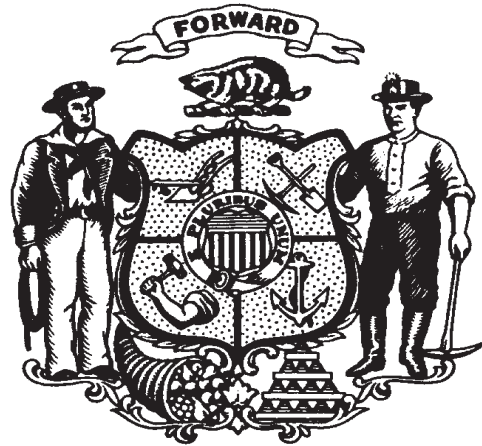


Wisconsin Administrative Register

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Emergency rules now in effect

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

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

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.

Commerce

(Fee Schedule, Ch. Comm 2)

A rule adopted creating **s. Comm 2.33 (5)**, relating to manufactured home certificate of title fees.

Exemption From Finding of Emergency

Section 76 (2) of 2005 Wisconsin Act 45 permits the Department of Commerce to promulgate rules required under sections 101.9205 (3), 101.9208 and 101.9213 (8), Stats., as amended by 2005 Wisconsin Act 45, by using the emergency rulemaking procedure under section 227.24, Stats., except that the department is not required to provide evidence that the emergency rule is necessary for the preservation of public peace, health, safety or welfare and is not required to provide a finding of emergency.

The current statutes establish specific minimum fees that the department must charge for conducting a file search, for providing various services related to the titling of manufactured homes, and for providing certain notices related to security interests in manufactured homes. 2005 Wisconsin Act 45 removes those fees, effective December 1, 2005, from the statutes and requires the department to establish, by rule, the fees for those services. The emergency rule establishes the required fees in the department's fee schedule, chapter Comm 2, without any changes in the fees that have been charged under the current statutes.

The Act also requires the department to assess a new fee to fund a manufactured housing rehabilitation and recycling grant program. The emergency rule establishes that fee to be

approximately the same as the environmental impact fee that is no longer assessed.

Publication Date:	November 29, 2005
Effective Date:	December 1, 2005
Expiration Date:	See section 76 (2) 2005 Wis. Act 45.
Hearing Date:	January 6, 2006

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, s. 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.

Insurance

Rules adopted amending **s. Ins 8.49 Appendix 1**, Wis. Adm. Code, relating to small employer uniform employee application for group health insurance.

Finding of emergency

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

The federal government will be implementing Medicare Part D insurance for prescription drugs effective January 1, 2006, therefore **s. Ins 8.49 Appendix 1** needs to reflect accurately the status of applicants as it relates to Medicare Part D enrollment. Further, also effective January 1, 2006, the federal government requires employers or insurers to provide an employee specific information on how to elect insurance coverage after a qualifying event subsequent to have waived coverage in accordance with 45 CFR 146.117 (c) (1). In order to have these changes in place prior to January 1, 2006, the rule must be promulgated to add these modifications.

These changes include the ability for the employee applicant to indicate that they carry Medicare Part D effective January 1, 2006 and amends one sentence in the notice portion of the wavier section of the application to add information on how an employee following a qualifying event may opt to obtain health insurance coverage after initially waiving insurance coverage through the small employer group health insurance plan.

Publication Date: November 4, 2005
Effective Date: November 4, 2005
Expiration Date: April 3, 2006

Natural Resources (4) (Fish, Game, etc., Chs. NR 1—)

- Rules adopted revising **chs. NR 46 and 47**, relating to the administration of the Managed Forest Law and the Wisconsin Forest Landowner Grant Program.

Finding of Emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules that govern the managed forest law. The state legislature has delegated the appropriate agencies rule-making authority to administer the managed forest law. State statute governing the managed forest law was amended on July 25, 2005 with an initial applicability date of June 1, 2005. This order is designed to bring the administrative code into conformity with the state statutes that govern the managed forest law. Normal rule-making procedures will not allow the establishment of changes necessary to continue processing petitions for managed forest law received from June 1, 2005 to July 1, 2005 (petition deadline). Failure to process these petitions will result in a delay in designation of these lands as managed forest land and a failure to meet statutory deadlines for designation.

Publication Date: October 4, 2005
Effective Date: October 4, 2005
Expiration Date: March 3, 2006
Hearing Date: October 19, 2005

- Rules were adopted amending **s. NR 19.50** relating to hunter education fees.

Finding of Emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to regulate fees for safety education courses. The state legislature has delegated to the appropriate agencies rule making authority to regulate and administer these courses. The department must comply with state law. This order is desired to provide necessary funding for continuation of our quality hunter education program. Normal rule-making procedures will not allow the establishment of the changes by September 1. Failure to modify our rules will result in lost revenues and added expense to the hunter education program.

Publication Date: October 3, 2005
Effective Date: October 3, 2005
Expiration Date: March 2, 2006
Hearing Date: October 12, 2005

- Rules were adopted amending **ch. NR 47** relating to relating to master logging certification scholarships.

Finding of emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to regulate and administer grant programs. The State legislature has delegated responsibility for rule-making to the Department of Natural Resources. Normal rule-making procedures will not allow the establishment of the rules in time to allocate funds during this fiscal year. Failure to establish rules during FY06 will result in lost revenues and added expense to the Master Logger Certification program.

Publication Date: November 15, 2005
Effective Date: November 15, 2005
Expiration Date: April 14, 2006
Hearing Date: December 12, 2005

- Rules were adopted amending **ch. NR 25** relating to commercial fishing for lake trout in Lake Superior.

Finding of Emergency

The Department of Natural Resources finds that an emergency exists and the foregoing rules are necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of facts constituting the emergency is: The waters of Lake Superior were not part of the extensive off-reservation treaty rights litigation known as the Voigt case. The parties stipulated that the Lake Superior rights would be dealt with, to the extent possible, by agreement rather than litigation. This rule represents the implementation of the most recent negotiated amendments to the agreement between the State and the Red Cliff and Bad River Bands. In order to comply with the terms of the agreement, the State must change its quotas and commercial fishing regulations at the earliest possible date. Failure by the State to do so will not only deprive state fishers of increased harvest opportunities available under the agreement, but could also jeopardize the agreement, putting the entire Lake Superior fishery at risk of litigation.

Publication Date: December 15, 2005
Effective Date: December 15, 2005
Expiration Date: May 14, 2006
Hearing Date: January 13, 2006

Natural Resources

(Environmental Protection – Water Regulation, Chs. NR 300—)

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.

Revenue (2)

1. Rule adopted revising **s. Tax 2.50** and creating **s. Tax 2.502**, relating to the computation of the apportionment fraction by multistated public utilities and telecommunications companies.

Finding of emergency

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

The emergency rule is to prescribe the method to be used for apportioning the apportionable income of the following business entities:

- interstate public utilities, other than telecommunications companies, and
- interstate telecommunications companies.

It is necessary to promulgate this rule order to provide the method of apportionment to be used by interstate public utilities.

Publication Date: December 5, 2005
Effective Date: December 5, 2005
Expiration Date: May 4, 2006

2. Rules adopted revising **chs. Tax 1 and 2**, relating to electronic funds transfer, information returns and wage statements.

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

Section 71.775, Stats., requires pass–through entities to file and pay withholding tax on the income allocable to their nonresident members. The department has determined that in order to administer this tax in a cost effective manner, it is necessary to require pass–through entities to file and pay the tax by electronic means. The department has also determined that, in the interest of cost effectiveness, a requirement to file Form WT–7, *Employers Annual Reconciliation of Wisconsin Income Tax Withheld from Wages*, should also be put in place.

It is necessary to promulgate this rule order to remove the threat of revenue loss to the state as a result of pass–through entities filing or paying withholding tax or employers filing Form WT–7 by other than electronic means.

This rule is therefore promulgated as an emergency rule and shall take effect upon publication in the official state newspaper. Certified copies of this rule have been filed with the Secretary of State and Revisor of Statutes, as provided in s. 227.24, Stats.

Publication Date: December 28, 2005
Effective Date: December 28, 2005
Expiration Date: May 27, 2006

Technical College System Board

Rules were adopted creating **ch. TCS 17**, relating to training program grants.

Finding of emergency

The Wisconsin Technical College System Board finds that an emergency exists and that a rule is necessary for the

immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting an emergency is:

The 2005 Wis. Act 25 (the 2005–2007 biennial budget bill) created the training program grants under Wis. Stats. §§ 20.292 (1) (eh) and 38.41. An annual appropriation of \$1,000,000 GPR in was established. These funds were provided to address a critical need of Wisconsin employers for skills training and education necessary to protect the state's economic vitality and health.

The Act requires the WTCS Board to promulgate rules to implement and administer the awarding of these grants. The Board has begun the permanent rule making process for establishing administrative rules for these grants, but cannot complete the required public hearing and review of these rules prior to the middle of the fiscal year. Therefore, to ensure that business in need of skills training and other education may access these services as soon as possible and that appropriated funds are distributed to technical college districts for this purpose, emergency administrative rules must be established immediately.

