that producers can evaluate the financial risk associated with milk procurement contracts. Disclosures are important, because not all milk contractors are required to participate in the agricultural security fund or file security with DATCP.

(6) It is not possible, by normal rulemaking procedures, to adopt these essential clarifications and disclosure requirements by May 1, 2002. DATCP must, therefore, adopt them by emergency rule. This emergency rule is needed to implement the new law, to protect the financial security of milk producers, to preserve fair competition in the dairy industry, and to avoid unnecessary confusion and expense for dairy businesses.

Publication Date: April 29, 2002
Effective Date: April 29, 2002
Expiration Date: September 26, 2002
Hearing Date: May 16, 2002

Corrections

Rules adopted revising **ch. DOC 328**, relating to adult field supervision.

Finding of emergency

The department of corrections finds that an emergency exists and that rules are necessary for preservation of the public peace, safety and welfare. A statement of the facts constituting the emergency is: Pursuant to s. 304.074 (2) Stats., the department has authority to collect "at least \$1 per day, if appropriate" from offenders on supervision. However, the current proposed budget reform bill, Assembly Bill 1, directs the department to amend supervision fees and provides, in relevant part, the following:

"...the department of corrections shall promulgate the rules that are required under s. 304.074 (5) of the statutes and that set rates under s. 304.074 (2) of the statutes. The rules shall take effect on July 1, 2002."

"...the rules shall require the department to have a goal of receiving at least \$2 per day, if appropriate, from each person who is on probation, parole, or extended supervision and who is not under administrative supervision, as defined in s. 304.74 (1) (a) of the statutes, or minimum supervision, as defined in s. 304.74 (1) (b) of the statutes."

While the language and potential requirements of Assembly Bill 1 doubles the amount the department may collect in supervision fees, the current Administrative Code limits the department's efforts to do so. The current ch. DOC 328 establishes a set fee schedule with a maximum collection of \$45 per month.

As proposed, the budget reform bill requires the department to rely upon the collection of an increased amount of supervision fees. If the department remained without administrative rule authority to collect the increased fees on July 1st, the department, and clearly the public, would be significantly impacted by the loss of revenue. The proposed budget has anticipated and relied upon such increase in establishing budgetary guidelines for the department of corrections.

This situation requires the department to effect an emergency rule rather than complying with the notice, hearing, legislative review and publication requirements of the statutes. Complying with the standard promulgation procedures for a permanent rule could easily delay the department's ability to collect the necessary fees by seven months to one year. This delay would have a substantial impact on the department because more than 85% of the department's supplies and services budget will be funded by program revenue generated from supervision fees collected in the next fiscal year. This revenue provides for a variety of essential departmental functions, including rent for approximately 114 probation and parole offices, vehicles that enable probation and parole agents to conduct home visits on offenders, extradition of absconders, and computers that

enable agents to conduct such critical functions as pre-sentence investigation reports. If the department were somehow hindered in the attempt to perform these functions it would obviously affect the department's ability to adequately supervise offenders and ultimately result in a breakdown in the department's ability to help protect the public.

This order:

- Raises the department's supervision fee goal to at least \$2 per day, if appropriate, from all offenders under supervision by the department.
- Eliminates the distinction between offenders supervised by the department on administrative and minimum supervision and offenders who are deemed medium, maximum and high risk as it relates to supervision fees. All offenders under supervision by the department will pay, based on their ability, according to one supervision-fee scale.

Publication Date: July 2, 2002
Effective Date: July 2, 2002
Expiration Date: November 28, 2002
Hearing Dates: July 29 & 30, 2002

Elections Board

Rules adopted amending s. EIBd 6.05 relating to filing campaign reports by electronic transmission.

Finding of emergency

The Elections Board finds that an emergency exists in the implementation of the requirement of s. 11.21 (16), Stats., that each registrant for whom the board serves as filing officer and who or which accepts contributions in a total amount or value of \$20,000 or more during a campaign period, shall file each required campaign finance report in an electronic format, and finds that the attached rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is as follows:

With the close of the legislature's 2001-02 biennial session, it is now apparent that the Board will not receive an additional appropriation to develop a software program that enables registrants to file reports that integrates with the agency's information management system. Implementing an alternate means to permit registrants to comply with s. 11.21 (16), Stats., is necessary for use of campaign finance reports filed in 2002 and thereafter. Filings in electronic format will improve the welfare of Wisconsin's citizens by making campaign finance information more readily available to citizens, candidates, journalists and advocacy groups. Filing reports electronically is the only viable means of ensuring that the public has the information necessary to participate in the selection of our governmental leaders.

Publication Date: June 1, 2002
Effective Date: June 1, 2002
Expiration Date: October 29, 2002

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

1. Rules adopted revising ch. HFS 119, relating to the Health Insurance Risk-Sharing Plan.

Exemption from finding of emergency

Section 149.143 (4), Stats., permits the Department to promulgate rules required under s. 149.143 (2) 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. Department staff consulted with the Health Insurance Risk-Sharing Plan (HIRSP) Board of Governors on April 17, 2002 on the rules, as required by s. 149.20, Stats.

Analysis prepared by the Department of Health and Family Services

Statutory authority: ss. 601.41 (3), 655.004, 655.27 (3) (b), and 655.61, Stats.

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-eight percent of the 13,645 HIRSP policies in effect in March 2002, 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 25.4%. This produces policyholder premiums that are equivalent to 150% of the industry standard, the minimum allowed by statute. Rate increases for specific policyholders range from 19.2% to 27.8%, depending on a policyholder's age, gender, household income, deductible and zone of residence within Wisconsin. These rate increases reflect general and industry-wide premium increases and take into account the increase in costs associated with Plan 1 claims. For example, recent annual industry standard premium rates have increased by approximately 35%. HIRSP costs have risen by a smaller amount, hence the smaller rate increases for HIRSP, relative to the industry standard. 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 for persons eligible for Medicare. This type of coverage is called Plan 2. Plan 2 has a \$500 deductible. Twelve percent of the 13,645 HIRSP policies in effect in March 2002, were of the Plan 2 type. The rate increases for Plan 2 contained in this rulemaking order increase an average of 30.8%. Rate increases for specific policyholders range from 23.3% to 33.5%, depending on a policyholder's age, gender, household income and zone of residence within Wisconsin. These rate increases reflect general and industry-wide cost increases and adjust premiums to a level in accordance with the authority and requirements set out in s. 149.14 (5m), Stats.

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 (2) (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 rulemaking order is also increasing total HIRSP insurer assessments and reducing 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 2001. 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, 2002. The total annual contribution to the HIRSP budget provided by an adjustment to the provider payment rates is \$24,750,178. The total annual contribution to the HIRSP budget provided by an assessment on insurers is \$26,003,305. On April 17, 2002, the HIRSP Board of Governors approved the calendar year 2001 reconciliation process. The Board also approved the HIRSP budget for the plan year July 1, 2002 through June 30, 2003.

Publication Date: June 17, 2002
Effective Date: July 1, 2002
Expiration Date: November 28, 2002

- Rules adopted revising **chs. HFS 152 to 154**, relating to the Wisconsin Chronic Disease Program.

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:

The Wisconsin Chronic Disease Program (WCDP) is the payer of last resort for working poor persons with medical problems relating to chronic renal disease, cystic fibrosis or hemophilia. The Department administers the WCDP. The WCDP reimburses beneficiaries' dialysis and transplant services, home supplies, lab and x-ray services and kidney donor services for chronic renal disease recipients. Cystic fibrosis recipients are eligible for reimbursement of hospital services, certain physician services, lab and x-ray services, prescription medication and some home supplies. Recipients with hemophilia receive reimbursement for blood derivatives and supplies necessary for home infusion. The program's annual \$5 million budget is entirely state funded. About 90% of the budget (\$4.5 million) funds the care of chronic renal disease recipients, of which 60% (\$2.7 million) is for drugs. Drug costs are increasing at a rate of at least 10% per year. The Wisconsin 2001-03 biennial budget does not provide for increases of this magnitude. Consequently, the WCDP will likely have an estimated shortfall of between \$700,000 and \$900,000 in the 2001-03 biennium.

To mitigate the projected budgetary shortfall, the Department will be emphasizing generic drugs and implement an expanded drug rebate program. Both of these efforts can be accomplished through Department policy changes. In addition, WCDP drug copayment amounts must be increased. The Department's administrative rules governing WCDP currently limit the drug copayment amounts to the \$1 used by the Wisconsin Medicaid Program. To further mitigate the effect of increased drug costs on the WCDP program, the Department is also increasing the WCDP prescription drug copayment amounts to \$5 for generic drugs and \$10 for brand name drugs. These new copayment amounts resemble those used by commercial health insurers and were determined by the Department in consultation with the Chronic Renal Disease Program Advisory Committee. While the Department is currently in the process of promulgating these amendments to the permanent rules, the Department must implement these changes immediately to preserve the public welfare. Therefore, the Department is issuing these identical amendments as an emergency order.

The proposed rules potentially affect approximately 6,500 individuals with chronic renal disease, 200 individuals with hemophilia and 150 individuals with cystic fibrosis. Approximately 41% of persons enrolled in the program received state-funded benefits in 2000-01. The rest either incurred no expenses that were covered under these programs, or their expenses did not exceed the required deductibles.

Publication Date: July 1, 2002
Effective Date: July 1, 2002
Expiration Date: November 28, 2002

Insurance

Rules adopted revising **ch. Ins 17**, relating to annual patients compensation fund and mediation fund fees for the fiscal year beginning July 1, 2002 and relating to the Wisconsin health care insurance plan's primary limits.

Finding of emergency

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

Actuarial and accounting data necessary to establish PCF fees is first available in January of each year. It is not possible to complete the permanent fee rule process 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, 2002.

The commissioner expects that the permanent rule corresponding to this emergency rule, clearinghouse No. 02-035, will be filed with the secretary of state in time to take effect September 1, 2002. Because the fund fee provisions of this rule first apply on July 1, 2002, 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 3, 2002.

Publication Date: June 19, 2002
Effective Date: July 1, 2002
Expiration Date: November 28, 2002

Natural Resources (3) (Fish, Game, etc., Chs. NR 1-)

- Rules adopted revising **chs. NR 10 and 45**, relating to the control and management of chronic wasting disease.

Finding of emergency

Sections 1 and 2. Defines an archery hunt as it relates to the special chronic wasting disease (CWD) control and management hunts.

Section 3. Defines CWD.

Section 4. Defines the CWD eradication zone.

Section 5. Defines the CWD intensive harvest zone.

Section 6. Defines the CWD management zone.

Section 7. Defines adequate public notice and information as it relates to defining a new CWD eradication zone.

Section 8. Defines a section of land.

Section 9. Defines a shotgun hunt as it relates to the special CWD control and management hunts.

Section 10. Modifies those deer management units participating in the regular deer gun season framework.

Sections 11 and 12. Modifies those state park properties that have a more restrictive deer season harvest limit and season framework.

Section 13. Defines all of the metro deer management units as Zone "M" and eliminates deer management unit 76M from the list of metro units which have a standard deer season framework and harvest limits.

Section 14. Updates exceptions to the regular deer archery season.

Section 15. Updates exceptions to the muzzleloader season.

Section 16. Creates the Special CWD management control hunt earn-a-buck seasons and framework for the gun and archery hunts in the deer management units, portions of deer management units and state parks that are included in the CWD management and intensive harvest zones.

Sections 17 and 18. Exempts units that are participating in the special CWD herd reduction hunts from the one-day youth antlerless deer hunt and the special herd control hunts.

