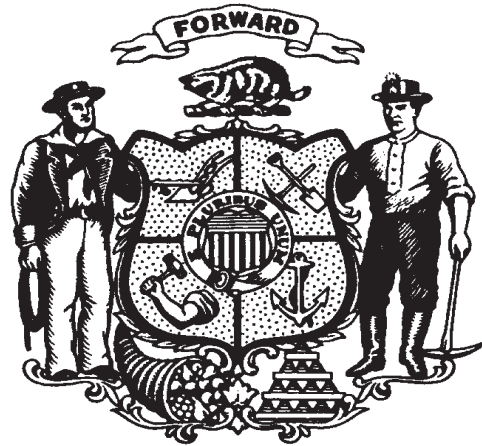


# Wisconsin Administrative Register

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## Table of contents

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<b>Emergency rules now in effect.</b>	<b>Pages 4 to 11</b>
Agriculture, Trade and Consumer Protection:	Rules relating to chronic wasting disease in cervids. Rules relating to milk producer security.
Commerce:	<u>Financial Resources for Businesses and Communities, Chs. Comm 105–128</u> Rules relating to the Agricultural Development Zone Program.
Corrections:	Rules relating to adult field supervision. Rules relating to medical, dental and nursing copayment charges.
Elections Board:	Rules relating to filing campaign reports by electronic transmission.
Health and Family Services:	<u>Medical Assistance, Chs. HFS 100—</u> Rules relating to SeniorCare. <u>Health, Chs. HFS 110—</u> Rules relating to the Health Insurance Risk–Sharing Plan. Rules relating to the Wisconsin Chronic Disease Program.
Insurance:	Rules relating to annual patients compensation fund and mediation fund fees and to the Wisconsin health care insurance plan’s primary limits.
Natural Resources:	<u>Fish, Game, etc., Chs. NR 1—</u> Rules relating to the control and management of chronic wasting disease. Rules relating to commercial fishing in Lake Superior. Rules relating to the 2002 migratory game bird season. <u>Environmental Protection – General, Chs. NR 100—</u> Rules relating to aquatic plant management. Rules relating to the brownfield green space and public facilities grant program.
State Treasurer:	Rules relating to the Wisconsin College Savings Program Board.
Veterans Affairs:	Rules relating to the maximum loan amount under the personal loan program.
Workforce Development:	<u>Unemployment Insurance, Chs. DWD 100–150</u> Rules relating to extension of the time period allowed for filing an initial claim for unemployment insurance benefits.
<b>Scope statements.</b>	<b>Pages 12 to 15</b>
Educational Approval Board:	Revising rules to clarify existing provisions, correct inconsistencies between rule and statute, codify current administrative practices.
Health and Family Services:	Rules relating to fees for copies of patient health care records. (Ch. HFS 117)

Higher Educational Aids Board:	Rules relating to the administration of talent incentive grant program.
Natural Resources:	<p>Rules relating to captive wild animal farms. (Chs. NR 16 and 19)</p> <p>Rules relating to driving out of wild white-tailed deer on new deer farms and standards for deer farm fences. (Ch. NR 16)</p> <p>Rules relating to dog trials and dog training. (Ch. NR 17)</p> <p>Rules relating to otter quotas and size limits for fur farms. (Ch. NR 16)</p> <p>Rules relating to a rehabilitation license allowing for the rehabilitation of wild animals. (Ch. NR 19)</p> <p>Rules relating to new water quality standards for E. coli. (Chs. 102 and 210)</p> <p>Rules relating to definitions of "major source" and "fugitive emissions" to conform to federal rules and the federal Clean Air Act. (Ch. NR 400)</p> <p>Rules relating to interim enhanced surface water treatment and disinfectants/disinfection by-products in ch. NR 809.</p> <p>Rules relating to establishing points of standards application for chloroform, bromodichloromethane, dibromochloromethane and bromoform groundwater quality standards around aquifer storage and recovery (ASR) wells. (Chs. NR 140 and 811)</p>
Transportation:	Rules relating to customer identifying information.
<b>Submittal of rules to the legislative council clearinghouse.</b>	<b>Page 16</b>
Commerce:	Ch. Comm 118 relating to the agricultural development zone program.
Natural Resources:	Ch. NR 169 relating to reimbursement of response action costs for response actions taken at eligible dry cleaning facilities.
<b>Rule-making notices.</b>	<b>Pages 17 to 27</b>
Accounting Examining Board:	<p>Hearing to consider rules relating to definitions and independence in professional practice.</p> <p>Hearing to consider rules relating to peer reviews.</p>
Agriculture, Trade and Consumer Protection:	Hearings to consider revisions to rules relating to agricultural producer security.
Commerce:	<p><u>Financial Assistance to Businesses and Communities</u></p> <p>Hearing to consider ch. Comm 118, relating to the agricultural development zone program.</p>

## Health and Family Services:

Community Services, Chs. HFS 30—

Hearing to consider amending ch. HFS 95, relating to the custody and control of sexually violent persons placed at facilities.

Medical Assistance, Chs. HFS 100—

Hearing to consider the creation of ch. HFS 109, relating to operation of the SeniorCare prescription drug assistance program.

## Natural Resources:

Environmental Protection—General, Chs. NR 100—

Hearing to consider ch. NR 173, relating to the administration of the brownfield green space and public facilities grant program.

Hearing to consider changes to ch. NR 169, relating to the reimbursement of response action costs for response actions taken at eligible dry cleaning facilities.

**Rule orders filed with the revisor of statutes bureau.****Page 28**

## Insurance:

(CR 02–043) – Ch. Ins 8

## Revenue:

(CR 02–033) – Ch. Tax 2

## Transportation:

(CR 02–079) – Ch. Trans 276

**Rules published with this register and final regulatory flexibility analyses.****Pages 29 to 31****Sections affected by rule revisions and corrections.****Pages 32 to 33****Sections affected by revisor’s corrections not published.****Pages 34 to 35****Executive orders.****Page 36**

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## Emergency rules now in effect

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*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](http://www.legis.state.wi.us/rsb/code).*

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### 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  
**Extension Through:** May 31, 2003

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  
**Extension Through:** November 24, 2002

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## **Commerce**

### **(Financial Assistance to Businesses and Communities, Chs. Comm 105 to 128)**

The Wisconsin Department of Commerce proposes an order to create **ch. Comm 118** relating to the Agricultural Development Zone Program.

#### **Finding of emergency**

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

Facts constituting the emergency are as follows:

1. In accordance with s. 560.798 (5), Stats., the Department of Commerce has the responsibility to promulgate rules for the operation of an agricultural development zone to provide for the attraction, promotion, retention, and expansion of agricultural businesses in the state.

2. Section 560.798 (3), Stats., makes available certain tax benefits for certified business within an agricultural development zone; tax credits first apply to tax years beginning on or after January 1, 2003.

3. Commerce, being the agency with primary authority for economic development in the state, recognizes that there is a verified need to attract, promote retain, and expand Wisconsin agricultural businesses. For example, over the past 50 years, Wisconsin has experienced an average of six dairy farms leaving production each day.

4. In the year 2001, state milk production declined by more than one billion pounds, resulting in a near 5% decline in milk production.

5. Western states have increased their cheese production, while Wisconsin experiences declining milk production and dairy processing activities; this program would immediately assist Wisconsin in regaining its prominence in dairy and dairy processing production.

6. The creation of this program combined with other economic development programs in the state is expected to increase the competitiveness of the Wisconsin dairy industry.

This emergency rule is being created in order that the process of designating an agricultural development zone be commenced as soon as possible and that such eligible businesses may become certified and participate in the tax benefits through the Agricultural Development Zone Program.

**Publication Date:** August 13, 2002  
**Effective Date:** August 13, 2002  
**Expiration Date:** January 10, 2003  
**Hearing Date:** October 16, 2002  
 [See Notice this Register]

## Corrections (2)

1. 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

2. Rules adopted amending **ch. DOC 316**, relating to medical, dental and nursing copayment charges.

### Exemption from finding of emergency

The department of corrections adopts this emergency rule pursuant to the statutory requirements of 2001 Wis. Act 109. The Act provides, in relevant part:

"Using the procedure under section 227.24 of the statutes, the department of corrections shall promulgate the rules that are required under section 302.386 (4) (a) of the statutes relating to the deductible, coinsurance, copayment, or similar charge that must be imposed under section 302.386 (3) (b) of the statutes. "

and,

"Notwithstanding section 302.386 (3) (b) of the statutes, the rules shall require the department to require that, subject to the exception and waiver provisions under section 302.386 (3) (c) of the statutes, each person to whom section 302.386 (1) of the statutes applies pay a deductible, coinsurance, copayment, or similar charge of at least \$7.50 for each request that the person makes for medical or dental services."

Currently, the department's administrative rules provide for a \$2.50 copayment under such circumstances as described above. This emergency rule raises the copayment to \$7.50 as directed by 2001 Wis. Act 109.

In addition, pursuant to 2001 Wis. Act 109 the department makes no finding of emergency in promulgating this rule. 2001 Wis. Act 109 expressly exempts the department from the statutory requirements to do so.

**Publication Date:** September 3, 2002  
**Effective Date:** September 3, 2002  
**Expiration Date:** January 31, 2003

## 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

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### Health and Family Services (Medical Assistance, Chs. HFS 100—)

Rules adopted creating **ch. HFS 109**, relating to SeniorCare.

#### 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 high cost of prescription drugs in Wisconsin and nationwide are especially burdensome on the elderly, many of whom live on a fixed income. Through 2001 Act 16, Wisconsin has addressed the problem those increasingly high costs pose to the elderly by creating section 49.688 of the statutes. Section 49.688 directs the Department to develop and administer the program of prescription drug benefits for the elderly that has come to be known as "SeniorCare." The statute also directs the Department to develop administrative rules for implementing SeniorCare, which the Department has done by creating a new chapter of administrative rules, HFS 109. The rules address a variety of issues associated with operating the program in accordance with section 49.688, Stats., including specifying:

- what prescription drugs are covered;
- who is eligible for benefits and services;
- how the Department determines household income for the program's eligibility determination;
- how the Department monitors compliance by pharmacists and pharmacies; and
- mechanisms for preventing fraud and abuse.

The Department drafted these rules to parallel the prescription drug provisions of the existing Medicaid rules in chs. HFS 101 to 108. The Department developed the program's administrative elements in consultation with an advisory committee composed of representatives of physicians, counties, seniors and pharmacies.

While the Department is currently in the process of promulgating ch. HFS 109 as permanent rules, s. 49.688 (5) (a) and (7) (a), Stats., mandate the initiation of some SeniorCare program elements beginning on September 1, 2002. To meet this deadline, the Department is issuing ch. HFS 109 as emergency rules to preserve the public welfare.

**Publication Date:** September 1, 2002  
**Effective Date:** September 1, 2002  
**Expiration Date:** January 29, 2003  
**Hearing Date:** October 10, 2002  
[See Notice this Register]

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### 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  
**Hearing Date:** July 15, 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  
**Hearing Date:** July 11, 2002

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## **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

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## **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 ear-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

- 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

- Rules adopted revising ch. NR 10, relating to the 2002 migratory game bird season.

#### **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. The federal government and state legislature have delegated to the appropriate agencies rule-making authority to control the hunting of migratory birds. The State of Wisconsin must comply with federal regulations in the establishment of migratory bird hunting seasons and conditions. Federal regulations are not made available to this state until mid-August of each year. This order is designed to bring the state hunting regulations to conformity with the federal regulations. Normal rule-making procedures will not allow the establishment of these changes by September 1. Failure to modify our rules will result in the failure to provide hunting opportunity and continuation of rules which conflict with federal regulations.

**Publication Date:** August 30, 2002  
**Effective Date:** August 30, 2002  
**Expiration Date:** January 27, 2003  
**Hearing Date:** September 26, 2002

## Natural Resources (2)

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

1. 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

2. Rules adopted creating **ch. NR 173**, relating to the administration of the brownfield green space and public facilities grant program.