Publication Date: October 7, 2005
Effective Date: October 7, 2005
Expiration Date: March 6, 2006
Hearing Date: January 4, 2006

Transportation

A rule adopted amending s. **Trans 325.02**, relating to motor carrier safety regulations.

Finding of emergency

The Department of Transportation finds that an emergency exists and that a rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is on October 1, 2005 the new hours-of-service regulations became effective. The new regulations apply to drivers and carriers transporting property and passengers by commercial vehicles in interstate commerce. It is imperative the industry operates under a single set of regulations. Additionally, the Commercial Vehicle Safety Alliance out-of-service criteria is directly formulated to the new hours-of-service. Also pursuant to 49 CFR 350.331(d), States are required to adopt compatible laws or rules to remain eligible for Motor Carrier Safety Assistance Program funding. Currently, Wisconsin receives approximately \$4 million in such funding and that funding could be in jeopardy if Wisconsin does not implement these changes immediately. The Motor Carriers Association has urged the Department to implement these changes as it will help ensure uniformity and increased highway safety.

Publication Date: December 1, 2005
Effective Date: December 1, 2005
Expiration Date: April 30, 2006
Hearing Date: February 13, 2006

Veterans Affairs (2)

1. Rules adopted repealing s. **VA 2.04** and repealing and recreating s. **VA 2.02**, relating to the veterans tuition reimbursement program.

Exemption From Finding of emergency

The legislature has authorized the department to promulgate rules for the administration of the veterans tuition reimbursement program under the emergency rule procedure without providing evidence of the necessity of the preservation of the public peace, health, safety, or welfare at sec. 9153 (1) of 2005 Wis Act 25.

Publication Date: August 2, 2005
Effective Date: August 2, 2005
Expiration Date: December 30, 2005
Hearing Date: October 21, 2005
Extension Through: February 27, 2006

2. Rules adopted repealing and recreating s. **VA 2.01**, relating to the assistance to needy veterans program.

Exemption From Finding of emergency

The legislature has authorized the department to promulgate rules for the administration of the assistance to needy veterans program under the emergency rule procedure without providing evidence of the necessity of the preservation of the public peace, health, safety, or welfare at sec. 9135 (3k) of 2005 Wis Act 25.

Publication Date: August 2, 2005
Effective Date: August 2, 2005
Expiration Date: December 30, 2005
Hearing Date: October 21, 2005
Extension Through: February 27, 2006

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

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 a 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.

Workforce Development (Public Works Construction Projects, Chs. DWD 290–294)

Rules adopted amending ss. **DWD 290.155 (1) and DWD 293.02 (1) and (2)**, relating to the adjustment of thresholds for application of prevailing wage rates and payment and performance assurance requirements.

Finding of emergency

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

Adjusting the thresholds for application of the prevailing wage rate requirements by emergency rule ensures that the adjustments are effective on a date certain that is prior to the time of year that project requests are generally submitted to the Department and applicability of the prevailing wage law is determined. The adjustment avoids imposing an additional administrative burden on local governments and state agencies caused by an effective decrease of the thresholds due solely to inflation in the construction industry. The adjustment of the thresholds for the application of the payment and performance assurance requirements avoids imposing an additional administrative burden on contractors for the same reason. If these new thresholds are not put into effect by emergency rule, the old thresholds will remain effective for approximately six to seven months, until the conclusion of the permanent rule-making process. The thresholds are based on national construction cost statistics and are unlikely to be changed by the rule-making process.

Publication Date: December 27, 2005
Effective Date: January 1, 2006
Expiration Date: May 31, 2006
Hearing Date: February 15, 2006
[See Notice This Register]

Scope statements

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

Subject

Changes to the language of s. MPSW 11.02 titled "Examination Required."

Policy analysis

Objective of the rule. To permit applicants for licensure as professional counselors to take and pass examinations that would demonstrate their professional competency. Currently, either the National Counselor Examination or the Certified Rehabilitation Counselor Examination is required for licensure. This proposal would give applicants an additional option of being able to take the National Counselor Mental Health Certification Examination. It would also permit the section to approve another examination that it deems to be equivalent to the other three. As a result, the proposed change would permit applicants who take and successfully pass one of three examinations or an equivalent one approved by the section to become eligible for licensure as a professional counselor.

Existing policies relevant to the rule, new policies proposed and analysis of policy alternatives

This amendment will provide greater flexibility to applicants while maintaining protection of the public. Presently, those individuals who take and pass the National Counselor Mental Health Certification Examination must also take and pass the National Counselor Examination in order to be eligible for licensure as a Wisconsin professional counselor, thereby resulting in an unnecessary barrier to licensure.

Statutory authority

Sections 15.08 (5) (b), 227.11 (2), 440.035 and 457.03, Stats.

Comparison with federal regulations

There is no applicable existing federal legislation.

All Entities Affected by the Rule

Credential holders and new graduates of Professional Counseling Programs (or their equivalent) who have passed an examination required for licensure other than those specified under s. MPSW 11.02.

Staff time required

200 hours.

Natural Resources

Subject

Objective of the rule. The Department is receiving requests from the public to clarify if the sound level standards for motorboats contained in s. 30.62 (2) (b), Wis. Stats., apply to the noise created by the fan blades or propellers of hovercraft, airboats, jet boats or similar craft. The Department proposes to create a rule that clarifies that the noise created by the fans or propellers of hovercraft, airboats, jet boats or similar craft

are included in the sound level standards and exempting those craft from the sound level standards on specific waterways. The waterways specified would be limited to those areas where these craft have traditionally operated.

Policy analysis

Section 30.62 (2) (b), Wis. Stats., is unclear if the sound level standards it sets apply only to the sound created by the engines or to the total sound created by the motorboat. The public has asked the Department to clarify this issue as it applies to hovercraft and airboats. Wisconsin has a number of waterways that have a long history of airboat use.

Statutory authority

Section 30.62 (2) (h), Wis. Stats., authorizes the Department to promulgate rules to exempt certain activities for certain types of motorboats for specific uses and for specific areas of operation from the sound level standards.

Staff time required

The Department estimates that it will take approximately 8 hours of staff time to develop this rule.

Comparison with federal regulations

There are no Federal regulations comparable to the rule changes being proposed.

All Entities Affected by the Rule

The proposed rule will affect all owners and operators of airboats and hovercraft.

Natural Resources

Subject

Objective of the rule. Chapter NR 720 was promulgated in April, 1995. The rule established generic numerical soil cleanup standards for a limited number of substances and a methodology for determining site specific standards for any substance. Since promulgation of the rule, a number of issues have been identified that require resolution and subsequent code revisions in order to ensure consistent implementation.

Policy analysis

The 4 major policy issues that need to be addressed are: 1) should the rule continue to include tables of numerical soil standards, 2) should soil cleanup standards for the protection of groundwater be calculated based on the Preventive Action Limits (PALs) or the Enforcement Standards, 3) should the direct contact soil cleanup standards for lead and arsenic be consistent with guidelines being used by EPA, the Wisconsin Department of Health, and the Wisconsin Department of Agriculture, Trade, and Consumer Protection, and 4) whether more than 2 land use scenarios (currently industrial/non-industrial) should be allowed when determining the appropriate soil cleanup standards. In addition, there are several other rule changes that are necessary for clarification or consistency purposes.

The Remediation and Redevelopment Program evaluated these issues and had several meetings with our NR 700 external Technical Focus Group as well as the Brownfield's Study Group in order to get some initial feedback on whether

these were the appropriate issues and whether our initial recommendations for how to proceed were sound. In general, both Groups felt we were headed in the right direction and encouraged us to initiate the rule revision process.

Statutory authority

ss. 227.11 (2) (a), 281.19 (1), 289.05 (1), 289.06 (1), 291.05 (6) (f), 292.11 and 292.31, Wis. Stats.

Staff time required

The Department estimates that it will take approximately 500 hours of staff time to develop this rule.

Comparison with federal regulations

There are no Federal regulations comparable to the rule changes being proposed.

All Entities Affected by the Rule

The existing rules currently affect those parties responsible for conducting a cleanup under the state hazardous substance spills law including individuals, large and small businesses, and state and local government. The rules also affect environmental consulting firms conducting investigation and remediation of contamination as well as companies that are interested in redeveloping these types of properties.

Public Instruction

Subject

The 2005–07 biennial budget, 2005 Wisconsin Act 25, appropriated \$3,500,000 in 2006–07 for a new grant program to provide funds to a school board, board of control of a cooperative educational service agency, county children with disabilities education board, or operator of a charter school established under s. 118.40 (2r), Stats., if the applicant

incurred, in the previous school year, more than \$30,000 of nonadministrative costs for providing special education and related services to a child and those costs were not eligible for reimbursement under s. 115.88, 115.93, or 118.255, 20 USC 1400 et seq., or federal medicaid.