Section 19. Authorizes the use of aircraft by the department to harvest, spot, rally and drive deer to help with the depopulation of deer within the eradication zone after all other control measures have been considered and also authorizes the use of buckshot from or with the aid of aircraft.

Sections 20 and 21. Prohibits the use of bait statewide for hunting and provides exceptions to allow baiting for bear hunting by imposing bait site, permit and date restrictions, and also allows the use of liquid scents for deer hunting.

Section 22. Requires participants in the CWD herd reduction hunts to comply with blaze orange clothing requirements.

Section 23. Modifies the overwinter populations for the deer management units that are included in the CWD management zones and identifies 5 new units that are created as the result of splitting the units when defining the boundaries of the CWD zones.

Section 24. Creates special CWD deer permits that authorize the harvesting of deer within the CWD management zones and creates a permit that will be issued to hunters to replace their carcass tag should they shoot a deer that appears to be diseased while hunting and defines the conditions for their use.

Section 25. Develops transportation and sampling guidelines for deer harvested within and outside of the CWD management zones.

Section 26. Develops registration guidelines for deer harvested within the CWD management zones.

Section 27. Updates state park properties that may conduct firearm, muzzleloader and late bow seasons.

Section 28. Establishes deer seasons and weapon restrictions for specific state park properties.

Section 29. Creates a map that identifies the CWD management zone and the CWD intensive harvest zone.

Section 30. Provides the department with the authority to utilize additional measures when necessary, within their legislative authority, to control the spread of CWD in the state.

Section 31 and 32. Authorizes the shooting of deer in waterfowl closed areas that are located within the CWD management zones.

Section 33 and 34. Identifies deer within the CWD eradication zone as causing a nuisances and authorizes the department to issue permits to landowners and their permittees to harvest deer during periods defined by the department throughout the year and defines the parameters of their issuance and guidelines for their use.

Section 35. Defines bird feeding devices and structures.

Section 36. Defines small mammals.

Section 37. Prohibits feeding of wildlife and outlines exceptions for birds and small mammals.

Section 38. Creates a free state park hunting access permit that is required to hunt in the state parks participating in the special CWD control hunts.

Publication Date: July 3, 2002

Effective Date: July 3, 2002

Expiration Date: November 30, 2002

Hearing Date: August 12, 2002

[See Notice this Register]

- Rules adopted revising s. NR 20.20 (73) (j) 4., relating to sport fishing for yellow perch in Lake Michigan and Lake Michigan tributaries.

Finding of emergency

The Department of Natural Resources finds that an emergency exists and that 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 reproduction has been poor in Lake Michigan since 1990, leading to the closure of commercial fishing and severe limitations on sport fishing. Reproduction was moderately good in 1998, and reproduction by fish spawned in that year now provides the best hope for an early recovery of the population. This rule is needed to adequately protect fish spawned in 1998 during the 2002 spawning season.

Publication Date: April 15, 2002

Effective Date: April 15, 2002

Expiration Date: September 12, 2002

Hearing Date: April 8, 2002

- Rules were adopted amending s. NR 25.06 (1) (a) 1. to 3., relating to commercial fishing in Lake Superior.

Finding of emergency

The waters of Lake Superior were not part of the extensive off-reservation treaty rights litigation known as the Voigt case. The parties stipulated that the Lake Superior rights would be dealt with, to the extent possible, by agreement rather than litigation. This rule represents the implementation of the most recent negotiated amendments to the agreement between the State and the Red Cliff and Bad River Bands. In order to comply with the terms of the agreement, the State must change its quotas and commercial fishing regulations at the earliest possible date. Failure of the State to do so will not only deprive state fishers of increased harvest opportunities available under the agreement, but could also jeopardize the agreement, putting the entire Lake Superior fishery at risk of litigation.

Publication Date: July 8, 2002

Effective Date: July 8, 2002

Expiration Date: December 5, 2002

Hearing Date: August 19, 2002

[See Notice this Register]

Natural Resources

(Environmental Protection – General, Chs. NR 100—)

Rules adopted creating **ch. NR 109**, relating to aquatic plant management.

Finding of emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public welfare. Many lake communities traditionally manage aquatic plants on the waters of the state to allow navigation and other beneficial recreational water use activities and to control invasive aquatic species. Without aquatic plant management, many bodies of water would be inaccessible due to excessive growth of invasive aquatic plants like Eurasian water milfoil and purple loosestrife and native aquatic plant communities would be threatened. 2001 WI Act 16 included new statutory language, s. 23.24, Stats., for the protection of native aquatic plant communities and control of invasive plant species. The new law prohibits a person from managing aquatic plants without a valid aquatic plant management permit issued under this chapter. This order is designed to allow beneficial aquatic plant management activities to continue on waters of state through the 2002 open-water, growing season. Normal rule-making procedures will not allow the establishment of these rules for the 2002 open-water, aquatic plant-growing season. Failure to create NR 109 will result in unnecessary threats to valued native aquatic plant communities by invasive species and loss of navigation and beneficial recreational activities on Wisconsin lakes, rivers and wetlands.

Publication Date: May 10, 2002
Effective Date: May 10, 2002
Expiration Date: October 7, 2002
Hearing Dates: July 22, 23, 24 & 25, 2002

Public Instruction

Rules adopted revising **ch. PI 35**, relating to the Milwaukee parental choice program.

Finding of emergency

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

In the past, private schools that intended to participate in the Milwaukee parental choice program were required to submit to the state superintendent a notice of intent to participate by May 1, 2001 Wis. Act 16 changed the submission date of the notice from May 1 to February 1. The rules allow a private school to choose from a variety of student application periods. The student application period chosen by the private school must be indicated on its notice. Because the notice is due at the department by February 1, emergency rules must be in place as soon as possible.

Publication Date: January 28, 2002
Effective Date: January 28, 2002
Expiration Date: June 27, 2002
Hearing Date: April 9, 2002
Extension Through: August 25, 2002

State Treasurer

Rules adopted creating **ch. Treas 1** relating to the Wisconsin College Savings Program Board.

Exemption from finding of emergency

Section 15 (1), 2001 Wis. Act 7 provides an exemption from a finding of emergency for the adoption of ch. Treas 1.

Analysis prepared by the Office of the State Treasurer

Statutory authority: Section 14.64 (2) (e), Stats., and section 15, 2001 Wis. Act 7.

Statutes interpreted: s. 14.64 *et seq.*, Stats.

The Wisconsin College Savings Program Board establishes a rule for the operation of the College Savings Program. The rule is designed to grant flexibility to program participants wherever possible, while enabling the State and its private-sector partners to administer the program in a manner that protects the program's financial integrity and viability. Maintaining eligibility as a "qualified tuition program" pursuant to section 529 of the Internal Revenue Code [26 USC 529] is another primary objective. "529" programs are eligible for a number of federal tax benefits that are attractive to families saving for future college costs. Significant features of the rule are addressed below:

Sections Treas 1.03, 1.04 and 1.05 describe who may open an account and how to open an account. Section Treas 1.06 discusses designating a successor owner and describes how to change ownership of an account. Sections Treas 1.07 and 1.08 define the account beneficiary and how to change the beneficiary on an account.

Section Treas 1.09 details how to make contributions to an account, including minimum and maximum contribution limits, and how to "rollover" an account balance to another section 529 program. IRS requirements relating to investment direction are also detailed.

Sections Treas 1.11, 1.12 and 1.13 describe account withdrawals, distributions and refunds. Special circumstances are also provided for in these sections, such as the death or disability of the beneficiary or receipt of a scholarship by a beneficiary. Section Treas 1.14 sets forth conditions under which the Board may terminate an owner's account. Sections Treas 1.15 and 1.16 address related fees and penalties.

Publication Date: January 7, 2002
Effective Date: January 7, 2002
Expiration Date: See section 15, 2001 Wis. Act 7
Hearing Date: March 5, 2002

Workforce Development

(Unemployment Insurance, Chs. DWD 100–150)

Rules adopted amending **s. DWD 129.01 (1)**, relating to extension of the time period allowed for filing an initial claim for unemployment insurance benefits.

Exemption from finding of emergency

Pursuant to 2001 Wis. Act 35, s. 72 (2) (b), the Department is not required to provide evidence that promulgating this rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for this rule.

Analysis Prepared by the Department of Workforce Development

Statutory authority: s. 108.08 (1), Stats. and 2001 Wis. Act 35, s. 72 (2) (b).

Statute interpreted: s. 108.08 (1), Stats.

Pursuant to s. 108.08 (1), Stats., a claimant must give notice to the department with respect to a week of unemployment “within such time and in such manner as the department may by rule prescribe” in order to receive benefits for that particular week.

Under the current s. DWD 129.01 (1), a claimant must file his or her initial claim for benefits no later than the close of the week in which the claimant intends the claim to start. For example, a claimant who files two weeks late cannot obtain unemployment benefits retroactively unless the department waives the time limit under the exceptional circumstances provision in s. DWD 129.01 (4). This emergency rule extends the time period for filing an initial claim by seven days beyond the end of the week for which the claimant expects to get the benefits.

Increasing the time frame within which a claimant may file a timely initial unemployment insurance benefit claim would reduce disparate treatment of claimants in like situations by removing the subjectivity of finding “exceptional circumstances” before allowing late claims and ease an

increasing workload for the unemployment insurance division. The institution of this change would eliminate approximately 67% of untimely filing issues. This would translate into savings of 5 to 6 full-time employees (FTEs). These positions would then be able to turn attention and time to resolving other eligibility issues at a time when the unemployment insurance division is currently experiencing a sharp increase in workload and anticipates continued increase over the next three years.

The telephone initial claims system allows the department to be more lenient in proscribing filing deadlines due to its expanded accessibility and speed in identifying and resolving eligibility issues. Programming changes to the telephone initial claims system are estimated to require 50 hours at approximately \$50 to \$60 per hour for a total of \$2500 to \$3000.

| | |
|--------------------------|-----------------------------------|
| Publication Date: | April 14, 2002 |
| Effective Date: | April 14, 2002 |
| Expiration Date: | September 11, 2002 |
| Hearing Dates: | July 15, 16 & 17, 2002 |

Scope statements

Pharmacy Examining Board

Subject

Section Phar 2.01 (1) (c) – relating to removing the requirement that an applicant for licensure as a pharmacist submit a recent notarized photograph.

Policy Analysis

Current federal and state law and policy restrict the circumstances, if any, whereby an applicant for a license issued by a governmental entity may be required to submit a personal photograph as part of the application process.

Lacking a demonstrated and sufficient reason to continue to require applicants to submit a photograph, it is the board's intent to repeal s. Phar 2.02 (1) (c).

Statutory authority

Sections 15.08 (5) (b), 227.11 (2), 450.03 (2) and 450.04 (3).

Staff time required

It is estimated that 50 hours will be needed to amend the rules.

Submittal of rules to legislative council clearinghouse

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

Health and Family Services

Rule Submittal Date

On July 9, 2002, the Department of Health and Family Services submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

Statutory Authority: ss. 48.55 (2), 48.975 (5) and 227.11 (2), Stats.

The proposed rule-making order relates to ch. HFS 50, adoption assistance and the use of the state adoption information exchange to find adoptive families for children.

Agency Procedure for Promulgation

A hearing is scheduled for August 12, 2002.

Contact Person

Jill Duerst
Bureau of Programs and Policies
P.O. Box 8916
Madison, WI 53708-8916
(608) 266-1142 or, if you are hearing impaired, (608) 266-7376 (TTY)
duersjm@dhfs.state.wi.us

Agency Procedure for Promulgation

A public hearing is scheduled for August 20, 2002.