#### Finding of emergency

This rule is being promulgated as an emergency rule in accordance with s. 227.24, Stats. This rule sets forth the procedures required to award grants that will be used to remediate environmental contamination in order to protect public health and restore the environment. It is necessary to follow the emergency rule procedures because if the standard procedures were followed the rule would not take effect in time to have the money awarded and encumbered within the 2003 fiscal year. As a result, the appropriation would lapse and funding would not be available to fund the environmental remediation of properties around the state.

**Publication Date:** August 29, 2002  
**Effective Date:** August 29, 2002  
**Expiration Date:** January 26, 2003  
**Hearing Date:** October 11, 2002  
 [See Notice this Register]

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## 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

## Veterans Affairs

Rules adopted amending **s. VA 12.02 (7) and (16)**, relating to the maximum loan amount under the personal loan program.

#### Finding of Emergency

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

The Department administers a personal loan program that may be used by veterans and their dependents for various statutory purposes. The purposes include debt consolidation, payment of delinquent child support, education expenses, and medical and funeral expenses, and the purchase of a mobile

home or business property. The current maximum loan amount, set by the Department at sec. VA 12.02 (7), Wis. Adm. Code, is \$10,000. The permissible statutory maximum loan amount may be \$15,000, as set by the Department by administrative rule.

The Department proposes to raise the amount to the statutory maximum for several compelling reasons. Raising the maximum loan amount will help stimulate the economy by providing additional resources for veterans and their families. Due to the state of the economy, veterans and their families have a significant need for financial assistance in the form of below market interest rate loans. Additionally, the personal loan program is the primary source of revenue for the veterans trust fund. Immediate infusion of additional assets in the form of personal loans will provide significant financial support for the trust fund. It is expected that increasing the maximum loan amount will result in approximately \$4,000,000 of new loan assets over the 8-month period in which it would take to promulgate this rule change using the regular promulgation procedure.

**Publication Date: August 5, 2002**

**Effective Date: August 5, 2002**

**Expiration Date: January 2, 2003**

### **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: See 2001 Wis. Act 35, Section 72 (2) (b)**

**Hearing Dates: July 15, 16 & 17, 2002**

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## Scope statements

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### Educational Approval Board

#### Subject

Revising current administrative rules. *Objective of rule.* As part of a comprehensive update, this rule will clarify existing provisions, correct inconsistencies between rule and statute, codify current administrative practices, and create new provisions to facilitate the board's regulatory authority.

#### Policy Analysis

- Amend the definition of a "person" to include a government agency.
- Create a definition of a "recognized accrediting body".
- Create a definition of a "teach-out".
- Repeal outdated board operating procedures.
- Create a set of intermediate sanctions that the EAB can place upon a school for regulatory violations.
- Clarify the delegation of responsibilities of the board to staff.
- Create a provision allowing the board to waive second payment renewal fees in certain instances.
- Clarify that a hearing requested by a school would be before an administrative law judge from the Department of Administration.
- Create a provision that requires schools to have a minimum surety bond.
- Allow the board to use a surety bond on which it collects for a teach-out.
- Allow the board to accept a letter of credit in lieu of a bond.
- Update rule references citing s.45.54 (10).
- Update the fees charged to schools to correct application errors.
- Amend the retention of records by schools.
- Create a provision for the retention of closed school records by the board.
- Amend existing refund standards.
- Create specific provisions regarding the regulation of distance education.
- Codify existing board policy regarding information technology programs.
- Make changes to correct erroneous technical information.

#### Statutory authority

Sections 45.54 (2), (3) and 227.11 (2), Stats.

#### Staff time required

It is estimated that 85 hours will be required to develop this rule order.

### Health and Family Services

#### Subject

The Department proposes to repeal and recreate ch. HFS 117, rules relating to fees for copies of patient health care records.

### Policy Analysis

In 1993, the Department created ch. HFS 117 to prescribe uniform fees for certified duplicate health care provider records pertaining to particular patients when those records are requested under s. 908.03 (6m) (c) 3., Stats., by attorneys. Over the subsequent 9 years, both the fee amounts specified in ch. HFS 117 and circumstances under which the fee limits apply have been contentious subjects. The statute did not explicitly declare whether the fee limits issued under s. 908.03 (6m) (d), Stats., applied only when a case was actively in litigation or, alternatively, whether the fee limits applied also to requests by attorneys even when no case had been filed with a court or administrative hearing body. Meanwhile, s. 146.83, Stats., allowed health care providers to charge a "reasonable cost" for providing copies of patient health care records to requesters under s. 146.83, Stats., and that phrase was not defined. It was unclear which situations were controlled by the ch. HFS 117 fee limits and which were controlled by s. 146.83, Stats. It was also unclear what constituted a "reasonable cost" when the fee limits of ch. HFS 117 were inapplicable and only s. 146.83, Stats., applied. As a result, frequent disputes occurred concerning fees for copying of patient health care records.

2001 Wisconsin Act 109 modified the statutory requirements upon which ch. HFS 117 was based. Principally, Act 109:

1. Amended s. 908.03 (6m) (d), Stats., to explicitly declare that commencement of an action is not a prerequisite for the application of the ch. HFS 117 fee limits to copying performed under that statute.
2. Amended s. 146.83 (1) (b) and (c), Stats., pertaining to access by a patient or person authorized by a patient to health care records. These amendments extend the applicability of the fee limits the Department specifies in ch. HFS 117 to all requests for health care record copies in all settings controlled by s. 146.83, Stats. (not just requests from attorneys, nor just with respect to cases in litigation.)
3. Created s. 146.83 (3m), Stats., which directs the Department to prescribe copying fees that are based on an approximation of actual costs incurred by entities producing the copies.

Pursuant to a nonstatutory directive in 2001 Wisconsin Act 109, to develop the initial proposed rules, the Department will establish an advisory committee composed of members who represent a balance of persons who maintain patient health care records and persons who request patient health care records.

#### Statutory authority

The Department's authority to promulgate these rules is under ss. 146.83 (1) (b) and (c) and (3m) and 908.03 (6m) (d), Stats.

#### Staff time required

The Department estimates it will take 50 hours of staff time to develop the proposed rules, including the time required to staff the advisory committee mentioned above.

## Higher Educational Aids Board

### Subject

Administration of Talent Incentive Grant Program.

### Policy Analysis

The 1989 Wis. Act 31 created s. 39.435, Stats., provides for grants to Wisconsin residents who meet criteria established by the statute and administrative code.

The Wisconsin Higher Educational Aids Board (HEAB) administers this program under s. 39.435, Stats., and under ch. HEA 5. Current rules contain some criteria that is no longer relevant (e.g. references to AFDC) or contain unclear language that may cause otherwise eligible residents to not be considered eligibility. Revising the rules eliminates no longer relevant language and makes language clarifications that will allow fair and equitable administration of the program for all Wisconsin residents.

### Statutory authority

Section 39.435, Stats.

### Staff time required

Estimated hours of staff time – 20 hours. Financial Aid Administrators (including Wisconsin Educational Opportunities Program staff) will be requested to provide input to HEAB on drafts of ch. HEA 5.

## Natural Resources

### Subject

Creation of new rules pertaining to captive wild animal farms in chs. NR 16 and 19.

### Policy Analysis

As of January 1, 2003, 2001 Wis. Act 56 revises Wisconsin's laws governing captive wild animals. As required by Wis. Act 56, these proposed rules are intended to prevent the introduction or spread of disease or parasites harmful to humans, domestic livestock, poultry, wildlife or captive wild animals; ensure the safety of humans; prevent the escape or release of an animal injurious to or competitive with agricultural, horticultural, forestry, free-roaming wild animals and other natural resource interests; and control the removal and use of wild animals taken from the public domain. These rules will also better regulate records and tagging requirements, develop additional standards for stocking and bird hunting preserves; provide educational and recreational services; and protect the rights of licensees by authorizing appropriate use of wild animals. Another major purpose of the rule revisions is to develop adequate housing and pen standards that will provide enrichment, humane care, prevent the mistreatment of captive wild animals and are uniform with federal standards. Specific housing regulations and standards will be detailed for bear, cougar, timber wolf and those animals identified as "harmful wild animals".

These changes would effect members of the statewide captive wild animal farm community. The proposed rules will establish record keeping requirements as a condition for license renewal and develop a new validation license. Minor changes will be made to animal tagging and control requirements and provide statewide consistency in the humane care and housing of captive wild animals. New definitions will be developed to ensure statewide consistency.

### Statutory authority

Sections 169.11, 169.14 (2), 169.15 (4) and (5), 169.29, 169.31, 169.39 (2) and (3), 169.36 (8) and (9) (d), Stats.

### Staff time required

Approximately 100 hours will be needed by the Department.

## Natural Resources

### Subject

Creation of rules pertaining to driving out of wild white-tailed deer on new deer farms and standards for deer farm fences in ch. NR 16.

### Policy Analysis

As of January 1, 2003, 2001 Wis. Act 56 revises Wisconsin's laws governing captive wild animals. As required by Wis. Act 56, these proposed rules are intended to prevent the introduction or spread of disease or parasite harmful to humans, domestic livestock, wildlife or captive wild animals and prevent the escape or release of an animal injurious to or competitive with agricultural, horticultural, forestry, free-roaming wild animals and other natural resource interests through the use of new fencing standards. A fence inspection certificate will be required for every white-tailed deer farm in the state. These rules will also control the removal and use of wild animals taken from the public domain.

These changes would effect members of the statewide deer farming community. The proposed rules will require all new white-tailed deer farms to drive out all wild white-tailed deer before the fences may be closed. It will also establish additional standards for deer farm fencing for new and existing deer farms.

### Statutory authority

Section 90.21 (4) and (6), Stats.

### Staff time required

Approximately 100 hours will be needed by the Department.

## Natural Resources

### Subject

Repeal and recreation of ch. NR 17 pertaining to dog trials and dog training.

### Policy Analysis

As of January 1, 2003, 2001 Wis. Act. 56 revises Wisconsin's laws governing captive wild animals. As required by Wis. Act 56, these proposed rules are intended to prevent the mistreatment of captive wild animals and protect the rights of licensees by authorizing appropriate use of wild animals. These rules will also provide guidance to those individuals who train dogs on free-roaming and captive wildlife and provide standards for licensing for dog trialing, dog training, hound dog training and develop a new license for dog clubs. Another major purpose of the rule revisions is to make these rules more cohesive. Discrepancies over dog training and trialing dates within the current Natural Resources codes will be corrected.

These changes would effect members of the statewide dog training and trialing community. The proposed rules will identify dog club training as a licensed activity. It will also establish additional standards for dog trial and training

licenses. Chapter NR 17 would be repealed and recreated to make it more cohesive.

#### **Statutory Authority**

Sections 169.20 (3), and (4) and 169.21 (3), Stats.

#### **Staff time required**

Approximately 100 hours will be needed by the Department.

### **Natural Resources**

#### **Subject**

Creation of rules pertaining to otter quotas and size limits for fur farms. Establishment of other standards for fur farms in ch. NR 16.

#### **Policy Analysis**

As of January 1, 2003, 2001 Wis. Act 56 revises Wisconsin's laws governing captive wild animals. As required by Wis. Act 56, these proposed rules are intended to control the removal and use of wild animals taken from the public domain and protect the rights of licensees by authorizing appropriate use of wild animals. These rules will limit the harvest of otter on fur farms and control the size of a wild fur farm. Another major purpose is to require individuals to own or lease the land that is licensed. Additional requirements being considered include signage, minimum acreage, and tagging of certain animals killed. Rules recognizing navigation on public waters within a fur farm would also be established.

These changes would effect members of the statewide fur farming community. The proposed rules will place quotas on the taking of otter providing for statewide consistency. These rules will, for the first time, establish a maximum size for fur farms. It will also establish additional standards for fur farms.

#### **Statutory authority**

Section 169.18 (2) (c), 169.18 (5), and (5) (c), Stats.

#### **Staff time required**

Approximately 100 hours will be needed by the Department.

### **Natural Resources**

#### **Subject**

Creation of a rehabilitation license allowing for the rehabilitation of wild animals in ch. NR 19.