For each child whose costs exceeded \$30,000, the department must pay an eligible applicant in the current school year an amount equal to .90 multiplied by that portion of the cost that exceeded \$30,000. If funds are insufficient, the department may prorate.

A new rule chapter will be created to specify the grant application requirements and determine aidable costs for the program.

Policy analysis

The rules will create application requirements and define terms and aidable costs under the grant programs. The rules may require certain information be reported before funds can be awarded under the program.

Policy alternatives

The grant program could be implemented based on statutory language alone. However, rules would allow applicants to know what grant criteria are being used in the awarding of grants under this program.

Staff time required

The amount of time needed for rule development by department staff and the amount of other resources necessary are indeterminable. The time needed to create the rule language itself will be minimal. However, the time involved with guiding the rule through the required rule promulgation process is fairly significant. The rule process takes more than six months to complete.

Comparison with federal regulations

Not applicable.

Submittal of rules to legislative council clearinghouse

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

Insurance

Rule Submittal Date

In accordance with ss. 227.14 and 227.15, Stats., the Office of the Commissioner of Insurance is submitting a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse on 1/10/06.

Subject

These changes will affect Section Ins 17.28, Wis. Adm. Code, relating to Fund fees f/y 2007.

Agency Procedure for Promulgation

The date for the public hearing is 2/13/06.

Contact Information

A copy of the proposed rule may be obtained from the WEB site at:

<http://oci.wi.gov/ocirules.htm>

or by contacting Inger Williams, Services Section, Office of the Commissioner of Insurance, at (608) 264-8110. For additional information, please contact Theresa Wedekind at (608) 266-00953 or e-mail at Theresa.wedekind@oci.state.wi.us.

Revenue

Rule Submittal Date

On January 4, 2006 the Wisconsin Department of Revenue submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

Subject

The proposed rule amends Tax 1.12 and 2.04, relating to electronic funds transfer, information returns, and wage statements.

Agency Procedure for Promulgation

A public hearing on the proposed rule is required and will be scheduled.

The Office of the Secretary is primarily responsible for the promulgation of the proposed rule.

Contact Information

If you have questions, please contact:

Dale Kleven

Income, Sales and Excise Tax Division

Telephone (608) 266-8253

E-mail dkleven@dor.state.wi.us

Transportation

Rule Submittal Date

On January 10, 2006, the Department of Transportation submitted proposed rules to the Legislative Council Rules Clearinghouse.

Subject

Statutory authority: Section 227.14 (4m), Stats.

The proposed rules affect chs. Trans 325 and 326, relating to motor carrier safety regulations and motor carrier safety requirements for transportation of hazardous materials.

Agency Procedure for Promulgation

A public hearing is scheduled for February 13, 2006.

The organizational unit responsible for the promulgation of the proposed rules is the Division of State Patrol.

Contact Information

Julie A. Johnson

(608) 266-8810

Email: ogc.exec@dot.state.wi.us

Workforce Development

Rule Submittal Date

On January 11, 2006, the Department of Workforce Development submitted proposed rules to the Legislative Council Rules Clearinghouse.

Subject

Statutory authority: Sections 66.0903 (5), 103.49 (3g), 779.14 (1s) and 227.11, Stats.

The proposed rules affect ss. DWD 290.155 and 293.02, relating to the adjustment of thresholds for application of prevailing wage rates and payment and performance assurance requirements and affecting small businesses.

Agency Procedure for Promulgation

A public hearing is scheduled for February 15, 2006.

The organizational unit responsible for the promulgation of the proposed rules is the DWD Equal Rights Division.

Contact Information

Elaine Pridgen

(608) 267-9403

Email: elaine.pridgen@dwd.state.wi.us

Rule-making notices

Notice of Hearing Chiropractic Examining Board [CR 06-008]

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Chiropractic Examining Board in ss. 15.08 (5) (b), 227.11 (2) and 446.02 (2) (b), Stats., and interpreting s. 446.02 (1) (b) and (2) (a), Stats., the Chiropractic Examining Board will hold a public hearing at the time and place indicated below to consider an order to repeal ss. Chir 5.01 (1) (c) and (d) and 5.02 (3); to renumber and amend s. Chir 5.01 (3); and to create ss. Chir 5.01 (3) (b) to (e), 5.02 (1) (i), (4) (a) 8., a. and b., and (7), relating to continuing education credit and approval of continuing education programs.

Hearing Date, Time and Location

Date: February 23, 2006
Time: 8:15 a.m.
Location: 1400 East Washington Avenue
 Room 121A
 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 Pamela Haack, Paralegal, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935, or by email at pamela.haack@drl.state.wi.us. Comments must be received on or before March 6, 2006 to be included in the record of rule-making proceedings.

Analysis

Statutes interpreted: Section 446.02 (1) (b) and (2) (a), Stats.

Statutory authority: Sections 15.08 (5) (b), 227.11 (2) and 446.02 (2) (b), Stats.

Explanation of agency authority: The Chiropractic Examining Board has the authority under s. 446.02, Stats., to establish the requirements of continuing education for license renewal. Presently, those requirements are set forth in Chapter Chir 5. The proposed rule removes references to outdated requirements and provides for approval of non-classroom technology based educational opportunities. This proposal is intended to allow chiropractors to take advantage of educational opportunities that are or will become available in non-classroom settings by advances in technology while maintaining the value of active participation and the assurances of assessment tools.

Related statute or rule: There are no related statutes or rules other than those listed above.

Plain language analysis: SECTION 1 repeals one time ethics and radiology education requirements that were required for the 2003 to 2004 biennium.

SECTION 2 repeals language that requires the student to be physically present in the room in which the program is

presented. The removal of this restriction is necessary to facilitate distance learning alternatives.

SECTION 3 establishes a limitation of 12 continuing education hours that may be obtained from technology based non-classroom education programs. This SECTION requires that such programs must have a written assessment instrument to assure that the student actively participated and derived a benefit. This SECTION also allows in the case of extreme hardship for accumulation of more than 12 hours of non-classroom continuing education.

SECTION 4 sets forth the requirements of technology based non-classroom continuing educational programs in addition to the requirements common to all continuing educational programs. These additional requirements include that the student must take a written assessment instrument and demonstrate that they actively participated in the program and demonstrate that they received a measurable benefit from their participation. These programs must also contain a reasonable security measure to assure that the enrolled student is the actual participant.

SECTION 5 repeals language authorizing non-classroom education in cases of extreme hardship because the language was recreated in SECTION 3.

SECTION 6 creates a requirement that the application for approval of technology based, non-classroom continuing education programs must contain information stating how the program will conduct the written assessment and what type of security measures are being used to fulfill the requirements of SECTION 4.

SECTION 7 restricts the approval period of continuing education programs for the biennium in which they are approved. Such a restriction assures that the information conveyed and is current and the topic timely.

Summary of, and comparison with, existing or proposed federal regulation: No proposed or existing federal regulation authorizing or restricting technology based, non-classroom continuing education programs for chiropractors exist.

Comparison with rules in adjacent states:

Illinois: Continuing medical education utilizing materials such as CD-ROMs, printed educational materials, audiotapes, video cassettes, films, slides and computer assisted instruction that provide a clear, concise statement of the educational objectives and indicate the intended audience. These programs shall also have a method of verifying physicians' participation.

Iowa: Iowa is currently promulgating a rule change to 645 IAC 44.03 that would allow continuing education credit for completing electronically transmitted programs/activities or INDEPENDENT study programs/activities that have a certificate of completion.

Michigan: The state of Michigan does not address the setting in which continuing education programs may take place.

Minnesota: 2500.1550 ALTERNATIVES TO TRADITIONAL CLASSROOM PRESENTATION.

A chiropractor may obtain up to six units of the 20-unit annual requirement through alternatives to traditional classroom presentations. The programs must be approved by the board or a board-approved sponsor according to parts

2500.1200 to 2500.2000. The programs approved for continuing education credit under this part must include a written assessment instrument, designed to ensure that the chiropractor actively participated in the presentation of material and derived a measurable benefit from participation. For the purposes of this part, an instrument that provides a minimum of two questions from each unit of instruction, and of which 75 percent or more are correctly answered, satisfies this requirement.

Summary of factual data and analytical methodologies: No study resulting in the collection of factual data was used in reference to this rule-making effort. The primary methodology for revising the rule is the board's ongoing analysis and determination that a rules change is necessary.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report: The Department of Regulation and Licensing has a small business review advisory committee (SBRAC) which consists of representatives of a variety of small business and geographic locations. This proposed rule was reviewed by the SBRAC and found that the rule would not have a significant economic impact on small business.

This conclusion is supported by an analysis by department staff. Licensed chiropractors are required to complete 40 hours of continuing education (CE) each biennium. Continuing education hours have traditionally only been available at locations near urban (higher population density) areas. The economics of hosting and presenting all day or multi-day presentations requires that CE providers attract a large number of attendees. This may cause significant financial burden in terms of travel expenses and lost income due to time away from the practice.