Contact Person

Karl Brooks and John Lacenski
Bureau of Law Enforcement
(608) 267-7455

Natural Resources

Rule Submittal Date

On July 8, 2002, the Department of Natural Resources submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rule-making order affects s. NR 140.10, relating to groundwater quality standards.

Agency Procedure for Promulgation

Public hearings are scheduled for August 28, 29, 30, and September 9, 2002.

Contact Person

William Phelps
Bureau of Drinking Water and Groundwater
(608) 267-7619

Natural Resources

Rule Submittal Date

On July 8, 2002, the Department of Natural Resources submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rule-making order affects ch. NR 25, relating to home use and commercial fishing in Lake Superior.

Agency Procedure for Promulgation

A hearing is scheduled for August 19, 2002.

Contact Person

Bill Horns
Bureau of Fisheries Management and Habitat Protection
(608) 266-8782

Natural Resources

Rule Submittal Date

On July 8, 2002, the Department of Natural Resources submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rule-making order affects subch. I of ch. NR 328, relating to department standards for erosion control of inland lakes and impoundments.

Agency Procedure for Promulgation

Public hearings are scheduled for August 13, 14, 15, 19, 20, 21, 22 and 26, 2002.

Contact Person

Paul Cunningham
Bureau of Fisheries Management and Habitat Protection
(608) 267-7502

Natural Resources

Rule Submittal Date

On July 8, 2002, the Department of Natural Resources submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rule-making order affects chs. NR 50 and 64, relating to ATV, snowmobile and water safety patrols.

Natural Resources

Rule Submittal Date

On July 8, 2002, the Department of Natural Resources submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rule-making order affects chs. NR 400, 406, 407, 410, 419, 422, 423, 438, 439, 445, 446, 447,

448, 449, 468 and 484, relating to control of hazardous air pollutants and air contaminant inventory report requirements.

Agency Procedure for Promulgation

Public hearings are scheduled for August 19, 20, 22, 26 and 27, 2002

Contact Person

Caroline Garber
Bureau of Air Management
(608) 264-9218

Workforce Development

Rule Submittal Date

On July 15, 2002, the Department of Workforce

Development submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rules affect ch. DWD 56, relating to the administration of child care funds.

Agency Procedure for Promulgation

A public hearing is required and will be held on August 13, 2002.

The organizational unit responsible for the promulgation of the proposed rules is the DWD Division of Workforce Solutions.

Contact Person

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

Rule-making notices

Notice of Hearing

Health and Family Services (Community Services, Chs. HFS 30—) [CR 02-101]

Notice is hereby given that pursuant to ss. 227.16 (1), 227.17 and 227.18, Stats., the Department of Health and Family Services will hold a public hearing to consider the proposed revision of ch. HFS 50, relating to adoption assistance and the use of the state adoption information exchange to find adoptive families for children.

Hearing Information

The public hearing will be held:

August 12, 2002 1 West Wilson Street
Tuesday Room 550 A
10:00 a.m. to 2:00 p.m. Madison, WI

The hearing site is fully accessible to people with disabilities.

Analysis Prepared by the Department of Health and Family Services

The proposed rulemaking order amends several provisions of ch. HFS 50 rules for facilitating the adoption of children with special needs to do the following: (1) establish exceptions to an adoption agency's photo listing requirements; (2) replace terms "photo listing book" or "book" to allow for alternative methods of photo listing, such as the Internet; (3) authorize the department to biannually notify adoptive parents of the family's post-placement responsibilities and remove the requirement that the department annually re-certify an adoptive family's need for continuing adoption assistance; (4) include an express time requirement within which an adoptive family must notify the department of changes in circumstances; (5) allow adoption assistance under the interstate compact when federally required; (6) include an express requirement that a child must be available for adoption in order to be eligible for adoption assistance; (7) require that only documented factors be used as a basis of determining that a child is at high risk of developing a moderate or intensive level of special needs; (8) require that the documentation evidencing a mother's drug or alcohol use or other inappropriate pre-natal care be documented in a medical or hospital record; (9) for clarification purposes, replace the term "registration" with "photo listing"; and (10) eliminate the need for an adoption agency to register or photo list a child when an adoption agency is not actively seeking an adoptive placement for the child.

Contact Person

To find out more about the hearing or to request a copy of the proposed rules, write, phone or e-mail:

Jill Duerst
Bureau of Programs and Policies
P.O. Box 8916
Madison, WI 53708-8916
(608) 266-1142 or, if you are hearing impaired, (608) 266-7376 (TTY)
duersjm@dhfs.state.wi.us

If you are hearing or visually impaired, do not speak English, or have circumstances that might make

communication at a hearing difficult and if you, therefore, require an interpreter or a non-English, large print or taped version of the hearing document, contact the person at the address or phone number given above at least 10 days before the hearing. With less than 10 days notice, an interpreter may not be available.

Written comments must be received by mail or e-mail at the above address no later than 5:00 p.m. on **August 19, 2002**. The written comments will be given the same consideration as testimony presented at a hearing.

Fiscal Estimate

Except for the requirements that only documented factors be used as a basis of determining whether a child is at high risk of developing a moderate or intensive level of special needs, none of the proposed revisions have a fiscal affect.

Under the proposed changes to s. HFS 50.01 (4) (j), children will no longer be presumptively eligible. Eligibility will be determined based on documented need. If a child is determined not to be eligible at the time of adoption they can apply again within three years of the date of adoption or when the adoptive family first became aware of adoption assistance if circumstances change that would make the child eligible. Children currently receiving adoption assistance or classified as a "child at high risk" of developing special needs will not be affected. Their eligibility for adoption assistance will remain in place. Therefore, we do not anticipate an immediate impact.

The department proposes to repeal s. HFS 50.01 (4) (j) 1., and amend s. HFS 50.01 (4) (j) 5., to require that the documented evidence of a birth mother's use of harmful drugs or alcohol or other practice of inappropriate pre-natal care that could later result in the child developing special needs be documented in a medical or hospital record.

These changes should result in a cost savings in payments to adoptive families for non-recurring adoption expenses. Approximately 130 children annually meet the current "child at high risk" definition under the criteria specified in s. HFS 50.01 (4) (j) 1., and 5. The adoptive families for these children are eligible for reimbursement for up to \$2,000 of certain non-recurring adoption related expenses. By repealing s. HFS 50.01 (4) (j) 1., and making the documentation requirements for s. HFS 50.01 (4) (j) 5., more specific, there will be fewer children who meet the "child at high risk" definition. However, the decrease in the number of children meeting the definition as a result of these changes is uncertain and, therefore, the cost savings for non-recurring adoption expenses cannot be determined.

The above anticipated cost savings is in addition to any potential cost savings due to fewer children on medical assistance and fewer families having the ability to request adoption assistance amendments. The amount of adoption assistance and medical assistance savings cannot be determined at this time. There is currently insufficient data and experience regarding the percentage of at risk agreements that are later amended to include monthly adoption assistance payments and medical assistance. The law permitting adoptive families to request a "child at high risk" adoption assistance agreement went into effect on January 1, 1999. It has taken time to implement the process and the adoptive

family must wait at least 12 months post adoption finalization before requesting an amendment.

Initial Regulatory Flexibility Analysis

The provisions in the proposed order will not affect small businesses.

Notice of Hearing

Health and Family Services (Community Services, Chs. HFS 30—) [CR 99–09]

Notice is hereby given that, pursuant to s. 46.295 (6), Stats., the Department of Health and Family Services will hold a public hearing to consider the repeal and recreation of ch. HFS 77, Wis. Adm. Code, relating to criteria and procedures for reimbursement of interpreting services for persons who are deaf or hard of hearing.

Hearing Information

The public hearings will be held:

August 12, 2002 Room 550A
Monday 1 West Wilson St.
From 1 p.m. to 3 p.m. MADISON, WI

The hearing site is fully accessible to people with disabilities. Sign language interpreters and real time captioning will be available at the hearing.

Analysis Prepared by the Department of Health and Family Services

This order updates the Department's rules for operating a program established under s. 46.295, Stats., that reimburses interpreters for the provision of interpreting services for persons who are deaf, deafblind or hard of hearing. The Department proposes to update the rules for three reasons:

1. To change how interpreters are scheduled. Chapter HFS 77 currently states that the Department will schedule interpreting services for an individual or organization authorized to receive interpreting services funded by the Department. However, although the Department continues to fund interpreting services and maintain lists of qualified interpreters, it no longer directly schedules interpreters. Requests for interpreting services are received and reviewed by the Department's 6 region-based Coordinators of Deaf and Hard of Hearing Services to ensure that the circumstances for which services are requested meet the requirements of the program statute and ch. HFS 77. If qualified, the Department provides the individual or organization requesting the service with a list of certified and verified interpreters. The individual or organization is subsequently responsible for scheduling the interpreter.

2. To use the Wisconsin Interpreting and Transliterating Assessment (WITA) as a method of verifying interpreters. Interpreters verified through WITA will qualify for Department reimbursement for interpreting services provided under ch. HFS 77. Chapter HFS 77 is also being revised to include real-time captioning services.

3. To conform with changes in the generally accepted preferred terminology for referring to people with hearing problems and to the services required to support their access to needed communication.

The current rules refer throughout to "hearing impaired persons" and "interpreter services," terms also used, but undefined, in s. 46.295, Stats. These terms are replaced in the

proposed rules by the terms "deaf, deafblind or hard of hearing persons" and "interpreting services;" terms preferred by the deaf and hard of hearing communities.

The Department previously held hearings on similar proposed rules in 1999. However, over the past year, the Department has made a variety of changes to those initial proposed rules. Consequently, the Department wants to receive public comments on the proposed rules before transmitting final proposed rules to the legislature.

Contact Person

To find out more about the hearings or to request a copy of the proposed rules, write, email or phone:

Alice M. Sykora
Human Services Program Coordinator
Bureau for the Deaf and Hard of Hearing
One West Wilson Street, B275
Madison, WI 53707-7851

TTY: 608-266-3168 (for non-TTY users, dial "711" for relay service and give the operator the telephone number)

Fax: 608-266-3256

Email: sykoram@dhfs.state.wi.us

If you are visually impaired or do not speak English and if you, therefore, require a non-English interpreter at a hearing or a non-English, large print or taped version of the hearing document, contact the person at the address or phone number shown above. Persons requesting a non-English interpreter should contact the person at the address or phone number given above at least 10 days before the hearing. With less than 10 days notice, a non-English interpreter may not be available.

Written comments on the proposed rules received at the above address no later than **August 15, 2002** will be given the same consideration as testimony presented at the hearing.

Fiscal Estimate

These revised rules will not affect the expenditures or revenues of state government or local governments. These changes are programmatic only and have no fiscal impact on the appropriation for the activities specified in ch. HFS 77.

Initial Regulatory Flexibility Analysis

These rules apply to deaf, deafblind or hard of hearing persons who need or request interpreting services, sign language and oral interpreters, those who provide such services and governmental agencies, courts and private agencies that request interpreting services or information about interpreting services under s. 46.295, Stats.

The Department maintains directories of certified and verified interpreters and certified real time captioners and reimburses them for their services.

Most of the 300 or so certified and verified sign language interpreters and oral transliterators for deaf and hard of hearing persons in Wisconsin operate as small businesses, as "small business" is defined in s. 227.114 (1) (a), Stats.