#### **Policy Analysis**

As of January 1, 2003, 2001 Wis. Act 56 revises Wisconsin's laws governing captive wild animals. As required by Wis. Act 56, these proposed rules are intended to establish consistent standards and reporting requirements for the rehabilitation of wildlife in Wisconsin. The intent is to ensure all persons engaged in wildlife rehabilitation are qualified and provide humane care and housing for wildlife being rehabilitated. These rules will ensure all wildlife and their offspring remain under the jurisdiction of the department, they will prevent the capture, receipt, possession, transportation or transfer of wildlife for any purpose other than rehabilitation. Specific wildlife species may be restricted to control the spread of disease, protect wildlife health or to ensure proper facilities and qualifications of the applicant or licensee.

These changes would effect members of the statewide rehabilitation community. The proposed rules will establish qualifications required in obtaining a rehabilitation license and provide statewide consistency in the rehabilitation of wild animals.

#### **Statutory authority**

Section 169.24, Stats.

#### **Staff time required**

Approximately 100 hours will be needed by the Department.

### **Natural Resources**

#### **Subject**

New water quality standards for E. coli to replace current recreational standards for fecal coliforms in s. NR 102.04 (5) and disinfection standards for fecal coliforms in s. NR 210.06.

#### **Policy Analysis**

Current standards for determining the suitability of a surface water for recreational use in s. NR 102.04 (5) provides bacteriological guidelines for fecal coliform. Disinfection standards in s. NR 210.06 also require the use of fecal coliform as an indicator of fecal contamination.

Studies conducted by U.S. EPA has concluded that E. coli is a better indicator of human/warmblooded animal fecal contamination. In October 2000 the Beaches Environmental Assessment and Coastal Health (BEACH) Act was passed as an amendment to the Clean Water Act requiring states to adopt EPA's new criteria for E. coli by April 2004. In response to the BEACH Act, DNR proposes to adopt EPA's criteria for E. coli and develop water quality standards for recreational use and disinfection standards for effluent discharges.

#### **Statutory authority**

Section 281.15, Stats.

#### **Staff time required**

Approximately 1,200 hours will be needed.

### **Natural Resources**

#### **Subject**

Amend the definitions of "major source" and "fugitive emissions" to conform to federal rules and the federal Clean Air Act.

#### **Policy Analysis**

In a November 27, 2001 rulemaking, U.S. EPA required states to make changes to the definition of "major source" for air operation permit programs if the states want to retain approval of their operation permit program. The current state definition of "fugitive emissions" does not include as many emissions as the federal definition and this action is needed if the state wants to retain approval of the operation permit program. Secondly, the current state definition of "major source" for major source permitting in nonattainment areas potentially treats some sources as major while the federal definition would not. This occurred because U.S. EA proposed a more restrictive definition but did not finalize rulemaking on the more restrictive definition. Finally, the current state definition of "major source" for hazardous air pollutants does not include as many emission points as the federal definition and this action is needed if the state wants to retain approval of the operation permit program.



**Statutory authority**

Sections 227.11 (2) (a) and 285.11 (1) and (16), Stats.

**Staff time required**

Approximately 80 hours will be needed

**Natural Resources****Subject**

The Interim Enhanced Surface Water Treatment Rule and Disinfectants/Disinfection By-products Rule in ch. NR 809.

**Policy Analysis**

The proposed revisions are being sought to respond to U.S. EPA's review of the Wisconsin DNR's primacy application. The revisions are to clarify language and correct minor errors. In addition, code citation references will be updated and typographical errors corrected where needed. These corrections will not cause any additional impacts on the requirements for water systems regulated under these rules.

**Statutory authority**

Sections 227.11 and 281.17, Stats., and 40 CFR 141 and 142.

**Staff time required**

Approximately 90 hours will be needed.

**Natural Resources****Subject**

Amendments to chs. NR 140 and 811, Wis. Adm. Code to establish points of standards application for chloroform, bromodichloromethane, dibromochloromethane and bromoform groundwater quality standards around aquifer storage and recovery (ASR) wells.

**Policy Analysis**

Revisions to s. 160.257, Stats., allow the point of standards application, for compliance with disinfection byproduct groundwater quality standards, at aquifer storage and recovery (ASR) system wells, to be established beyond the property boundary of the ASR well site. The point of standards application is 1,200 feet from an ASR well or at any other well that is within 1,200 feet of an ASR well. This

revision represents a change in legislative intent by allowing a point of standards application compliance boundary, for a regulated activity, to be established at a location that is beyond the boundary of the property upon which the regulated activity occurs.

As geochemical reactions between treated surface water injected during an ASR cycle and natural aquifer matrix materials could potentially cause the release of naturally occurring substances from an aquifer that could adversely impact groundwater quality, the Department is also proposing to set limitations on the size of an ASR system aquifer storage zone (ASR displacement zone) in ch. NR 811 and to establish an NR 140 design management zone for ASR well sites. Design management zones are established in ch. NR 140 for regulated facilities, practices or activities that may impact the groundwater resources of the state.

**Statutory authority**

Sections 160.21, 160.257, 280.11 (1), 281.11, 281.12 (1) and 281.17 (8), Stats.

**Staff time required**

Approximately 500 hours will be needed.

**Transportation****Subject**

This rule making will create ch. Trans 109, relating to customer identifying information, to define "name" of vehicle title and registration applicant to be the same thing as "full name" of driver license applicant.

**Policy Analysis**

Driver license statute, s. 343.14 (2) (a), requires a person to supply his or her "full name" in an application, while vehicle statutes, ss. 341.08 (2) (a) and 342.06 (1) (a), merely require "name." In order to merge driver license and vehicle database, which is an integral part of the new DMV data processing system, it is necessary to have consistent "processing rules" regarding customer name.

**Statutory authority**

Section 227.21 and Ch. 85, Stats.

**Staff time required**

Approximately 40 hours.

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## Submittal of rules to legislative council clearinghouse

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

### Commerce

**Rule Submittal Date**

On September 12, 2002, the Department of Commerce submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

**Analysis**

The proposed rule-making order affects ch. Comm 118, relating to the agricultural development zone program.

**Agency Procedure for Promulgation**

A public hearing will be held on October 16, 2002.

**Contact Person**

Jean M. MacCubbin  
(608) 266-0955

### Natural Resources

**Rule Submittal Date**

On September 3, 2002 the Department of Natural Resources submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

**Analysis**

The proposed rule-making order affects ch. NR 169, relating to reimbursement of response action costs for response actions taken at eligible dry cleaning facilities.

**Agency Procedure for Promulgation**

A public hearing will be held on October 22, 2002.

**Contact Person**

Robin Schmidt  
Bureau for Remediation and Redevelopment  
(608) 267-7569.

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## Rule-making notices

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### Notice of Hearing Accounting Examining Board

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Accounting Examining Board in ss. 15.08 (5) (b), 227.11 (2) and 442.10 (3), Stats., and interpreting s. 442.10, Stats., the Accounting Examining Board will hold a public hearing at the time and place indicated below to consider an order to create s. Accy 1.003; and to repeal and recreate ss. Accy 1.101 and 1.102, relating to definitions and independence in professional practice.

#### Hearing Date, Time and Location

Date: **October 18, 2002**  
 Time: 10:00 a.m.  
 Location: 1400 East Washington Avenue  
 Room 180  
 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 November 15, 2002 to be included in the record of rule-making proceedings.

#### Analysis prepared by the Department of Regulation and Licensing

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 and 442.10 (3), Stats.

Statute interpreted: s. 442.10, Stats.

The rules of the Accounting Examining Board (Board) requiring independence in practice are repealed and recreated in this order. The Board's current independence rules are founded on independence rules of the American Institute of Certified Public Accountants (AICPA). The AICPA revised its code effective May 31, 2002 and the rules on independence in this order reflect the changes made by the AICPA to its Code of Professional Conduct. (The AICPA Code is available on the Internet at <http://www.aicpa.org/about/code/101-1>.)

The rules define "attest service," "attest engagement," "attest engagement team," "client," "close relative," "council," "covered member," "financial statement," "firm," "holding out," "immediate family," "individual in a position to influence the attest engagement," "jointly held investment," "key position," "loan," "manager," "member," "office," "partner," "period of the professional engagement," "practice as a certified public accountant" "professional services," and "significant influence".

Generally, a certified public accountant (CPA) is required to meet the standards of independence in order to perform certain professional services for clients, such as audits and reviews of financial statements. Wisconsin law and requirements of some federal agencies prohibit a certified public accountant and a CPA firm from expressing an opinion as an independent certified public accountant on financial

statements of any enterprise unless the CPA and the firm are independent of the enterprise.

Independence requirements in the rule generally apply to a "covered member," a term defined in the rule. A covered member must meet independence restrictions on financial interests, business relationships, and family employment). "Covered member" is defined to include an individual on the attest engagement team, in a position to influence the attest engagement; certain partners in the firm, the firm itself and other entities subject to the control of covered members.

Section Accy 1.101 (1) provides that independence is impaired if the CPA had certain financial interests in a client during the period of a professional engagement with the client. Subsection (2) covers ownership of securities and other ownership interests in a client. Certain business relationships with a client that impair independence are described in subsection (3). Subsection (4) states how the independence rules apply to covered members who were formerly employed or associated with a client. The independence rules apply to a covered member's immediate family under subsection (5) and to close relatives under certain circumstances identified in subsection (6).

Section Accy 1.102 identifies loans that a covered member has from a client or certain officers, employees or owners of a client that are "grandfathered" or permitted under the independence rule. These loans include certain home mortgages obtained from the financial institution prior to its becoming a client requiring independence and automobile loans and leases collateralized by the automobile.

#### 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.

#### Initial Regulatory Flexibility Analysis

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

#### Copies of Rule and Contact Person

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

### Notice of Hearing Accounting Examining Board

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Accounting Examining Board in ss. 15.08 (5) (b), 227.11 (2) and 442.087 (3), Stats., and interpreting s. 442.087, Stats., the Accounting Examining Board will hold a public hearing at the time and place indicated below to consider an order to create ch. Accy 9, relating to peer reviews.

**Hearing Date, Time and Location**

Date: **October 18, 2002**  
 Time: 10:00 a.m.  
 Location: 1400 East Washington Avenue  
 Room 180  
 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 November 15, 2002 to be included in the record of rule-making proceedings.

**Analysis prepared by the Department of Regulation and Licensing**

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 442.087 (3), Stats.

Statute interpreted: s. 442.087, Stats.

Chapter Acy 9 is created to implement the requirements of s. 442.087, Stats., as created by 2001 Wis. Act 16. After January 1, 2005, the Department of Regulation and Licensing may not renew the license of a certified public accounting firm unless the firm undergoes a peer review at least once every 3 years. The peer review program is to be specified by administrative rules of the Accounting Examining Board (Board) and the person conducting the program is to be approved under rules of the Board. The person conducting the program may not be affiliated with the firm, or members of the firm, undergoing review.

These rules specify the peer review required for renewal of a firm's license and include requirements for the Board to approve one or more persons to conduct the peer reviews. The rules also require approved persons to periodically report to the Board on the effectiveness of the peer reviews conducted and to provide the examining board with a listing of all firms that have undergone peer review conducted by the person.

The rules define the terms "board approved review program," "engagement review," "peer review," "person," and "system review." The commonly used acronyms "SAS," "SSAE," and "SSARS" are also defined in the rule.

The rules require in s. Acy 9.02 that a firm seeking license renewal shall include a description of at least one approved peer review of the firm that was undergone within 3 years preceding the renewal application. A CPA firm that does not perform attest services as s. 442.001 (1), Stats. is exempt from this requirement.

