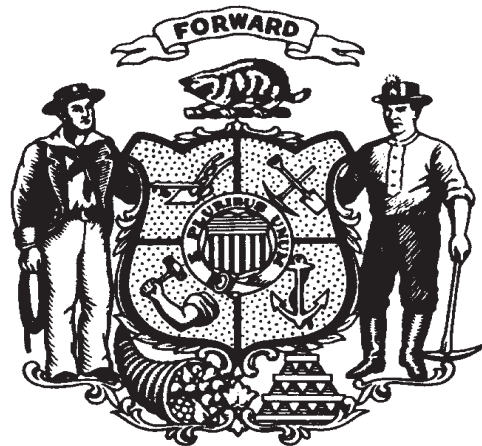


# Wisconsin Administrative Register

No. 594



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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.*

*Occasionally the Legislature grants emergency rule authority to an agency with a longer effective period than 150 days or allows an agency to adopt an emergency rule without requiring a finding of emergency.*

*Extension of the effective period of an emergency rule is granted at the discretion of the Joint Committee for Review of Administrative Rules under s. 227.24 (2), Stats.*

*Notice of all emergency rules which are in effect must be printed in the Wisconsin Administrative Register. This notice will contain a brief description of the emergency rule, the agency finding of emergency or a statement of exemption from a finding of emergency, date of publication, the effective and expiration dates, any extension of the effective period of the emergency rule and information regarding public hearings on the emergency rule.*

*Copies of emergency rule orders can be obtained from the promulgating agency. The text of current emergency rules can be viewed at [www.legis.state.wi.us/rsb/code](http://www.legis.state.wi.us/rsb/code).*

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### Commerce

#### (Financial Assistance for Businesses & Communities, Chs. Comm 105—)

Rules were adopted creating **ch. Comm 129**, relating to technology commercialization programs.

#### Finding of Emergency

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

1. In accordance with sections 560.205 (3) and 560.275 (7), Stats., the department has the responsibility to promulgate rules to administer an Early Stage Business Investment Program and a Technology Commercialization Grant and Loan Program.

2. Section 560.205 (1) and (2), Stats., makes available certain tax benefits for investors in early stage businesses for tax years beginning after December 31, 2004.

3. Section 560.275 (2), Stats., makes available grant and loan program funds appropriated as of July 1, 2004.

4. The department, being the agency with primary authority for economic development in the state, recognizes that there is a verified need to assist the development of high growth early stage technology businesses. Wisconsin has historically ranked low in the development of new start-ups and in the attraction of risk capital.

5. The department recognizes that promulgating this emergency rule will alleviate the need for investors to defer investments into qualified new businesses while they wait for the promulgation of the permanent rule. Such a circumstance would effectively halt new investment into early stage high tech companies in Wisconsin, a result that would be contrary to the intent of the legislation.

6. In addition, the department recognizes that without promulgating this emergency rule, the department would likely be unable to fully utilize the funds made available to benefit early stage businesses.

7. Finally, the department recognizes that without promulgating this emergency rule, Wisconsin's early stage businesses would be unable to compete fairly to attract much-needed risk capital and federal research dollars to Wisconsin.

<b>Publication Date:</b>	<b>December 2, 2004</b>
<b>Effective Date:</b>	<b>December 2, 2004</b>
<b>Expiration Date:</b>	<b>May 1, 2005</b>
<b>Hearing Date:</b>	<b>January 12, 2005</b>
<b>Extension Through:</b>	<b>June 29, 2005</b>

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### Elections Board

Rules adopted creating **s. ElBd 1.395**, relating to the use of funds in a federal campaign committee that has been converted to a state campaign committee and relating to the use of those converted funds whose contribution to the federal committee would not have been in compliance with Wisconsin law if the contribution had been made directly to a state campaign committee.

#### Finding of Emergency

The Elections Board finds that an emergency exists in the recent change in federal law that permits the transfer of the funds in a federal candidate campaign committee's account to the candidate's state campaign committee account and finds 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:

Since the Bi-Partisan Campaign Reform Act of 2002 (BICRA), transfers of funds from a federal campaign committee to a state campaign committee had not been authorized under federal law. In November, 2004, Congress amended the Federal Election Campaign Act, (H.R. 4818, s.532(3) and 532(4), to permit the transfer of a federal candidate's campaign committee's funds to the candidate's state campaign committee, if state law permitted, and subject to the state law's requirements and restrictions.

Because of Congress' action in November, 2004, money which had not been available to a state committee under BICRA, and which might not have qualified for use for political purposes in a state campaign because of its source or because of other noncompliance with state law, could now be transferred to a state committee, if state law permitted. Wisconsin law, under the Board's current rule, ElBd 1.39, Wis. Adm. Code, allows for conversion of federal campaign committees, and their funds, to a state campaign committee without regard to the source of those funds and without regard to contribution limitations.

Restricting the use of such money to that money which has been contributed to the candidate's federal committee, under circumstances in which the contribution would have complied with Wisconsin law if it had been given directly to the Wisconsin campaign committee, is found to be in the public interest.

**Publication Date:** February 3, 2005  
**Effective Date:** February 3, 2005\*  
**Expiration Date:** July 3, 2005  
**Hearing Date:** May 18, 2005

\* On February 9, 2005, the Joint Committee for Review of Administrative Rules suspended this emergency rule.

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### Insurance

Rules were adopted creating **ch. Ins 14**, Wis. Adm. Code, relating to vehicle protection plans.

#### Finding of Emergency

The Commissioner of Insurance finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. Facts constituting the emergency are as follows:

The statute requiring these changes is effective on December 1, 2004. The length of the rulemaking process has not permitted OCI to finish promulgating the rule. This emergency implementation will allow vehicle protection businesses to start getting registered and selling their products. Many of these products are promoted as safety related such as glass etching, the "club," vehicle entry warning sirens and others. Consumer would then be able obtain the promoted safety benefits of these products as soon as the legislature permitted them.

**Publication Date:** December 10, 2004  
**Effective Date:** December 10, 2004  
**Expiration Date:** May 9, 2005  
**Hearing Date:** January 11, 2005  
**Extension Through:** July 7, 2005

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

Rules were adopted revising **s. NR 20.33 (5) (c)**, relating to the closure of sturgeon spearing on the Lake Winnebago system.

#### Finding of emergency

The Department of Natural Resources find that an emergency exists and a rule is necessary for the immediate preservation of the public health, safety or welfare. The facts constituting this emergency are:

During the 2004 sturgeon spearing on Lake Winnebago, spears harvested a record 1,303 sturgeon on opening day, exceeding the season harvest cap for adult female sturgeon. the spearing season lasted only two days and resulted in an overall harvest of 1,854 sturgeon. The total harvest included 822 males, 348 juvenile females, and 684 adult females, 509 of which came on opening day, exceeding the harvest cap of 425. Population reduction due to overharvest of lake sturgeon could take years to reverse given the life history of lake sturgeon.

**Publication Date:** February 2, 2005  
**Effective Date:** February 2, 2005  
**Expiration Date:** July 2, 2005  
**Hearing Date:** February 23, 2005

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### Natural Resources (2) (Environmental Protection – Water Regulation, Chs. NR 300—)

1. Rules adopted revising **ch. NR 326**, relating to regulation of piers, wharves, boat shelters, boat hoists, boat lifts and swim rafts in navigable waterways.

#### Finding of emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The Wisconsin Legislature recently enacted 2003 Wisconsin Act 118, to streamline the regulatory process for activities in public trust waters. The state has an affirmative duty to administer the new law in a manner consistent with the public trust responsibilities of the State of Wisconsin under Article IX, Section I of the Wisconsin Constitution.

2003 Act 118 identifies certain activities that may be undertaken in public trust waters exempt from a permit, or under a general permit. Certain activities may not be undertaken in waters that are defined as "areas of special natural resource interest" or at other locations where the activity would cause detrimental impacts on public rights and interests in navigable waters. Without emergency rules to aid in administering the new law, the following severe problems will occur:

Until general permits are created by rule, any activity which is not exempt requires an individual permit with an automatic 30-day public notice. The required 30-day comment period will unnecessarily delay hundreds of construction projects that otherwise could go ahead with specified conditions for protecting lakes and streams (for example, all new riprap and culvert applications currently require public notices).

Unclear wording of exemptions currently puts property owners, contractors and consultants at risk of violation. Without clear procedures and standards established by emergency rule, many more people may request exemption determinations, slowing the decisions on individual permit applications.

Wording of exemptions and temporary grading jurisdiction puts lakes and streams at risk. Without standards as intended and described in the new law, exempted activities and grading along shorelines will cause inadvertent but permanent destruction of fish and wildlife habitat, loss of natural scenic beauty and reduced water quality. Rights of neighboring property owners may also be harmed. Cumulatively over one or two construction seasons, these impacts will have immediate and permanent effects on Wisconsin's water-based recreation and tourism industry.

To carry out the intention of the Legislature that 2003 Act 118 to speed decision-making but not diminish the public trust in state waters, these emergency rules are required to establish definitions, procedures and substantive standards for exemptions, general permits and jurisdiction under the new law.

**Publication Date:** April 19, 2004  
**Effective Date:** April 19, 2004\*  
**Expiration Date:** September 16, 2004  
**Hearing Date:** May 19, 2004

\*On June 24, 2004, the Joint Committee for Review of Administrative Rules suspended this emergency rule.

2. Rules adopted creating **ch. NR 328, subch. III**, relating to shore erosion control on rivers and streams.

#### **Finding of emergency**

SECTION 2. FINDING. The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The Wisconsin Legislature enacted 2003 Wisconsin Act 118 to streamline the regulatory process for activities in public trust waters. The state has an affirmative duty to administer the law in a manner consistent with the public trust responsibilities of the State of Wisconsin under Article IX, Section I of the Wisconsin Constitution.

Act 118 identifies certain activities that may be undertaken as exempt from a permit, or under a general permit. There are no statutory exemptions for shore protection on rivers and streams. Without emergency rules to create general permits, all shore protection projects on rivers and streams require an individual permit with an automatic 30-day public notice. The required 30-day comment period will unnecessarily delay projects that otherwise could go ahead with prescribed conditions established in a general permit.

To carry out the intention of Act 118 to speed decision-making but not diminish the public trust in state waters, these emergency rules are required to establish general permits to be in effect for the 2005 construction season, with specific standards for shore erosion control structures on rivers and streams.

**Publication Date:** April 8, 2005  
**Effective Date:** May 1, 2005  
**Expiration Date:** September 28, 2005  
**Hearing Date:** May 16, 2005

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### **Public Instruction**

Rules adopted repealing **s. PI 24.02 (3)** and repealing and recreating **subchapter II of chapter PI 24**, relating to the payment of state aid under the student achievement guarantee in education (SAGE) program.

#### **Finding of emergency**

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

Section 118.43 (6m), Stats., requires the department to promulgate rules to implement and administer the payment of state aid under s. 118.43 (6), Stats. Because the next deadline for pupil reporting requirements occurs in January 2005, the rule must take effect as soon as possible to give eligible schools enough notice to meet such requirements.

**Publication Date:** December 20, 2004  
**Effective Date:** December 20, 2004  
**Expiration Date:** May 19, 2005  
**Hearing Date:** January 14, 2005

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### **Regulation and Licensing**

Rules adopted creating **ch. RL 150 to 154**, relating to the licensure and regulation of athlete agents.

#### **Exemption from finding of emergency**

SECTION 4. Nonstatutory provisions of 2003 Wisconsin Act 150 states in part:

(2) The department of regulation and licensing may, using the procedure under section 227.24 of the statutes, promulgate the rules under section 440.9935 of the statutes, as created by this act, for the period before permanent rules become effective, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating rules under this subsection as emergency rules is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide findings of emergency for rules promulgated under this subsection.

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

Statutes authorizing promulgation: s. 227.11 (2), Stats., and ss. 440.99, 440.991, 440.915, 440.992, 440.9925, 440.993, 440.9935, 440.994, 440.9945, 440.995, 440.9955, 440.996, 440.9975, 440.998 and 440.999, Stats., as created by 2003 Wisconsin Act 150.