The principal rule changes – scheduling done by the requesting individual or organization rather than by the Department; use of the Wisconsin Interpreting and Transliterating Assessment (WITA) as the primary means for certifying and verifying interpreters, which will eventually replace the Wisconsin Quality Assurance Program; and replacing two terms used in the rules with terms generally preferred by persons who are deaf or hard of hearing – will not have any impact on those interpreters who may be classified as "small businesses."

Notice of Hearing

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

NOTICE IS HEREBY GIVEN that pursuant to ss. 29.014, 29.033, 29.307, 29.335, 29.885, 227.11 (2) (a) and 227.24, Stats., interpreting ss. 29.033, 29.177, 29.307, 29.335 and 29.361, Stats., the Department of Natural Resources will hold a public hearing on Natural Resources Board Emergency Order No. WM-32-02(E) pertaining to the control and management of chronic wasting disease. This emergency order took effect on July 3, 2002. The emergency rule:

1. Eliminates baiting for deer and feeding of wildlife statewide.
2. Extends deer seasons within the chronic wasting disease management zones.
3. Creates an earn-a-buck deer hunt requirement in the chronic wasting disease management zones.
4. Codifies the conditions for landowner permits to remove deer within the eradication zone.
5. Restricts the movement of deer harvested prior to registration.
6. Creates a protocol for department use of aircraft to help reduce deer numbers within the eradication zone.

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

August 12, 2002 Room 027, GEF #2
 Monday at 3:00 p.m. 101 South Webster Street
 Madison

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 Kurt Thiede at (608) 267-2452 with specific information on your request at least 10 days before the date of the scheduled hearing.

Written comments on the emergency rule may be submitted to Mr. Kurt Thiede, Bureau of Wildlife Management, P.O. Box 7921, Madison, WI 53707 no later than August 15, 2002. Written comments will have the same weight and effect as oral statements presented at the hearing. A copy of the emergency rule [WM-32-02(E)] may be obtained from Mr. Thiede.

Fiscal Estimate

Increased Costs Totals:
 Salary and fringe: \$1,379,960
 Mileage, meals and supplies: \$2,508,273
 Increased Costs Details:

Carcass Disposal: The disposal, by incineration, of the estimated 15,000 deer that will be harvested within the eradication zone is initially expected to cost the department \$1,218,750 (15,000 deer x 125 lbs./deer x \$.65/ lb).

Aerial Operations: The costs associated with supplies, staff and flight time if the department contracts with USDA-wildlife services to conduct aerial shooting and herding of deer in the eradication zone.

Staff: \$206,774
 Aircraft (20 hours/week for 12 weeks
 x 2 helicopters x \$700/hr.): \$336,000
 Materials and supplies: \$254,548
 Total: \$797,322

CWD Deer Hunts: The costs associated with the implementation of the expanded deer hunt in the CWD intensive harvest and management zones.

Law Enforcement: The additional hunts will require 8 additional hours per pay period for each of the 26 wardens in the South Central Region. Added to this would be any necessary meals, miles, etc.

With an average salary of about \$25, with an additional \$10 for benefits and fringe, this works out as follows:

26 Wardens x 8 hours/pay period = 208 hrs/pay period x 10 pay periods = 2080/hrs x \$35/hr salary and fringe = **\$72,800** salary and fringe. In addition, there will be the added cost of approximately **\$8,840** meals and **\$9,486** in mileage (meals and miles based upon previous cost estimates for CWD efforts).

\$91,126 Total in salary, fringe, meals and mileage.

Wildlife Management: The costs associated with the implementation of the new CWD deer herd control hunts including the testing and permit issuance during the extended season at registration stations will result in an additional staff time including the use of an LTE's, as well as mileage and other equipment expenses.

10 LTE's x 20 hours/week = 200 hours x 10 pay periods = 2000 hours x \$10/hour = **\$20,000.**

10 hours of overtime / pay period x 75 (50% of the wildlife staff) = 750 hours x 10 pay periods = 7,500 hours x \$28/hour (salary and fringe) = **\$210,000**

Meals, mileage and other 1614 appropriations based on the first 14 weeks of CWD operation expenditures (~ \$12,000 / wk): 20 weeks x \$12,000 = **\$240,000**

An additional cost will be the production of a regulation pamphlet to explain the CWD special hunt framework regulations and requirements.

Regulation Pamphlet 550,000 x \$.02 = **\$11,000**

Customer Service and Licensing: The production of special permits associated with the implementation of the special CWD hunts.

Est # Special Carcass Tags
 (400k EAB, 200k Antlered,
 25k Disease Replacement) 625,000
 Cost per form \$0.075
\$46,875.00

An additional cost will be the time required by staff to answer CWD related questions and issue the special permits.

Equivalent FTE positions (Assuming
 SCR&CO staff @ 15% and NOR, WCR,
 NER, SER staff @ 5%) 10.1

Average Annual CS Salary
 (not including benefits) \$29,200.00
\$294,920.00

Parks and Recreation: Signage and maps will need to be produced for the 8 state park properties where expanded herd control measures will be in effect.

Supplies and Services: Printing or updating Maps, Signs, Permits and Instructions:

\$2,500.00 for Cadiz Springs
 (currently not open to hunting) = \$2,500
 \$500.00 for 7 other parks which have previously been open to deer hunting (\$500x 7) = \$3,500
 Total = **\$6,000**
 Supplies and Services: Vehicle Maintenance and Expenses for Increased Patrol
 \$1,000 per park x 8 = **\$8,000**

Salaries and Fringes – \$30 per hour:

Determination of Hunting Boundaries, Preparing /Revising Maps and Signs, Posting Signs

32 hours for Cadiz Springs (currently not open to hunting) 32 x \$30 = \$960

16 hours for other 7 parks which have previously been open to deer hunting (16 x 7 x \$30) = \$3,360

Total = **\$4,320**

Salaries and Fringes – \$30 per hour: Distributing Permits, Law Enforcement, Admitting Hunters to Park and/or Documenting Permits

4 hours per park per day x \$30 per hour x 8 x 38 days (based on the average number of days all 8 parks will be open to hunting) = **\$36,480**

Landowner Permits: The printing and issuance of permits, sharp shooting, carcass collection and registration are all areas where staff time and resources will be required.

Permit issuance and landowner contacts = 10 perm. employees x 10 additional hours/pay period x 4 pay periods = 400 x \$28 / hour = **\$11,200** salary and fringe.

Sharp shooting = 12 perm. employees x 20 additional hours/pay period x 14 pay periods = 3,360 x \$28 / hour = **\$94,080** salary and fringe.

Carcass pick-up crews = 8 perm. employees x 20 additional hours/pay period x 4 pay periods = 640 x \$28 / hour = **\$17,920** salary and fringe.

Registration Stations = 16 perm. employees x 20 additional hours/pay period x 4 pay periods = 1,280 x \$28 / hour = **\$35,840** salary and fringe.

Meals, mileage and other 1614 appropriations based on the first 14 weeks of CWD operation expenditures (~ \$12,000 / wk): 11 weeks x \$12,000 = **\$132,000**

Field operational expenses including fax machines, copiers, printers, computers, database, telecommunications, GIS software and office supplies: **\$30,000**

Baiting and Feeding Enforcement: Respond to and investigate violations pertaining to the statewide ban on baiting and feeding. The new regulations will require approximately 8 FTE worth of effort statewide for Law Enforcement wardens.

2080 hours (1 FTE) x 8 x \$35/ hour (salary and fringe): **\$582,400**

Decreased Revenue Total: \$634,000

Decreased Revenue Details:

There will be a loss in revenue stemming from the absence of bonus permit sales in the CWD management zones.

Est # of OTC Bonus Sales lost (assumed 50% loss in split units) 24,048

Dollar figure assumes 4:1 ratio of Resident:Non-resident sales \$13.60
\$327,052.80

Est # of Bonus Sales lost thru mail (assumed 50% loss in split units) 22,570

Dollar figure assumes 4:1 ratio of Resident: Non-resident sales \$13.60
\$306,952.00

Total: \$634,004.80

Long-Range Fiscal Implications

The costs associated with the management and control of chronic wasting disease in the state will pose a significant financial burden including reduced revenues and increased costs in subsequent years.

Notice of Hearing

**Natural Resources
(Fish, Game, etc., Chs. NR 1—)
[CR 02-096]**

NOTICE IS HEREBY GIVEN that pursuant to ss. 29.014 (1), 29.041, 29.519 (1) (b) and 227.11 (2) (a), Stats., interpreting ss. 29.014 (1), 29.041, 29.516 (2) and 29.519 (1) (b), Stats., the Department of Natural Resources will hold a public hearing on revisions to ss. NR 25.06 (1) (a) and 25.09 (1), Wis. Adm. Code, relating to commercial and home use fishing in Lake Superior. The harvest of lake trout from Wisconsin waters of Lake Superior is guided by the 1995 State-Tribal Lake Superior Agreement among the Department and the Red Cliff and Bad River Bands of Lake Superior Chippewa. Wisconsin waters of Lake Superior are divided into two management areas, W-1 and W-2. The agreement was recently amended to change the allowable harvest of lake trout in each management area. The harvest limit for W-1 will be decreased from 14,500 to 11,300. In W-2, the harvest limit will be increased from 89,900 to 92,800.

The Department allocates the state share (43,768 lake trout under the amended agreement) between sport and commercial fishers. Because the harvest in W-1 is predominately by sport fishers while the harvest in W-2 is predominately by commercial fishers, the negotiated amendments to the State-Tribal Agreement and this proposed rule change will result in a slight increase in the state-licensed commercial harvest and a slight decrease in the number of lake trout reserved for sport harvest in W-1.

Revisions to s. NR 25.09 include a requirement that every float on gill nets set in Lake Superior be legibly marked with the license number of the commercial fisher and that lake herring gill nets not be allowed within 12 feet of the lake's surface.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., the proposed rule may have an impact on small businesses. The initial regulatory flexibility analysis is as follows:

- a. Types of small businesses affected: Lake Superior commercial fishers
- b. Description of reporting and bookkeeping procedures required: No new procedures
- c. Description of professional skills required: No new skills

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

NOTICE IS HEREBY FURTHER GIVEN that pursuant to ss. 29.014 (1), 29.041, 29.519 (1) (b), 227.11 (2) (a) and 227.24, Stats., interpreting ss. 29.014 (1), 29.041 and 29.519 (1) (b), Stats., the Department of Natural Resources will hold a public hearing on Natural Resources Board Emergency Order No. FH-15-02(E) relating to commercial and home use fishing for lake trout in Lake Superior. This emergency order took effect on July 8, 2002. This emergency order revised the allocation of lake trout among home use and non-Indian commercial fishers and the Red Cliff and Bad River bands.

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

August 19, 2002 County Board Room
Monday at 7:00 p.m. Bayfield County Courthouse
117 E. Fifth Street
Bayfield

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 Steve Schram at (715) 779-4034, ext. 12 with specific information on your request at least 10 days before the date of the scheduled hearing.

Written comments on the proposed and emergency rules [FH-10-02 and FH-15-02(E)] 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 23, 2002. Written comments will have the same weight and effect as oral statements presented at the hearings. A copy of the proposed rule and fiscal estimate may be obtained from Mr. Horns.

Fiscal Estimate

The department does not expect these revisions to have a fiscal impact at the state or local level.