Board approved peer review programs must report to the Board by December 1 of each even-numbered year, identifying the firms that have undergone peer review within the preceding 36 months and evaluating the effectiveness of the peer reviews. The rule includes approval requirements for reviewers in s. Acy 9.05. An applicant is licensed to practice as a CPA in this state and have undergone at least one peer review. An applicant must submit evidence that the program meets requirements for performing system reviews, engagement reviews and report reviews established under the "Standards for Performing and Reporting on Peer Reviews" issued by the American Institute of Certified Public Accountants. Paragraphs 25-71 of these standards are attached as an Appendix to the rule and are also available from

the Internet at:

<http://www.aicpa.org/members/div/practmon/stdstitledl.htm>

**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.

**Initial Regulatory Flexibility Analysis**

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

**Copies of Rule and Contact Person**

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

**Notice of Hearings****Agriculture, Trade and Consumer Protection  
[CR 02-113]**

Rule related to agricultural producer security.

The State of Wisconsin Department of Agriculture, Trade and Consumer Protection announces that it will hold public hearings on a proposed rule relating to agricultural producer security. This rule implements Wisconsin's new agricultural producer security law, ch. 126 Stats. The department will hold three hearings at the time and places shown below. The department invites the public to attend the hearings and comment on the proposed rule. Following the public hearing, the hearing record will remain open until November 22, 2002 for additional written comments.

You may obtain a free copy of this rule by contacting the Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Trade and Consumer Protection, 2811 Agriculture Drive, P.O. Box 8911, Madison WI 53708, or by calling (608) 224-4928. Copies will also be available at the hearings.

Hearing impaired persons may request an interpreter for these hearing. Please make reservations for a hearing interpreter by **October 4, 2002**, by writing to Kevin LeRoy, Division of Trade and Consumer Protection, P.O. Box 8911, Madison, WI 53708-8911, telephone (608) 224-4928. Alternatively, you may contact the Department TDD at (608) 224-5058. Handicap access is available at the hearings.

**Hearing Date, Time and Location**

**Tuesday, October 15, 2002, 10:30 a.m. – 12:30 p.m.**

Green Bay State Office Building  
 200 North Jefferson Street  
 Room 152-A  
 Green Bay, WI 54301  
 Handicapped accessible

**Thursday October 17, 2002, 10:30 a.m. – 12:30 p.m.**

WDATCP Regional Office  
 3610 Oakwood Hills Parkway  
 Eau Claire, WI 54701-7754  
 Handicapped accessible

**Tuesday October 22, 10:30 a.m. – 12:30 p.m.**

Wisconsin Department of Agriculture, Trade and Consumer Protection  
Board Room  
2811 Agriculture Drive  
Madison, WI 53718

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

Statutory Authority: ss. 93.07 (1), 97.20 (4), 100.20 (2), 126.49, 126.51 and 126.81, Stats.

Statutes Interpreted: ss. 93.15, 97.20, 100.20 and 100.22, Stats., and ch.126, Stats.

This rule implements Wisconsin's new agricultural producer security law (ch. 126, Stats., created by 2001 Wis. Act 16). The new law is designed to protect agricultural producers against catastrophic financial defaults by grain dealers, grain warehouse keepers, milk contractors and vegetable contractors. The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) administers the new law. This rule amends and repeals current rules, and creates new rules consistent with the new law.

Chapter 126, Stats., regulates "contractors" including grain dealers, grain warehouse keepers, milk contractors and vegetable contractors. Contractors must be licensed by DATCP. In most cases, licensed contractors must contribute to Wisconsin's agricultural producer security fund ("fund"). In some cases, fund participation is voluntary. If a contributing contractor defaults on payments to producers, the fund may partially compensate those producers. Fund contributions are based, in part, on the contractor's financial condition.

Some contractors must file security in addition to, or in lieu of, fund contributions. If the contractor defaults, DATCP may use the security to pay a portion of the producer claims. Security requirements are based on the contractor's financial condition and practices. Contractors who are disqualified from the fund, based on financial condition, must file security with DATCP.

**Grain Dealers**

**General.** This rule requires grain dealers to comply with the new law, ch. 126, Stats. This rule supplements the new law, and amends or repeals rules that no longer apply.

**Financial Statements; Disclosures.** Under ch. 126, Stats., a grain dealer must file annual financial statements with DATCP if the grain dealer does any of the following:

- Annually pays more than \$500,000 for producer grain procured in this state.
- Procures any producer grain in this state under deferred payment contracts.

Grain dealers who are not required to file financial statements with DATCP may choose to file voluntarily. For example, grain dealers with favorable financial ratios may file voluntary financial statements to qualify for lower fund assessments. A grain dealer's financial ratios, including the grain dealer's debt to equity ratio, may affect the following:

- The grain dealer's eligibility to participate in the fund.
- The amount that the grain dealer must contribute to the fund.
- Whether or not the grain dealer must file security with DATCP.

Under this rule, a grain dealer's financial statement must disclose and describe all of the following:

- All notes, mortgages or other long-term liabilities that are not due or payable within one year.

• Any of the following items that are counted as assets in the financial statement:

- Any non-trade note or account receivable from an officer, director, employee, partner, or stockholder, or from a member of the family of any of those individuals.

- Any note or account receivable from a parent organization, a subsidiary, or an affiliate other than an employee.

- Any note or account that has been receivable for more than one year, unless the grain dealer has established an offsetting reserve for uncollectable notes and accounts receivable.

**Debt to Equity Ratio; Liability Adjustments.** This rule allows grain dealers to make certain liability adjustments when calculating their debt to equity ratio for purposes of ch. 126, Stats. Grain dealers may deduct the following amounts when calculating their liabilities for this purpose:

- Amounts borrowed from a lending institution and deposited with a commodities broker to hedge grain transactions.

- Amounts borrowed from a lending institution to buy grain that has been shipped, if the grain dealer maintains a collectible account receivable on the balance sheet.

- Amounts borrowed from a lending institution to buy grain that is held in inventory and shown as inventory on the balance sheet date.

- Amounts borrowed from a lending institution to buy grain that is held in inventory, if the grain dealer has entered into a contract to sell the grain.

- Amounts borrowed from a lending institution to pay for fertilizer, pesticides, herbicides or seed that the grain dealer holds in inventory on the balance sheet date.

**Financial Statement Attachments.** Some of the financial disclosures required by ch. 126, Stats., and this rule may be made in notes or attachments to the financial statement. Under this rule, an attachment to a reviewed or audited financial statement must satisfy the following requirements:

- The attachment must be on the letterhead of the certified public accountant who reviewed or audited the financial statement.

- The certified public accountant who reviewed or audited the financial statement must certify, in the attachment, whether the attachment is reviewed or audited.

**Security Disclosures to Producers.** This rule requires grain dealers to make security disclosures to grain producers, so that producers understand the extent to which grain payments are secured by the agricultural producer security program. This rule specifies the form in which grain dealers must make the disclosures. A grain dealer must make the disclosures to a producer at all the following times:

- When the grain dealer first procures grain from the producer.

- The first time the grain dealer procures grain from the producer in each new license year.

- The first time the grain dealer procures grain from the producer after any change in circumstances that requires a different disclosure (for example, after a grain dealer begins contributing to the fund).

**Grain Warehouse Keepers**

**General.** This rule requires grain warehouse keepers to comply with the new law, ch. 126, Stats. This rule supplements the new law, and amends or repeals rules that no longer apply.

**Grain Warehouse Licensing.** Under ch. 126, Stats., grain warehouse license and fee requirements are based on the grain

warehouse capacity. This rule spells out a standard method for calculating grain warehouse capacity, based on the volume of the grain warehouse and a grain “pack factor” specified in this rule.

Under this rule, an applicant for a grain warehouse license must submit a sworn and notarized statement certifying that the information provided in the license application is complete and accurate.

**Financial Statements; Disclosure Requirements.** Under ch. 126, Stats., a grain warehouse keeper must file a financial statement with DATCP if the grain warehouse keeper has total warehouse capacity of more than 300,000 bushels. Other grain warehouse keepers may file *voluntary* financial statements to qualify for lower fund assessments. A grain warehouse keeper’s financial ratios, including the warehouse keeper’s debt to equity ratio, may affect the following:

- The warehouse keeper’s eligibility to participate in the fund.
  - The amount that the warehouse keeper must contribute to the fund.
  - Whether or not the warehouse keeper must file security with DATCP.
- Under this rule, a grain warehouse keeper’s financial statement must disclose and describe all the following:
- All notes, mortgages or other long-term liabilities that are not due or payable within one year.
  - Any of the following items that are counted as assets on the financial statement:
    - Any non-trade note or account receivable from an officer, director, employee, partner, or stockholder, or from a member of the family of any of those individuals.
    - Any note or account receivable from a parent organization, a subsidiary, or an affiliate, other than an employee.
    - Any note or account that has been receivable for more than one year, unless the grain dealer has established an offsetting reserve for uncollectible notes and accounts receivable.

- The total number of bushels of grain in the warehouse keeper’s warehouse.
- The total number of bushels of grain forwarded to another warehouse keeper.
- The total number of bushels of grain the warehouse keeper is obligated to store for depositors.
- The warehouse keeper’s net grain position for each type of grain.

**Debt to Equity Ratio; Liability Adjustments.** This rule allows grain warehouse keepers to make certain liability adjustments when calculating their debt to equity ratio for purposes of ch. 126, Stats. Grain warehouse keepers may deduct, from their liabilities, the following amounts:

- Amounts borrowed from a lending institution and deposited with a commodities broker to hedge grain transactions.
- Amounts borrowed from a lending institution to buy grain that the grain warehouse keeper has sold and shipped, if the grain warehouse keeper maintains a collectible account receivable on the balance sheet.
- Amounts, borrowed from a lending institution, that are secured by grain that the grain warehouse keeper owns, holds in inventory on the balance sheet date, and shows as inventory on the balance sheet.

- Amount borrowed from a lending institution to pay for fertilizer, pesticides, herbicides or seed that the grain dealer holds in inventory on the balance sheet date.

**Financial Statement Attachments.** Some of the financial disclosures required by ch. 126, Stats., and this rule may be made in notes or attachments to the financial statement. Under this rule, an attachment to a reviewed or audited financial statement must satisfy the following requirements:

- The attachment must be on the letterhead of the certified public accountant who reviewed or audited the financial statement.
- The certified public accountant who reviewed or audited the financial statement must certify, in the attachment, whether the attachment is reviewed or audited.

**Security Disclosures to Producers.** This rule requires grain warehouse keepers to make security disclosures to grain producers, so that producers understand the extent to which producer grain in storage is backed by the agricultural producer security program. This rule specifies the form in which grain warehouse keepers must make the disclosures. A grain warehouse keeper must give disclosures to a producer at all the following times:

- When the grain warehouse keeper first receives grain from the producer.
- The first time the grain warehouse keeper receives grain from the producer in each new license year.
- The first time the grain warehouse keeper receives grain from the producer after any change in circumstances that requires a different disclosure (for example, after a grain warehouse keeper begins contributing to the fund).

#### **Milk Contractors**

**General.** This rule requires milk contractors to comply with the new law, ch. 126, Stats. This rule supplements the new law, and amends or repeals rules that no longer apply. This rule does *not* change current rules related to milk price discrimination.

**Financial Statements; Disclosure Requirements.** Under ch. 126, Stats., a milk contractor must file a financial statement with DATCP if the milk contractor has more than \$1.5 million in annual milk payroll obligations to producers. Other milk contractors may file *voluntary* financial statements in order to avoid paying fund assessments or to qualify for lower fund assessments. A milk contractor’s financial ratios, including the contractor’s debt to equity ratio, may affect the following:

- The milk contractor’s eligibility to participate in the fund.
- The amount that the milk contractor must contribute to the fund.
- Whether or not the milk contractor must file security with DATCP.

Under this rule, a milk contractor’s financial statement must disclose and describe all of the following:

- All notes, mortgages or other long-term liabilities that are not due or payable within one year.
- Any of the following items that are counted as assets in the financial statement:
  - Any nontrade note or account receivable from an officer, director, employee, partner, or stockholder, or from a member of the family of any of those individuals.
  - Any note or account receivable from a parent organization, a subsidiary, or an affiliate, other than an employee.
  - Any note or account that has been receivable for more than one year, unless the milk contractor has established an

offsetting reserve for uncollectable notes and accounts receivable.