Statutes interpreted: Chapter 440, Subchapter XII.

This emergency rule is promulgated pursuant to 2003 Wisconsin Act 150. This Act grants the Department of Regulation and Licensing the authority to create rules relating to the licensure and regulation of athlete agents.

In this order adopting emergency rules the Department of Regulation and Licensing creates rules relating to the licensure of athlete agents. These rules are as a result of 2003 Wisconsin Act 150 which enacted the Uniform Athlete Agents Act. Chapters RL 150 to 154 establish requirements and standards for registration and the practice of registered athlete agents. The rules specify the registration requirements for temporary and permanent registration, renewal requirements, and prohibited conduct for athlete agents.

SECTION 1 creates Chapter RL 150 which sets forth the statutory authority and the definitions for the proposed rules.

SECTION 2 creates Chapter RL 151 which sets forth the application process and requirements for an initial certificate of registration, including the application process for a temporary certificate of registration.

SECTION 3 creates Chapter RL 152 which sets forth the application process and requirements for renewal of a certificate of registration.

SECTION 4 creates Chapter RL 153 which outlines the standards of practice which apply to a credential holder.

SECTION 5 creates Chapter RL 154 which defines unprofessional conduct.



**Publication Date:** October 5, 2004  
**Effective Date:** October 5, 2004  
**Expiration Date:** March 4, 2005  
**Hearing Date:** November 12, 2004  
**Extension Through:** July 1, 2005

## Revenue

Rules adopted revising s. **Tax 18.07**, relating to the assessment of agricultural land.

### Finding of emergency

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

Pursuant to s. 70.32 (2r) (c), the assessment of agricultural land is assessed according to the income that could be generated from its rental for agricultural use. Wisconsin Chapter Tax 18 specifies the formula that is used to estimate the net rental income per acre. The formula estimates the net income per acre of land in corn production based on a 5-year average corn price per bushel, cost of corn production per bushel and corn yield per acre. The net income is divided by a capitalization rate that is based on a 50 year average interest rate for a medium-sized, 1-year adjustable rate mortgage and net tax rate for the property tax levy two years prior to the assessment year.

For reasons of data availability, there is a three-year lag in determining the 5-year average. Thus, the 2003 use value is based on the 5-year average corn price, cost and yield for the 1996–2000 period, and the capitalization rate is based on the 5-year average interest rate for the 1998–2002 period. The 2005 use value is to be based on the 5-year average corn price, cost and yield for the 1998–2002 period, and the capitalization rate is to be based on the 2000–2004 period.

The data for the 1998–2002 period yields negative net income per acre due to declining corn prices and increasing costs of corn production. As a result, reliance on data for the 1998–2002 period will result in negative use values.

The department is issuing this emergency rule in order to ensure positive and stable assessments of agricultural land for 2005.

**Publication Date:** December 29, 2004  
**Effective Date:** December 29, 2004  
**Expiration Date:** May 28, 2005  
**Hearing Date:** May 26, 2005  
**Extension Through:** July 26, 2005

## Transportation

Rules adopted creating ss. **Trans 254.12 (6) and 255.12 (17)**, relating to the issuance of single and multiple trip oversize and overweight permits.

### Finding of emergency

The Department of Transportation finds that an emergency exists and that the rule is necessary for the immediate preservation of the public safety and welfare. Although the Department will pursue promulgation of this rule through normal procedure, the Department finds an emergency exists for the following reasons: (1) current administrative rules

have size limitations that prevent the use of the Milwaukee Expressway for vehicles or load or dimensions greater than 11 feet in width, 13½ feet in height, or 100 feet in length on the Milwaukee Freeway; (2) structural beams and girders that exceed the above transport limits are currently being manufactured for the initial stages of construction of the Marquette Interchange Reconstruction project; and (3) these steel and concrete bridge components must be delivered to the construction site beginning in February 2005 to keep the project on time and on-budget. Routing these oversized loads on the Milwaukee surface street system may not be possible due to the load lengths and the turning radiuses required. If the street geometry does allow the movement, these street systems may not be designed to carry the weight of such loads. Doing so will result in unsafe and possible permanent damage to the surface street system. Without this rule amendment, the other alternative is to reduce the size of these structural members (beams and girders) to meet these existing size limitations which will significantly increase the total projects costs and the time required to complete the project because of the necessary redesign.

**Publication Date:** February 1, 2005  
**Effective Date:** February 1, 2005  
**Expiration Date:** July 1, 2005  
**Hearing Date:** March 1, 2005

## Workforce Development (2) (Labor Standards, Chs. DWD 270–279)

1. Rules adopted revising ss. **DWD 274.015 and 274.03** and creating s. **DWD 274.035**, relating to overtime pay for employees performing companionship services.

### Finding of emergency

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

On January 21, 2004, pursuant to s. 227.26(2)(b), Stats., the Joint Committee for Review of Administrative Rules directed the Department of Workforce Development to promulgate an emergency rule regarding their overtime policy for nonmedical home care companion employees of an agency as part of ch. DWD 274.

### Analysis Prepared by the Department of Workforce Development

Statutory authority: Sections 103.005, 103.02, and 227.11, Stats.

Statutes interpreted: Sections 103.01 and 103.02, Stats.

Section 103.02, Stats., provides that “no person may be employed or be permitted to work in any place of employment or at any employment for such period of time during any day, night or week, as is prejudicial to the person’s life, health, safety or welfare.” Section 103.01 (3), Stats., defines “place of employment” as “any manufactory, mechanical or mercantile establishment, beauty parlor, laundry, restaurant, confectionary store, or telegraph or telecommunications office or exchange, or any express or transportation establishment or any hotel.”

Chapter DWD 274 governs hours of work and overtime. Section DWD 274.015, the applicability section of the chapter, incorporates the statutory definition of “place of employment” and limits coverage of the chapter to the places of employment delineated in s. 103.01 (3), Stats., and various

governmental bodies. Section DWD 274.015 also provides that the chapter does not apply to employees employed in domestic service in a household by a household.

Section 103.02, Stats., directs that the “department shall, by rule, classify such periods of time into periods to be paid for at the rate of at least one and one-half times the regular rates.” Under s. DWD 274.03, “each employer subject to this chapter shall pay to each employee time and one-half the regular rate of pay for all hours worked in excess of 40 hours per week.” Section DWD 274.04 lists 15 types of employees who are exempt from this general rule and s. DWD 274.08 provides that the section is inapplicable to public employees.

Nonmedical home care companion employees who are employed by a third-party, commercial agency are covered by the overtime provision in s. DWD 274.03. Section DWD 274.03 applies to all employees who are subject to the chapter and not exempt under ss. DWD 274.04 or 274.08. The chapter applies to companion employees of a commercial agency because under s. DWD 274.015 a commercial agency is considered a mercantile establishment. Section DWD 270.01 (5) defines a mercantile establishment as a commercial, for-profit business. The chapter does not apply to companion employees of a nonprofit agency or a private household. In addition, none of the exemptions to the overtime section in ss. DWD 274.04 or 274.08 apply to companion employees of a commercial agency.

The Joint Committee for the Review of Administrative Rules has directed DWD to promulgate an emergency rule regarding the overtime policy for nonmedical home care companion employees of an agency. This provision is created at s. DWD 274.035 to say that employees who are employed by a mercantile establishment to perform companionship services shall be subject to the overtime pay requirement in s. DWD 274.03. “Companionship services” is defined as those services which provide fellowship, care, and protection for a person who because of advanced age, physical infirmity, or mental infirmity cannot care for his or her own needs. Such services may include general household work and work related to the care of the aged or infirm person such as meal preparation, bed making, washing of clothes, and other

similar services. The term “companionship services” does not include services relating to the care and protection of the aged or infirm person that require and are performed by trained personnel, such as registered or practical nurses.

This order also repeals and recreates the applicability of the chapter section and the overtime section to write these rules in a clearer format. There is no substantive change in these sections.

**Publication Date:** March 1, 2004  
**Effective Date:** March 1, 2004\*  
**Expiration Date:** July 29, 2004

\* On April 28, 2004, the Joint Committee for Review of Administrative Rules suspended s. DWD 274.035 created as an emergency rule.

2. Rules adopted revising **ch. DWD 272**, relating to increasing Wisconsin’s minimum wages.

#### **Finding of emergency**

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

The federal minimum wage has fallen to its lowest inflation-adjusted value of all time. When wages are so low that workers and their families can’t afford their most basic needs, society, particularly taxpayers, bears tremendous costs due to poverty-related educational failure, workforce failure, and citizenship failure. An adequate minimum wage supports workers, helps strengthen families and communities, and promotes the state’s overall economic and fiscal health.

**Publication Date:** May 25, 2005  
**Effective Date:** June 1, 2005  
**Expiration Date:** October 29, 2005  
**Hearing Date:** June 14, 2005

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## Scope statements

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### Chiropractic Examining Board

#### Subject

Changes to the language of s. Chir 6.02, Unprofessional Conduct, to reflect the need for chiropractors to receive adequate training, education and experience relating to the use of new therapies and treatment modalities in the chiropractic practice prior to application.

*Objective of the rule.* To ensure that chiropractic practitioners will be adequately trained and educated on the proper usage, treatment and procedures directly related to the usage of new therapies and treatment modalities prior to the treatment of their patients. The new rule should offer an allowance for training to be received during coursework at an accredited chiropractic college or board-approved continuing education course.

#### Policy analysis

Cold laser therapy, anodyne therapy (infrared light treatment) and other new therapies and treatment modalities are emerging into the practice of chiropractic on a regular basis. To ensure that these new therapies and treatment modalities being made available by advancements in the field are administered appropriately, and to adequately educate chiropractors on the treatment of their patients, a rules change specifying that the chiropractic practitioner should have adequate education and training prior to patient application will be required.

The board is amending its rules to specify that chiropractors need adequate training and education from coursework at an accredited college of chiropractic or from a board-approved continuing education program prior to usage of these new treatments (to assure competence) in their practice.

#### Comparison with federal requirements

None.

#### Statutory authority

Sections 15.08 (5) (b) and 227.11 (2), Stats.

#### Staff time required

200 Hours.

### Financial Institutions – General

#### Subject

Ch. DFI—Gen 2, relating to the discretion the agency will use in the enforcement of rules and guidelines against small business.

#### Policy analysis

The objective of the rule is to create ch. DFI—Gen 2. Section 895.59 (2), Stats., requires each agency to disclose in advance the discretion that the agency will follow in the enforcement of rules and guidelines against a small business. A rule promulgated under s. 895.59 (2) shall 1) include the reduction or waiver of penalties for a voluntary disclosure by a small business of actual or potential violations or rules or

guidelines, and may include the consideration of the violator's ability to pay when determining the amount of any monetary penalty, assessment, or surcharge; 2) shall specify when the agency will not allow discretion in the enforcement of a rule or guideline against small businesses; and 3) shall include all of the situations set forth in s. 895.59 (2) (a) – (f) in which discretion is not allowed. Section 895.59 (1) (a), Stats., defines "small business" as having the meaning as set forth in s. 227.114 (1), Stats., but not including an entity as defined in ss. 48.685 (1) (b) or 50.065 (1) (c), Stats. The purpose of the proposed rule is to comply with s. 895.59 (2).

#### Comparison with federal requirements

None.

#### Statutory authority

Sections 895.59 (2) and 227.11 (2), Stats.

#### Staff time required

160 hours.

#### Entities affected by the rule

Entities that may be affected by the proposed rule include adjustment service companies, currency exchanges, collection agencies, insurance premium finance companies, loan companies, sales finance companies, sellers of checks, mortgage bankers, mortgage brokers, credit providers, corporate and UCC filers, securities broker-dealers, agents, investment advisers, investment adviser representatives, Wisconsin target company acquirors, franchisors, securities issuers and such other entities as may be affected by the department.

### Natural Resources

#### Subject

*Objective of the rule.* Modification to ch. NR 10, relating to deer hunting seasons and regulations for the 2006 deer hunting season.