Notice of Hearing

Natural Resources (Fish, Game, etc., Chs. NR 1—) [CR 02-098]

NOTICE IS HEREBY GIVEN that pursuant to ss. 30.79 (2m) and 227.11 (2) (a), Stats., interpreting ss. 23.33 (9) (a), 30.79 and 350.12 (4), Stats., the Department of Natural Resources will hold public hearings on revisions to ss. NR 50.12, 50.13 and 64.15, Wis. Adm. Code, relating to, ATV, snowmobile and water safety patrols. The Winnebago County Sheriff has requested that the Department include the water safety patrols that operate on Lake Winnebago under s. NR 50.13 (1m) (b) 2., so that they can also be funded to staff their boats with 3 officers for safety reasons. The proposed revision adds lakes over 100,000 acres as outlying waters for the purpose of establishing average patrol hours per arrest.

The proposed rule will also eliminate the requirement for the Department to mail three sets of forms to each county for water safety, snowmobile and ATV patrols. Currently the Department makes grant funds available to sheriff patrols that enforce snowmobile and ATV statutes at two separate times each year. The proposed rule will change the grant submission deadlines and payment disbursement dates for both programs to be the same. Currently the ATV equipment reimbursement rate for equipment items that are not ATVs or trailers is capped at \$100. The proposed change will raise the equipment cap to a maximum of \$1000, which is identical to the snowmobile program.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have an economic impact on small businesses.

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

Department's consideration of the impacts of the proposal and reasonable alternatives.

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

August 20, 2002 (Tuesday) – 10:00 a.m.

Conference call participation at:

Conference Room, DNR Service Center
223 E. Steinfest Road, Antigo

Video conference participation at:

Room 115, Polk Library, UW-Oshkosh
801 Elmwood Blvd., Oshkosh

Room 127, Waukesha State Office Bldg.
141 NW Barstow Street, Waukesha

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 Karl Brooks at (608) 267-7455 with specific information on your request at least 10 days before the date of the scheduled hearing.

Written comments on the proposed rule may be submitted to Mr. Karl Brooks, Bureau of Law Enforcement, P.O. Box 7921, Madison, WI 53707 no later than August 30, 2002. Written comments will have the same weight and effect as oral statements presented at the hearings. A copy of the proposed rule and fiscal estimate may be obtained from Mr. Brooks.

Fiscal Estimate

There will be no net change in FTE hours or expenditure of new funds for these rule revisions.

Notice of Hearings

Natural Resources (Environmental Protection-General, Chs. NR 100—) [CR 02-095]

NOTICE IS HEREBY GIVEN that pursuant to ss. 281.12(1), 281.15, 281.19 (1), 299.11 and ch. 160, Stats., interpreting ss. 281.12 (1), 281.15, 281.19 (1), 299.11 and ch. 160, Stats., the Department of Natural Resources will hold public hearings on amendments to NR 140.10 Table 1 and Appendix 1 relating to groundwater quality standards. The proposed amendments would add groundwater quality standards for 2 additional substances and revise existing groundwater quality standards for 3 substances. In accordance with ch. 160, Stats., amendments to ch. NR 140 groundwater quality standards are based on recommendations from the Department of Health and Family Services. New public health related groundwater quality standards are proposed for Alachlor ethane sulfonic acid (Alachlor ESA) and molybdenum. Revised public health related groundwater quality standards are proposed for butylate, dacthal and naphthalene.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have an economic impact on small businesses.

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

environmental review document would summarize the Department's consideration of the impacts of the proposal and reasonable alternatives.

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

August 28, 2002 (Wednesday) – 1:00 p.m.

Room 511, GEF #2, 101 South Webster Street
Madison

August 29, 2002 (Thursday) – 3:00 p.m. and 7:00 p.m.

County Board Room, Iowa County Courthouse
222 N. Iowa Street, Dodgeville

August 30, 2002 (Friday) – 1:00 p.m.

Video conference participation available at:

Room 139, Eau Claire State Office Building
718 W. Clairemont, Eau Claire

Room 105, UW–Fond du Lac,
400 Campus Drive, Fond du Lac

Room D155B, Communication Arts Bldg.
UW–Parkside, 900 Wood Road, Kenosha

Room B29, La Crosse State Office Building
3550 Mormon Coulee Road, La Crosse

Conference Room, DNR Regional Headquarters
107 Sutliff Avenue, Rhinelander

Conference Room, DNR Regional Headquarters
810 W. Maple Street, Spooner

September 9, 2002 (Monday) – 3:00 p.m. and 7:00 p.m.

Room 205, University Center, UW–Stevens Point
1015 Reserve Street, Stevens Point

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 Phelps at (608) 267-7619 with specific information on your request at least 10 days before the date of the scheduled hearing.

Written comments on the proposed rule may be submitted to Mr. William Phelps, Bureau of Drinking Water and Groundwater, P.O. Box 7921, Madison, WI 53707 no later than September 20, 2002. Written comments will have the same weight and effect as oral statements presented at the hearings. A copy of the proposed rule and fiscal estimate is available from Mr. Phelps.

Fiscal Estimate

Although additional monitoring costs may be imposed upon the state or local government entities that are within the regulated community, the extent of such monitoring and any costs associated with it—while too speculative to quantify at this time—are not expected to be significant. Further, any increased monitoring costs associated with the setting of ESs and PALs for Alachlor ESA and Molybdenum and the lowering of the ES and PAL for Dacthal may be offset by cost savings associated with the relaxing of ESs and PALs for Butylate and Naphthalene. Thus, on balance, the Department believes it is unlikely that there will be additional costs to state and local governments resulting from adopting these groundwater standards.

Notice of Hearings

**Natural Resources
(Environmental Protection–Water Regulation
Chs. NR 300—)
[CR 02–099]**

NOTICE IS HEREBY GIVEN that pursuant to ss. 30.2035 and 227.11 (2) (a), Stats., interpreting s. 30.12 (2) and (3) (a) 3., Stats., the Department of Natural Resources will hold public hearings on the creation of subch. I to ch. NR 328, Wis. Adm. Code, relating to shore erosion control standards for inland lakes and impoundments. The proposed rule codifies standards for Department permit decision process for shoreline alternations for erosion control. The rule will prevent or minimize adverse effects of shore erosion construction and achieve consistency in the application of navigable water laws for the construction of shore protection.

Permitting of shore erosion control structures is currently addressed through Departmental guidance. This rule seeks to find a consistent balance between the need of waterfront property owners to limit their erosion and the state's obligation to meet the public interest in protecting lake–edge habitat. The rule encourages erosion control practices (through authorization of short–form permits) that are beneficial to fish and wildlife habitat or can be accomplished by other effective lower impact techniques. This rule will improve consistency in decision–making by developing an assessment of erosion potential by two methods: 1) application of models to storm–wave height conditions; and 2) more specific site–level erosion assessment. The rule also simplifies regulation of shore protection options that have fewer environmentally harmful side–effects and, moreover, are beneficial to fish and wildlife along developed areas.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have an economic impact on small businesses.

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

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

August 13, 2002 James P. Coughlin Center
Tuesday at 7:30 p.m. 625 E. County Road Y
Oshkosh

August 14, 2002 Schmeckle Reserve,
Wednesday at 7:30 p.m. UW–Stevens Point
2419 North Point Drive
Stevens Point

August 15, 2002 Room 511, GEF #2
Thursday at 3:00 p.m. 101 South Webster Street
Madison

August 15, 2002 Fox River Room, Arena Bldg.
Thursday at 7:30 p.m. Waukesha Co. Expo Center
1000 Northview Road
Waukesha

August 19, 2002 DNR West Central Region
Monday at 7:30 p.m. Headquarters
1300 W. Clairemont
Eau Claire

August 20, 2002 Polk Co. Special Education School/
Tuesday at 7:30 p.m. Adult Development Center
400 Polk County Plaza
Balsam Lake

August 21, 2002 Sawyer County Courthouse
Wednesday at 7:30 p.m. 10610 Main Street
Hayward

August 22, 2002 Woodruff Town Hall
Thursday at 7:30 p.m. 750 Elm Street (Hwy. 51)
Woodruff

August 26, 2002 Auditorium Room
Monday at 7:30 p.m. La Crosse Co. Admin. Bldg.
400 4th St. North
La Crosse

NOTICE IS HEREBY FURTHER GIVEN that Department staff will conduct an informational meeting on the proposed rule for an hour preceding each public hearing.

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 Paul Cunningham at (608) 267-7502 with specific information on your request at least 10 days before the date of the scheduled hearing.

Written comments on the proposed rules may be submitted to Mr. Paul Cunningham, Bureau of Fisheries Management and Habitat Protection, P.O. Box 7921, Madison, WI 53707 no later than Friday, August 30, 2002. Written comments will have the same weight and effect as oral statements presented at the hearings. A copy of the proposed rule and fiscal estimate may be obtained from Mr. Cunningham.

Fiscal Estimate

State Costs:

Subchapter I: The Department anticipates no net increase in costs associated with administering Subchapter I of these proposed rules, only a shift in workload resulting from: 1) less workload associated with long-form permit decisions (site analysis, permit decisions, and contested case hearings); and 2) an offsetting increase in the workload associated with short form review, technical assistance, and application of the rule.

Subchapter II: The Department anticipates no more than one municipal breakwater permit per year as authorized under Subchapter II of these proposed rules. The workload associated with municipal breakwater permit and plan review is estimated to be 100 hours per permit. The annual salary-related costs associated with this permitting and plan review are estimated @ \$30 per hour for 100 hours, or \$3000 annually. The Department will absorb this workload in its current budget.

Local Costs (Subchapter II only):

Local government costs are permissive only. Currently local units of government do not have the opportunity to place permanent breakwaters on the beds of lakes and flowages through a Department permitting process. Permits for offshore breakwaters may be issued to municipalities for placement in the following water bodies: Lake Koshkonong, Petenwell flowage, Castle Rock lake, Big Eau Pleine reservoir, Lake Nokomis – Rice River reservoir, Lake DuBay, Beaver Dam lake, Lake Buttes des Morts, Lake Poygan, Lake Winneconne, and Lake Winnebago.

These listed waters are generally typified by the following conditions – impounded; 5000 acres and larger; extensive water level fluctuation; high shoreline recession rates; and historic loss of shoreline vegetation. As stated above, the Department anticipates no more than one municipal breakwater permit per year, statewide.

There are no direct fees or costs to local municipalities associated with processing permits. Local municipalities' permissive costs (planning, engineering services) to implement breakwater projects and comply with the administrative rule will vary widely. For purposes of this fiscal note, the Department assumes that local governments applying for municipal breakwater permits have developed management plans. The Department estimates that, on average, a local government would invest up to 300 hours to develop the proposed NR 328 permit application information. Assuming that the local government's costs are \$30 per hour, it would incur up to \$9000 in costs related to the permit application.