The use of modern technology (an example would be Internet-based CE courses) will offer chiropractors more educational opportunities while reducing travel and time away from office related costs.

This rule does not mandate that any CE provider offer non-traditional or technology-based CE, therefore, there would be no additional mandated expenses to CE providers.

Anticipated costs incurred by private sector/fiscal estimate: The department finds that this rule has no significant fiscal effect on the private sector.

Effect on small business: These proposed rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at larry.martin@drl.state.wi.us, or by calling (608) 266-8608.

Agency contact person

Pamela Haack, Paralegal, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935. Telephone: (608) 266-0495. Email: pamela.haack@drl.state.wi.us.

TEXT OF RULE

SECTION 1. Chir 5.01 (1) (c) and (d) are repealed.

SECTION 2. Chir 5.01 (3) is renumbered Chir 5.01 (3) (a) and is amended to read:

Chir 5.01 (3) (a) To obtain credit for completion of continuing education programs, a chiropractor shall certify on his or her application for renewal of license registration that he or she has completed all continuing education credits as required in this section for the previous 2 year license registration period. A chiropractor shall retain for a minimum period of 4 years, and shall make available to the board or its agent upon request, certificates of attendance issued by the

program sponsor for all continuing education programs for which he or she claims credit for purposes of renewal of his or her license registration. ~~Chiropractors attending a program for credit shall be present in the room where a program is being presented in order to claim credit. A chiropractor may claim credit hours for continuing education for which he or she was in actual attendance in the room, except for authorized break periods or to attend to personal hygiene needs.~~

SECTION 3. Chir 5.01 (3) (b) to (e) are created to read:

Chir 5.01 (3) (b) Except as provided in par. (c), chiropractors attending a program for credit shall be present in the room where a program is being presented in order to claim credit. A chiropractor may claim credit hours for continuing education for which he or she was in actual attendance in the room, except for authorized break periods or to attend to personal hygiene needs.

(c) Chiropractors may obtain up to 12 continuing education credit hours through alternative based, non-classroom programs. The programs shall be approved by the board under the provisions of s. Chir 5.02. The chiropractor shall have completed all parts of the course for which credit is awarded by the provider.

(d) The programs shall include a written assessment instrument, designed to ensure that the chiropractor actively participated in the presentation of material and derived a measurable benefit from participation.

(e) Home study programs and other technology based, non-classroom presentations may be approved for credit in excess of 12 credit hours only in cases of extreme hardship, as determined by the board.

SECTION 4. Chir 5.02 (1) (i) is created to read:

Chir 5.02 (1) (i) A technology based, non-classroom program shall meet these additional requirements:

1. The program shall include a written assessment instrument, designed to ensure that the chiropractor actively participated in the presentation of material and derived a measurable benefit from participation.

2. The program shall contain a reasonable security procedure to assure that the chiropractor enrolled is the actual participant.

SECTION 5. Chir 5.02 (3) is repealed.

SECTION 6. Chir 5.02 (4) (a) 8., a. and b. are created to read:

Chir 5.02 (4) (a) 8. If the course is a technology based, non-classroom program, a description of the methods employed to fulfill the following requirements:

a. The program shall include a written assessment instrument, designed to ensure that the chiropractor actively participated in the presentation of material and derived a measurable benefit from participation.

b. The program shall contain a reasonable security procedure to assure that the chiropractor enrolled is the actual participant.

SECTION 7. Chir 5.02 (7) is created to read:

Chir 5.02 (7) The approval of a course shall be effective only for the biennium in which it is approved.

Notice of Hearing Chiropractic Examining Board [CR 06-007]

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Chiropractic Examining Board in ss. 15.08 (5)

(b) and 227.11 (2), Stats., and interpreting s. 446.04, Stats., the Chiropractic Examining Board will hold a public hearing at the time and place indicated below to consider an order to amend s. Chir 6.02 (6), relating to adequate education prior to application of new therapies and treatment modalities.

Hearing Date, Time and Location

Date: February 23, 2006
Time: 8:15 a.m.
Location: 1400 East Washington Avenue
 Room 121A
 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 Pamela Haack, Paralegal, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935, or by email at pamela.haack@drl.state.wi.us. Comments must be received on or before March 6, 2006 to be included in the record of rule-making proceedings.

Analysis

Statutes interpreted: Section 446.04, Stats.

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

Explanation of agency authority: The Chiropractic Examining Board licenses and regulates the conduct of chiropractors. The board is authorized under ss. 15.08 (5) and (6), 446.02 (1) (b) and 446.02 (2) (b), Stats., to promulgate rules relating to the educational requirements for licensure and the requirements for continuing education of chiropractors and unprofessional conduct.

Related statute or rule: There are no other related statutes or rules other than those listed above.

Plain language analysis: This proposed rule-making order makes changes to reflect the need for chiropractors to receive adequate training, education and experience prior to the introduction, or application, of new therapies and treatment modalities in their chiropractic practice application.

New therapies and treatment modalities, such as cold laser therapy and other potential new high-visibility therapies, are being introduced into the practice of chiropractic treatment 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 rule change specifying that the chiropractor should have adequate education and training prior to patient application will be required.

SECTION 1 amends the rules to specify that chiropractors need adequate training, education and experience relating to the use of new therapies and treatment modalities in the chiropractic profession to assure competence prior to application.

Summary of, and comparison with, existing or proposed federal regulation: None.

Comparison with rules in adjacent states:

Illinois: Illinois's administrative code has no mention specifically of training requirements; however, the conduct of chiropractors is governed under Section 1285.240 Standards (Illinois Admin. Code). Interestingly, the rules governing the conduct of chiropractors are those of the medical profession

and treat chiropractors as members of the medical profession (referring to them as chiropractic physicians). The rules do require that chiropractors act in ways that will not harm the public, breaches the physician's responsibility to a patient in accordance to medical standards of practice and not use any equipment on patients that have not been authorized for use in an approved research program pursuant to rules of the Illinois Department of Public Health authorizing research programs or as otherwise expressly authorized by law. More may be found at:

<http://www.ildpr.com/WHO/ar/medicalr.asp>

Iowa: Iowa's administrative code governing conduct has no specific language requiring education prior to the use of a new therapy; however, there are requirements for chiropractors to be competent in their practice. Excerpts from their administrative code are as follows:

45.2 (2) Professional incompetence. Professional incompetence includes, but is not limited to:

a. A substantial lack of knowledge or ability to discharge professional obligations within the scope of practice.

b. A substantial deviation from the standards of learning or skill ordinarily possessed and applied by other chiropractic physicians in the state of Iowa acting in the same or similar circumstances.

c. A failure to exercise the degree of care which is ordinarily exercised by the average chiropractic physician acting in the same or similar circumstances.

d. Failure to conform to the minimal standard of acceptable and prevailing practice of a chiropractic physician in this state.

More may be found at:

<http://www2.legis.state.ia.us/Rules/Current/645iac/65545/64545.pfd>

Michigan: Michigan's administrative code relating to rules governing the practice of chiropractic has no specific rules regulating professional conduct. The rules relating to actions against a Michigan chiropractic license holder are covered under Michigan Statutes: Chapter 333.16221 – 16226. More may be found at:

<http://www.legislature.mi.gov/mileg.asp?page=executesearch>

Minnesota: Minnesota's statutes governing conduct has no specific language requiring education prior to the use of a new therapy; however, there are requirements for chiropractors to be competent in their practice. Excerpts from their administrative code are as follows:

From Minnesota statutes: 148.10 Licenses Revoked; New Licenses.

(11), unprofessional conduct means any unethical, deceptive or deleterious conduct or practice harmful to the public, any departure from or the failure to conform to the minimal standards of acceptable chiropractic practice, or a willful or careless disregard for the health, welfare or safety of patients, in any of which cases proof of actual injury need not be established. Unprofessional conduct shall include, but not be limited to, the following acts of a chiropractor:

(1) gross ignorance of, or incompetence in, the practice of chiropractic

More may be found at:

<http://www.mn-chirboard.state.mn.us>

Summary of factual data and analytical methodologies: No study resulting in the collection of factual data was used in reference to this rule-making effort. The primary methodology for revising the rule is the board's ongoing analysis and determination that a rules change is necessary.

Analysis and supporting documents used to determine effect on small business or in preparation of economic

impact report: The Department of Regulation and Licensing has a small business review advisory committee (SBRAC) consisting of representatives of a variety of small business and geographic locations. This proposed rule was reviewed by the SBRAC and found that the rule would not have a significant economic impact on small business.

This conclusion is supported by an analysis by department staff. Licensed chiropractors are required to follow the Standards of Conduct Rules under ch. Chir 6 of the Wisconsin administrative code. The existing rules prevent licensed chiropractors from performing professional services inconsistent with their training, education or experience. Given the current pace of technological advancement, and the resulting marketing effort targeting practitioners, the existing rules governing professional conduct is amended by the board to clarify education and training requirements of chiropractors prior to application and/or incorporation of new technology-based therapies and treatments into their practice.