**Debt to Equity Ratio; Liability Adjustments.** This rule allows milk contractors to make certain liability adjustments when calculating their debt to equity ratios, *but only for the purpose of determining fund assessments*. When calculating their liabilities, milk contractors may deduct amounts borrowed from lending institutions in order to carry “aged cheese” in inventory for the period required by the federal standard of identity for that cheese. “Aged cheese” means cheese for which the federal standard of identity prescribes an aging period of at least 4 months.

**Financial Statement Attachments.** Some of the financial disclosures required by ch. 126, Stats., and this rule may be made in notes or attachments to the financial statement. Under this rule, an attachment to a reviewed or audited financial statement must satisfy the following requirements:

- The attachment must be on the letterhead of the certified public accountant who reviewed or audited the financial statement.
- The certified public accountant who reviewed or audited the financial statement must certify, in the attachment, whether the attachment is reviewed or audited.

**Security Disclosures to Producers.** This rule requires milk contractors to make security disclosures to milk producers, so that producers understand the extent to which milk payments are backed by the agricultural producer security program. This rule specifies the form in which the milk contractor must make the disclosures. A milk contractor must give the disclosures to a producer at all the following times:

- When the milk contractor first procures milk from the producer.
- In June of each year.

**Custom Processing for Milk Producers; Exemption.** This rule clarifies that ch. 126, Stats., does not apply to a dairy plant operator who takes temporary custody of producer milk for the sole purpose of providing *custom processing services* to milk producers, provided that all the following apply:

- The producers retain title to the milk and to the processed dairy products made from that milk.
- The operator does not market the milk or processed dairy products, but promptly delivers the processed dairy products to the producers or their agent for consumption or marketing.
- The operator does not commingle producer-owned milk or dairy products with other milk or dairy products.
- The operator provides the custom processing services under a written contract with each producer or the producer’s agent. The contract must clearly and conspicuously disclose that:
  - The producer retains title to the milk and dairy products.
  - The producer’s milk shipments are not secured under ch. 126, Stats.

**Producer Agents.** Chapter 126, Stats., regulates milk contractors who buy producer milk, or who market producer milk as producer agents. A *producer agent* is a person who markets producer milk for producers without taking title to that milk. Under ch. 126, *producer agents* may have lower security and fund participation requirements than other milk contractors. This rule clarifies that a milk contractor does not qualify as a *producer agent*, for purposes of ch. 126, Stats., unless all the following apply:

- The milk contractor procures producer milk in this state solely as the agent of the milk producers.

- The milk contractor does not take title to the producer milk, or to any dairy products made from the producer milk.

- The milk contractor markets the producer milk under a written contract with each milk producer. The contract must clearly and conspicuously disclose all the following:

- That the milk contractor does not take title to the producer’s milk, or any dairy products made from that milk.
- That the milk contractor receives payments on behalf of the producer, and holds them in trust for the producer.
- The terms and conditions of payment to the producer.
- The procedure by which the milk contractor will receive payment on behalf of the producer and make payments to the producer, including any trust fund arrangement.
- The milk contractor’s compensation for serving as the producer’s agent, and the method by which the milk contractor will receive that compensation from the milk producer.
- A security disclosure statement (see below).

- The milk contractor does not process, as a producer agent, more than 5 million pounds of producer milk in any month.

- The milk contractor gives, to each recipient of producer milk marketed by the contractor, a written invoice stating that the milk is producer milk not owned by the milk contractor.

- The milk contractor files a monthly report with DATCP. The milk contractor must file the report on or before the 25<sup>th</sup> day of the month. The report must include all the following:

- The name and address of each person to whom the milk contractor marketed, in the preceding month, producer milk procured in this state.
- The total pounds of producer milk that the milk contractor marketed to each person in the preceding month.
- The milk contractor’s total milk payment obligation to milk producers for producer milk that the contractor marketed in the preceding month.

**Marketing Processed Dairy Products for Milk Producers.** This rule clarifies that ch. 126, Stats., does not apply to a person who markets only *processed dairy products* for milk producers, provided that the person does not procure, market or process any *raw producer milk*.

**Milk Payroll Report; Clarification.** Under ch. 126, Stats., an applicant for an annual milk contractor license must report (1) the applicant’s total annual payment obligation to milk producers, and (2) the largest obligation incurred at any time during the applicant’s last fiscal year. The reported amounts are used to determine fund assessments and security requirements, if any. This rule clarifies that the applicant must report (1) the total amount paid for milk procured during the applicant’s last fiscal year, and (2) the largest amount paid for milk procured in any single month during the last fiscal year.

**Pay Statements to Milk Producers.** Under current rules, dairy plant operators must provide pay statements to milk producers. A pay statement identifies the producer and pay period, the amount of milk received, the grade of the milk, milk test results, the milk price and price adjustments, the gross amount due, the average gross pay per hundredweight less hauling charges, deductions from the gross amount due, and the net amount due.

This rule re-codifies, but does not change, current pay statement requirements for dairy plant operators. This rule requires all milk contractors, not just dairy plant operators, to provide pay statements to milk producers.

**Milk Contractor Records.** Under current rules, dairy plant operators must keep certain records, including records of milk receipts and payments. This rule re-codifies, but does not change, current record keeping requirements for dairy

plant operators. This rule requires all milk contractors, not just dairy plant operators, to keep records.

**Milk Price Discrimination.** Current rules prohibit milk price discrimination by dairy plant operators. This rule does *not* extend the current rules to apply to other milk contractors. This rule updates some cross-references in the current rules, but does not change the current rules.

#### **Vegetable Contractors**

**General.** This rule requires vegetable contractors to comply with the new law, ch. 126, Stats. This rule supplements the new law, and amends or repeals rules that no longer apply.

**Financial Statement; Disclosures.** Under ch. 126, Stats., a vegetable contractor must file annual financial statements with DATCP if the vegetable contractor incurs more than \$500,000 per year in contract obligations to producers. Other vegetable contractors may file *voluntary* financial statements in order to avoid paying fund assessments or to qualify for lower fund assessments. A vegetable contractor's financial ratios may affect the following:

- The vegetable contractor's eligibility to participate in the fund.
- The amount that the vegetable contractor must contribute to the fund.
- Whether or not the vegetable contractor must file security with DATCP.

Under this rule, a vegetable contractor's financial statement must disclose and describe all of the following:• All notes, mortgages or other long-term liabilities not due or payable within one year.

- Any of the following items that are counted as assets in the financial statement:
  - Any non-trade note or account receivable from an officer, director, employee, partner, or stockholder, or from a member of the family of any of those individuals.
  - Any note or account receivable from a parent organization, a subsidiary, or an affiliate, other than an employee.
  - Any note or account that has been receivable for more than one year, unless the vegetable contractor has established an offsetting reserve for uncollectable notes and accounts receivable.

**Financial Statement Attachments.** Some of the financial disclosures required by ch. 126, Stats., and this rule may be made in notes or attachments to the financial statement. Under this rule, an attachment to a reviewed or audited financial statement must satisfy the following requirements:

- The attachment must be on the letterhead of the certified public accountant who reviewed or audited the financial statement.
- The certified public accountant who reviewed or audited the financial statement must certify, in the attachment, whether the attachment is reviewed or audited.

**Security Disclosures to Producers.** This rule requires vegetable contractors to make security disclosures to producers, so those producers understand the extent to which payments are backed by the agricultural security program. This rule specifies the form in which a vegetable contractor must make the disclosures. A vegetable contractor must include the disclosures in the proposed vegetable procurement contract with each producer.

#### **Fiscal Estimate**

This rule will allow some contractors to pay smaller assessments to the Agricultural Producer Security Fund. This will cause a slight loss of revenue to the fund.

Chapter 126, Stats., establishes fund assessment rates. A contractor's assessment is generally based on the contractor's financial ratios (including debt to equity ratio) and the amount of grain, milk or vegetables that the contractor procures or stores in this state. DATCP estimates that grain, milk and vegetable contractors will pay a total of approximately \$2 million in assessments each year.

This rule will allow some grain dealers, grain warehouse keepers and milk contractors to reduce their annual assessments by making certain adjustments to their debt to equity ratios. The rule allows these contractors to adjust their debt to equity ratios by deducting certain liabilities that are specifically identified in the rule. Contractors may use their adjusted debt to equity ratios to calculate their fund assessments. The department estimates that the adjustments will reduce total fund contributions by \$50,000 to \$70,000 per year.

You may obtain a complete fiscal estimate by contacting Kevin LeRoy at 608/224-4928.

#### **Small Business Analysis.**

This rule will affect the following small businesses:

- *Agricultural producers.* This rule will benefit agricultural producers by improving and clarifying the producer security program.

- *Grain dealers.* This rule will benefit grain dealers, by allowing them to make liability adjustments when calculating their debt to equity ratio for purposes of ch. 126, Stats. But this rule will also impose some additional requirements on grain dealers (including financial statement disclosures, as well as security disclosures to producers) that may involve some added costs. These requirements are needed for the effective implementation of the agricultural producer security law.

- *Grain warehouse keepers.* This rule will benefit grain warehouse keepers, by allowing them to make liability adjustments when calculating their debt to equity ratio for purposes of ch. 126, Stats. This rule will also impose some additional requirements on grain warehouse keepers (including financial statement disclosures, as well as security disclosures to depositors) that may involve some added costs. These requirements are needed for the effective implementation of the agricultural producer security law.

- *Milk contractors.* This rule will benefit some cheesemakers by providing a custom processing exemption, and by allowing cheesemakers to make certain liability adjustments when calculating their debt to equity ratio for the purpose of making security fund assessments. But this rule will also impose some additional requirements on milk contractors (including financial statement disclosures, as well as security disclosures to milk producers) that may involve some added costs. The rule spells out minimum standards for milk contractors who wish to qualify as *producer agents*. These requirements are needed for the effective implementation of the agricultural producer security law.

- *Vegetable contractors.* This rule will impose some additional requirements on vegetable contractors (including financial statement disclosures, as well as security disclosures to depositors) that may involve some added costs. These



requirements are needed for the effective implementation of agricultural producer security law.

## Notice of Hearing

### Commerce

#### (Financial Assistance to Businesses & Commerce) [CR 02-116]

NOTICE IS HEREBY GIVEN that pursuant to ss. 227.14 (4m) and 227.17, Stats., the Department of Commerce will hold public hearings on proposed rules relating to the Agricultural Development Zone Program.

#### The public hearing will be held as follows:

**Wednesday, October 16, 2002, 10:00 a.m.**

T.G. Thompson Commerce Center  
Conf. Rm. 3C, 3rd Fl.  
201 W. Washington Ave.  
Madison, WI

Interested persons are invited to appear at the hearings and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until **November 1, 2002**, to permit submittal of written comments from persons who are unable to attend a hearing or who wish to supplement testimony offered at a hearing.

Written comments should be submitted to:

Jean M. MacCubbin  
Department of Commerce  
Administrative Services Division  
P.O. Box 2689  
Madison, WI 53701-2689  
e-mail: [jmaccubbin@commerce.state.wi.us](mailto:jmaccubbin@commerce.state.wi.us)

These hearings are held in accessible facilities. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 266-8741 or (608) 264-8777 (TTY) at least 10 days prior to the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon request by a person with a disability.

#### Analysis of Proposed Rules

Statutory authority: s. 560.798, Stats.

Statute interpreted: s. 560.798, Stats.

Under s. 560.798 (5), Stats., the Department of Commerce has the responsibility of promulgating rules for the operation of the Agricultural Development Zone Program.

This rule is being created in response to 2001 Wisc. Act 16, which provides authority for administering such a program, the designation of an agricultural development zone, the certification of agricultural businesses, and the determination of tax benefits available to certified agricultural businesses.

The following listing highlights the major items contained in this new chapter:

- Creates the process for application and designation of the Agricultural development zone.
- Provides a means for modification of the boundary of an agricultural development zone.
- Creates the process for application and certification of agri-businesses.
- Establishes criteria for eligibility to certify agri-business.

- Creates the process to determine and claim tax benefits and notifications to the Department of Revenue.

#### Environmental Assessment

The proposed administrative code revision is categorized in ch. Comm 1, WEPA, Table 1.11-2 and determined to be a Type II action.