Notice of Hearings

Natural Resources (Environmental Protection–Air Pollution Control, Chs. NR 400—) [CR 02–097]

NOTICE IS HEREBY GIVEN that pursuant to ss. 227.11 (2) (a), 285.11 (1), 285.17 and 285.27 (2), Stats., interpreting ss. 285.11 (10), 285.13 (5), 285.17, 285.27 (2), 285.63 (4), 285.64, 285.67 and 285.69, Stats., the Department of Natural Resources will hold public hearings on revisions to chs. NR 400, 406, 407, 410, 419, 422, 423, 438, 439, 445, 446, 447, 448, 449, 468 and 484, Wis. Adm. Code, relating to the control of hazardous air pollutants and air contaminant inventory report requirements. The revision proposes to add 153 hazardous air pollutants to ch. NR 445, remove 5 hazardous air pollutants from the current list, and to establish regulatory thresholds, emission standards, permit and emission inventory reporting requirements for the newly listed substances. The revisions propose to establish risk-based thresholds for carcinogens. Emission standards are revised for 116 of the 429 currently listed hazardous air pollutants. The rule revisions are also being proposed to improve the regulatory system. The revisions introduce alternative methods for demonstrating compliance and add measures to reduce, streamline and clarify regulatory requirements.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., the proposed rule may have an impact on small businesses. The initial regulator flexibility analysis is as follows:

a. Types of small businesses affected: Small businesses that may emit hazardous air pollutants are affected by this regulation. The regulation creates an “incidental emitter” category which substantially narrows the regulatory responsibility for most non-manufacturing businesses and for those manufacturing businesses that emit less than 3 tons/year of volatile organic compounds and less than 5 tons/year of particulate matter. It is estimated that close to 99% of all establishments in Wisconsin will fall in the “incidental emitter” category.

b. Description of reporting and bookkeeping procedures required: Small businesses that need to limit or reduce their emissions of hazardous air pollutants in order to comply with the emission standards will be required to report the hazardous air pollutant(s), the method used to comply with the applicable emission standard and a description of the

records that will be kept on site to verify continuous compliance with the standard. Businesses that work with complex formulations or that frequently change the chemicals that they use may need to keep additional records to track their chemical usage.

c. Description of professional skills required: In some cases, engineering skills will be needed to determine how to comply with the emission standards. However, this is not expected to be the case for most small businesses.

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

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

| | |
|---|---|
| August 19, 2002 Monday at 4:00 p.m. | Appleton Public Library 225 N. Oneida Street Appleton |
| August 20, 2002 Tuesday at 4:00 p.m. | Auditorium Wood County Courthouse 400 Market Street Wisconsin Rapids |
| August 22, 2002 Thursday at 2:00 p.m. | Jury Assembly Room La Crosse County Courthouse 333 Vine Street La Crosse |
| August 26, 2002 Monday at 1:30 p.m. | Room 027, GEF #2 101 South Webster Street Madison |
| August 27, 2002 Tuesday at 4:00 p.m. | Room 141 DNR Southeast Region Hdqrs. 2300 N. Dr. Martin Luther King Jr. Drive Milwaukee |

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 Robert Park at (608) 266-1054 with specific information on your request at least 10 days before the date of the scheduled hearing.

Written comments on the proposed rule may be submitted to Ms. Caroline Garber, Bureau of Air Management, P.O. Box 7921, Madison, WI 53707 no later than September 13, 2002. Written comments will have the same weight and effect as oral statements presented at the hearings.

A copy of proposed rule AM-34-02 and its fiscal estimate may be obtained from:

Proposed Rules
Bureau of Air Management
P.O. Box 7921
Madison, WI 53707
Phone: (608) 266-7718
FAX: (608) 267-0560

Fiscal Estimate

The revisions will affect permit writing and compliance activities. Provisions in the rule will increase some activities

and reduce other activities. No additional FTEs are expected to be needed in the Bureau of Air Management or in the regional offices.

The rule revisions may affect a number of state and locally owned facilities. State and locally owned emission units that are out of compliance with new emission limits may incur some compliance costs. Compliance costs are expected to be insignificant for most state and locally owned facilities. These costs are unquantifiable.

Notice of Hearing

Social Workers, Marriage and Family Therapists, and Professional Counselors Examining Board [CR 02-105]

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors in ss. 15.08 (5) (b) and 227.11 (2), Stats., and ch. 457, Stats., as repealed and recreated by 2001 Wisconsin Act 80, and interpreting ch. 457, Stats., the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors will hold a public hearing at the time and place indicated below to consider an order to revise the SFC Code relating to the Marriage and Family Therapists, Professional Counselors and Social Work Examining Board.

Hearing Information

Hearing Date, Time and Location

| | |
|-----------|--|
| Date: | August 12, 2002 |
| Time: | 10:00 A.M. |
| Location: | 1400 East Washington Avenue Room 179A Madison, Wisconsin |

Appearances at the Hearing:

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Regulation and Licensing, Office of Administrative Rules, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received by August 12, 2002, to be included in the record of rule-making proceedings.

Copies of the proposed rule order can be obtained from Pamela Haack, 608-266-9495.

Analysis prepared by the Department of Regulation and Licensing.

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats., and chapter 457, Stats. as repealed and recreated by 2001 Wisconsin Act 80.

Statutes interpreted: Chapter 457, Stats., as repealed and recreated by 2001 Wisconsin Act 80.

This proposed rule-making order implements the statutory changes made as a result of 2001 Wisconsin Act 80, relating to the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors.

Initial Regulatory Flexibility Analysis

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

Fiscal Estimate

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

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

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

Notice of Hearing**Veterans Affairs
[CR 02-091]**

Notice is hereby given that the Department of Veterans Affairs will hold a public hearing on the **16th day of August, 2002**, at 9:30 a.m., in the 8th floor board room at 30 West Mifflin Street in Madison, Wisconsin.

Analysis Prepared by the Department of Veterans Affairs

Statutory authority: s. 45.43 (7m), Stats.

Statute interpreted: s. 45.43 (7m), Stats.

Under the provisions of 2001 Wis. Act 16, the Department of Veterans Affairs was directed to promulgate administrative rules for the annual disbursement of \$100,000 to counties who provide transportation services to veterans but do not receive such services from the Wisconsin Department of Disabled American Veterans. The proposed rules will identify the application procedures and establish the eligibility criteria for the purpose of equitably distributing the \$100,000 among the eligible counties.

Initial Regulatory Flexibility Analysis

This rule is not expected to any adverse impact upon small businesses.

Fiscal Estimate

Act 16 appropriated \$100,000 for this annual disbursement.

A copy of the proposed rules and the full fiscal estimate may be obtained by contacting:

John Rosinski
Wisconsin Department of Veterans Affairs
PO Box 7843
Madison, WI 53707-7843

Contact Person

John Rosinski (608) 266-7916

Notice of Hearing**Workforce Development
[CR 02-104]**

NOTICE IS HEREBY GIVEN that pursuant to ss. 49.155, excluding (1d) and (1g), and 227.11, Stats., the Department of Workforce Development proposes to hold a public hearing to consider rules affecting ch. DWD 56, relating to the administration of child care funds.

Hearing Information

August 13, 2002 GEF 1 Building, Room H305
Tuesday at 10:00 a.m. 201 E. Washington Avenue
MADISON

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

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

Analysis Prepared by the Department of Workforce Development

Statutory authority: ss. 49.155, excluding (1d) and (1g), and 227.11, Stats.

Statute interpreted: s. 49.155, excluding (1d) and (1g), Stats.

The proposed rules affect the administration of child care funds for the child care subsidy program under s. 49.155, excluding (1d) and (1g), Stats.

Adjustments due to insufficient funds. The proposed rules provide authority to adjust various policies if child care funds are insufficient to serve all eligible families. The options include limiting the increase in the maximum rate paid to child care providers, raising the parent co-payment levels, and establishing a waiting list. Priority status on the waiting list will be given to the following individuals in descending order: W-2 participants; parents whose children have special needs; parents who need child care services to participate in educational activities under s. 49.155 (1m) (a) 1m., Stats.; foster parents; and kinship care relatives.

Creation of more precise categories for maximum reimbursement rates. Maximum reimbursement rates to child care providers are determined by surveying licensed providers to determine the prices they charge to parents paying out of their personal funds and setting maximum rates under the child care subsidy program so that at least 75 percent of the slots in each county can be purchased at or below the maximum reimbursement rate. Currently maximum rates are set based on a survey of licensed providers' prices for children in two categories, ages 0 to 1 and 2 to 12. The department does not believe that the maximum rates set based on these categories accurately reflect market prices. The proposed rules provide the more precise categories of children ages 0 to 1, 2 to 3, 4 to 5, and 6 and older.

Increased focus on monitoring to prevent and address fraud and overpayments. The proposed rules authorize increased monitoring in the following ways:

- The child care administrative agency may refuse to authorize payment for child care services to a licensed provider if the provider refuses to submit documentation of the provider's child care prices in response to an agency request.

- An agency may limit the number of children authorized to a family day care provider unless the provider can show that he or she will not exceed the applicable group size limitation.

- An agency may authorize payments to a licensed provider based on attendance rather than enrollment if the agency has documented 3 separate occasions where the provider significantly overreported the attendance of a child.

- If a provider submits false attendance reports, refuses to provide documentation of the child's actual attendance or gives false or inaccurate child care price information, the department or agency may refuse to issue new authorizations to the provider for a period not to exceed 6 months, revoke existing authorizations, and refuse to issue payments until the provider has corrected the violation.

- An agency or the department may require a provider to submit documentation signed by the parent of the actual times that the child was dropped off to and picked up from the provider, contact the parents to determine the child's actual attendance hours, require the provider to submit attendance and payment records for families that pay for child care costs out of their own personal funds, require the provider to have attendance records available at the child care site whenever the department or agency requests to review them, and make on-site inspections to monitor provision of authorized services.

Miscellaneous:

- A child care administrative agency may not authorize payment to a provider for the care of a child when the care is done by a legally responsible parent.
- An agency may refuse to authorize payment on a provider's attendance report that is submitted more than 3 months after the attendance report was issued.
- An agency may authorize payment to a licensed or certified provider to hold a slot for a child if the parent has a temporary break in employment and intends to return to work and continue to use the child care provider upon return to work. The agency may authorize payment for no more than 6 weeks if the absence is due to a medical reason and is documented by a physician or for no more than 4 weeks if the absence is for other reasons. The department and child care administrative agency may not consider payment for a temporary absence to be an overpayment if the parent intended to return to work but does not actually return.
- The department may issue all payments by electronic funds transfer.
- County and tribal agencies must ensure that each new child care worker completes the department's initial training during the first 6 months of employment.
- An agency may contact a representative sample of licensed providers, rather than all licensed providers, to determine the prices that they charge to the general community. The department may arrange for a survey independent of the county or tribal agency.
- A child care provider may request a departmental review under ch. 227, Stats., of a refusal to issue new child care

authorizations, a revocation of existing child care authorizations, a refusal to issue payment to the provider, a determination of the provider's payment amount, and collection of an overpayment, including the determination of the amount of the overpayment, the determination of the amount of the overpayment still owed, or a decision under s. 49.85, Stats., to recover the overpayment by means of certification to the Wisconsin department of revenue.

Contact Information

The proposed rules are available on the DWD web site at <http://www.dwd.state.wi.us/dwd/hearings.htm>.

A paper copy may be obtained at no charge by contacting:
 Elaine Pridgen
 Office of Legal Counsel
 Dept. of Workforce Development
 201 E. Washington Avenue
 P.O. Box 7946
 Madison, WI 53707-7946
 (608) 267-9403
 elaine.pridgen@dwd.state.wi.us

Written Comments

Written comments on the proposed rules received at the above address no later than **August 15, 2002**, will be given the same consideration as testimony presented at the hearing.

Initial Regulatory Flexibility Analysis

The rule affects child care providers, some of which are small businesses as defined in s. 227.114, Stats. There is no significant change in the procedures that they must follow to participate in the program. Subsidy payment levels for certain age groups will be adjusted to be closer to the prices that providers charge the general community.

Fiscal Estimate

The creation of more precise maximum reimbursement rates to providers and the issuance of provider payments by electronic funds will decrease expenditures. The continuance of payments to providers to hold a slot when a parent has a temporary break in employment will increase expenditures. If the department exercises the authority in the rule to establish waiting lists, increase parental copayments, or limit the increase in the maximum rate paid to child care providers, there will be a decrease in expenditures.

Submittal of proposed rules to the legislature

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

Insurance Commissioner

(CR 02-043)

Ch. Ins 8, relating to publication of health insurance rates for small employer health insurance.