The incorporation and use of modern technology has always been and will be a part of patient care; however, the rules governing conduct should keep up with those applications, especially where they relate to existing rules of conduct for the protection of the public.

This proposed rule does not mandate any additional education or training with regards to new technology or treatments, unless chiropractors wish to incorporate those new treatments into their practice.

Anticipated costs incurred by private sector/fiscal estimate: 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: These proposed rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at larry.martin@drl.state.wi.us, or by calling (608) 266-8608.

Agency contact person

Pamela Haack, Paralegal, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935. Telephone: (608) 266-0495. Email: pamela.haack@drl.state.wi.us.

TEXT OF RULE

SECTION 1. Chir 6.02 (6) is amended to read:

Chir 6.02 (6) Performing professional services inconsistent with training, education or experience. Prior to application to patients of new therapies or treatment modalities, a chiropractor shall obtain adequate and appropriate training and education. Such training and education may be obtained from coursework at an accredited college of chiropractic, or from a board-approved continuing education program or from a program sponsored by an organization listed in s. Chir 5.02 (1) (a).

Notice of Hearing

Insurance

[CR 06-002]

Notice is hereby given that pursuant to the authority granted under s. 601.41 (3), Stats., and the procedures set forth

in under s. 227.18, Stats., OCI will hold a public hearing to consider the adoption of the attached proposed rulemaking order affecting Section Ins 17.28, Wis. Adm. Code, relating to Fund fees for fiscal year 2007.

Hearing Information

Date: **February 13, 2006**

Time: 10:00 a.m., or as soon thereafter as the matter may be reached

Place: OCI, Room 223, 125 South Webster St
2nd Floor
Madison, WI

Written comments or comments submitted through the Wisconsin Administrative Rule website at: <http://adminrules.wisconsin.gov> on the proposed rule will be considered. The deadline for submitting comments is 4:30 p.m. on the 8th day after the date for the hearing stated in this Notice of Hearing.

Written comments should be sent to:

Theresa Wedekind

OCI Rule Comment for Rule Ins 1728

Office of the Commissioner of Insurance

PO Box 7873

Madison WI 53707-7873

Initial Regulatory Flexibility Analysis

Notice is hereby further given that pursuant to s. 227.114, Stats., the proposed rule may have an effect on small businesses. The initial regulatory flexibility analysis is as follows:

a. Types of small businesses affected: Entities organized and operated in this state for the primary purpose of providing the services of physicians or certified registered nurse anesthetists.

b. Description of reporting and bookkeeping procedures required: None beyond those currently required.

c. Description of professional skills required: None beyond those currently required.

The office of the commissioner of insurance and the board of governors of the injured patients and families compensation fund propose an order to amend s. Ins 17.01 (3), and s. Ins 17.28 (3) (c) 1. and 2., and to repeal and recreate s. Ins 17.28 (6), relating to annual patients compensation fund and mediation fund fees for the fiscal year beginning July 1, 2006 and may have an effect on small businesses.

Analysis Prepared by the Office of the Commissioner of Insurance (OCI)

1. Statutes interpreted: s. 655.27 (3), Stats.

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

3. Explanation of the OCI's authority to promulgate the proposed rule under these statutes: The commissioner of insurance, with the approval of the board of governors (board) of the injured patients and families compensation fund (fund), is required to establish by administrative rule the annual fees which participating health care providers must pay to the fund.

4. Related Statutes or rules: None.

5. The plain language analysis and summary of the proposed rule: This rule establishes the fees which participating health care providers must pay to the fund for the fiscal year beginning July 1, 2006. These fees represent a 25 % increase compared with fees paid for the 2005-06 fiscal year. The board approved these fees at its meeting on December 14, 2005, based on the recommendation of the

board's actuarial and underwriting committee and reports of the fund's actuaries.

This rule includes fees for two new categories of health care providers:

1. A new part-time classification for physicians as approved by the fund's board for those physicians working 1040 hours or less per fiscal year, and

2. A new classification for organizations or enterprises not specified as a partnership or corporation, such as a limited liability company (LLC), that are organized and operated in this state for the primary purpose of providing the medical services of physicians or nurse anesthetists pursuant to 2005 Wisconsin Act 36.

This rule includes additions to the Insurance Services Office (ISO) code listing to address new classification specialties. ISO codes are the numerical designation for a health care provider's specialty and are used to classify the provider for assessment purposes.

The board is also required to promulgate by rule the annual fees for the operation of the injured patients and families compensation mediation system, based on the recommendation of the director of state courts. This rule implements the funding level recommendation of the board's actuarial and underwriting committee by establishing mediation panel fees for the next fiscal year at \$25.00 for physicians and \$2.00 per occupied bed for hospitals, representing a decrease from 2005-06 fiscal year mediation panel fees.

6. Summary of and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule: To the fund board's and OCI's knowledge there is no existing or proposed federal regulation that is intended to address patient compensation fund rates, administration or activities.

7. Comparison of similar rules in adjacent states as found by OCI: To the fund board's and OCI's knowledge there are no similar rules in the adjacent states to compare this rule to as none of these states have a patients compensation fund created by statute where rates are directed to be established yearly by rule as is true in Wisconsin.

8. A summary of the factual data and analytical methodologies that OCI used in support of the proposed rule and how any related findings support the regulatory approach chosen for the proposed rule: None. This rule establishes annual fund fees pursuant to the requirements of the above-noted Wisconsin statutes.

9. Any analysis and supporting documentation that OCI used in support of OCI's determination of the rule's effect on small businesses under s. 227.114: This increase in fund fees will have an effect on some small businesses in Wisconsin. However, the vast majority of Fund participants that meet the definition of a small business are single shareholder corporations owned by a physician. These entities do not pay an additional fee separate from the fund fee physician's pay for their individual Fund coverage and therefore, will not be effected by the proposed rule. The fund identified a few small businesses which meet the definition of small business and that may pay an additional fee separate from the physician fee. However, even for these few entities, although there is an effect it is not significant nor should it negatively effect the small business's ability to compete with other providers not subject to potential additional fee.

10. If these changes may have a significant fiscal effect on the private sector, the anticipated costs that will be incurred by private sector in complying with the rule: The increase in fees promulgated by this rule does not result in a significant fiscal effect on the private sector. The cost of Fund coverage is a

very small portion of the expenses incurred by health care providers. This increase is the first such increase after several years of decreases. Fund fees prior to this increase are 55% less than they were 5 years ago and after this increase will still be 43% less than 5 years ago. Although a health care provider may pass this increase on to its patients, there will not be a significant fiscal effect on the private sector as a result of this proposed rule.

11. A description of the Effect on Small Business: This rule will have little or no effect on small businesses. The increase contained in the proposed rule will require providers to pay an increased assessment which will increase the operational expenses for the providers. However, as stated in response to #10, above, while this proposed rule increases fund fees, the fees that will be assessed are still 43% lower than fees paid 5 years ago and the fee is proportional to all size businesses. As such, small businesses will not be disproportionately effected and the proposed rule will have no effect to the provider's competitive abilities.

12. Agency contact person: A copy of the full text of the proposed rule changes, analysis and fiscal estimate may be obtained from the WEB sites at: <http://oci.wi.gov/ocirules.htm> or by contacting Inger Williams, OCI Services Section, at:

Phone: (608) 264-8110

Email: Inger.Williams@OCI.State.WI.US

Address: 125 South Webster St - 2nd Floor Madison WI 53702

Mail: PO Box 7873, Madison WI 53707-7873

13. Place where comments are to be submitted and deadline for submission:

The deadline for submitting comments is 4:30p.m. on February 21, 2006.

Mailing address:

Theresa Wedekind

OCI Rule Comment for Rule Ins 17287 PCF fee rule

Office of the Commissioner of Insurance

PO Box 7873

Madison WI 53707-7873

Street address:

Theresa Wedekind

OCI Rule Comment for Rule Ins 17287 PCF fee rule

Office of the Commissioner of Insurance

125 South Webster St - 2nd Floor

Madison WI 53702

WEB Site: <http://oci.wi.gov/ocirules.htm>

OCI Small Business Regulatory Coordinator

The OCI small business coordinator is Eileen Mallow and may be reached at phone number (608) 266-7843 or at email address Eileen.Mallow@oci.state.wi.us

Fiscal Estimate

The Injured Patients and Families Compensation Fund (IPFCF or Fund) is a segregated fund. Annual Fund fees are established to become effective each July 1 based on actuarial estimates of the Fund's needs for payment of medical malpractice claims. The proposed fees were approved by the Fund's Board of Governors at its December 14, 2005 meeting.

The Fund is a unique fund; there are no other funds like it in the country. The WI Fund provides unlimited liability coverage and participation is mandatory. These two features make this Fund unique compared to funds in other states. The only persons who will be affected by this rule change are the Fund participants themselves as the IPFCF is fully funded through assessments paid by Fund participants.

There is no effect on GPR.

Estimated revenue from fees for fiscal year 2006–2007 is approximately \$24 million which represents a 25% increase in fees as compared to 2005–2006 Fund fees.

