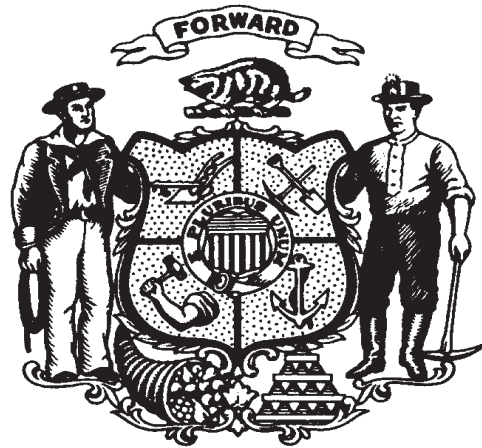


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Emergency Rules Now in Effect

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.

Beginning with rules filed with the Legislative Reference Bureau in 2008, the Legislative Reference Bureau will assign a number to each emergency rule filed, for the purpose of internal tracking and reference. The number will be in the following form: EmR0801. The first 2 digits indicate the year of filing and the last 2 digits indicate the chronological order of filing during the year.

Agriculture, Trade and Consumer Protection

EmR1012 — Rule adopted to create **section ATCP 70.03 (7) (e) and (f)**, relating to food processing plant license exemptions for certain home-canners and maple sap processors.

Finding of Emergency

(1) The Department of Agriculture, Trade and Consumer Protection (DATCP) administers state food processing plant license requirements under s. 97.29, Stats.

(2) Recent legislation (2009 Act 101, enacted on February 4, 2010) created a limited exemption from food processing plant license requirements under s. 97.29, Stats., for persons who home-can limited quantities of acidic, acidified or fermented vegetable and fruit products for retail sale at community and social events or at farmers' markets.

(3) Home-canned food products, if not properly canned, may pose a risk of serious food safety hazards such as botulism.

(4) DATCP has received many requests for clarification of the new license exemption under Act 101. In order to facilitate compliance and protect consumers from potentially serious food safety hazards, DATCP must adopt

administrative rules to clarify the scope, application and terms of the new license exemption.

(5) Implementing rules are urgently needed because of the seriousness of the potential food safety hazards, and the seasonal nature of the farmers' markets and other events at which home-canned products may be sold. The normal rulemaking process takes over a year to complete, and cannot be completed in time for this summer's farmers' markets (which begin as early as mid-April or May). Persons who wish to sell home-canned food products must clearly understand the scope of the license exemption, and the food safety standards that must be met in order to qualify.

(6) This temporary emergency rule clarifies the scope, application and terms of the new license exemption under Act 101, pending the completion of "permanent" rules by the normal rulemaking process. This emergency rule is needed to protect the public health, safety and welfare, and to facilitate fair and orderly implementation of the new license exemption.

(7) This emergency rule also exempts, from food processing plant license requirements under s. 97.29, Stats., a person who collects and processes relatively small quantities of maple sap to produce maple syrup or concentrated maple sap for sale to other processors for further processing. These small-scale processing activities pose minimal food safety risks, and the current license requirement imposes an unnecessary cost and compliance burden. An emergency rule is needed to relieve these cost and compliance burdens for the maple sap collection and processing season that typically begins in March. This emergency rule creates a temporary license exemption, pending the completion of "permanent" rules by the normal rulemaking process. This emergency rule clearly defines the scope, application and terms of the exemption, in order to protect public health, safety and welfare.

Publication Date:	April 22, 2010
Effective Dates:	April 22, 2010 through September 18, 2010
Extension Through:	November 17, 2010
Hearing Date:	May 25, 2010

Children and Families

Safety and Permanence, Chs. DCF 37–59

EmR1034 — Rule adopted to create sections **DCF 57.485 and 57.49 (1) (am)**, relating to determination of need for new group homes.

Exemption From Finding of Emergency

Section 14m (b) of 2009 Wisconsin Act 335 provides that the department is not required to provide evidence that promulgating a rule under s. 48.625 (1g), Stats., as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency.