The proposed action is administrative in nature and has no potential direct effect on the quality of the human environment. The Department considers this action to have no potential for significant adverse impact.

The Department acknowledges that some projects receiving tax benefits under this chapter may result in new construction or expansion of existing structures or facilities. These actions may involve new development or rehabilitation and an application for zoning and/or a conditional use permit may be required at the local level. The department acknowledges that these actions are under local jurisdiction and generally include provisions for the compliance with local, state or federal environmental review.

#### Initial Regulatory Flexibility Analysis

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

The subject of the rules is to provide tax benefits for new and expanding agricultural businesses in a newly-designated agricultural development zone in the state. The expectation is that the creation of the zone will result in the attraction, promotion, retention or expansion of agricultural businesses and also provide economic stimulus to other businesses in the area and throughout the state.

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

Agricultural businesses certified in the agricultural development zone shall on an annual basis report to the department and may file tax claim verification with the Department of Revenue.

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

No professional skills are expected to be required by agricultural business applicants.

#### Fiscal Estimate

Section 560.798, Stats., as passed in the 2001/03 biennial budget, establishes the Agricultural Development Zone Program. Commerce is provided the authority to develop rules concerning the designation of an agricultural development zone and the certification of businesses within those zones. Ch. Comm 118 thus relates mainly to establishing that process and defining key terms.

1. State Fiscal Effect. By instituting a rigorous application process, the proposed rule will increase the workload for the Department of Commerce by requiring staff to review applications and make preliminary determinations as to designation of an agricultural development zone. Commerce can absorb this new work by using existing staff.

2. Local Fiscal Effect. Under the proposed rules, towns, villages, cities, tribes, and counties, either separately or in concert, may submit agricultural development zone applications. These applications are expected to be lengthy documents requiring a significant investment of time. Costs arising from the rules are, however, permissive since communities are not required to apply for participation in the program.

The proposed rules and an analysis of the proposed rules are available on the Internet on the Commerce webpage at <http://www.commerce.state.wi.us/COM/Com-Community.html>. Paper copies may be obtained without cost from Jean M. MacCubbin, Department of Commerce, Administrative

Services Division, P.O. Box 2689, Madison, WI 53701-2689, e-mail: [jmacubbin@commerce.state.wi.us](mailto:jmacubbin@commerce.state.wi.us), phone (608) 266-0955 or (608) 264-8777 (TTY). Copies will also be available at the public hearings and on the Commerce webpage at: <http://www.commerce.state.wi.us/cd/cd-bed-az-general.html>.

## Notice of Hearing

### Health and Family Services

#### (Community Services-HFS 30—) [CR 02-112]

Notice is hereby given that, pursuant to s. 980.067, Stats., the Department of Health and Family Services will hold a public hearing to consider amending ch. HFS 95, Wis. Adm. Code, relating to the custody and control of sexually violent persons placed at facilities under s. 980.065, Stats.

#### Hearing Information

The public hearing will be held:

**Thursday, October 24, 2002 at 10:00 a.m.**

Conference Room 851-R

State Office Building

1 West Wilson Street

MADISON, WI

The hearing site is fully accessible to people with disabilities. Parking for people with disabilities is available in the parking lot behind the building, in the Monona Terrace Convention Center Parking Ramp or in the Doty Street Parking Ramp. People with disabilities may enter the building directly from the parking lot at the west end of the building or from Wilson Street through the side entrance at the east end of the building.

#### Analysis Prepared by the Department of Health and Family Services

The Department of Health and Family Services proposes to amend the title and several provisions in ch. HFS 95, "Use of Force: Ch. 980, Stats., Patients," and create a new section of in the chapter, entitled "Escorted Temporary Patient Leave." The proposed amendments to ch. HFS 95 are based on the Department's experience to date administering the chapter (the chapter became effective on February 1, 2002.) The proposed creation of a section of the chapter is in response to the creation of a new section 980.067 of the Wisconsin statutes through 2001 Wis. Act 16 (the biennial budget bill.) Section 980.065 of the statutes requires the Department to place persons determined to be sexually violent at selected facilities administered by the Department. Section 980.067 authorizes the superintendent of a facility at which a sexually violent person resides to allow that person to leave the grounds of the facility under escort. Section 980.067 also directs the Department to promulgate rules that express the policies and procedures for its administration of this process.

The new section of rules being proposed by the Department, s. HFS 95.10, addresses circumstances under which a person committed to either the Wisconsin Resource Center or the Sand Ridge Secure Treatment Center could be allowed to temporarily leave the facility for selected reasons. The Department has proposed that these reasons be limited to the following:

- To privately visit a dying or deceased relative;
- To receive medical services that are not provided at the facility;

- To engage in pre-placement activities when the patient has a proposed or approved supervised release plan under s. 980.08 (5), Stats.; or

- For other purposes consistent with the therapeutic interests of the patient and the security interests of the facility and the community.

The proposed rules also identify considerations a facility director must take into account in his or her decision to allow a patient detained or committed under chapter 980 of the statutes to leave the facility.

#### Contact Person

The initial proposed rules upon which the Department is soliciting comments and which will be the subject of this hearing are posted at the Department's administrative rules website at:

[http://www.dhfs.state.wi.us/News/Rules/Proposed\\_Final\\_Rules/Proposed\\_Rule\\_Index.htm](http://www.dhfs.state.wi.us/News/Rules/Proposed_Final_Rules/Proposed_Rule_Index.htm). To find out more about the hearing, please write or phone:

James Yeadon

Division of Care and Treatment Facilities

P.O. Box 7851, Room 850

Madison, WI 53707-7851

608-266-5525 or, if you are hearing impaired,

608-266-1511 (TTY)

To comment on or discuss the content of the proposed rule, please e-mail or phone:

Steve Watters, Director

Sand Ridge Secure Treatment Center

1111 North Rd.

P.O. Box 700

Mauston, WI 53948

608-847-1720 or,

if you are hearing impaired,

608-266-1511 (TTY)

[wattersj@dhfs.state.wi.us](mailto:wattersj@dhfs.state.wi.us)

If you are hearing or visually impaired, do not speak English, or have other personal circumstances which might make communication at the 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 above. A person requesting a non-English or sign language interpreter should make that request at least 10 days before the hearing. With less than 10 days notice, an interpreter may not be available.

Written comments on the proposed rule received at the above address no later than November 11, 2002, will be given the same consideration as testimony presented at the hearing.

#### Fiscal Estimate

Any increased costs associated with the implementation of these rules were accounted for in 2001 Act 16, which created section 980.067, Stats.

#### Initial Regulatory Flexibility Analysis

The rule changes will not affect small businesses as "small business" is defined in s. 227.114 (1) (a), Stats.

## Notice of Hearing

### Health and Family Services (Medical Assistance, Chs. HFS 100-)

Notice is hereby given that, pursuant to s. 49.688, Stats., the Department of Health and Family Services will hold a public hearing to consider the creation of ch. HFS 109, Wis. Adm. Code, relating to operation of the SeniorCare prescription drug assistance program. Through its emergency rulemaking

authority under s. 224.24, Stats., the Department issued ch. HFS 109 to become effective on September 1, 2002.

### Hearing Information

The public hearing will be held:

**Thursday, October 10, 2002 from 9:00 a.m. to Noon**

Room 751

State Office Building

1 West Wilson St.

MADISON, WI

The hearing site is fully accessible to people with disabilities. Parking that accommodates people with disabilities is available in the parking lot behind the building, in the Monona Terrace Convention Center Parking Ramp or in the Doty Street Parking Ramp. People with disabilities may enter the building directly from the parking lot at the west end of the building or from Wilson Street through the side entrance at the east end of the building.

### Analysis Prepared by the Department of Health and Family Services

The high cost of prescription drugs in Wisconsin and nationwide are especially burdensome on the elderly, many of whom live on a fixed income. Through 2001 Wis. Act 16, Wisconsin has addressed the problem those increasingly high costs pose to the elderly by creating s. 49.688, Stats. Section 49.688 directs the Department to develop and administer the program of prescription drug benefits for the elderly that has come to be known as "SeniorCare." The statute also directs the Department to develop administrative rules for implementing SeniorCare, which the Department has done by creating a new chapter of administrative rules, HFS 109. The rules address a variety of issues associated with operating the program in accordance with section 49.688, Stats., including specifying:

- what prescription drugs are covered;
- who is eligible for benefits and services;
- how the Department determines household income for the program's eligibility determination;
- how the Department monitors compliance by pharmacists and pharmacies; and
- mechanisms for preventing fraud and abuse.

The Department drafted these rules to parallel the prescription drug provisions of the existing Medicaid rules in chs. HFS 101 to 108. The Department developed the program's administrative elements in consultation with an advisory committee composed of representatives of physicians, counties, seniors and pharmacies.

Individuals with prescription drug coverage under other health plans will be eligible to enroll in SeniorCare. For those who already have a health insurance plan, SeniorCare will coordinate benefit coverage with that plan. Individuals enrolled in Medicaid will not be eligible for the new program, because Wisconsin Medicaid already provides prescription drug coverage.

### Contact Person

The emergency rules upon which the Department is soliciting comments and which will be the subject of these hearings are posted at the Department's administrative rules website at:

[http://www.dhfs.state.wi.us/News/Rules/Emergency\\_Rules/Emergency\\_Rules.htm](http://www.dhfs.state.wi.us/News/Rules/Emergency_Rules/Emergency_Rules.htm)

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

Alfred Matano

Division of Health Care Financing

P.O. Box 309, Room 350

Madison, WI 53701-0309

608-267-6848 or, if you are hearing impaired, (608) 266-1511 (TTY)

matana@dhfs.state.wi.us

If you are hearing or visually impaired, do not speak English, or have other personal circumstances which 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 above. A person requesting a non-English or sign language interpreter should make that request at least 10 days before the hearing. With less than 10 days notice, an interpreter may not be available.

Written comments on the emergency rules received at the above address no later than October 25, 2002 will be given the same consideration as testimony presented at the hearing.

### Fiscal Estimate

SeniorCare, established by 2001 Wis. Act 16, provides prescription drug assistance to Wisconsin residents over 65 years of age whose income does not exceed 240% of the federal poverty level (FPL) and to those whose income exceeds 240% of the FPL if their prescription drug expenditures bring their net income below the 240% limit (termed spenddown). Participants of SeniorCare are required to pay an annual \$20 enrollment fee and copayments of \$15 for each name brand drug and \$5 for each generic drug. In addition, participants with higher incomes (over 160% of FPL) must first spend \$500 (deductible) of their own funds annually for prescription drugs before SeniorCare will reimburse the participant's prescription drug expenditures.

On July 1, 2002, Wisconsin's application for a federal waiver to receive federal matching funds under the MA program for SeniorCare was approved for participants with income less than 200% of the Federal Poverty Level (FPL).

The administrative rule does not have a fiscal effect per se. The fiscal effect of the SeniorCare program was taken into account when the legislation was passed. However, a number of the assumptions underlying the fiscal estimate of the SeniorCare legislation have turned out to be incorrect.

Act 16 provided \$49,900,000 GPR under s. 20.435 (4) (bv), Stats., to support benefits under the SeniorCare program. Since the program first begins on September 1, 2002, funding was based on a ten-month period. In addition, when Act 16 was enacted, it was unclear whether Wisconsin would obtain a federal waiver. Consequently, funding was based on the assumption that federal funding would not be available.

Although the federal waiver will significantly reduce the need for state funds, the original cost projections substantially underestimated the benefit costs for SeniorCare. Current projections, that include the benefit of federal funding, anticipate that total SeniorCare costs in FY 03 will total \$100 million all funds and \$48 million GPR. The net result is that budgeted funding is projected to be adequate to fund projected costs of the program in FY 03.

### Initial Regulatory Flexibility Analysis

The rules for the SeniorCare program apply to the Department, to families that are applicants or recipients of the health care coverage provided by SeniorCare and to county social service or human service departments that take applications and determine eligibility for SeniorCare. The rules will not directly affect small businesses as "small business" is defined in s. 227.114 (1) (a), Stats.