Private Sector Fiscal Analysis

The increase in fees promulgated by this rule does not result in a significant fiscal effect on the private sector. The cost of Fund coverage is a very small portion of the expenses incurred by health care providers. This increase is the first such increase after several years of decreases. Fund fees prior to this increase are 55% less than they were 5 years ago and after this increase will still be 43% less than 5 years ago. Although a health care provider may pass this increase on to its patients, there will not be a significant fiscal effect on the private sector as a result of this proposed rule.

Contact Person

A copy of the full text of the proposed rule changes, analysis and fiscal estimate may be obtained from the OCI internet WEB site at <http://oci.wi.gov/ocirules.htm> or by contacting Inger Williams, Services Section, OCI, at: Inger.Williams@OCI.State.WI.US, (608) 264–8110, 125 South Webster Street – 2nd Floor, Madison WI or PO Box 7873, Madison WI 53707–7873.

Notice of Hearing Transportation [CR 06–003]

NOTICE IS HEREBY GIVEN that pursuant to s. 110.075 and ch. 194, Stats., and interpreting ch. 194, Stats., the Department of Transportation will hold a public hearing in Room 551 of the Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin on the **13th day of February, 2006**, at 3:00 PM, to consider the amendments of chs. Trans 325 and 326, Wisconsin Administrative Code, relating to motor carrier safety regulations, and motor carrier safety requirements for transportation of hazardous materials.

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

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

Analysis Prepared by the Wisconsin Department of Transportation

Statutes interpreted: Ch. 194, Stats.

Statutory authority: s. 110.075 and Ch. 194, Stats.

Explanation of agency authority: The secretary shall set standards and adopt rules to establish a plan of inspection to implement the inspection program. It shall be the duty of the department to prescribe rules and regulations as to safety and operations and the hours of service of drivers of motor vehicles operated under the authority of this chapter.

Related statute or rule: s. 110.07, Stats.

Plain language analysis

As prescribed by state statute, the Department is mandated to regulate both intra and interstate transportation of property and passengers by commercial motor vehicles. It is in the best interest of the public when current regulations are used for enforcement of these regulations.

Summary of, and preliminary comparison with, existing or proposed federal regulation

Trans 325 (Interstate Motor Carrier Safety Regulations) adopts Federal regulations 49 CFR parts 390 to 397. Trans 326 (Interstate and Intrastate Motor Carrier Safety Requirements for Transportation of Hazardous Materials) adopts Federal regulations 49 CFR parts 107, 171, 172, 173, 177, 178, 180 and 385 subparts C & E.

Comparison with Rules in Adjacent States

All adjacent states (Michigan, Minnesota, Illinois and Iowa) adopt the same Federal regulations.

Summary of factual data and analytical methodologies used and how the related findings support the regulatory approach chosen

The Federal Motor Carrier Safety Administration did extensive research into the hours-of-service for commercial vehicle drivers. Its research, coupled with input from the motor carrier industry, resulted in the new hours-of-service regulations for interstate commerce effective October 1, 2005.

Analysis and supporting documentation used to determine effect on small businesses

The research provided by the Federal Motor Carrier Safety Administration was used in analyzing the effects on small business.

Effect on small business

All businesses will have the same effect. There is no differentiation between small business and large business. The Department's Regulatory Review Coordinator may be contacted by e-mail at andrew.ruiz@dot.state.wi.us, or by calling (414) 438–4585.

Fiscal effect and anticipated costs incurred by private sector

The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district, sewerage district, or federally-recognized tribes or bands. The Department estimates that there will be no fiscal impact on state or private sector revenues or liabilities.

Agency contact person and place where comments are to be submitted and deadline for submission

The public record on this proposed rule making will be held open until close of business the day of the hearing to permit the submission of comments in lieu of public hearing testimony or comments supplementing testimony offered at the hearing. Any such comments should be submitted to Capt. Charles Teasdale, Department of Transportation, Division of State Patrol, Bureau of Field Services, Room 551, P. O. Box 7912, Madison, WI 53707–7912. You may also contact Capt. Teasdale by phone at (608) 266–0305.

To view the proposed amendments to the rule, view the current rule, and submit written comments via e-mail/internet, you may visit the following website: <http://www.dot.wisconsin.gov/library/research/law/rulenotices.htm>.

Notice of Hearing Veterans Affairs [CR 05–103]

Notice is hereby given that the Department of Veterans Affairs will hold a public hearing on the **22nd day of February, 2006** at 9:15 a.m., in the 8th floor board room at 30 West Mifflin Street in Madison, Wisconsin.

Analysis Prepared by the Department of Veterans Affairs

Statutory authority: ss. 45.03 (2) and 45.43 (2) Stats.

Statute interpreted: s. 45.43, Stats.

The proposed rule changes will allow the department to use operational funds to provide vocational assistance to participants in the Veterans Assistance Program. The language will also authorize the department to assess a monthly program fee of 30% of gross monthly income, or \$350.00, whichever is less, to a resident of single room occupant housing.

There is no current or pending federal regulation that addresses the use of funds for vocational purposes. As to the fee, current federal regulations permit an assessment up to 30% of gross income, as provided in the proposal. There are no similar rules in adjacent states. This rule has no regulatory aspect to it, has no effect upon small businesses, nor any significant fiscal effect upon the private sector.

Initial Regulatory Flexibility Analysis

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

Fiscal Estimate

The implementation of the rule may result in an increase in revenues of \$126,000 on an annual basis.

Contact Information

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

John Rosinski
Wisconsin Department of Veterans Affairs
PO Box 7843
Madison, WI 53707-7843
(608) 266-7916
John.rosinski@dav.state.wi.us

Notice of Hearing Workforce Development [CR 06-004]

NOTICE IS HEREBY GIVEN that pursuant to Sections 66.0903 (5), 103.49 (3g), 779.14 (1s), and 227.11, Stats., the Department of Workforce Development proposes to hold a public hearing to consider the emergency rules and the proposed permanent amendment of rules relating to the adjustment of thresholds for application of prevailing wage rates and payment and performance assurance requirements and affecting small businesses.

Hearing Information

Wednesday, **February 15, 2006** at 1:30 p.m.

G.E.F. 1 Building, B103
201 E. Washington Avenue
Madison, WI

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

Visitors to the GEF 1 building are requested to enter through the left East Washington Avenue door and register with the customer service desk. The entrance is accessible via a ramp from the corner of Webster Street and East Washington

Avenue. If you have special needs or circumstances regarding communication or accessibility at the hearing, please call (608) 267-9403 at least 10 days prior to the hearing date. Accommodations such as ASL interpreters, English translators, or materials in audiotape format will be made available on request to the fullest extent possible.

Analysis Prepared by the Department of Workforce Development

Statutory authority: Sections 66.0903 (5), 103.49 (3g), 779.14 (1s), and 227.11, Stats.

Statutes interpreted: Sections 66.0903(5), 103.49(3g), and 779.14, Stats.

Explanation of agency authority. The prevailing wage laws require that when a state agency or local governmental unit contracts for the erection, construction, remodeling, repairing, or demolition of a public works project it must obtain a prevailing wage rate determination from the Department of Workforce Development and require that the contractors and subcontractors on the project pay their employees in accordance with those wage rates. Sections 66.0903 (5) and 103.49 (3g), Stats., set initial estimated project cost thresholds for application of the prevailing wage rate requirements and direct the Department to adjust the thresholds each year in proportion to any change in construction costs since the thresholds were last determined.

Section 779.14, Stats., sets payment and performance assurance requirements that apply to contracts for the performance of labor or furnishing of materials for a public improvement project or public work. Section 779.14 (1s), Stats., requires the Department to biennially adjust the thresholds for various requirements in proportion to any change in construction costs since the last adjustment if the adjustment to be made would not be less than 5%.

Summary of the proposed and emergency rule. Section DWD 290.155 (1) currently provides that the prevailing wage rate requirements do not apply to any single-trade public works project for which the estimated cost of completion is below \$41,000 and do not apply to any multi-trade public works project for which the estimated cost of completion is below \$200,000. This proposed and emergency rule adjusts the thresholds from \$41,000 to \$43,000 for a single-trade project and from \$200,000 to \$209,000 for a multi-trade project based on a 4.639% increase in construction costs between December 2004 and December 2005.

Chapter DWD 293 provides adjusted thresholds for various payment and performance assurance requirements that apply to contracts with state or local governments for the performance of labor or furnishing of materials for a public improvement or public work. This rule adjusts these thresholds to reflect a 12.75% increase in construction costs from December 2003 to December 2005.

Summary of analytical methodology. Sections DWD 290.15 and 293.01 provide that the Department will adjust the thresholds on the basis of the change in the construction cost index as published in the Engineering News-Record, a national construction trade publication. Thresholds are rounded to the nearest thousand.

Comparison to federal law. The threshold for application of the federal prevailing wage law is a contract greater than \$2,000. The threshold for application of the federal contractor payment and performance bond requirements is \$100,000. These thresholds are in statute and are rarely adjusted.