#### Policy analysis

The Department will be promulgating administrative rules relating to deer hunting seasons and regulations for the 2006 deer hunting season. The primary policy issue and related objective will be to try to reach consensus, primarily amongst the various deer hunting groups in the state, on changes to deer hunting seasons and regulations that will result in increased simplification of regulations, social acceptance of management objectives, and enforceability of regulations without compromising the Department's ability to manage antlerless deer harvest to fulfill the Department's mandate to responsibly manage deer populations at established deer population goals.

Deer Management for 2000 and Beyond was the last and the largest deer management related strategic planning effort initiated by the department to achieve the same objective outlined for the proposed administrative rule order. A majority of the current deer hunting regulations and seasons are a result of Deer 2000. However, the current controversies in Wisconsin related to deer are evidence to the fact that not all the issues surrounding deer management in Wisconsin

were solved with Deer 2000, even with the extensive effort put forth to engage the public through the Deer 2000 initiative. Therefore, to expect to reach consensus with this rule order is ambitious and perhaps too optimistic. However, the Department has recently concluded the Department Deer Streamlining Team effort to review current deer seasons and tagging to find ways to reduce complications associated with current seasons while retaining herd control. The recommendations from this team along with results from the 2005 Spring Hearings and previous guidance from the Natural Resources Board will be considered when drafting the proposed 2006 deer hunting season rules.

#### **Statutory authority**

Section 29.014, Stats.

#### **Staff time required**

Approximately 785 hours will be needed by the department to develop the rule prior to and following the hearings.

#### **Entities affected by the rule**

The groups specifically interested in this rule process include the various deer hunting groups in the state which represent gun, bow and muzzleloader deer hunters, conservation groups such as the Conservation Congress and the Wisconsin Wildlife Federation, and other groups such as the tribes in the ceded territory, non–hunting recreationists, farmers, foresters, motorists and private landowners.

#### **Comparison with federal requirements**

Federal regulations allow states to manage the wildlife resources located within their boundaries provided they do not conflict with regulations established in the Federal Register. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

## **Natural Resources**

### **Subject**

*Objective of the rule.* The objective of the rule is to establish formula–driven commercial harvest limits for yellow perch from Lake Michigan and Green Bay. Such limits would allow harvest limits to rise and fall as objective indices of fish abundance rise and fall. This will 1) remove the need for controversial and divisive rule–making to increase or cut harvest limits, 2) produce timely reductions in harvests when fish populations decline, and 3) will allow rapid increases in harvests when fish populations recover. Adjustments to daily sport fishing bag limits for yellow perch from Green Bay and Lake Michigan may be included in the rule that is proposed.

### **Policy analysis**

The proposed rule is a change from current practice in which harvest limits are made on a case–by–case basis as fish populations increase or decline, but would not represent a change in policy. NR 1.04 (Great Lakes fisheries management) states, “Management measures may include but are not limited to seasons, bag and harvest limits, limitations on the type and amount of fishing gear, limitations as to participation in the fisheries and allocations of allowable harvest among various users and the establishment of restricted areas.”

### **Statutory authority**

ss 29.041, 29.014 (1), 29.519 (1), and 227.11 (2) (a), Stats.

### **Staff time required**

The Lake Michigan Fisheries Team will develop the rule. The Great Lakes Fisheries Specialist, working with a DNR attorney will develop options for consideration by the LMF.

It is estimated that the Great Lakes Fisheries Specialist will devote 40 hours to rule development, the DNR attorney will devote five hours the problem, and the LMFT will devote six hours of meeting time to the issue.

### **Comparison with federal requirements**

None applicable.

### **Entities affected by the rule**

The rule will affect commercial fishers directly and sport fishers indirectly.

## **Natural Resources**

### **Subject**

*Objective of the rule.* Approval of a limited revision to NR 118, Wis. Adm. Code, standards for the Lower St. Croix National Scenic Riverway.

### **Policy analysis**

The proposed modification will change the riverway management zone designation for two small portions of the riverway. These locations are within the Village of Osceola and the City of St. Croix Falls. The designation is proposed to be changed from Small Town Historic Management to River Town Management. The major rule revision completed in August 2004 created 5 management zones to prescribe management of the riverway based on maintaining the character of each of these zones. This was intended to provide flexibility in management based on maintaining and protecting current uses. Upon further review it is clear these management zone designations in Osceola and St. Croix Falls need to be modified to recognize the existence of a significant number of businesses in these areas. This will allow these uses to continue under a permit process as they have since the rule was initially developed, without requiring a conditional use permit process for each proposed new business or modification of an existing business.

If this proposed change does not occur these communities will be required to manage businesses as conditional uses in these areas which means a significant increase in administrative time and costs to conduct this additional step in the permit process. This change will not negatively impact riverway protection. Other provisions within the rule maintain protection for the riverway.

### **Statutory authority**

Section 30.27 Stats., Lower St. Croix River preservation.

### **Staff time required**

3 weeks.

### **Comparison with federal requirements**

This rule revision was developed to implement P.L. 90–560, Lower St. Croix river act of 1972.

## **Natural Resources**

### **Subject**

*Objective of the rule.* Creation of Appendix DDDDD in ch. NR 460 and ch. NR 462 to incorporate national emission standards for hazardous air pollutants (NESHAP) for

industrial, commercial and institutional boilers and process heaters. Other chapters may be amended, if germane and appropriate, to accomplish the actions described above.

#### **Policy analysis**

There are no policy issues to be resolved. The US EPA promulgated the NESHAP for industrial, commercial and institutional boilers and process heaters on September 13, 2004 (40 CFR Part 63, Subpart DDDDD). The NESHAP establishes maximum achievable control technology (MACT) requirements for industrial, commercial and institutional boilers and process heaters. This action incorporates the boiler NESHAP into the Wisconsin Administrative Code.

Section 285.27 (2), Stats., requires the Department to promulgate NESHAP by rule. In addition, since this NESHAP affects more than ten facilities in Wisconsin, promulgation into state rule is consistent with the MACT Streamlining Policy approved by the Natural Resources Board in 1996.

#### **Statutory authority**

Sections 285.11 (1), 285.27 (2) and 227.11 (2) (a), Stats.

#### **Staff time required**

About 400 hours of Department staff time will be needed to develop these rules.

#### **Comparison with federal requirements**

As noted above, the federal NESHAP for industrial, commercial and institutional boilers and process heaters is an existing federal regulation. While some changes to the federal rule language and organization will be necessary to accommodate state administrative rule format, no substantial changes will be made, and the state rule will be essentially identical to the federal NESHAP.

#### **Entities affected by the rule**

The NESHAP for industrial, commercial and institutional boilers and process heaters will affect about 215 facilities statewide. All affected and potentially affected sources have been or will be notified and informed about the existing federal NESHAP regulation and about this rule making.

## **Transportation**

#### **Subject**

*Objective of the rule.* 1989 Wisconsin Act 105 was enacted by the Legislature on December 7, 1989. The Act established a classified driver license system and implemented the federal commercial motor vehicle safety act (CMVSA) of 1986. The federal CMVSA contained written guidelines on commercial driver license waiver applicability, but was not initially codified. This state's codified waivers in s. 343.055, Stats., and ss. Trans 102.20 and 102.22 were crafted to meet the terms of these uncodified federal regulations.

Between March 8, 1996, and October 2, 2002, the U.S. DOT amended 49 CFR 383.3 to codify those exemptions and create new exemptions. These codifications slightly modified a number of the federal waivers. This rule making is intended to examine the codified federal CDL waivers and amend Wisconsin's CDL waivers so that, where appropriate, they more closely match the federal waivers.

Section 343.055 (5), Stats., requires the Department to consider adopting all newly promulgated CDL waivers by administrative rule. This rule making will consider all waivers that were uncodified or that did not exist as of May 12, 1992, and determine whether Wisconsin should adopt them. Waivers granted prior to May 12, 1992, may not be adopted by Department rule making under s. 343.055(5), Stats.

#### **Policy analysis**

49 CFR part 383.3(d)(2) exempts individuals from the commercial driver's license (CDL) requirements who are firefighters and other persons who operate CMVs that are necessary to the preservation of life or property or the execution of emergency governmental functions, are equipped with audible and visual signals, and are not subject to normal traffic regulations. These vehicles include fire trucks, hook and ladder trucks, foam or water transport trucks, police SWAT team vehicles, ambulances, or other vehicles that are used in response to emergencies.

Wisconsin has, by statute, waived CDL requirements for fire trucks and rescue squad members. s. 343.055 (1) (b) and (h), Stats. Wisconsin does not currently exempt operators of police SWAT team vehicles, ambulances, command post vehicles or other emergency vehicles from CDL requirements. This rule making will consider whether to waive drivers of such vehicles from CDL requirements.

Wisconsin has adopted federal farm service driver and snowplow driver CDL waivers. These waivers have, however, been amended by the federal government in the codification process. Wisconsin will consider whether to amend its rules to parallel the federal waiver.

The federal government also waives CDL requirements for certain drivers hauling explosives. The Department has not been petitioned to adopt this waiver in Wisconsin and does not expect to adopt a similar waiver in this state. In this rule making, DOT will consider whether to adopt that waiver in Wisconsin.

#### **Comparison with federal requirements**

Current federal regulations under part 49 CFR part 383.3(d) exempt drivers of police SWAT team vehicles, ambulances and command post type vehicles from holding a CDL license. They also provide waivers for farm service employees, snowplow drivers and pyrotechnics transporters. This rule making will consider whether and to what extent to adopt the federal CDL waivers codified at 49 CFR 383.3.

#### **Entities affected by the rule**

Wisconsin law enforcement personnel, emergency management personnel and fire department staff may be affected by the rule making and exempted from CDL licensing requirements.

Small changes to the emergency snowplow and farm service industry waiver exemptions are not expected to affect those drivers or the industries they serve.

Not adopting the federal pyrotechnics industry waiver would maintain today's driver licensing status quo and would therefore not affect that industry.

#### **Statutory authority**

s. 343.055 (1) (5), Stats.

#### **Staff time required**

30 hours.

## Transportation

### Subject

*Objective of the rule.* Ch. Trans 200, relating to specific information signs (SIS), will be amended to adopt new flexibility allowing up to three business categories to be displayed on one SIS.

### Policy analysis

Change current restriction from two categories per sign to maximum of three.

### Comparison with federal requirements

Consistent with recent federal change incorporated into the Section 2F.02 of the Manual of Uniform Traffic Control Devices (MUTCD). No more than three types of services shall be represented on any sign or sign assembly. If three types of services are shown on one sign, then the logo panels shall be limited to two for each service (for a total of six logo

panels). The legend and logo panels applicable to a service type shall be displayed such that the road user will not associate them with another service type on the same sign. No service type shall appear on more than one sign.

The Department has adopted the 2003 edition of the MUTCD along with the February 4, 2005 Wisconsin Supplement, effective as of that date (2/4/05).

### Entities affected by the rule

Businesses eligible to participate in the SIS program where limitations on sign sites or lack of other market opportunities prevent participation due to space limitations.

### Statutory authority

Sections 84.02 (4) (e) and 86.195 (6) (b), Stats., and Section 2F.02 of the MUTCD.

### Staff time required

8 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 May 27, 2005, the Department of Commerce submitted a proposed rule to the Legislative Council Rules Clearinghouse.

#### Subject

The proposed rules amends ch. Comm 3, relating to stop work, stop use and petition for variance procedures.

#### Agency Procedure for Promulgation

A hearing on the proposed rule is required and will be held on June 27, 2005. The organization unit responsible for the promulgation of the rule is the Department of Commerce.

#### Contact Information

Jim Quast  
608 266-9292  
jquast@commerce.state.wi.us

### Financial Institutions – Banking

### Financial Institutions – Savings Banks

### Financial Institutions – Savings and Loan

#### Rule Submittal Date

On May 23, 2005, the Department of Financial Institutions submitted a proposed rule to the Legislative Council Rules Clearinghouse.