Section 14m (b) also provides that notwithstanding s. 227.24 (1) (c) and (2), Stats., an emergency rule promulgated under s. 48.625 (1g), Stats., remains in effect until the permanent rules promulgated under s. 48.625 (1g), Stats., take effect.

Publication Date: September 2, 2010
Effective Dates: September 2, 2010 through the date permanent rules become effective
Hearing Date: October 21, 2010

Publication Date: July 9, 2010
Effective Dates: July 9, 2010 through December 5, 2010
Hearing Date: August 6, 2010

Children and Families

Family and Economic Security, Chs. DCF 101–153

EmR1024 — Rule adopted creating **Chapter DCF 110**, relating to transitional jobs for low-income adults.

Finding of Emergency

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

Initial funding for the transitional jobs demonstration project will come from the Temporary Assistance to Needy Families (TANF) Emergency Contingency Fund under the American Recovery and Reinvestment Act of 2009. Spending for subsidized employment is one of the ways that the state can earn additional federal dollars under the TANF Emergency Contingency Fund. The deadline for earning the additional federal dollars is September 30, 2010.

Publication Date: June 30, 2010
Effective Dates: July 1, 2010 through November 27, 2010
Hearing Date: August 5, 2010

Children and Families

Early Care and Education, Chs. DCF 201–252

EmR1027 — Rule adopted revising **Chapter DCF 201**, relating to child care subsidy program integrity.

Finding of Emergency

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

The Department of Children and Families has determined that significant disparities currently exist between DCF 201 and the intent of 2009 Wisconsin Acts 28 and 77 regarding Wisconsin Shares program integrity efforts. The recent efforts of the legislature and the department to address child care fraud and program integrity are estimated to save \$100 million over the course of the biennium. Currently over \$7.1 million of child care provider overpayments have yet to be collected due to the lack of authority to use basic collections practices such as tax intercept, wage levy, and property liens. This rule will permit the department to more aggressively collect on these debts, strengthen the department's ability to further tighten requirements for child care providers wishing to do business with the Wisconsin Shares program, and better enforce the rules of the program. These changes will result in continued fiscal savings as well as ensure better quality child care for the children of Wisconsin.

Commerce

Wis. Commercial Building Code, Chs. Comm 60–66

EmR1022 — Rule adopted creating s. **Comm 62.0400 (5)**, relating to no smoking signs.

Finding of Emergency

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

1. Implementation of 2009 Wisconsin Act 12, s. 101.123, Stats., is to take effect July 5, 2010.
2. Under the Act, the department is to establish by rule uniform characteristics for no smoking signs.
3. Under the Act, the responsibilities of person in charge of a public conveyance or at a location where smoking is prohibited include the posting of no smoking signs.
4. The department believes that the emergency rules are necessary in order to clarify the minimum no smoking sign characteristics so that persons in charge may fulfill the statutory obligations.

Publication Date: June 28, 2010
Effective Dates: July 5, 2010 through December 1, 2010
Hearing Date: July 26, 2010

Commerce (2)

Financial Resources for Businesses and Communities, Chs. Comm 104—

1. **EmR1019** — Rule adopted to create **Chapter Comm 135**, relating to tax credits for investments in food processing plants and food warehouses.

Finding of Emergency

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

The facts constituting the emergency are as follows. Under sections 71.07 (3rm), 71.28 (3rm) and 71.47 (3rm) of the Statutes, as created in 2009 Wisconsin Act 295, a taxpayer may claim a tax credit for investments in food processing plants and food warehouses during taxable years beginning after December 31, 2009.

Section 560.2056 (4) of the Statutes, as likewise created in 2009 Wisconsin Act 295, requires the Department to (1) implement a program for certifying taxpayers as eligible for the food processing plant and food warehouse investment credit, (2) determine the amount of credits to allocate to those taxpayers, and (3) in consultation with the Department of Revenue, promulgate rules to administer the program. No other provisions are established in the Statutes regarding the specific process for taxpayers to use in applying for the credits, and for the Department of Commerce to use in certifying eligible taxpayers and in allocating the credits.