Medical Examining Board

(CR 02-055)

Ch. RL 87, relating to the 2003 edition of the Uniform Standards of Professional Appraisal Practice (USPAP).

Natural Resources

(CR 02-012)

Ch. NR 437, relating to establishment and operation of a voluntary multi-pollutant emission reduction registry.

Natural Resources

(CR 02-019)

Chs. NR 106, 211 & 219, relating to mercury in wastewater discharge permits.

Natural Resources

(CR 02-047)

Ch. NR 46, relating to administration of the forest crop law and the managed forest law.

Revenue

(CR 02-033)

Ch. Tax 2, relating to corporation returns, claims for refund and other amended returns, and petitions for redetermination.

Rule orders filed with the revisor of statutes bureau

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

**Financial Institutions – Division of Securities
(CR 02-041)**

An order affecting ch. DFI-Sec 4, relating to bank sales of certificates of deposit of third-party banks.
Effective 9-1-02

**Psychology Examining Board
(CR 02-021)**

An order affecting ch. Psy 2, relating to the scheduling of examinations.
Effective 9-1-02

**Public Instruction:
(CR 02-023)**

An order affecting ch. PI 35, relating to the Milwaukee parental choice program.
Effective 9-1-02.

**Workforce Development
(CR 02-039)**

An order affecting ch. DWD 15, relating to child support cooperation for Wisconsin works.
Effective 9-1-02

**Workforce Development
(CR 02-040)**

An order affecting ch. DWD 19, relating to child support cooperation for food stamps.
Effective 9-1-02

Rules published with this register and final regulatory flexibility analyses

The following administrative rule orders have been adopted and published in the July 31, 2002, Wisconsin Administrative Register. Copies of these rules are sent to subscribers of the complete Wisconsin Administrative Code and also to the subscribers of the specific affected Code.

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

Commerce (CR 01-087)

An order affecting ch. Comm 10, relating to flammable and combustible liquids.

Effective 8-1-02

Summary of Final Regulatory Flexibility Analysis

Since ch. Comm 10 was first promulgated in 1991, there have been major changes in national standards, technology and industry practice. The proposed rule change consists primarily of updating adopted national standards and repealing requirements that are obsolete because the federally-mandated deadlines have passed. There are additional changes designed to streamline the permitting and tank registration processes. Tank registration will be required for tanks that store federally regulated hazardous substances as a prerequisite to regulating these tanks in accordance with s. 101.09, Stats. There are many miscellaneous changes designed to clarify ambiguous requirements and to codify long-standing department policies and industry practices.

There are no reports required of small businesses under this proposal. The requirement to register tanks and obtain an operating permit for tanks applies to all businesses. Both registration and permitting entail gathering information and filling out forms but there is no filing fee associated with either process.

Because lapses in fire safety and environmental protection can cause business and personal disruption and economic hardship far beyond their area of origin, these standards must be applied uniformly regardless of the size of the business involved.

Summary of Comments of Legislative Standing Committees

The Senate Committee on Environmental Resources had a comment on the Department of Commerce's proposal to extend the scope of ch. Comm 10 to liquids with a flash point higher than 200°F. The Department reiterated its commitment to continue to work with affected parties on the implementation of these regulations and the development of future regulations which will address the concerns raised by the Senate Committee.

Health and Family Services (CR 01-108)

An order affecting ch. HFS 157, relating to protecting public health by regulating the sources and use of ionizing radiation.

Effective 8-1-02 (part)

Summary of Final Regulatory Flexibility Analysis

The proposed rule will affect a limited number of small businesses that utilize radioactive material. Based on NRC licensee data, 16 of the 253 radioactive material licensees in Wisconsin meet the definition of small business, as defined in s. 227.114 (1) (a), Stats. The Department considered the impact of the proposed license fees in ch. HFS 157 on small business, as well as the impact of a fee reduction or exemption for small business on the fees for other licensees. The Department will be required to license and inspect current NRC licensed facilities no less stringently than the federal government, and ensure equally high standards of public health and safety in the use of radioactive materials, regardless of facility size or small business classification. The supported program. Fees were established at levels expected to be sufficient to support the program. Any fee exemption or reduction for small business would require an increase in fees for other licensees (medical, research, academic or other businesses), or an alternative revenue source, to offset the revenue reduction. The Department believes that the fees in ch. HFS 157 reflect the stringent level of regulatory oversight required for licensing radioactive material users and are equitable to all licensees. As a result, the Department is not proposing any fee exemption or reduction for small business. The Department will evaluate the budget and revenue trends for the proposed radioactive materials licensing program, after two years of program operation, to determine if adjustments to the fee structure are warranted.

The regulatory requirements for radioactive materials in ch. HFS 157 are compatible with equivalent NRC regulations and will not require any new reporting or record keeping requirements, with the exception of an annual self-inspection form for certain generally-licensed devices, primarily used by manufacturing industries. These devices can contain large quantities of radioactive materials and are used to measure flow through pipes, level of material in containers, thickness of materials or coatings, consistency and uniformity of materials and other parameters. The self-inspection form is being proposed to improve user awareness of the disposal and other regulatory requirements that apply to these devices. The Department estimates that it will take about 10 minutes to complete this form.

Summary of Comments of Legislative Standing Committees

The Department submitted the legislative report, including final proposed rules, to the presiding officers on February 11, 2002. The rules were assigned to the Assembly Committee on Public Health and the Senate Committee on Health, Veterans and Military Affairs. While neither committee held a hearing on the final proposed rules, the Assembly Committee on Public Health asked to meet with the

Department regarding the absence of definitions of the terms “licensed practitioner” and “chiropractor” in the rules. In response to the Committee’s request, the Department inserted definitions for a “licensed practitioner” and “chiropractor” to the chapter and renumbered other defined terms accordingly.

In addition, the Department submitted a germane modification to the final proposed rules on April 24th, removing the word “medicine” from the definition of “chiropractor.”

Natural Resources (CR 00–154)

An order affecting ch. NR 10, relating to deer hunting.
Partially effective 8–1–02

Summary of Final Regulatory Flexibility Analysis

The rules are applicable to individual sportspersons and impose no compliance or reporting requirements for 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. The Senate Committee on Environmental Resources held a public hearing on March 15, 2001. The Senate Committee requested the Department to remove the January bow season, extend the current September to November deer bow season by 2 days, remove the December deer gun season, and create a 2–day deer gun season on the Saturday and Sunday immediately after the regular deer gun season.

The Assembly Committee on Natural Resources held a public hearing on April 2, 2001 and requested modifications to the proposed rule.

At its May 23, 2001 meeting, the Natural Resources Board adopted modifications that concluded the late archery season on January 3, extended the early archery season by 4 days, included an experimental 4–day December antlerless gun season north of US highway 8 and clarified the state park herd control seasons.

On June 6, 2001, the Assembly Committee on Natural Resources requested further modifications. At its October 26, 2001 meeting, the Natural Resources Board modified the December experimental gun deer season to be in effect for 3 years, after which it would discontinue or sunset according to the rule. The Board declined to add 7 days to the end of the traditional 9–day deer gun season.

On November 7, 2001, the Assembly Committee on Natural Resources objected to 4 portions of Clearinghouse Rule No. 00–154 and referred those portions of the rule to the Joint Committee for Review of Administrative Rules. The Committee specifically objected to those parts of the rule that:

1. Created a 4–day December antlerless only deer hunting season for the 2002, 2003 and 2004 seasons.
2. Sets the day in October for the start of the 4–day antlerless only deer season, allowing the use of bows and guns, in a special deer herd control season.
3. Authorizes a 4–day early bow season immediately prior to the 9–day gun season.

4. Allows gun license deer to be registered only in the unit where the deer was killed or an adjoining unit.

The portions of the rule not objected to by the Committee were promulgated by the Department effective February 1, 2002.

On January 10, 2002, the Joint Committee for Review of Administrative Rules held a public hearing. The Committee requested the Department to modify the 4–day December antlerless deer hunt. The Committee wanted to preserve the ability of the Department to have a December T–Zone hunt, but the Committee was strongly opposed to the creation of a permanent, statewide hunt in December. The Committee also requested the Department to modify the early bow season to apply this hunt on a permanent, statewide basis.

The Joint Committee for Review of Administrative Rules agreed with the Assembly Committee on Natural Resources’ objections on the 4–day October antlerless only deer season and the restriction on where deer must be registered. Legislation was introduced on these two objections.

On March 27, 2002, the Natural Resources Board adopted a modification that the early bow season would close at the end of the hunting hours two days prior to the opening of the deer gun season regardless of when that season would begin. The Board further adopted a December 4–day antlerless gun deer season in units requiring additional antlerless deer hunting opportunities to control the deer population in certain units. The Department of Natural Resources further requested the Joint Committee for Review of Administrative Rules reconsider their objection to the registration of deer in the unit of harvest or an adjacent unit based on the discovery of chronic wasting disease (CWD).

On April 12, 2002, the Joint Committee for Review of Administrative Rules rescinded its objection to the restriction on where deer must be registered. The Committee further requested that the Department modify the December 4–day antlerless gun deer season so that it was only allowed in that part of the state that lies south of state highway 8.

On April 24, 2002, the Natural Resources Board agreed to the proposed modification. The Joint Committee for Review of Administrative Rules waived any further review of Clearinghouse Rule No. 00–154.

Natural Resources (CR 01–127)

An order affecting ch. NR 18, relating to revisions of falconry rules.

Partially effective 8–1–02

Summary of Final Regulatory Flexibility Analysis

The proposed rule regulates the sport of falconry. Businesses are not affected by this rule. Therefore, a final regulatory flexibility analysis is not required.

Summary of Comments of Legislative Standing Committees

The rule was reviewed by the Senate Committee on Environmental Resources and the Assembly Committee on Natural Resources. On April 10, 2002, the Assembly Committee on Natural Resources held a public hearing. No comments or recommendations were made on the proposed rule.

**Natural Resources
(CR 01-129)**

An order affecting chs. NR 700, 714, 720, 722, 726 and 749, relating to the implementation of a geographic information system registry of closed remediation sites for properties with residual soil contamination.

Effective 8-1-02

Summary of Final Regulatory Flexibility Analysis

The Department does not expect any negative impact on small businesses as a result of this action. This rule package should help small businesses by eliminating the use of deed notices and clarifying when deed restrictions are necessary when contaminated soil remains on a property at the time of closure.

Summary of Comments of Legislative Standing 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 01-145)**

An order affecting ch. NR 25, relating to commercial fishing open seasons in Lake Michigan for chubs.

Effective 8-1-02

Summary of Final Regulatory Flexibility Analysis

No additional compliance or reporting requirements will be imposed on the commercial fishers as a result of these rule changes.

Summary of Comments of Legislative Standing Committees

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

**Pharmacy Examining Board
(CR 01-134)**

An order affecting chs. Phar 2 and 17, relating to pharmacy internship program.

Effective 8-1-02

Summary of Final Regulatory Flexibility Analysis

These rules will 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 received.

**Pharmacy Examining Board
(CR 01-154)**

An order affecting ch. Phar 8, relating to requirements for the dispensing of prescription orders for schedule II controlled substances.

Effective 8-1-02

Summary of Final Regulatory Flexibility Analysis

These rules will 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 received.

**Public Defender
(CR 02-031)**

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

Effective 8-1-02

Summary of Final Regulatory Flexibility Analysis

This rule revision does not impact business.

Summary of Comments of Legislative Standing Committees

No comments were received.