#### Subject

The proposed rules create ss. DFI-Bkg 3.08 and DFI-SB 16.04 and ch. DFI-SL 22, relating to debt cancellation contracts and debt suspension agreements.

#### Agency Procedure for Promulgation

A hearing on the proposed rule is required and will be held on June 27, 2005. The organization unit responsible for the promulgation of the rule is the Department of Financial Institutions, Division of Banking.

#### Contact Information

Mark Schlei  
608 267-1705

### Financial Institutions – Credit Unions

#### Rule Submittal Date

On May 25, 2005, the Department of Financial Institutions submitted a proposed rule to the Legislative Council Rules Clearinghouse.

### Subject

The proposed rules create ch. DFI-CU 74, relating to incidental powers activity authority parity with federal credit unions.

#### Agency Procedure for Promulgation

A hearing on the proposed rule is required and will be held on June 27, 2005. The organization unit responsible for the promulgation of the rule is the Office of Credit Unions.

#### Contact Information

Mark Schlei  
608 267-1705

### Health and Family Services

#### Rule Submittal Date

On May 24, 2005, the Department of Health and Family Services submitted a proposed rule to the Legislative Council Rules Clearinghouse.

#### Subject

To amend ss. HFS 119.07 (6) (b) to (d) and 119.15 (2) and (3) relating to operation of the health insurance risk-sharing plan (HIRSP).

#### Federal statutes or regulations which require adoption of or are relevant to the substance of proposed rules:

There are no existing or proposed federal regulations that address rates or assessments for the HIRSP program.

#### Court decisions directly relevant to the proposed rule:

None known.

#### Agency Procedure for Promulgation

A public hearing will be held on Monday, July 11, 2005 from 1:00 p.m. to 3:00 p.m., at 1 W. Wilson St., Room B272, Madison, WI 53702-0001.

#### Contact Information

##### For substantive questions on rules contact:

Randy McElhose, HIRSP Administrative Rules  
P.O. Box 309  
Room B274  
1 W. Wilson St.  
Madison, WI 53701-0309  
mcelhrf@dhfs.state.wi.us  
Phone: (608) 267-7127  
Fax: (608) 264-7720

##### For small business considerations contact:

Rosie Greer  
608-266-1279  
greerrj@dhfs.state.wi.us

##### For rules processing information contact:

Rosie Greer

608-266-1279  
greerrj@dhfs.state.wi.us

Rosie Greer  
608-266-1279  
greerrj@dhfs.state.wi.us

## Health and Family Services

### Rule Submittal Date

On May 25, 2005, the Department of Health and Family Services submitted a proposed rule to the Legislative Council Rules Clearinghouse.

### Subject

The proposed rules affect ch. HFS 113, rules relating to certification of first responders and authorizing first responders to use the following 2 potentially life-saving skills:

1. Non-visualized airway, to treat patients who are either not breathing or their airway has been compromised due to trauma or other means; and
2. The administration of epinephrine, for patients who have suffered a severe allergic reaction.

### Federal statutes or regulations which require adoption of or are relevant to the substance of proposed rules:

The Department knows of no existing or proposed federal regulations that address first responders.

### Court decisions directly relevant to the proposed rule:

None known.

Public hearings: A public hearing is required; however, a public hearing has not yet been scheduled for this proposed rule.

### Names and phone numbers of agency contacts:

For substantive questions on rules contact:  
Dan Williams  
DHFS – Division of Public Health – Emergency  
Medical Services  
1 West Wilson Street Room 118  
Madison, WI 53701-2659  
608-261-6870  
willidp@dhfs.state.wi.us

For small business considerations contact:  
Rosie Greer  
608-266-1279  
greerrj@dhfs.state.wi.us

For rules processing information contact:

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

On May 31, 2005, the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board submitted a proposed rule to the Legislative Council Rules Clearinghouse.

### Analysis

Statutory Authority: ss. 15.08 (5) (b), 227.11 (2) and 457.03 (1), Stats.

The proposed rule-making order relates to supervised clinical practice and temporary licenses issued by the Marriage and Family Therapist Section.

### Agency Procedure for Promulgation

A public hearing is required and will be held on August 1, 2005, at 9:30 a.m. in Room 179A, 1400 East Washington Avenue, Madison, Wisconsin, 53702.

### Contact Person

Pamela Haack, Paralegal  
Office of Legal Counsel  
(608) 266-0495  
Pamela.haack@drl.state.wi.us

## Regulation and Licensing

On May 31, 2005, the Department of Regulation and Licensing submitted a proposed rule to the Legislative Council Rules Clearinghouse.

### Analysis

Statutory Authority: s. 227.11 (2), Stats.

The proposed rule-making order relates to cheating on an examination and breach of examination security.

### Agency Procedure for Promulgation

A public hearing is required and will be held on July 12, 2005, at 10:00 a.m. in Room 179A, 1400 East Washington Avenue, Madison, Wisconsin, 53702.

### Contact Person

Pamela Haack, Paralegal  
Office of Legal Counsel  
(608) 266-0495  
Pamela.haack@drl.state.wi.us



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## Rule-making notices

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### Notice of Hearings

#### Agriculture, Trade and Consumer Protection

[CR 05-044]

(Reprinted and corrected from 5/31/05, Wis.  
Adm. Register)

The State of Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) issues dairy and food licenses. DATCP announces that it will hold a public hearing on a rule related to dairy and food license fees under chs. ATCP 59, 60, 70, 71, 75, 77, 80, 81, 82, and 85, Wis. Adm. Codes.

DATCP will hold public hearings on June 14, June 15, June 16 and one by videoconference on June 17, 2005, at the places shown below. DATCP invites the public to attend the hearing at these locations and comment on the proposed rule. Following the public hearing date, the hearing record will remain open until July 1, 2005, for additional written comments. Comments may be sent by e-mail to: [hearingcomments@datcp.state.wi.us](mailto:hearingcomments@datcp.state.wi.us)

This proposed rule is posted at on the Wisconsin Legislative Council web site at [http://www.legis.state.wi.us/lc/adm\\_rules.htm](http://www.legis.state.wi.us/lc/adm_rules.htm). You may also obtain a free copy of this rule by contacting the Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Food Safety, P.O. Box 8911, Madison, WI 53708-8911, telephone (608) 224-4700 or e-mail [kathy.porter@datcp.state.wi.us](mailto:kathy.porter@datcp.state.wi.us). Copies will also be available at the public hearing.

Wisconsin Department Agriculture, Trade, and Consumer Protection's small business regulatory coordinator is Keeley Moll. She can be contacted at the following address: Keeley Moll, Wisconsin Department of Agriculture, Trade and Consumer Protection, P.O. Box 8911, Madison, WI 53708-8911, telephone (608) 224-5039, e-mail [keeley.moll@datcp.state.wi.us](mailto:keeley.moll@datcp.state.wi.us)

Hearing impaired persons may request an interpreter for these hearings. Please make reservations for a hearing interpreter by Friday, June 3, 2005 by writing to Debbie Mazanec, P.O. Box 8911, Madison WI 53708-8911, telephone (608) 224-4712, e-mail: [debbie.mazanec@datcp.state.wi.us](mailto:debbie.mazanec@datcp.state.wi.us) or by telephoning the message relay system (TTY) at (608) 266-4399 to forward your call to the department at (608) 224-5058. Handicap access is available at all locations for the hearings.

Four hearings are scheduled at the following Dates, Times and Locations:

#### **Tuesday June 14, 2005**

11:00 a.m. to 1:00 p.m.

Eau Claire

Eau Claire Division of Food Safety Area Office  
Conference Room

3610 Oakwood Hills Parkway  
Eau Claire, WI 54701

#### **Wednesday June 15, 2005**

11:00 a.m. to 1:00 p.m.

Appleton

Fox Valley Technical College

Room B126

1825 N. Bluemound Drive

Appleton, WI 54912

#### **Thursday June 16, 2005**

11:00 a.m. to 1:00 p.m.

Waukesha

Waukesha State Office Building

Department of Transportation Offices

Room 247

141 NW Barstow St.

Waukesha, WI 53188

Video Conference Hearing

#### **June 17, 2005**

11:00 a.m. 1:00 p.m.

At the following sites:

Main Broadcast Center

Madison

UW Pyle Center

Room 227

702 Langdon Street

Madison, WI 53706

Green Bay

Green Bay State Office Building

Room 618

200 N. Jefferson St.

Green Bay, WI 54301

Monroe

Monroe High School

Distance Learning Lab – B01

Use Gymnasium Entrance

1600 26th St

Monroe, WI 53566

La Crosse

La Crosse State Office Building

Dept of Transportation

Room B29

3550 Mormon Coulee Rd.

La Crosse, WI 54601

Wausau

UW Marathon County –Wausau

Distance Education & Instructional Technology

Room 218

518 South 7th Avenue

Wausau, WI 54401

**Background Summary**

This rule increases current license and reinspection fees for milk producers, dairy plants, food processing plants, food warehouses, milk distributors, retail food stores, dairy, food or water-testing laboratories, milk haulers, buttermakers, cheesemakers and butter or cheese graders. This rule increases fees beginning in 2006.

This rule also provides for annual license fee adjustments (up or down) beginning in 2007, based on the prevailing cash balance in Wisconsin’s food safety program revenue account. Any upward adjustment of fees must be submitted to an industry advisory council and approved by the Board of Agriculture Trade and Consumer Protection. All annual fee adjustments, whether up or down, must be published in the Wisconsin administrative register.

**Analysis Prepared by the Department of Agriculture, Trade and Consumer Protection (DATCP)**

The Department of Agriculture, Trade and Consumer Protection (“DATCP”) administers Wisconsin’s dairy and food safety program. The program is funded, in part, by dairy and food license fees. This rule modifies current license fees. It also provides a mechanism and criteria for future license fee adjustments.

**Rulemaking Authority**

Statutory authority: 93.07 (1), 93.09 (10), 93.12 (7), 97.17 (4), 97.175 (2), 97.20 (2c) (b), (2g) (b), (2n) (b), (2w) and (4), 97.21 (4m) and (6), 97.22 (2) (b), (4) (am) and (8), 97.27 (3m) and (5), 97.29 (3) (am), (cm) and (5), 97.30 (3m) and (5), and 98.146 (4), Stats.

Statutes interpreted: 93.09, 93.12, 97.17, 97.175, 97.20, 97.21, 97.22, 97.27, 97.29, 97.30 and 98.146 (4), Stats.

**Rule Content**

**General**

This rule increases current license and reinspection fees for milk producers, dairy plants, food processing plants, food warehouses, milk distributors, retail food stores, dairy, food or water testing laboratories, milk haulers, buttermakers, cheesemakers and butter or cheese graders. This rule increases fees beginning in 2006.

This rule also provides for annual license fee adjustments (up or down) beginning in 2007, based on the prevailing cash balance in Wisconsin’s food safety program revenue account. Any *upward* adjustment of fees must be submitted to an industry advisory council and approved by the Board of Agriculture Trade and Consumer Protection. All annual fee adjustments, whether up or down, must be published in the Wisconsin administrative register.