**Notice of Hearing**  
**Natural Resources**  
**(Environmental Protection–General)**

NOTICE IS HEREBY GIVEN that pursuant to ss. 292.79, 227.11 (2) and 227.24, Stats., interpreting s. 292.79, Stats., the Department of Natural Resources will hold a public hearing on Natural Resources Board Emergency Order No. RR–38–02(E) pertaining to the administration of the brownfield green space and public facilities grant program. This emergency order took effect on August 29, 2002. The brownfield green space and public facilities grant program provides grants to eligible local governmental units to fund the costs of environmental remediation activities at eligible sites or facilities that will have a long–term public benefit, including the preservation of green space, the development of recreational areas or use of a property by a local government. Eligible activities include actions to remedy environmental contamination at brownfields. Eligible local governments include cities, villages, towns, counties, redevelopment authorities, community development authorities and housing authorities.

The legislature appropriated \$1 million for these grants during the 2001–2003 biennium. Local governments, or an appropriate private non–profit organization in partnership with a local government, are required to contribute matching funds as cash or in–kind, or both, equal to 20%, 35% or 50%, depending upon the amount of the grant. This rule limits the amount of funds that may be awarded for eligible activities. The rule specifies that at least 20% of the funds be allocated to grants of \$50,000 or less.

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

**Friday, October 11, 2002 at 9:00 a.m.**

Room 611A, GEF #2

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 Michael Prager at (608) 261–4927 with specific information on your request at least 10 days before the date of the scheduled hearing.

**Fiscal Estimate**

Fiscal Estimate for State Costs:

There will be a one–time cost to develop this rule. At a rate of \$22 per hour for 800 hours, plus a 39% fringe rate, the total one time cost would be approximately \$25,000.

It will take one FTE's worth of time to implement this program on an annual basis. At a rate of \$22 per hour for 2080 hours, plus a 39% fringe rate and \$4000 allotted for supplies and travel, the total cost would be approximately \$68,000. This time will be absorbed into the current staffing levels.

Fiscal Estimate for Local Government:

Local governments have the option for applying for a portion of the \$1 million available for this grant program. There will be a match required that must be paid during the grant period by either the local governmental unit or a cooperating non–profit organization. The match level depends upon the grant request, and is 20% for grants up to \$50,000, 35% for grants greater than \$50,000 and below \$100,000, and 50% for grants above \$100,000. A grant award cannot exceed \$200,000. Without this grant, communities would be paying 100% of these costs.

Written comments on the emergency rule may be submitted to Mr. Michael Prager, Bureau for Remediation and Redevelopment, P.O. Box 7921, Madison, WI 53707 no later than October 11, 2002. Written comments will have the same weight and effect as oral statements presented at the hearing. A copy of the emergency rule [RR–38–02 (E)] may be obtained from Mr. Prager.

**Notice of Hearing**  
**Natural Resources**  
**(Environmental Protection–General)**  
**[CR 02–114]**

NOTICE IS HEREBY GIVEN that pursuant to s. 292.65, Stats., interpreting s. 292.65, Stats., the Department of Natural Resources will hold a public hearing on the repeal and recreation of ch. NR 169, Wis. Adm. Code, relating to the reimbursement of response action costs for response actions taken at eligible dry cleaning facilities. Chapter NR 169 outlines the procedures for owners and operators of dry cleaning facilities to obtain cost reimbursement for cleanups conducted under the NR 700 rule series. This rule identifies eligible applicants and eligibility requirements for owners and operators taking immediate action, interim actions, site investigations and remedial actions. For eligible applicants taking immediate actions, the applications for reimbursement will be processed in the order in which they are received. The Department does not anticipate a shortage of funding for immediate response action costs. In addition, the procedures for reimbursement are streamlined because of the limited actions that would qualify under this response action phase.

For eligible applicants seeking reimbursement for interim actions, site investigations and remedial actions, the rule specifies requirements for eligible actions (including bidding requirements) as well as procedures applicants must follow to obtain reimbursement. We anticipate that within this biennium, the funds available for reimbursements to dry cleaners will not be able to meet demand. The rule establishes the allocation of funds based on the environmental priority of the site (25% for high priority, 60% for medium priority and 15% for low priority sites). Reimbursements are made within those categories based on the order in which applications are received. In addition, the rule reiterates the statutory requirements for maximum award limits and deductibles which the owners or operators of the facility must pay. In addition, the rule reiterates statutory requirements for pollution prevention and licensing requirements for dry cleaning facilities. The rule also contains cost–control measures as part of the bidding requirements for consultants conducting the response actions at dry cleaner sites.

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. The Department anticipates that this rule will provide economic relief to small dry cleaning businesses because eligible costs that they now would incur cleaning up environmental contamination may be eligible for reimbursement from this fund when moneys are available.

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 hearing will be held on:

**Tuesday, October 22, 2002 at 9:00 a.m.**

Video conference participation will be available at:

Room 332, Pyle Center, 702 Langdon Street, Madison

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

Room 1, DNR Regional Headquarters, 107 Sutliff Avenue, Rhinelander

Room 98, State Office Building, 819 N. 6th Street, Milwaukee

Room 618, State Office Building, 200 N. Jefferson Street, Green Bay

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 Robin Schmidt at (608) 267-7569 with specific information on your request at least 10 days before the date of the scheduled hearing.

#### **Fiscal Estimate**

The proposed rule changes will have no fiscal effect.

Written comments on the proposed rule may be submitted to Ms. Robin Schmidt, Bureau for Remediation and Redevelopment, P.O. Box 7921, Madison, WI 53707 no later than November 1, 2002. Comments may also be faxed to Ms. Schmidt at (608) 267-7646. Written comments will have the same weight and effect as oral statements presented at the hearing. A copy of the proposed rule [RR-41-02] and fiscal estimate may be obtained from Ms. Schmidt.

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## Rule orders filed with the revisor of statutes bureau

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*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](mailto:gary.poulson@legis.state.wi.us) or (608) 266-7275 for updated information on the effective dates for the listed rule orders.*

**Insurance**  
**(CR 02-043)**

An order affecting ch. Ins 8, relating to publication of health insurance rates for small employers.  
Effective 11-1-02

**Revenue**  
**(CR 02-033)**

An order affecting ch. Tax 2, relating to corporation returns, claims for refund and other amended returns and petitions for redetermination.  
Effective 11-1-02

**Transportation**  
**(CR 02-079)**

An order affecting ch. Trans 276, relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.  
Effective 11-1-02

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## Rules published with this register and final regulatory flexibility analyses

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*The following administrative rule orders have been adopted and published in the September 30, 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.*

### **Agriculture, Trade and Consumer Protection (CR 01-090)**

An order affecting ch. ATCP 50, relating to soil and water resource management.

Effective 10-1-02

#### **Summary of Final Regulatory Flexibility Analysis**

This rule repeals and recreates current rules related to Wisconsin's soil and water resource management program. The Department of Agriculture, Trade and Consumer Protection ("DATCP") administers this program under ch. 92, Stats. The program is designed to conserve the state's soil and water resources, reduce soil erosion, prevent pollution runoff and enhance water quality. This rule spells out program standards and procedures. Among other things, this rule:

- Requires farm conservation practices, subject to cost-sharing.
- Creates a farm nutrient management program.
- Spells out standards for cost-shared practices.
- Spells out standards for county programs.
- Spells out standards and procedures for DATCP grants to counties.
- Spells out standards and procedures for county cost-share grants to landowners.
- Spells out standards for soil and water professionals (agricultural engineering practitioners, nutrient management planners and soil testing laboratories).
- Coordinates state and local regulation of farm conservation practices.

The Legislature has mandated a comprehensive redesign of state programs related to nonpoint source pollution. Among other things, the Legislature has directed DATCP and the Department of Natural Resources (DNR) to establish conservation standards and practices for farms. The Legislature also directed DATCP to adopt rules related to nutrient management on farms. This rule implements the redesigned nonpoint program.

This rule will have a major impact on farmers, many of whom qualify as "small businesses." Other businesses may also be affected. Those businesses include nutrient management planners, soil testing laboratories, farm supply organizations, agricultural engineering practitioners, and contractors installing farm conservation practices.

DATCP has worked extensively with farm representatives and DNR in order to minimize adverse effects on small business. DATCP held extensive consultations with advisory councils, held numerous public hearings throughout the state, prepared simplified information materials, and made extensive changes in its final draft rules to accommodate small business. Remaining requirements are needed to implement DNR pollution runoff requirements and

farm conservation practices. DATCP has also worked extensively to clarify cost-sharing requirements, which are important for the successful implementation of conservation practices on farms.

#### **Summary of Comments of Legislative Standing Committees**

On February 20, 2002, DATCP transmitted the above rule for legislative committee review. The rule was assigned to the Senate Committee on Environmental Resources and the Assembly Committee on Agriculture.

- On April 4, 2002, the Senate committee and the Assembly committee held an informational hearing on this rule. The Assembly committee took no further action on this rule.
- On April 18, 2002, the Senate committee held a public hearing on this rule. On April 24, 2002, the Senate committee requested DATCP to consider these rule modifications:
  - Include standards and specifications adopted under s. 92.07 (2), Stats. within the definition of "local regulations,"
  - Exclude any land occupied by a physical structure constructed to comply with a conservation practice, such as a manure storage facility, from the cost-sharing requirements for land taken out of production, and
  - Amend s. ATCP 50.12 (5) to require approval of a county land and water resource management plan that complies with s. ATCP 50.12, and amend s. ATCP 50.12 to specify the criteria that the department will use to approve or disapprove a plan.

DATCP agreed to modify its rule, as requested.

### **Elections Board (CR 02-071)**

An order affecting ch. ElBd 7, relating to approval of electronic voting equipment.

Effective 10-1-02

#### **Summary of Final Regulatory Flexibility Analysis**

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

#### **Summary of Comments of Legislative Standing Committees**

No comments were received.

### **Employee Trust Funds (CR 02-049)**

An order affecting ch. ETF 20, relating to the annuity dividend effective date and the proration of annuity dividends.

Effective 10-1-02

**Summary of Final Regulatory Flexibility Analysis**

The Department anticipates that the provisions of this proposed rule will have no direct adverse effect on small businesses.

**Summary of Comments of Legislative Standing Committees**

No comments were received.

**Health and Family Services****(CR 00-091)**

An order affecting ch. HFS 112, relating to approval of emergency medical technician-paramedic operational plans.

Part Effective 10-1-02

See November 2001 Wis. Adm. Register for the summary of final regulatory flexibility analysis.

**Insurance****(CR 02-035)**

An order affecting 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.

Effective 10-1-02

**Summary of Final Regulatory Flexibility Analysis**

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

**Summary of Comments of Legislative Standing Committees**

No comments were received.

**Natural Resources****(CR 00-025, 00-026, 00-027, 00-028, 00-034, 00-035 and 00-036)**

Orders affecting chs. NR 120, 151 to 155, 216, and 243, relating to nonpoint source pollution.

Effective 10-1-02

**Summary of Final Regulatory Flexibility Analysis**

Proposed chs. NR 151, 216 and 243 will have a significant economic impact on a substantial number of small businesses. The type of small business affected by the agricultural performance standards in proposed ch. NR 151, subch. II are crop and livestock productions. Some livestock facilities with 1,000 or more animal units affected by proposed ch. NR 243 may be classified as small businesses. Also, some livestock producers with operations under 1,000 animal units who meet the definition of a small business may be affected by proposed ch. NR 243 if they meet the criteria of a point source under federal regulations.

For the nonagricultural performance standards in proposed ch. NR 151, subchs. III and IV, any small business that undertakes construction involving land disturbance on sites over 5 acres (one acre in 2003) will be affected. These businesses must meet the performance standards both for the construction phase and the post-construction phase of the project. Compliance with the performance standards will be identified in both an erosion control plan and a storm water management plan. Small businesses established after the effective date of the proposed rule that are required to obtain industrial storm water permits must also meet post-construction performance standards by describing and installing best management practices (BMPs) as required in their storm water pollution prevention plan. Managers of turf

areas, including golf courses, will also be affected by the nonagricultural performance standards. Revision to ch. NR 216 that incorporate the nonagricultural performance standards will impact small businesses.