**Revenue
(CR 01-143)**

An order affecting chs. Tax 2 and 11, relating to returns of persons other than corporations that relate to income, and sales and use tax returns.

Effective 8-1-02

Summary of Final Regulatory Flexibility Analysis

The proposed rule order does not have a significant economic impact on a substantial number of small businesses.

Summary of Comments of Legislative Standing Committees

All comments of the Legislative Council staff have been addressed. All recommendations have been incorporated into the proposed rule.

**Social Workers, Marriage and Family Therapists
and Professional Counselors Examining Board
(CR 01-151)**

An order affecting ch. SFC 16, relating to supervised clinical practice.

Effective 8-1-02

Summary of Final Regulatory Flexibility Analysis

These rules will 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 received.

**Social Workers, Marriage and Family Therapists
and Professional Counselors Examining Board
(CR 01-153)**

An order affecting ch. SFC 3, relating to pre-certification supervised practice for independent social workers and independent clinical social workers.

Effective 8-1-02

Summary of Final Regulatory Flexibility Analysis

These rules will 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 received.

**Technical College System Board
(CR 01-137)**

An order affecting chs. TCS 10 and 16, relating to residency, admissions, fee refunds and TOP grants to students.

Effective 8-1-02

Summary of Final Regulatory Flexibility Analysis

This proposed rule does not impact small businesses.

Summary of Comments of Legislative Standing Committees

No comments were received.

**Transportation
(CR 02-028)**

An order affecting ch. Trans 139, relating to motor vehicle trade practices.

Effective 8-1-02

Summary of Final Regulatory Flexibility Analysis

This proposed rule will have no adverse impact on small businesses.

Summary of Comments of Legislative Standing Committees

No comments were received.

**Transportation
(CR 02-029)**

An order affecting ch. Trans 154, relating to vehicle odometer disclosure requirements.

Effective 8-1-02

Summary of Final Regulatory Flexibility Analysis

This proposed rule will have no adverse impact on small businesses.

Summary of Comments of Legislative Standing Committees

No comments were received.

**Workforce Development
(CR 02-010)**

An order affecting ch. DWD 59, relating to grants supporting community child care initiatives.

Effective 8-1-02

Summary of Final Regulatory Flexibility Analysis

The proposed rules do not affect small business, as defined in s. 227.114 (1), Stats.

Summary of Comments of Legislative Standing Committees

No comments were received.

Sections affected by rule revisions and corrections

The following administrative rule revisions and corrections have taken place in **July 2002**, 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

Commerce:

Ch. Comm 10

- S. Comm 10.001 (1) and (2) (a)
- S. Comm 10.01 (5), (21), (22), (38), (51), (51m), (65), (78), (101p), (102m)
- S. Comm 10.10 (1) and (2)
- S. Comm 10.125
- SS. Comm 10.13 to 10.17
- SS. Comm 10.25 to 10.27
- S. Comm 10.28 (2) (b), (4) (b)
- S. Comm 10.29
- S. Comm 10.31 (1) (a)
- S. Comm 10.32
- S. Comm 10.33 (1) (b)
- S. Comm 10.335 (2)
- S. Comm 10.34
- S. Comm 10.345 (1) (intro.), (a), (d) and (e), (2)
- S. Comm 10.347
- S. Comm 10.36 (3) (a) 1. and (b)
- S. Comm 10.37 (1)
- S. Comm 10.415 (1) (a), (2), (3), (4), (6), (7) (a), (9) (a), (10) and (11) (intro.)
- S. Comm 10.42 (1) and (4) (c)
- SS. Comm 10.43 to 10.45
- S. Comm 10.455 (1)
- S. Comm 10.46
- S. Comm 10.475
- S. Comm 10.51
- S. Comm 10.52 (1), (2) and (4)
- S. Comm 10.55 (2)
- S. Comm 10.57 (1) to (3m)

Health and Family Services:

Ch. HFS 157 (Entire chapter)

Natural Resources:

Ch. NR 10

- S. NR 10.01 (3) (em), (ez)
- S. NR 10.106 (2) (a)
- S. NR 10.28 (1)

Ch. NR 18

- S. NR 18.01 (intro.) and (9m)
- S. NR 18.06 (1) (intro.), (2) (intro.) and (e)
- S. NR 18.17 (2) (a)

Ch. NR 25

- S. NR 25.05 (1) (d)

Ch. NR 700

- S. NR 700.03 (28m)

Ch. NR 714

- S. NR 714.07 (5)

Ch. NR 722

- S. NR 722.09 (2) (a)

Ch. NR 726

- S. NR 726.02 (1), 726.03 (1m) and (3), 726.05 (1), (2), (3) (intro.), (a), (b), (4) (intro.), (8) to (10)

Ch. NR 749

- S. NR 749, Table 1

Pharmacy:

Ch. Phar 2

- S. Phar 2.01 (2)
- S. Phar 2.02 (1) (d) and (e)
- S. Phar 2.03 (4) and (5)

Ch. Phar 8

- S. Phar 8.05 (4) and (5)

Ch. Phar 17 (Entire chapter)

Public Defender:

Ch. PD 6

- S. PD 6.02 (1)

Revenue:

Ch. Tax 2

- S. Tax 2.08 (1) (a), (b) and (3)

Ch. Tax 11

- S. Tax 11.01

Social Workers, Marriage and Family Therapists and Professional Counselors:

Ch. SFC 3

- S. SFC 3.07 (3)
- S. SFC 3.09 (3)

Ch. SFC 16

- S. SFC 16.03

Technical College System:

Ch. TCS 10

- S. TCS 10.08 (1), (2m), (3) (b), (c), (d), (e), (4)

Ch. TCS 16

- S. TCS 16.02 (3), (9), (9m), (11), (19)
- S. TCS 16.03
- S. TCS 16.04 (1)
- S. TCS 16.05 (3), (4)
- S. TCS 16.06 (intro.)
- S. TCS 16.07

Transportation:

Ch. Trans 139

- S. Trans 139.03 (3) (a)
- S. Trans 139.04 (3) (b)
- S. Trans 139.05 (2) (g) and (8) (a)

Ch. Trans 154

- S. Trans 154.01
- S. Trans 154.02 (intro.)
- S. Trans 154.03 (2) (a)

Workforce Development:**Ch. DWD 59** (Entire chapter)**Editorial corrections**

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

Commerce:**Ch. Comm 10**

S. Comm 10.01 (84)
 S. Comm 10.415 (5) (b) and (12) (b)
 S. Comm 10.47 (1)
 S. Comm 10.52 (2) (c), (d) and (3)
 S. Comm 10.73 (4)
 S. Comm 10.771 (1)
 S. Comm 10.773 (2) (a)
 S. Comm 10.842 (2)

Natural Resources:**Ch. NR 700**

S. NR 700.11 (2) (e)

Ch. NR 714

S. NR 714.01
 S. NR 714.02
 S. NR 714.05 (1)

Revenue:**Ch. Tax 11**

S. Tax 11.05 (4) (a)

S. Tax 11.29 (6) (d)

S. Tax 11.48 (1) (d)

S. Tax 11.53 (1) (a)

S. Tax 11.83 (8) (a) and (14)

S. Tax 11.88 (3) (c) and (6) (a)

S. Tax 11.91 (3) (c)

S. Tax 11.96 (2) (a)

Technical College System:**Ch. TCS 1**

S. TCS 1.06 (1) (d)

Transportation:**Ch. Trans 139**

S. Trans 139.01 (1)

S. Trans 139.04 (2) (b)

S. Trans 139.05 (2) (i)

S. Trans 139.06 (8)

Errata**Natural Resources:**

Ch. NR 812 (republished to correct symbols in Table 1)

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/>, 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 |
|-------------------------------------|------------------------------|------------------------------|
| Comm 82.50 (13) | HSS 157 | HFS 157 |
| Comm 90.08 (11) (a) | Comm 51.16 and 51.161 | Comm 61 to 65 |
| Comm 90.08 (11) (b) | Comm 51.162 | Comm 61 to 65 |
| Comm 90.08 (12) (a) | Comm 69 | Comm 61 to 65 |
| Comm 90.19 (2) (b) 2. | Comm 51.164 | Comm 61 to 65 |
| DE 3.01 | 447.08 (4) | 447.06 (2) |
| DE 4.01 (2) (b) | 447.08 (2) | 447.04 (2) |
| DFI-Sec 1.02 (14) (g) | 55 (7m) (a) | 551.02 (7m) (a) |
| WGC 13.07 | WGC 3.03 | Game 3.03 |
| HFS 34.11 (2) (a) | HFS 34.21 (3) (b) 16. to 20. | HFS 34.21 (3) (b) 16. to 19. |
| HFS 34.22 (3) (c) 4. | HFS 34.05 (3) (b) 1. to 14. | HFS 34.21 (3) (b) 1. to 14. |
| HFS 46.03 (22) | 118.65 (1) | 118.165 (1) |
| HFS 46.06 (1) (a) | Comm 60 | Comm 61 to 65 |
| HFS 83.53 (1) (c) | Comm 61.12 (3) | Comm 61 to 65 |
| HFS 89.22 (3) | Comm 69 | Comm 62 |
| HFS 105.44 | HSS 157 | HFS 157 |
| HFS 124.18 (1) (c) 3. and 4. | HSS 157 | HFS 157 |
| HFS 124.18 (1) (c) 5. | HSS 157.03 to 157.05 | HFS 157.75 to 157.76 |
| HFS 124.19 (1) (d) | HSS 157 | HFS 157 |
| HFS 163.10 (3) (d) 1. | HSS 157 | HFS 157 |
| HFS 163.14 (8) (e) 1. | HSS 157 | HFS 157 |
| HFS 172.12 (3) (b) | Comm 64.66 | Comm 61 to 65 |
| ILHR 830.01 and 830.04 (2) | 101.35 | 106.20 |
| ILHR 830.08 (1) (a) 1. | 101.35 | 106.20 |
| ILHR 830.08 (9) (b) | 101.35 (11) (a) and (b) | 106.20 (11) (a) and (b) |
| ILHR 830.08 (9) (e) | 101.35 (11) (c) | 106.20 (11) (c) |
| ILHR 830.09 (3) (a) and (4) (a) | 101.35 | 106.20 |
| NR 102.05 (6) (a) | HSS 157.15 | HFS 157.44 |

| Location of invalid cross-reference | Invalid cross-reference | Correction |
|--|--------------------------------|----------------------|
| NR 120.16 (3) | Comm 50 and 52 | Comm 61 to 65 |
| NR 133.06 (1) (c) | 133.05 (2) (c) | 133.04 (2) (c) |
| NR 150.25 (2) (c) | HSS 157 | HFS 157 |
| NR 219.02 (2) | HSS 157 | HFS 157 |
| NR 500.03 (187) | HSS 157.02 (112) | HFS 157.03 (299) |
| NR 500.03 (188) | HSS 157.12 | Delete the reference |
| NR 526.02 (6) | HSS 157 (twice) | HFS 157 (twice) |
| VA 1.06, 1.13, and 1.16 | 45.35 (5) | 45.001 (4) |
| VA 6.01 (3) | 45.35 (5) (e) | 45.001 (4) |
| VA 9.01 (4) | 45.35 (5m) | 45.348 (2) |
| VA 15.02 (3) | 45.35 (5) | 45.001 (4) |

Executive orders

The following are recent Executive Orders issued by the Governor.

Executive Order 48. Relating to the creation of the Wisconsin Encourages Healthy Lifestyles (WEHL) Council.

Executive Order 49. Relating to the proclamation of a state of emergency.

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