**Initial Fee Increase**

DATCP currently licenses certain businesses that produce, process or handle dairy or food products. These businesses must pay license fees and comply with food safety and labeling laws administered by DATCP. License fees pay for part of DATCP’s food safety and labeling program. DATCP may adjust most license fees by rule. This rule increases current license and reinspection fees as follows:

<b>Entity</b>	<b>Current Fee(s)</b>	<b>Proposed Fee(s)</b>
Dairy Farm	\$20 annual license fee (paid by dairy plant operator)	\$24
	\$20 or \$40 reinspection fee (paid by dairy plant operator if reinspection is required)	\$24 or \$48
Dairy Plant	Annual license fee	<b>(calculations include an increase in the basic license fee from \$80 to \$96):</b>

	\$580 or \$730 for grade A processing plant (based on size)	\$699 or \$879
	\$330 for grade A receiving station	\$397
	\$80 for grade A transfer station	\$96
	\$80 to \$350 for grade B processing plant (based on size)	\$96 or \$421
	\$80 for grade B receiving station or transfer station	\$96
	Grade A milk procurement fee: 0.6 cent per 100 lbs.	<b>0.96</b> cent per 100 lbs.
	Grade B milk procurement fee 0.2 cent per 100 lbs.	No change
	Reinspection fee:	
	\$165 or \$200 for grade A processing plant	\$203 or \$246
	\$180 for grade B processing plant	\$221
	\$100 for grade A receiving station	\$123
	<b>\$60 for grade A transfer state</b>	<b>\$ 74</b>
	\$40 for grade B receiving station, or transfer station	\$48
	Butter and cheese grading fee: 1.09 cents per 100 lbs. of product	No change
Food Processing Plant	\$60–\$525 annual license fee (based on size and type)	\$78 – \$685
	\$200 surcharge for canning	\$261
	\$40–\$350 reinspection fee (based on size and type)	\$49 – \$431
Food Warehouse	\$50–\$200 annual license fee (based on size and type)	\$65–261
	\$75–\$200 reinspection fee (based on size and type)	\$92 – \$246
Milk Distributor	\$50 annual license fee per facility	\$60
	\$20 reinspection fee per facility	\$25
Retail Food Store	\$30–\$450 annual license fee (based on size and type)	\$39–587
	\$60–\$300 reinspection fee (based on size and type)	\$74 – \$369
Dairy, Food or Water Testing Lab	\$336 annual lab certification fee for each dairy or food test (other than milk drug residue screening)	No change
	\$276 annual lab certification fee for each water test	No change
	\$25 annual certification fee for each dairy or food analyst (other than milk drug residue screening analyst)	No change
	\$50–\$500 initial fee and \$25–\$50	No change

	annual renewal fee for lab performing milk drug residue screening	
change	\$25 initial evaluation fee for milk drug residue screening analysts (if more than 3 per lab)	No
Milk Hauler	\$30 annual milk hauler license fee	\$36
	\$30 milk hauler reinspection fee	\$36
	\$40 milk weigher and sampler license fee (2-year license)	\$48
	\$40 milk weigher and sampler reinspection fee	\$48
Buttermaker or Cheesemaker	\$50 license fee (2-year license)	\$60
	\$25 Buttermaker or Cheesemaker reinspection fee	\$30
Butter or Cheese Grader	\$50 license fee (2-year license)	\$60

**Annual Fee Adjustment**

This rule provides for annual adjustment of the above fees (up or down), based on the prevailing cash balance in Wisconsin’s food safety program revenue account on June 30 of each year. Fees are subject to the following adjustments (adjustments take effect on September 1 of each year):

- If the program revenue account balance on June 30 is less than \$400,000, DATCP *may increase* the fees by the percent necessary to increase the account balance by an amount equal to the difference between \$500,000 and the account balance. Before increasing any fee, DATCP must consult with an advisory council of food and dairy processors. The fee increase, if any, must be approved by the DATCP Board and published in the Wisconsin administrative register.
- If the program revenue account balance on June 30 is greater than \$600,000, DATCP *must reduce* the fees by the percent necessary to reduce the account balance by an amount equal to the difference between \$500,000 and the account balance.
- If the program revenue account balance on June 30 is between \$400,000 and \$600,000, the fees *do not change*.

**Exemptions**

This rule does *not* affect any of the following:

- Fees that DATCP charges for certain services, such as review of food processing equipment plans, or the testing, timing and sealing of pasteurizers. DATCP is authorized to charge fees for such services in order to cover its cost of providing the services. DATCP may adjust these service fees by written notice, in order to keep fees consistent with service costs.
- License fees for milk and cream testers. DATCP is not authorized to adjust these fees by rule. Milk and cream testers currently pay a license fee of \$50 (for a 2-year license) and a reinspection fee of \$25.

This rule exempts ungraded barrel cheese from *current and proposed* cheese grading fees (paid by dairy plants).

**Technical Changes**

This rule makes certain non-substantive editorial and drafting changes to current rules.

**Fiscal Impact**

State Fiscal Effect

This rule will increase food safety program revenues by \$1.2 million in 2006. This is necessary to offset a projected deficit in DATCP’s food safety program revenue account beginning in FY 2005–06. Fees have not been increased since 1998. DATCP proposes to increase license fees for all food and dairy license categories. A complete fiscal estimate is attached.

Wisconsin’s food safety program is funded by a combination of general tax dollars (GPR) and program revenue from license fees (PR). In 1991, license fees funded about 40% of program costs. The 1995–97 biennial budget act reduced GPR funding, so that PR accounted for about 50% of food safety funding. Because of further GPR reductions in recent state budgets, the current PR funding share is about 60%.

Other developments have combined to deplete the food safety PR account balance. Recent state budgets have lapsed a substantial amount of license fee revenue to the state general fund (to help remedy state budget deficits). DATCP has delayed fee increases (none since 1998), but has experienced a modest increase in operating costs. DATCP also incurred a significant increase in PR costs when the legislature transferred the grade A milk certification program to DATCP (without any attached funding). DATCP currently projects a PR account deficit in FY 2005–06.

DATCP is working to deliver effective food safety protection as efficiently as possible. DATCP’s bureau of food safety and inspection currently has 88 staff — 12.75 fewer than in 1997 and 15.5 fewer than in 1991. Dairy farm inspection frequency is based on milk quality tests and past inspection performance (DATCP is exploring ways to expand this risk-based approach). DATCP is also working with other agencies to share resources and minimize duplication. For example:

- DATCP works with local government to license and inspect retail food establishments. Twenty-seven local entities license and inspect on behalf of DATCP, compared to 15 in 1997. Local entities now license and inspect 3,800 retail food establishments, and DATCP licenses and inspects the remaining 4,700 establishments.
- DATCP coordinates dairy plant inspection with the United States Department of Agriculture, Agricultural Marketing Service, to avoid duplicate inspection.
- Since 1997, DATCP has worked with the Wisconsin Department of Health and Family Services (DHFS) to eliminate duplicate licensing and inspection of grocery stores, restaurants, and combination grocery–restaurants. DATCP and DHFS have adopted uniform rules for grocery stores and restaurants, to avoid conflicting standards. Standards are based on the federal model food code.

Local Fiscal Effect

DATCP currently provides administrative support to local governments that license and inspect retail food establishments as agents of DATCP. Local governments establish their own license fees, and reimburse DATCP for administrative services costs. The reimbursement amount equals 10% of the license fee that DATCP would charge local license holders, if DATCP licensed them directly. An increase in DATCP license fees therefore increases local reimbursement payments.

In FY 2004, local governments made a total of \$50,005 in reimbursement payments. If DATCP adopts the fee increases proposed in this rule, the reimbursement rate will remain at 10%, but the total reimbursement amount will increase to \$61,505. This rule thus increases local costs by \$11,500 (statewide total). Local governments can (and likely will) pass this increased cost on to retail food businesses. Local

governments can set license fees to recover up to 100% of their reasonable operating costs.

**Business Impact**

This rule increases current license fees for milk producers, dairy plants, food processing plants, food warehouses, milk distributors, retail food stores, dairy, food or water testing laboratories, milk haulers, buttermakers, cheesemakers and butter or cheese graders licensed by DATCP. Many of these licensed entities are “small businesses.”

The proposed fee increase is necessary to prevent a deficit in Wisconsin’s food safety program revenue account. Fees have not been increased since 1998. The proposed fee increase will have an impact on the affected businesses, but not a dramatic impact. DATCP has worked to maintain a fair and equitable license fee schedule.

Fees are based on actual food safety costs related to each license sector. Fees are also based on business size, food product type, and type of food handling operations. Smaller businesses generally pay lower fees than large businesses, and lower-risk businesses generally pay lower fees than higher-risk businesses.

This rule increases food safety license fees, but does not change other license requirements. This rule requires no

additional recordkeeping, and no added professional services to comply. A complete small business analysis (“initial regulatory flexibility analysis”) is attached.

Under 2003 Wis. Act 145, DATCP and other agencies must adopt rules spelling out their rule enforcement policy for small businesses. DATCP has not incorporated a small business enforcement policy in this rule, but will propose a separate rule on that subject. Food and dairy businesses must pay required license fees in order to obtain a license from DATCP.

**Federal Regulation**

There are no existing or proposed federal regulations related to license fees for food and dairy businesses operating in Wisconsin.

**Surrounding State Programs**

All of the surrounding states charge license fees to food and dairy businesses. License structure and fees vary between states. Differences in license fees may partly reflect differences in general tax dollar support for food and dairy programs in different states.

**Minnesota**

Minnesota has a license and fee structure that is similar, but not identical to, Wisconsin’s structure:

<b>Dairy Fees – Minnesota</b>	
Grade A pasteurizing plant	\$500
Grade A farm	\$50
Grade A farm reinspection fee	\$45
Manufacturing plant	\$140 per pasteurizer unit
Manufactured farm	\$25
Manufactured farm reinspection fee	\$45
Processor assessment	\$.07 per cwt for fluid milk products sold for retail sale in Minnesota
Farm bulk milk pick-up tanker	\$25
Milk procurement fee	\$.0071 per cwt of raw milk purchased

<b>Food Fees – Minnesota</b>	
Retail food handler	\$50–\$2,001 based on sales volume
Wholesale food handler	\$57–\$1,502 based on sales volume
Food broker	\$150
Wholesale food processor or manufacturer	\$169–\$2,571 based on sales volume

**Michigan**

Michigan has a license and fee structure that is similar, but not identical to, Wisconsin’s structure“

<b>Dairy fees – Michigan</b>	
Milk plant	\$175
Farms sending milk to plant	\$5–\$10
Receiving or transfer station	\$50
Milk tank truck cleaning facility	\$50
Milk transportation company	\$20
Milk tank truck	\$10
Grade A milk distributor	\$50
Single service container and closure plant	\$50
Bulk milk hauler/sampler	\$40 for 2 years

<b>Food Fees – Michigan</b>	
Retail food establishment	\$70
Limited wholesale food processor	\$70
Food warehouse	\$70
Extended retail food establishment	\$175
Wholesale food processor	\$175
Mobile food establishment	\$175
Temporary food establishment	\$28
Bottled water manufacturer	\$25 for each product registered and \$25 for each water dispensing machine

Iowa

Iowa has a license and fee structure that is similar, but not identical to, Wisconsin's structure:

<b>Dairy Fees – Iowa</b>	
Milk plant	\$2,000 for 2 years
Transfer station	\$400 for 2 years
Receiving station	\$400 for 2 years
Milk hauler	\$20 for 2 years
Milk grader	\$20 for 2 years
Bulk milk tanker permit	\$50 for 2 years
Reinspection fee	\$40
Resealing pasteurizer fee	\$100 per reseal
Purchaser of milk fee – Grade A	\$.015 per cwt of raw milk purchased
Purchaser of milk fee – Grade B	\$.005 per cwt of raw milk purchased

<b>Food Fees – Iowa</b>	
Mobile food unit or pushcart	\$20
Temporary food establishment	\$25
*Food establishment	\$30–\$225 based on sales volume
*Food service establishment	\$50–\$225 based on sales volume
Food processing plant	\$50–\$250 based on sales volume
Egg handler	\$15–\$250 based on cases sold

\*If one establishment must hold both a food establishment and a food service establishment license, each license fee is 75% of the established fee.

Illinois

Illinois has a license and fee structure that is substantially different from the Wisconsin structure:

<b>Dairy Fees – Illinois</b>	
Milk plant permit	\$100
Receiving or transfer station	\$50
Cleaning and sanitizing facility	\$50
Milk hauler–sampler	\$25
Milk tank truck	\$25
Certified pasteurizer sealer	\$100

Illinois does not license or charge a fee to most food establishments. The following are fees charged to Illinois food establishments:

<b>Food Fees</b>	
Salvage Operator	\$100 plus inspection fee based on size
Bottled water manufacturer or distributor	\$150
Egg handlers, distributors and breakers	\$15–\$200 plus inspection fee per case of eggs sold

**Notice of Hearing  
Commerce  
(Petition for Variance)  
[CR 05–049]**

NOTICE IS HEREBY GIVEN that pursuant to chapters 101 and 145, and sections 167.10 (6m), 168.16 (4) and 560.02 (4), Stats., the Department of Commerce will hold a public hearing on proposed rules under chapter Comm 3, relating to stop work, stop use and petition for variance procedures.