Most small businesses regulated by these rules are not required to submit reports to the department. Concentrated animal feeding operations are already required to report annually as part of their WPDES permit. The rules do not change this. A change in proposed ch. NR 243 puts the burden of applying for a WPDES permit on an operation under 1,000 animal units if it meets the definition of a point source under the Clean Water Act. This requirement may potentially increase the number of livestock operations that are required to report to the department.

**Summary of Comments of Legislative Standing Committees**

The rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Environmental Resources. The Assembly Committee on Natural Resources held public hearings on February 13, 2002 and February 27, 2002. No modifications were requested.

The Senate Committee on Environmental Resources held a public hearing on March 5, 2002. The Senate Committee on Environmental Resources adopted a motion that recommended the department consider modifications to include a modification that creates an agricultural performance standard that requires a buffer of vegetative cover between a cropped field, pasture or woodlot, and navigable waters or an area that is either susceptible to groundwater contamination or has the potential to be a direct conduit for contamination to reach groundwater.

At its May 22, 2002 meeting, the Natural Resources Board adopted a resolution that directed the Department to assist in and promote the organization and funding of additional agricultural buffer research managed through the University of Wisconsin College of Agriculture and Life Sciences and implemented through the Wisconsin Agricultural Stewardship Initiative with a report on the findings of this research due no later than December 31, 2005. Further, the Department shall initiate a revision to the nonpoint source pollution performance standard administrative rule to incorporate an agricultural buffer performance standard based on this research report and complete the rule making process no later than December 31, 2007, and that if no report is issued by the December 31, 2005 date, that the department initiate a revision to the nonpoint source pollution performance standards to incorporate an agricultural buffer performance standard. This resolution was acceptable to the Senate Committee on Environmental Resources.

**Natural Resources****(CR 02-014)**

An order affecting ch. NR 20, relating to fishing on the inland and outlying waters of Wisconsin.

Effective 10-1-02; 3-1-03; 4-1-03

**Summary of Final Regulatory Flexibility Analysis**

The proposed rules affect individual anglers. 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 Assembly Committee on Natural Resources held a public hearing on July 17, 2002. No modifications were requested as a result of the hearing. The Senate Committee on Environmental Resources had



scheduled a public hearing on July 29, 2002, but canceled the hearing.

**Natural Resources  
(CR 02-017)**

An order affecting ch. NR 10, relating to hunting.  
Effective 10-1-02; 1-5-03

**Summary of Final Regulatory Flexibility Analysis**

The proposed rules affect individuals. 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 Assembly Committee on Natural Resources held a public hearing on July 17, 2002. No modifications were requested as a result of the hearing. The Senate Committee on Environmental Resources had scheduled a public hearing on July 29, 2002, but canceled the hearing.

**Natural Resources  
(CR 02-018)**

An order affecting chs. NR 10, and 15 to 17, relating to hunting, trapping and captive wildlife.  
Effective 10-1-02

**Summary of Final Regulatory Flexibility Analysis**

The proposed rules affect individuals. 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 Assembly Committee on Natural Resources held a public hearing on July 17, 2002. No modifications were requested as a result of the hearing. The

Senate Committee on Environmental Resources had scheduled a public hearing on July 29, 2002, but canceled the hearing.

**Regulation and Licensing  
(CR 02-030)**

An order affecting ch. RL 128, relating to education requirements prior to first renewal, courses and examinations, approval of educational programs, courses and instructors.

Effective 10-1-02

**Summary of Final Regulatory Flexibility Analysis**

The proposed 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.

**Transportation  
(CR 02-056)**

An order affecting ch. Trans 276, relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Effective 10-1-02

**Summary of Final Regulatory Flexibility Analysis**

The provisions of the proposed rule adding highway segments to the designated system have no direct adverse effect on small businesses, and may have a favorable effect on those small businesses which are shippers or carriers using the newly-designated routes.

**Summary of Comments of Legislative Standing Committees**

The Legislative Council report contained only one comment which has been incorporated into the proposed rule.

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## Sections affected by rule revisions and corrections

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The following administrative rule revisions and corrections have taken place in **September 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

#### Agriculture, Trade and Consumer Protection:

##### Ch. ATCP 3

S. ATCP 3.02 (1) (h)

##### Ch. ATCP 40

S. ATCP 40.11

##### Ch. ATCP 50 (Entire chapter)

#### Elections Board:

##### Ch. ElBd 9 (Entire chapter)

#### Employee Trust Funds:

##### Ch. ETF 20

S. ETF 20.25 (1) (a) and (2)

#### Health and Family Services:

##### Ch. HFS 112

S. HFS 112.07 (2) (u)

#### Insurance:

##### Ch. Ins 17

S. Ins 17.01 (3)

S. Ins 17.25 (3) (d)

S. Ins 17.28 (6) and (6a)

#### Natural Resources:

##### Ch. NR 10

S. NR 10.001 (9k)

S. NR 10.01 (2) (c) and (f), (3) (ev) and (ez)

S. NR 10.102 (1) (d), (2) (b) and (4)

S. NR 10.104 (7) (b)

S. NR 10.106 (2) (d)

S. NR 10.12 (10)

S. NR 10.125 (2) (c)

S. NR 10.13 (3) (a) and (b)

S. NR 10.24 (3) (c) and (6) (a)

S. NR 10.25 (1) (a) and (c)

S. NR 10.28 (2) (f)

##### Ch. NR 15

S. NR 15.02 (6) and (7)

S. NR 15.022 (8) to (11)

##### Ch. NR 16

S. NR 16.01 (3)

##### Ch. NR 17

S. NR 17.001 (9) and (10)

##### Ch. NR 20

S. NR 20.03 (42)

S. NR 20.10 (10), (10m)

S. NR 20.20 (4) (h), (24) (c), (h), (30) (b), (e), (34) (b), (44) (c), (57) (e), (f), (i), (65) (b), (68) (c), (73) (c), (d), (g), (j), and (n)

S. 20.33 (5) (c)

##### Ch. NR 120 (Entire chapter)

##### Chs. NR 151 to 155 (Entire chapters)

##### Ch. NR 216

S. NR 216.002 (2), (8), (10), (12)

S. NR 216.04 (5) (b)

S. NR 216.06 (2) (a), (8)

S. NR 216.07 (7m)

S. NR 216.21 (2) (b) and (c)

S. NR 216.23 (9)

S. NR 216.26 (2)

S. NR 216.27 (3) (hm)

S. NR 216.29 (7)

S. NR 216.30

S. NR 216.41

S. NR 216.42 (2m)

S. NR 216.43 (1), (2), (4), (6)

S. NR 216.46 (1m), (2), (4) (a), (f) and (g), (6) (i) and (j)

S. NR 216.47 (4)

S. NR 216.55 (2) and (3)

##### Ch. NR 243 (Entire chapter)

#### Regulation and Licensing

##### Ch. RL 128

S. RL 128.015

S. RL 128.02 (1), (2) and (4)

S. RL 128.03

S. RL 128.04 (1) (1m) and (5)

S. RL 128.07

#### Transportation

##### Ch. Trans 276

S. Trans 276.07 (17)

**Editorial corrections**

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

**Natural Resources:**

**Ch. NR 120**

S. NR 120.17 (2) (b)

**Ch. NR 153**

S. NR 153.15 (2) (f)

**Ch. NR 157**

S. NR 157.01

S. NR 157.02 (4) to (6)

S. NR 157.07 (2) (a) and (3)

**Ch. NR 216**

S. NR 216.42 (3)

S. NR 216.45 (2)

S. NR 216.46 (10)

**Transportation:**

**Ch. Trans 302**

S. Trans 302.03 (2) (b)

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## Sections affected by revisor's corrections not published

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

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

Location of invalid cross-reference	Invalid cross-reference	Correction
Adm 9.01	16.702 16.702 (1) and (3)	Delete references
Adm 25.01	16.971 (5) (g)	Delete reference
ATCP 10.01 (20m)	95.68 (1) (a)	95.68 (1) (am)
ATCP 10.01 (22m)	95.001 (1) (a)	95.001 (1) (ag)
ATCP 11.01 (29m)	95.001 (1) (a)	95.001 (1) (ag)
ATCP 11.01 (24)	95.68 (1) (a)	95.68 (1) (am)
ATCP 11.01 (44)	95.68 (1) (e)	95.68 (1) (ag)
ATCP 12.01 (8m)	95.68 (1) (a)	95.68 (1) (am)
ATCP 12.01 (8w)	95.001 (1) (a)	95.001 (1) (ag)
ATCP 12.01 (16)	95.68 (1) (e)	95.68 (1) (ag)
ATCP 12.01 (17m)	95.71 (1) (g)	95.71 (1) (dm)
ATCP 55.02 (11)	95.001 (1) (a)	95.001 (1) (ag)
Comm 116.02 (4)	560.20 (1) (cf)	560.17 (1) (br)
Comm 116.037 (2)	560.20 (1) (cf)	560.17 (1) (br)
Comm 117.02 (5)	560.20 (1) (cf)	560.17 (1) (br)
HA 2.01 (1)	302.113 (9) (a) 302.114 (9) (a)	302.113 (9) (am) 302.114 (9) (am)
HA 2.05 (1) (g) and (7) (f) (intro.)	302.113 (9) (a)	302.113 (9) (am)
HA 2.05 (1) (h) and (7) (g)	302.114 (9) (a)	302.114 (9) (am)
HFS 107.11 (6) (b) 2. and 107.12 (1) (b)	441.11 (3) 441.11 (4)	441.001 (4) 441.001 (3)
HFS 110.03 (3)	146.50 (1) (a)	146.50 (1) (am)
HFS 111.03 (2)	146.50 (1) (a)	146.50 (1) (am)
HFS 113.03 (1)	146.50 (1) (a)	146.50 (1) (am)
HFS 147.03 (8)	58.06, 252.073, 252.076	Delete references
N 1.06 (3) (e) 3.	441.11 (3) and (4)	441.001 (3) and (4)
N 6.01 (1)	441.11 (3) and (4)	441.001 (3) and (4)
NR 13.04 (1) (a) 54.	29.873	29.627
NR 13.04 (4) (a) 12.	29.853	Delete reference

Location of invalid cross-reference	Invalid cross-reference	Correction
NR 21.08	NR 20.09 (2) (g)	Delete reference
NR 51.05 (1) (g)	95.60 (1) (a)	95.001 (1) (aj)
NR 121.03 (11)	NR 120.07	NR 121.07
NR 630.31 (1) (d)	660.16 (6), (7), (9)	Delete references
PSC 98.04 (1)	194.19	Delete reference
PSC 98.04 (3)	194.22	Delete reference
Trans 130.01 (1)	346.50 (2a) (h), (j), and (k), (3) and (4)	346.50 (1m), (2a) (h), (j), and (k), and (3)
Trans 130.01 (2)	346.50 (2) to (4)	346.50 (1m) to (3m)
Trans 130.03 (1) (j) and (2) (g)	346.50 (2a) (h), (j), and (k), (3) and (4)	346.50 (1m), (2a) (h), (j), and (k), and (3)
Trans 233.01	15.014 (1) (g)	Delete reference
DWD 14.01	49.129 (7)	49.797 (7)
DWD 14.19 (1) (b)	49.127	49.795
DWD 19.01	49.124 (1g)	49.79
DWD 56.02 (11)	49.124	49.79

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## Executive orders

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**The following are recent Executive Orders issued by the Governor.**

**Executive Order 52.** Relating to the dissolution of the Dane County Regional Planning Commission.

**Executive Order 53.** Proclamation of a state of emergency.

**Executive Order 54.** An amendment to Executive Order No. 53 proclamation of a state of emergency.

**Executive Order 55.** Relating to a proclamation that the flag of the United States and the flag of the state of Wisconsin be flown at half-staff and a moment of silence due to the one year anniversary of the terrorist attacks on the United States.

**Executive Order 56.** An amendment to Executive Orders No. 53 and 54 proclamation of a state of emergency.

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