Comparison of prevailing wage law thresholds in adjacent states. Minnesota has a statutory threshold of \$2,500 for a single-trade project and \$25,000 for a multi-trade project. Illinois does not have a threshold in its prevailing wage law. The law covers public works projects and defines public

works projects as projects financed under various other specified laws. Michigan does not have a threshold in its prevailing wage law. The law covers projects that must be bid and relies on other agencies to determine the thresholds for what projects must be bid. Iowa does not have a prevailing wage law.

Comparison of payment and performance bond thresholds in adjacent states. Minnesota has a public contractors' performance and payment bond requirement that applies to a contract that exceeds \$75,000. Illinois requires a bond if a contract for a public work exceeds \$5,000. Neither state appears to have a mechanism for adjustment of the thresholds, other than statutory amendment. Michigan has a performance bond requirement without a clear statutory threshold. The Department did not find a performance bond requirement for public works contracts in Iowa.

Effect on small business. The rule affects construction companies, many of whom are small businesses. No reporting, bookkeeping, or other professional skills are required for compliance with the rule.

Analysis used to determine effect on small business. The adjustment of the thresholds for application of the prevailing wage and payment and performance bond requirements prevent these provisions from affecting more and more public works projects over time due solely to the effects of inflation.

Fiscal Impact

Under the proposed rule, a state agency or local governmental unit contracting for the construction of a single-trade public works project that costs more than \$41,000 but less than \$43,000 or a multi-trade project that

costs more than \$200,000 but less than \$209,000 will not be covered by the prevailing wage requirement.

Contact Information

The proposed rules are available at the web site <http://adminrules.wisconsin.gov> by typing "prevailing wage" in the search engine. This site allows you to view documents associated with this rule's promulgation, register to receive email notification whenever the Department posts new information about this rulemaking order, and submit comments and view comments by others during the public comment period. You may receive a paper copy of the rule by contacting:

Elaine Pridgen
Office of Legal Counsel
Dept. of Workforce Development
P.O. Box 7946
Madison, WI 53707-7946
(608) 267-9403
elaine.pridgen@dwd.state.wi.us

Written Comments

Written comments on the proposed rules received at the above address, email, or through the <http://adminrules.wisconsin.gov> web site no later than February 16, 2006, will be given the same consideration as testimony presented at the hearing.

Small Business Regulatory Coordinator
Jennifer Jirschele
(608) 266-1023
jennifer.jirschele@dwd.state.wi.us

Submittal of proposed rules to the legislature

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

Workforce Development

(CR 02–137)

Ch. DWD 100, relating to unemployment insurance availability.

Rule orders filed with the revisor of statutes bureau

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

Insurance**(CR 05-059)**

An order affecting chs. Ins 3, 9 and 18, relating to revising requirements for insurers offering defined network plans, preferred provider plans and limited service health organization plans.

Effective 3-1-06.

Natural Resources**(CR 05-053)**

An order affecting ch. NR 64, relating to an all-terrain vehicle registration exemption.

Effective 3-1-06.

Natural Resources**(CR 05-054)**

An order affecting ch. NR 64, relating to an all-terrain vehicle noise testing procedures.

Effective 3-1-06.

Natural Resources**(CR 05-071)**

An order affecting ch. NR 58, relating to the implementation and administration of grants for endangered resources.

Effective 3-1-06.

Natural Resources**(CR 05-074)**

An order affecting ch. NR 24, relating to open seasons for commercial clamming on the Wisconsin-Iowa boundary waters and the Mississippi River portion of the Wisconsin-Minnesota boundary waters.

Effective 3-1-06.

Rules published with this register and final regulatory flexibility analyses

*The following administrative rule orders have been adopted and published in the **January 31, 2006**, Wisconsin Administrative Register. Copies of these rules are sent to subscribers of the complete Wisconsin Administrative Code and also to the subscribers of the specific affected Code.*

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

Financial Institutions – Banking Financial Institutions – Savings Banks Financial Institutions – Savings and Loan (CR 05-045)

An order affecting chs. DFI-Bkg 3, DFI-SB 16 and DFI-SL 22, relating to debt cancellation contracts and debt suspension agreements. Effective 4-1-06.

Summary of Final Regulatory Flexibility Analysis

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

Summary of Comments by Legislative Review Committees

No comments were received.

Financial Institutions – Credit Unions (CR 05-046)

An order affecting ch. DFI-CU 74, relating to incidental powers activity authority parity with federal credit unions. Effective 2-1-06.

Summary of Final Regulatory Flexibility Analysis

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

Summary of Comments by Legislative Review Committees

No comments were received.

Insurance (CR 05-066)

An order affecting ch. Ins 42, relating to actuarial opinions and summaries and affecting small business. Effective 2-1-06.

Summary of Final Regulatory Flexibility Analysis

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

Summary of Comments by Legislative Review Committees

The legislative standing committees had no comments on this rule.

Natural Resources (CR 05-020)

An order affecting chs. NR 500 series and NR 812, relating to landfilling of solid waste. Effective 2-1-06.

Summary of Final Regulatory Flexibility Analysis

The department does not anticipate that this proposal will have a significant economic impact on a substantial number of small businesses. The rule changes will principally affect organizations that build and operate landfills and industries such as papermills, utilities, foundries and counties that own and operate landfills. The proposal will streamline various processes for landfill applicants and staff reviewing the applications.

Summary of Comments by Legislative Review Committees

The rules were reviewed by the Senate Committee on Natural Resources and Transportation and the Assembly Committee on Natural Resources. On September 28, 2005, the Assembly Committee on Natural Resources held a public hearing. At the hearing, the department was asked whether or not the question raised at the public hearing relating to repealing the definition of “critical habitat areas” had been resolved. The repeal of the definition does not weaken the protection of endangered species and habitat. The code changes are intended to clarify that the department has the authority to protect endangered and threatened species under s. 29.604, Stats., but very limited authority to protect habitat, whether critical or not. No modification requests were received as a result of this hearing.

Natural Resources (CR 05-073)

An order affecting ch. NR 20, relating to Lake Winnebago sturgeon spearing. Part effective 2-1-06. Part effective 3-1-06.

Summary of Final Regulatory Flexibility Analysis

The proposed rule will not regulate small businesses. However, small businesses around the Winnebago system most likely will benefit economically from the sturgeon spearing season. The establishment of an annual upriver lakes fishery could serve to more widely distribute the economic benefits of the season.

Summary of Comments by Legislative Review Committees

The proposed rules were reviewed by the Senate Committee on Natural Resources and Transportation and the Assembly Committee on Natural Resources. On November 16, 2005, the Assembly Committee on Natural Resources held a public hearing. The department did not receive any comments as a result of this hearing.

Optometry Examining Board (CR 05-036)

An order affecting chs. Opt 5 and 6, relating to conduct, examinations and continuing education. Effective 2-1-06.

Summary of Final Regulatory Flexibility Analysis

The proposed rule will have minimal impact on the department's funds.

Summary of Comments by Legislative Review Committees

No comments were received.

**Pharmacy Examining Board
(CR 05-078)**

An order affecting ch. Phar 7, relating to prescription records and transfer of prescription order information. Effective 2-1-06.

Summary of Final Regulatory Flexibility Analysis

These proposed rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1), Stats. The department's Regulatory Review Coordinator may be contacted by email at larry.martin@drl.state.wi.us, or by calling (608) 266-8608.

Summary of Comments by Legislative Review Committees

No comments were received.

**Regulation and Licensing
(CR 05-050)**

An order affecting ch. RL 1, relating to cheating on an examination and breach of examination security. Effective 2-1-06.

Summary of Final Regulatory Flexibility Analysis

Pursuant to s. 227.114 (1), 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 larry.martin@drl.state.wi.us, or by calling (608) 266-8608.

Summary of Comments by Legislative Review Committees

No comments were received.

**Transportation
(CR 05-062)**

An order affecting ch. Trans 276, relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways. Effective 2-1-06.

Summary of Final Regulatory Flexibility Analysis

The provisions of this rule adding a highway segment to the designated system have no direct adverse effect on small

businesses, and may have a favorable effect on those small businesses which are shippers or carriers using the newly-designated routes. The department's Regulatory Review Coordinator may be contacted by email at andrew.ruiz@dot.state.wi.us, or by calling (414) 438-4585.

Summary of Comments by Legislative Review Committees

No comments were received.

**Veterans Affairs
(CR 05-091)**

An order affecting ch. VA 2, relating to the veterans retraining grant program. Effective 2-1-06.

Summary of Final Regulatory Flexibility Analysis

This rule has no regulatory aspect to it, has no effect upon small businesses, nor any significant fiscal impact upon the private sector.

Summary of Comments by Legislative Review Committees

No comments were received.

**Veterans Affairs
(CR 05-096)**

An order affecting ch. VA 2, relating to the veterans tuition reimbursement program. Effective 2-1-06.

Summary of Final Regulatory Flexibility Analysis

This rule has no regulatory aspect to it, has no effect upon small businesses, nor any significant fiscal impact upon the private sector.