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

Date and Time: Monday, **June 27, 2005** at 10:00 a.m.

Location: Room 3C, Thompson Commerce Center, 201 West Washington Avenue, Madison

Interested persons are invited to appear at the hearing 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 **July 8, 2005**, to permit submittal of written comments from persons who are unable

to attend the hearing or who wish to supplement testimony offered at the hearing. Written comments should be submitted to Ronald Acker, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701–2689, or Email at: racker@commerce.state.wi.us.

This hearing is held in accessible facility. 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 a request from a person with a disability.

**Analysis of Proposed Rules**

1. Statutes Interpreted. Chapters 101 and 145, and sections 167.10 (6m), 168.16 (4) and 560.02 (4), Stats.
2. Statutory Authority. Chapters 101 and 145, and sections 167.10 (6m), 168.16 (4) and 560.02 (4), Stats.
3. Related Statute or Rule. None.
4. Explanation of Agency Authority. Chapters 101 and 145 and section 167.10 (6m), Stats., grant the Department of Commerce the authority to protect public health, safety and welfare and the waters of the state by establishing reasonable

and effective safety standards for the construction, repair and maintenance of public buildings and places of employment. Section 168.16 (4), Stats., grants the department authority to promulgate rules relating to the inspection of petroleum products. Section 560.02 (4), Stats., grants the department authority to promulgate rules to carry out the mandates in chapter 560, Stats, relating to the development of a state economic policy.

5. Summary of Proposed Rules. The department implements the protection of the public and the waters of the state through the promulgation, administration and enforcement of administrative rules. These rules regulate objects and activities, require specific approvals and/or permits, and require credentialed individuals to perform certain activities. The department typically employs a philosophy of education first and enforcement second in its regulatory responsibilities. However, there are times when there is an imminent risk to public safety and health, and immediate enforcement action is warranted.

The proposed rules consist of revisions in chapter Comm 3 that add procedures for the Safety and Buildings Division to issue orders to immediately cease any construction, installation, operation or activity or the use of a building, building component, structure or mechanical device. Specific reasons are listed for the issuance of the orders. The proposed rules also contain procedures for review of the order by the division administrator, and for a hearing on the order by the department secretary.

The proposed rules also include revisions in the current chapter Comm 3 rules relating to the petition for variance procedures. Those procedures currently apply only to the Safety and Buildings Division within the Department. The proposed revisions will allow the petition for variance procedures to be used by the entire Department, not just the Safety and Buildings Division.

6. Summary of, and Comparison with, Existing or Proposed Federal Regulations. There is no existing or proposed federal regulation that addresses the Safety and Buildings Division's issuance of stop work and stop use orders for the protection of public safety and health, or the department's processing of petitions for variance.

7. Comparison with Rules in Adjacent States. An Internet search of adjacent states' rules found the following information relating to the issuance of stop work and stop use orders for the protection of public safety and health, and to the issuance of petitions for variance.

- The Illinois Department of Public Health, Division of Environmental Health, can issue stop work orders under the department's asbestos licensing program. The Illinois Environmental Protection Agency can issue stop work orders for non-compliance with loan or grant conditions and procedures under the agency's Brownfields Redevelopment Program and Public Water Supply Program. The Illinois Environmental Protection Agency can issue petitions for variance for relief from environmental regulations under certain circumstances.

- Under the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board regulations, an inspector has the right to stop installation work if standards for new tanks are not followed by the installer. Iowa's Administrative Code contains standards and a process for state departments to grant individual waivers from rules in response to a completed petition.

- Under Michigan's Food Law, Public Act 92, a stop work order can be issued against a proposed food establishment if applicable rules for the alteration or construction of the establishment are not met. The Michigan Department of

Labor and Economic Growth Construction Code contains rules for the issuance of stop work orders, when work is being done contrary to the provisions of the code or in a dangerous or unsafe manner, under the Building Code, Plumbing Code, Mechanical Code and Existing Building Code. The Michigan Electrical Code allows for the placement of a red tag on any electrical equipment that is found imminently dangerous to human life or property. The Michigan Department of Consumer and Industry Services can issue variances to the department's occupational safety and health standards.

- The Minnesota Department of Administration State Building Code contains rules for the issuance of stop work orders when work is being done contrary to the provisions of the code or in a dangerous or unsafe manner. The Minnesota State Building Code includes rules for plumbing, mechanical, electrical, energy, fuel gas, and existing buildings. Minnesota's administrative rules contain requirements and a process for state agencies to grant waivers and variances to any rule, except for a rule that incorporates a statutory requirement.

8. Summary of Factual Data and Analytical Methodologies. There were no factual data or analytical methodologies used to develop the proposed rules.

9. Analysis and Supporting Documents used to Determine Effect on Small Business or in Preparation of Economic Impact Report.

The proposed rules should have a minimal effect on small business. There were no supporting documents used to determine the effect on small business, and an economic impact report was not prepared.

The proposed rules and an analysis of the proposed rules are available on the Internet at the Safety and Buildings Division Web site at [www.commerce.wi.gov/SB/](http://www.commerce.wi.gov/SB/). Paper copies may be obtained without cost from Roberta Ward, at the Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, WI 53701-2689, or Email at [rward@commerce.state.wi.us](mailto:rward@commerce.state.wi.us), or at telephone (608) 266-8741 or (608) 264-8777 (TTY). Copies will also be available at the public hearing.

#### **Initial Regulatory Flexibility Analysis**

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

Relative to the stop work and stop use procedures, the rules will affect any business that must comply with the administrative codes enforced by the Safety and Buildings Division. Relative to the petition for variance procedures, the rules will affect any business that must comply with the administrative codes enforced by any of the divisions within the department.

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

There are no reporting, bookkeeping or other procedures required for compliance with the rules.

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

There are no types of professional skills necessary for compliance with the rules.

4. Rules have a significant economic impact on small businesses.

No. Rules not submitted to Small Business Regulatory Review Board

#### **Environmental Analysis**

Notice is hereby given that the Department has considered the environmental impact of the proposed rules. In accordance with chapter Comm 1, the proposed rules are a Type III action. A Type III action normally does not have the

potential to cause significant environmental effects and normally does not involve unresolved conflicts in the use of available resources. The Department has reviewed these rules and finds no reason to believe that any unusual conditions exist. At this time, the Department has issued this notice to serve as a finding of no significant impact.

#### **Fiscal Estimate**

The Safety and Buildings Division is responsible for administering and enforcing rules relating to protecting public safety and health in public buildings, places of employment and one- and 2-family dwellings. The proposed rules do not contain any changes in the division's fees charged for administering and enforcing those rules, including the issuance of a stop work or stop use order. Also, the proposed rules will not create any additional workload costs for the department. Therefore, the proposed rules will not have any fiscal effect on the department.

The proposed rules will not have a significant fiscal effect on the private sector. Enforcement of the proposed stop work/stop use rules may result in increased costs for a specific construction project or activity if the construction or activity is ordered to stop for a significant length of time.

The small business regulatory coordinator for the Department of Commerce is Carol Dunn, who may be contacted at telephone (608) 267-0297, or Email at cdunn@commerce.state.wi.us.

### **Notice of Hearing**

#### **Financial Institutions – Banking**

#### **Financial Institutions – Savings Banks**

#### **Financial Institutions – Savings and Loan**

#### **[CR 05-045]**

NOTICE IS HEREBY GIVEN That pursuant to 220.04 (8), 214.03 (2), 214.715 (1) (d), 215.02 (18) and 227.11 (2), Stats., and interpreting 220.04 (8), 214.03 (1) and 215.02 (18), Stats., the Department of Financial Institutions, Division of Banking will hold a public hearing at the Department of Financial Institutions, Office of the Secretary, 345 W. Washington Avenue, 5<sup>th</sup> Floor the city of Madison, Wisconsin, on the **27<sup>th</sup> day of June, 2005** at 1:30 p.m. to consider a rule to create ss. DFI—Bkg 3.08 and DFI—SB 16.04, and ch. DFI—SL 22 relating to debt cancellation contracts and debt suspension agreements.

#### **Analysis Prepared by the Department of Financial Institutions, Division of Banking**

Statute(s) interpreted: ss. 220.04 (8), 214.03 (1) and 215.02 (18), Stats.

Statutory authority: ss. 220.04 (8), 214.03 (2), 214.715 (1) (d), 215.02 (18) and 227.11 (2), Stats.

Related statute or rule: None.

Explanation of agency authority: Pursuant to chs. 214, 215, 220 and 221, the department regulates Wisconsin-chartered savings banks, savings and loan associations, and banks.

Summary of proposed rule: The objective of the rule is to create ss. DFI—Bkg 3.08 and DFI—SB 16.04, and ch. DFI—SL 22 relating to debt cancellation contracts and debt suspension agreements. The purpose of this rule is to authorize Wisconsin-chartered banks, savings banks, and savings and loan associations to provide debt cancellation contracts and debt suspension agreements in the same manner that such products are provided by federally-chartered banks, savings banks, and savings and loan associations. The rule assists Wisconsin-chartered banks, savings banks, and

savings and loan associations in remaining competitive with federally chartered banks, savings banks, and savings and loan associations regarding these products. The rule provides definitions; identifies prohibited practices; and sets forth certain requirements regarding fees, disclosures, and safety and soundness practices. The promulgation of this rule has been approved by the Banking Review Board and the Savings Institution Review Board.

Summary of and preliminary comparison with existing or proposed federal regulation: 12 CFR 37, Office of Thrift Supervision Opinion Letter 9/15/93 and Office of Thrift Supervision Opinion Letter 12/18/95 provide federal regulations and guidance similar to the proposed rule.

Comparison with rules in adjacent states: Illinois (Interpretative Letter 94-011), Michigan (Declaratory Ruling 04-053-N), Minnesota (wild card statute) and Iowa (incidental powers statute) all authorize the providing of debt cancellation contracts and debt suspension agreements.

Summary of factual data and analytical methodologies: The department reviewed federal regulations relating to debt cancellation contracts and debt suspension agreements, as well as rules adopted by other states regarding the same.

Analysis and supporting documentation used to determine effect on small business: State-chartered banks, savings banks, and savings and loan associations do not meet the criteria of a small business. The rule has, therefore, no effect on small business.

#### **Fiscal Estimate**

There is no state fiscal effect, and there are no local government costs. No funding sources or ch. 20 appropriations are affected. There are no long-range fiscal implications.

#### **Contact Person**

A copy of the proposed rule and fiscal estimate may be obtained at no charge from Mark Schlei, Deputy General Counsel, Department of Financial Institutions, Office of the Secretary, P.O. Box 8861, Madison, WI 53708-8861, tel. (608) 267-1705. A copy of the proposed rule may also be obtained and reviewed at the Department of Financial Institutions' website, www.wdfi.org.

Written comments regarding the proposed rule may be submitted to Mark Schlei, Deputy General Counsel, Department of Financial Institutions, Office of the Secretary, P.O. Box 8861, Madison, WI 53708-8861, tel. (608) 267-1705, or via the department's website contact page, e-mail the secretary. Written comments must be received by the conclusion of the hearing.

### **Notice of Hearing**

#### **Financial Institutions – Credit Unions**

#### **[CR 05-046]**

NOTICE IS HEREBY GIVEN That pursuant to ss. 186.115(2), 186.235(8) and 227.11(2), Stats., and interpreting ss. 186.115(1) and 186.235(21), Stats., the Office of Credit Unions will hold a public hearing at the Department of Financial Institutions, Office of the Secretary, 345 W. Washington Avenue, 5<sup>th</sup> Floor in the city of Madison, Wisconsin, on the **27<sup>th</sup> day of June, 2005**, at 2:30 p.m. to consider a rule to create ch. DFI—CU 74, relating to incidental powers activity authority parity with federal credit unions.