Summary of Comments by Legislative Review Committees

No comments were received.

**Veterans Affairs
(CR 05-097)**

An order affecting ch. VA 2, relating to the assistance to needy veterans program. Effective 2-1-06.

Summary of Final Regulatory Flexibility Analysis

This rule has no regulatory aspect to it, has no effect upon small businesses, nor any significant fiscal impact upon the private sector.

Summary of Comments by Legislative Review Committees

No comments were received.

Sections affected by rule revisions and corrections

The following administrative rule revisions and corrections have taken place in **January 2006**, and will be effective as indicated in the history note for each particular section. For additional information, contact the Revisor of Statutes Bureau at (608) 266-7275.

Revisions

Financial Institutions – Banking

Ch. DFI–Bkg 3

S. DFI–Bkg 3.08

Financial Institutions – Credit Unions

Ch. DFI–CU 74 (Entire chapter)

Financial Institutions – Savings Banks

Ch. DFI–SB 16

S. DFI–SB 16.04

Financial Institutions – Savings and Loan

Ch. DFI–SL 22 (Entire chapter)

Insurance

Ch. Ins 42

S. Ins 42.05 (2)

Ch. Ins 45

S. Ins 45.06 (intro.)

Ch. Ins 47

S. Ins 47.08 (3)

Ch. Ins 50

S. Ins 50.30

Natural Resources

Ch. NR 20

S. NR 20.03 (42m)
S. NR 20.10 (1r) and (8)
S. NR 20.105
S. NR 20.20 (73) (e)
S. NR 20.33 (5)

Ch. NR 500

S. NR 500.03 (intro.), (9m), (14), (14m), (20m), (29), (55), (93m), (124e), (124h), (129), (194), (195), (214m), (231), (231m), (237m), (248m), and (259)
S. NR 500.05 (3), (4), (5), (6) (intro.), (a), (f) and (g)
S. NR 500.06 (4)
S. NR 500.08 (2) (a)
S. NR 500.11

Ch. NR 502

S. NR 502.04 (1) (a) and (2) (c)

S. NR 502.05 (1), (3) (intro.), (a), (k), and (4) (a)
S. NR 502.07 (1) (a) to (cm), (2m), (2r), (3) (a), (4) (intro.) and (7) (intro.)

S. NR 502.08 (3) (a)

S. NR 502.10 (2) (a)

S. NR 502.11 (3) (a)

S. NR 502.12 (8) (a) and (9) (a)

S. NR 502.13 (6) (a), (b), (c) and Table 1

Ch. NR 503

S. NR 503.04 (2) (d) and (3) (b)

S. NR 503.06

S. NR 503.07 (1), (4) (b), (c) and (5)

S. NR 503.09

S. NR 503.10 (7) (b), (bg), (br), (c), and (e)

Ch. NR 504

S. NR 504.04 (2) (a), (b), (3) (d), (4) (b) and (f)

S. NR 504.06 (6)

S. NR 504.07 (4) and (8)

S. NR 504.075

S. NR 504.08 (2) (e)

S. NR 504.09 (2) (e)

Ch. NR 506

S. NR 506.07 (2) (a) and (6)

S. NR 506.08 (4)

S. NR 506.105 (4) (c)

S. NR 506.15 (2) (c) and (3) (g)

Ch. NR 507

S. NR 507.14 (5) (a), (b), and (e)

S. NR 507.16 (intro.)

S. NR 507.17 (4) and (5)

S. NR 507.20 (1) (a), (b) and (3) (b)

S. NR 507.21 (3)

S. NR 507.22

S. NR 507.26 (2) (a), (3) (a) and (b)

S. NR 507.30 (3)

Ch. NR 508

S. NR 508.05 (3m)

Ch. NR 509

S. NR 509.02 (2) (b)

S. NR 509.04 (4) (b), (c), and (5) (b)

S. NR 509.06 (3)

Ch. NR 512

S. NR 512.085

S. NR 512.09 (intro.)

S. NR 512.10

S. NR 512.15

Ch. NR 514

S. NR 514.05 (7)

S. NR 514.06 (6) (c) and (16)

S. NR 514.07 (1) and (7)

S. NR 514.09

Ch. NR 516

S. NR 516.04 (3) (d), (5) (intro.), (b) and (c)

S. NR 516.05 (2) (f)

S. NR 516.06 (1) (b) and (2) (a)

S. NR 516.07 (1m), (2) (b) and (c)

S. NR 516.08

Ch. NR 518

S. NR 518.05 (4) (b) and (f)

Ch. NR 520

S. NR 520.04 (6) (e), (f) and (7)

S. NR 520.07 (1m) and (3)

S. NR 520.10

S. NR 520.12 (1) and (3)

S. NR 520.14 (3) (c)

S. NR 520.15 (3) Tables 2 and 3

Ch. NR 524

S. NR 524.01

S. NR 524.03

S. NR 524.05 (intro.), (1) (a), (d), (2) (a) and (e)

S. NR 524.07

S. NR 524.08

S. NR 524.09

S. NR 524.10

S. NR 524.11 (intro.)

S. NR 524.12

S. NR 524.14 (1) (b)

Ch. NR 526

S. NR 526.02 (8)

S. NR 526.04 (9) and (10)

S. NR 526.05 (3)

S. NR 526.055

S. NR 526.07 (2) (a), (c), (d), and (4)

S. NR 526.10 (2) (a), (am) and (3) (d)

S. NR 526.11 (2) (a) and (f)

S. NR 526.12 (1) (c), (4) (c) and (d)

S. NR 526.13

S. NR 526.14 (1) (a), (b) and (4)

S. NR 526.15

S. NR 526.18 (2)

S. NR 526.21 (1) (c)

Ch. NR 536 (Entire chapter)

Ch. NR 538

S. NR 538.03 (2) to (10)

S. NR 538.04 (2)

S. NR 538.06 (3) (c)

S. NR 538.08 (3) and (7)

S. NR 538.10 (5) (a) to (d), (f), (h) and (i), (6) (d), (7) (b), and (8) to (13)

S. NR 538.12 (2) (b), (br) and (d)

S. NR 538.14 (4) (intro.) and (f)

S. NR 538.16 (1) (a)

S. NR 538.22 (1)

Ch. NR 540

S. NR 540.04 (1)

Ch. NR 812

S. NR 812.07 (24m) and (57w)

S. NR 812.08 (4) (g)

S. NR 812.43 (1)

Optometry Examining Board

Ch. Opt 5

S. Opt 5.02 (5)

S. Opt 5.08 (2) (d)

S. Opt 5.16

Ch. Opt 6

S. Opt 6.02 (intro.) and (3)

S. Opt 6.04 (1), (2), (6) and (7)

S. Opt 6.05 (2) (a) and (b), (4) and (6) (a) to (o)

Pharmacy Examining Board

Ch. Phar 7

S. Phar 7.05 (1), (1m), and (3) to (6)

S. Phar 7.055

Regulation and Licensing

Ch. RL 1

S. RL 1.03 (1g), (1r), (4) and (7)

S. RL 1.04 (3)

S. RL 1.05 (3)

S. RL 1.07 (intro.) and (3)

S. RL 1.08 (1) and (4)

S. RL 1.09 (5) and (5m)

SS. RL 1.11 and 1.12

Transportation

Ch. Trans 276

S. Trans 276.07 (12)

Veterans Affairs

Ch. VA 2

SS. VA 2.01 and 2.02

S. VA 2.03 (2) (g) and (i) to (k)

S. VA 2.04

Editorial corrections

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

Financial Institutions – Savings Banks

Ch. DFI-SB 22

S. DFI-SB 22.07 (4) (b)

S. DFI-SB 22.08 (4) (b)

Natural Resources

Ch. NR 503

S. NR 503.09 (2) (i)

Ch. NR 512

S. NR 512.09 (6) (c)

Ch. NR 543

S. NR 543.02

S. NR 543.04 (3) (b)

Executive orders

The following are recent Executive Orders issued by the Governor.

Executive Order 129. Relating to the Governor's eHealth Care Quality and Patient Safety Board.

Executive Order 132. Relating to winter heating season energy conservation measures for facilities owned by the State of Wisconsin.

Executive Order 133. Relating to certain changes to the Office of State Poet Laureate and the Governor's Poet Laureate Commission.

Executive Order 134. Relating to a proclamation that the flag of the United States and the flag of the State of Wisconsin be flown at half-staff as a mark of respect for Private First Class Anthony "Alex" Gaunky of the United States Army who lost his life during Operation Iraqi Freedom.

Executive Order 135. Relating to a proclamation that the flag of the United States and the flag of the State of Wisconsin be flown at half-staff as a mark of respect for Sergeant Andy Stevens of the United States Marine Corps who lost his life during Operation Iraqi Freedom.

Executive Order 136. Relating to a proclamation that the flag of the United States and the flag of the State of Wisconsin be flown at half-staff as a mark of respect for Former United States Senator William Proxmire.

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