#### **Analysis Prepared by the Office of Credit Unions.**

Statute(s) interpreted: ss. 186.115 (1) and 186.235 (21), Stats.

Statutory authority: ss. 186.115 (2), 186.235 (8) and 227.11 (2), Stats.

Related statute or rule: None.

Explanation of agency authority: Pursuant to ch. 186, Stats., the Wisconsin Office of Credit Unions regulates state-chartered credit unions.

Summary of proposed rule: The objective of the rule is to create ch. DFI—CU 74 relating to incidental powers activity authority parity with federal credit unions. The purpose of this rule is to permit Wisconsin-chartered credit unions to provide certain loan-related products in the same manner that such products are provided by federally-chartered credit unions. The promulgation of this rule has been approved by the Credit Union Review Board.

Summary of and preliminary comparison with existing or proposed federal regulation: NCUA Rules and Regulations Part 721 authorizes a federal credit union to engage in activities incidental to its business.

Comparison with rules in adjacent states: Illinois (Authorizing Letter 05/07/02), Michigan (Interpretive Memorandum 06/18/04 and Declaratory Ruling 04-053-M), Minnesota (parity statute) and Iowa (parity statute) all authorize the providing of debt cancellation contracts and debt suspension agreements.

Summary of factual data and analytical methodologies: No factual data or analytical methodologies were necessary for the rule.

Analysis and supporting documentation used to determine effect on small business: The rule does not have an effect on small business.

#### **Fiscal Estimate**

There is no state fiscal effect, and there are no local government costs. No funding sources or ch. 20 appropriations are affected. There are no long-range fiscal implications.

#### **Contact Person**

A copy of the proposed rule and fiscal estimate may be obtained at no charge from Mark Schlei, Deputy General Counsel, Department of Financial Institutions, Office of the Secretary, P.O. Box 8861, Madison, WI 53708-8861, tel. (608) 267-1705. A copy of the proposed rule may also be obtained and reviewed at the Department of Financial Institutions' website, [www.wdfi.org](http://www.wdfi.org).

Written comments regarding the proposed rule may be submitted to Mark Schlei, Deputy General Counsel, Department of Financial Institutions, Office of the Secretary, P.O. Box 8861, Madison, WI 53708-8861, tel. (608) 267-1705, or via the department's website contact page, e-mail the secretary. Written comments must be received by the conclusion of the hearing.

### **Notice of Hearings Health and Family Service (Health, Chs. 110—)**

**[CR 05-048]**

NOTICE IS HEREBY GIVEN That pursuant to ss. 146.50 (6g) (a), (13) (a) and (b), and 227.11 (2) (a), Stats., and interpreting s. 146.50 (6g), (8), (8m), (9) and (13), Stats., the Department of Health and Family Services will hold a public hearing, at the following time(s) and location(s), to consider emergency rules and proposed permanent rules repealing, renumbering, renumbering and amending, amending, and creating rules relating to relating to certification of first responders.

#### **Hearing Dates and Locations**

##### **June 27, 2005**

1:00 p.m. to 3:00 p.m.  
1 W. Wilson St., Rm. 751  
Madison, WI  
And

##### **June 27, 2005**

6:00 PM to 8:00 PM  
Crowne Plaza  
4402 E. Washington Ave  
Meeting Rm. A  
Madison, WI 53703

Written comments and materials may also be submitted to the Department using the Wisconsin Administrative Rules website at <http://adminrules.wisconsin.gov> or to the contact person listed below. The deadline for submitting comments at the website and the contact person is **4:30 p.m., on July 5, 2005**.

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

Currently, first responders may provide the skills contained in the national standard curriculum and basic life support in accordance with skills and medications covered in the Wisconsin revision of the national standard curriculum for training first responders; application of backboard and cervical collar for purpose of spinal immobilization; administration of oxygen; and performance of defibrillation; and additional skills and medications approved by the department based on recommendations of the EMS physician advisory committee and the under s. 146.55 (2m), Stats., and the EMS board and state EMS medical director under s. 146.50 (13) (b), Stats.

This proposed order both generally updates ch. HFS 113, and authorizes first responders to use the following 2 types of potentially life-saving skills:

1. Non-visualized airway, to treat patients who are either not breathing or their airway has been compromised due to trauma or other means; and
2. The administration of epinephrine, for patients who have suffered a severe allergic reaction.

A copy of the full text of the proposed rules can be obtained at no charge from the Wisconsin Administrative Rules website at <http://adminrules.wisconsin.gov> or by contacting the contact person listed below.

#### **Fiscal Estimate**

This revised administrative rule will allow first responders to obtain certain skills in addition to those that are provided in the national standards curriculum. If first responders choose to acquire these skills, the purchase of a medical kit at a cost of approximately \$150 would be required. The cost of this kit could be reimbursed by the ambulance service which works with the first responder, so there would be no net cost to the first responder for this kit. Since this provision is not mandatory, it is not known how many first responders would seek to obtain these skills. Therefore, it is not possible to estimate the fiscal effect of this provision on local emergency medical services providers. A copy of the full text of the fiscal estimate may be obtained at no charge at the Wisconsin Administrative Rules website at: <http://adminrules.wisconsin.gov> or by contacting the contact person listed below.

#### **Initial Regulatory Flexibility Analysis**

The department does not currently certify first responder service providers other than first responders that are certified



to defibrillate and does not believe that these proposed rules affect small businesses other than private business entities that provide first responder services. The department invites comments from members of the public, including private entities who are first responder service providers, and other small businesses who believe that these proposed rules will have a fiscal impact on their small business.

The proposed changes do not include reporting or bookkeeping requirements.

#### Contact Person

Dan Williams  
 Department of Health and Family Services  
 Division of Public Health – Emergency Medical Services  
 1 West Wilson Street Room 118  
 P.O. Box 2659  
 Madison, WI 53701–2659  
 608–261–6870  
 Fax: 608–261–6392  
 willidp@dhfs.state.wi.us

Small Business Regulatory Coordinator  
 Rosie Greer  
 Department of Health and Family Services  
 1 W. Wilson St. Rm. 658  
 Madison, WI 53702  
 Greerrj@dhfs.state.wi.us  
 608–266–1279  
 Fax: 608–267–1434

### Notice of Hearing Health and Family Service (Health, Chs. 110—)

[CR 05–047]

NOTICE IS HEREBY GIVEN that pursuant to ss. 149.143 (2) (a) 2., 3., and 4., Stats., and 227.11 (2) Stats., interpreting ss. 149.14 (5m), 149.142, 149.143, 149.146, and 149.165, Stats., the Department of Health and Family Services will hold a public hearing to consider the proposed permanent rules and emergency rules amending HFS 119.07 (6) (b) to (d) and 119.15 (2) and (3), relating to operation of the health insurance risk-sharing plan (HIRSP) at the following time and location. The Department anticipates the emergency rules will take effect on July 1, 2005.

#### Hearing Date(s) and Location(s)

The public hearing will be held:  
 Monday, **July 11, 2005**, 1:00 p.m. to 3:00 p.m.  
 Conference Room B272 (Floor 2B)  
 State Office Building  
 1 West Wilson Street  
 Madison, WI

The hearing site is fully accessible to people with disabilities. If you are hearing or visually impaired, do not speak English, or have circumstances that might make communication at a hearing difficult and if you, therefore, require an interpreter or a non-English, large print or taped version of the hearing document, contact the person at the address or phone number given above at least 10 days before the hearing. With less than 10 days notice, an interpreter may not be available.

Written comments may be submitted at the public hearing. In lieu of attending the public hearing, written comments and materials may be submitted to the Department using the Wisconsin Administrative Rules website at <http://adminrules.wisconsin.gov> or submitted by regular mail or email to the Department's contact person listed below:

Randy McElhose  
 Division of Health Care Financing  
 P.O. Box 309, Room B274  
 1 W. Wilson St.  
 Madison, WI 53701–0309  
 Phone: (608) 267–7127 or if you are hearing impaired,  
 (608) 266–1511 (TTY)  
 Fax: (608) 264–7720  
 mcellhrf@dhfs.state.wi.us

The deadline for submitting comments is **4:30 p.m., on July 18, 2005.**

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

The State of Wisconsin in 1980 established a Health Insurance Risk-Sharing Plan (HIRSP). HIRSP provides major medical health insurance for persons who are covered under Medicare because they are disabled, persons who have tested positive for HIV, and persons who have been refused coverage or who cannot get coverage at an affordable price in the private health insurance market because of their mental or physical health conditions. Also eligible for coverage are persons who recently lost employer-sponsored insurance coverage if they meet certain criteria. According to state law, HIRSP policyholder premium rates must fund sixty percent of plan costs, except for costs associated with premium and deductible reductions. The remaining funding for HIRSP is to be provided by insurer assessments and adjustments to provider payment rates, in co-equal amounts.

HIRSP Plan 1 is for policyholders that do not have Medicare. Ninety-one percent of the 18,530 HIRSP policies in effect in February 2005 were enrolled in Plan 1. Plan 1 has Option A (\$1,000 deductible) or Option B (\$2,500 deductible). The rates for Plan 1 contained in this rulemaking order increase an average of 15.0% for policyholders not receiving a premium reduction. The average rate increase for policyholders receiving a premium reduction is 12.1%. Rate increases for individual policyholders within Plan 1 range from 7.0% to 16.8%, depending on a policyholder's age, gender, household income, deductible and zone of residence within Wisconsin. Plan 1 rate increases reflect and take into account the increase in costs associated with Plan 1 claims.

HIRSP Plan 2 is for persons eligible for Medicare because of a disability or because they become age-eligible for Medicare while enrolled in HIRSP. Plan 2 has a \$500 deductible. Nine percent of the 18,530 HIRSP policies in effect in February 2005 were enrolled in Plan 2. The rate increases for Plan 2 contained in this rulemaking order increase an average of 20.3% for policyholders not receiving a premium reduction. The average rate increase for policyholders receiving a premium reduction is 17.3%. Rate increases for individual policyholders within Plan 2 range from 11.2% to 22.2%, depending on a policyholder's age, gender, household income and zone of residence within Wisconsin. Plan 2 premiums are set in accordance with the authority and requirements set out in s. 149.14 (5m), Stats.

#### Fiscal Estimate

HIRSP has the purpose of making health insurance coverage available to medically uninsured residents of the state. This order updates HIRSP premiums for policyholders effective July 1, 2005. It also adjusts total HIRSP insurer

assessments and provider payment rates for the 12–month period beginning July 1, 2005. This adjustment process is occurring in order to reflect changing HIRSP costs and satisfy a statute–specified calculation methodology, in order to fund total HIRSP costs.

The fiscal adjustments contained in this order were developed by an independent actuarial firm on behalf of HIRSP. The projected adjustments have been reviewed by DHFS staff and approved by the HIRSP Board of Governors. The Board is a diverse body composed of consumers, insurers, health care providers, small business and other affected parties. By statute, these adjustments include estimates for the annual reconciliation process, which is based on the previous calendar year and implemented in the subsequent plan year. The fiscal adjustments are based upon a combination of a retrospective reconciliation process, current HIRSP expenses, inflation trends in medical care and statutory requirements. The resulting adjustments are then applied to the time–period beginning July 1, 2005. Similar annual fiscal adjustments to the HIRSP rules have occurred in each state fiscal year (SFY) since 1998.

HIRSP funding will increase by \$29,432,763 in SFY 2006 as a result of the proposed changes contained in this order. This annual amount is comprised of an increase of \$6,433,230 in insurer assessments, an increased adjustment (levy) of \$9,708,019 regarding provider payment rates, and a projected increase of \$13,291,514 in policyholder premiums. This increase in HIRSP program revenues is expected to equal the increase in program expenditures for provided services. As a result, the net overall fiscal effect is estimated to be zero.

HIRSP affects policyholders, insurers and health providers. Under HIRSP, policyholders are required by law to fund 60% of its costs, except for costs associated with premium and deductible reductions. The remaining funding for HIRSP is to be provided by insurer assessments and adjustments to provider payments rates, in co–equal amounts. HIRSP offers health insurance to high medically at–risk citizens, at rates subsidized by healthcare insurers and healthcare providers of service. HIRSP has approximately 18,530 policyholders, or 0.3% of Wisconsin’s population of about 5.5 million. HIRSP increases the number of Wisconsin citizens with health insurance. Wisconsin citizens receive health insurance coverage that would otherwise be unaffordable or unobtainable. Citizens improve their health status. Healthcare insurers are enabled to provide coverage to an underserved marketplace niche. Healthcare providers receive additional customers.

### **Initial Regulatory Flexibility Analysis**

HIRSP program statutes require an assessment of insurers and providers in order to help finance HIRSP. The rule changes do not affect health insurers who are small businesses as “small business” is defined in s. 227.114 (1) (a), Stats. The rule changes may affect some health care providers that are small businesses. The net fiscal impact of HIRSP on these small health care providers is unknown.

### **For More Information:**

A copy of the full text of the rules and the full text of the fiscal estimate, and other documents associated with this rulemaking may be obtained, at no charge, from the Wisconsin Administrative Rules website at <http://adminrules.wisconsin.gov>. At this website you can also register to receive email notification whenever the Department posts new information about this rulemaking and, during the public comment period, you can submit comments on the rulemaking order electronically and view comments that others have submitted about the rule.

A copy of the full text of the rule and the fiscal estimate may also be obtained by contacting the Department’s representative listed below:

Randy McElhose

Division of Health Care Financing

P.O. Box 309, Room B274

1 W. Wilson St.

Madison, WI 53701–0309

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

### **Small Business Regulatory Coordinator:**

Rosie Greer

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

608–266–1279

## **Notice of Hearing**

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

**[CR 05–042]**

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board in ss. 15.08 (5) (b), 227.11 (2) and 457.03, Wis. Stats., and interpreting s. 457.08 (4) (b) 1. and 2., Wis. Stats., the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board will hold a public hearing at the time and place indicated below to consider an order to repeal MPSW 2.01 (9) (b); and to amend MPSW 2.01 (9) (intro.) and 3.09 (1), relating to postgraduate education and field experience for licensure as a clinical social worker.

### **Hearing Date, Time and Location**

**Date:** June 29, 2005

**Time:** 9:30 A.M.

**Location:** 1400 East Washington Avenue  
Room 179A  
Madison, Wisconsin

### **Appearances at the Hearing:**

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Regulation and Licensing, Office of Legal Counsel, P.O. Box 8935, Madison, Wisconsin 53708, or by email to [pamela.haack@drl.state.wi.us](mailto:pamela.haack@drl.state.wi.us). Written comments must be received on or before July 11, 2005 to be included in the record of rule–making proceedings.

Analysis prepared by the Department of Regulation and Licensing.

### **Statute interpreted**

Section 457.08 (4) (b) 1. and 2., Stats.

### **Statutory authority**

Sections 15.08 (5) (b), 227.11 (2) and 457.03, Stats.

### **Explanation of agency authority**

Currently, s. MPSW 2.01 (9) requires clinical courses to comprise at least 40% of an applicant’s non–field placement

credits in his or her social work degree program. That provision has resulted in unintended inequities for applicants because it requires some individuals to take more courses than others depending upon how many credits are required for the particular degree program. By requiring specific clinical courses, rather than a percentage of them, applicants will have to meet uniform criteria, regardless of how many credits are required in their degree program, thereby eliminating any existing inequities.

Section MPSW 3.09 (1) presently requires that applicants for licensure as clinical social workers provide evidence that, as part of their degree program, they took a course of study which included a clinical focus and a supervised field training. The underlying statutory provision was amended by the legislature in 2003 Wisconsin Act 301, permitting applicants to obtain their clinical requirements in a postgraduate setting, instead of only during their degree programs. This proposal will now be in conformity with the statute and will permit applicants to substitute their hours of supervised clinical work experience in lieu of their supervised field training.

#### **Plain language analysis**

Prior to the enactment of 2003 Wisconsin Act 301, s. 447.08 (4), Stats., required that applicants for licensure as a clinical social worker had to provide evidence that during the applicant's degree program, he or she took a course of study that included a clinical focus and a supervised field training. Because the law did not provide a means of achieving postgraduate clinical credit, this provision was found to be overly restrictive and was therefore amended by the legislature with 2003 Wisconsin Act 301. The amendment permitted applicants to obtain their clinical requirements in a postgraduate setting, rather than just during their degree programs.

The proposed rule changes would implement 2003 Wisconsin Act 301 by setting forth a specific number of hours of supervised clinical work experience which, in turn, could be substituted for the supervised clinical field training. Additionally, the proposal would amend s. MPSW 2.01 (9), which defines the term "clinical concentration in social work." Currently the rule requires clinical courses to comprise at least 40% of their non-field placement credits in their degree program. This rule has resulted in unintended inequities for applicants, depending on how many credits are required for each degree program. By requiring specific clinical courses, instead of a percentage of them, applicants will have to meet uniform criteria, regardless of how many credits are required in their degree program.

**SECTION 1.** Section MPSW 2.01 (9) (intro.) is amended. Under the existing rule, in order to graduate with a "clinical social work concentration" in either a master's or doctoral program, clinical courses must comprise at least 40% of the non-field placement credits. The existing rule also delineates the areas in which the theory and practice courses must be taken, for example, in case management, psychopathology in social work, clinical assessment and treatment of specific populations, psychopharmacology, psychotherapeutic interventions, and social work related electives.

The proposal eliminates the 40% non-field placement credit requirement. Instead, the rule would require students to take one psychopathology in social work course and two theory and practice courses from the following groups: case management, clinical assessment and treatment of specific populations and problems, psychopharmacology, psychotherapeutic interventions, and social work related electives.

**SECTION 2.** Section MPSW 2.01 (9) (b) is repealed because the psychopathology in social work course would now be a mandatory course, rather than an elected one.

**SECTION 3.** Section MPSW 3.09 (1) is amended. The existing rule requires applicants for licensure as clinical social workers to have either a master's or doctoral degree in social work with a concentration in clinical social work. It also requires the completion of supervised field training as part of the degree program. This amendment enables applicants to substitute 1,500 hours of supervised clinical work experience in lieu of their supervised field training by submitting an affidavit indicating that they have completed 1,500 hours of supervised clinical social work experience in not less than one year in clinical setting, and which also includes at least 500 hours of supervised, face-to-face client contact.

#### **Determination of significant fiscal effect on the private sector**

The department finds that this rule has no significant fiscal effect on the private sector.

#### **Fiscal estimate**

The department estimates that this rule will require staff time in the Division of Professional Credentialing and Office of Legal Counsel to revise applications, and to provide customer service. The value of these staffs' salary and fringe benefits for this work is estimated at \$828.

#### **Effect on small business**

Pursuant to s. 227.114 (1) (a), Stats., these proposed rules will have no significant economic impact on a substantial number of small businesses. The Department's Small Business Regulatory Review Coordinator may be contacted by email at christopher.klein@drl.state.wi.us, or by calling (608) 266-8608.

#### **Agency contact person**

Pamela Haack, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 171, P.O. Box 8935, Madison, Wisconsin 53708-8935. Telephone: (608) 266-0495. Email: pamela.haack@drl.state.wi.us. Copies of the notice of hearing are available upon request.

#### **Place where comments are to be submitted and deadline for submission**

Comments may be submitted to Pamela Haack, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 171, P.O. Box 8935, Madison, Wisconsin 53708-8935. Email pamela.haack@drl.state.wi.us. Comments must be received on or before July 11, 2005, to be included in the record of rule-making proceedings.

### **Notice of Hearing**

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

**[CR 05-041]**

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board in ss. 15.08 (5) (b), 227.11 (2) and 457.03 (3), Wis. Stats., and interpreting s. 457.14 (1) (a) to (d) and (2), Wis. Stats., the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board will hold a public hearing at the time and place indicated below to consider an order to amend s. MPSW 3.11 (5), relating to expiration of a temporary credential issued by the Social Worker Section.

**Hearing Date, Time and Location**

**Date:** June 29, 2005  
**Time:** 9:30 A.M.  
**Location:** 1400 East Washington Avenue  
 Room 179A  
 Madison, Wisconsin

**Appearances at the Hearing**

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Regulation and Licensing, Office of Legal Counsel, P.O. Box 8935, Madison, Wisconsin 53708, or by email to [pamela.haack@drl.state.wi.us](mailto:pamela.haack@drl.state.wi.us). Written comments must be received on or before July 11, 2005 to be included in the record of rule-making proceedings.

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

Statutes interpreted: Section 457.14 (1) (a) to (d) and (2), Stats.

**Statutory authority**

Sections 15.08 (5) (b), 227.11 (2) and 457.03 (3), Stats

**Explanation of agency authority**

Currently, s. MPSW 3.11 provides that a temporary credential expires upon notification of having failed the required examination or 9 months after having been issued, whichever is earlier. This proposal would permit applicants to retake the failed examination without having to surrender their temporary certificate or license, thereby allowing them to remain in practice while they await the next examination opportunity. However, the temporary certificate or license would still expire 9 months from the date of its issuance.

**Plain language analysis**

The current rule provides that a temporary social worker license will expire when the holder fails the required examination, or after the 9 month period passes, whichever is earlier. The person who fails the required examination must then return their license to the social worker section. Furthermore, this temporary license may not be renewed.

The proposed rule-making order would eliminate the expiration of the temporary license upon the failure of the required examination and that the license holder must then return the license. The proposed change would allow the temporary license holder to retake the required examination

until they are able to pass the examination during the 9 month period of time. Therefore, the license will only expire at the end of the 9 month period of the license and may not be renewed.

The proposed rule change is good because it eliminates the loss of the temporary license and streamlines the licensing process while maintaining the protection of the public. The protection is maintained because under either version of the rule – current or proposed – the license holder could retake the examination; however, with the proposed change, the license holder would still be able to practice while retaking the examination. Previously, at best the person could only practice case management; at worst they may be terminated due to the loss of the temporary license. Furthermore, small business will not be affected and there may be a small benefit as the temporary credential holder may remain in practice while they are attempting to pass the required examination.

**Determination of significant fiscal effect on the private sector**

The department finds that this rule has no significant fiscal effect on the private sector.

**Fiscal estimate**

The proposed rule will have no impact on the department's funds.

**Effect on small business**

Pursuant to s. 227.114 (1) (a), Stats., these proposed rules will have no significant economic impact on a substantial number of small businesses. The Department's Small Business Regulatory Review Coordinator may be contacted by email at [christopher.klein@drl.state.wi.us](mailto:christopher.klein@drl.state.wi.us), or by calling (608) 266-8608.

**Agency contact person**

Pamela Haack, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 171, P.O. Box 8935, Madison, Wisconsin 53708-8935. Telephone: (608) 266-0495.

Email: [pamela.haack@drl.state.wi.us](mailto:pamela.haack@drl.state.wi.us). Copies of the notice of hearing are available upon request.

**Place where comments are to be submitted and deadline for submission**

Comments may be submitted to Pamela Haack, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935.

Email [pamela.haack@drl.state.wi.us](mailto:pamela.haack@drl.state.wi.us). Comments must be received on or before July 11, 2005 to be included in the record of rule-making proceedings.

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## Submittal of proposed rules to the legislature

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

### **Elections Board**

**(CR 05-027)**

Ch. ElBd 1, relating to conversion of federal campaign committee funds.

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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 or (608) 266-7275 for updated information on the effective dates for the listed rule orders.*

### **Natural Resources (CR 04-128)**

An order affecting ch. NR 169, relating to the dry cleaner environmental response program.  
Effective 8-1-05.

### **Natural Resources (CR 04-136)**

An order affecting ch. NR 46, relating to the administration of the Managed Forest Law.  
Effective 8-1-05.

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