Because of enactment of 2009 Wisconsin Act 295, a number of entities that may be eligible for the tax credits have contacted the Department with inquiries concerning the process for applying for the credits, for expenditures that have been or will be incurred during taxable years that began after December 31, 2009. In addition, section 71.07 (3rm) of the Statutes includes a \$1,000,000 tax-credit allocation that became available on May 27, 2010, and expires on June 30, 2010.

Although the Department of Commerce has begun promulgating the permanent rule that is required by 2009 Act 295, the time periods in chapter 227 of the Statutes for promulgating permanent rules preclude the permanent rule from becoming effective in time to accommodate allocating the tax credits for the 2009–10 fiscal year. This emergency rule will enable the Department of Commerce to establish an application, certification, and tax credit allocation process for the entities that will be eligible for the allocation that expires on June 30, 2010.

Publication Date: June 8, 2010
Effective Dates: June 8, 2010 through November 4, 2010
Hearing Date: August 17, 2010

2. EmR1026 — Rule adopted creating **Chapter Comm 139**, relating to rural outsourcing grants.

Exemption From Finding of Emergency

The Legislature, by Section 45 (1) (b) of 2009 Wisconsin Act 265, exempts the Department from providing evidence that this emergency rule is necessary for the preservation of public peace, health, safety or welfare; and exempts the Department from providing a finding of emergency for the adoption of this rule.

Publication Date: July 2, 2010
Effective Dates: July 2, 2010 through November 28, 2010
Hearing Date: October 13, 2010

Corrections

EmR0939 — Rule adopted revising **Chapter DOC 302**, relating to sentence calculations and prison release and to administrative review of inmate classification decisions.

Finding of Emergency

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

Under 2009 Wisconsin Act 28, the legislature provides for the release of inmates from prison if certain criteria are met. The Department is responsible for implementing several of those procedures. Specifically, the department is responsible for implementing the early release programs under: (1) s PAT (2) ERP/CIP (3) CER (4) Risk reduction (5) 75%/85%. In addition, the department is revising section 302.18 to facilitate the review of inmates for purposes of early release.

If the rule is not created promptly and immediately, the Department will not be able to proceed in reviewing inmates under these various release procedures. This could result in significant delay in the implementation of the statutory provisions which will negatively impact the ability of the Department to manage the inmate population in a safe and effective manner. In addition, a delay will affect the

management and control of inmate population levels of correctional facilities with the resources necessary to maintain public safety.

The purpose of the emergency rule is to implement newly created statutory provisions providing for release of inmates under specified circumstances. The permanent rule process has been started. However, the permanent rule process will take approximately nine months to complete. Emergency rules are necessary for a prompt implementation of the legislative mandates concerning the release of inmates meeting established criteria while the permanent rules are being developed.

Publication Date: December 31, 2009
Effective Dates: December 31, 2009 through May 29, 2010
Extension Through: September 26, 2010
Hearing Date: February 25, 2010

Earned Release Review Commission

(Formerly Parole Commission)

EmR0940 — Rule adopted revising **Chapter PAC 1**, relating to the release of inmates through parole or other procedures.

Finding of Emergency

The Wisconsin Earned Release Review Commission finds that an emergency exists and that emergency rules are necessary for the immediate preservation of public peace, health, safety and welfare. A statement of facts constituting the emergency is:

Under 2009 Wisconsin Act 28, the legislature provides for the release of inmates from prison if certain criteria are met. The Earned Release Review Commission (formerly the Parole Commission) is responsible for implementing several of those procedures. Specifically, the commission is responsible for considering the early release of inmates under: (1) section 304.06 (1) (bg)1. and 2., Stats., after the inmate has served the term of confinement of their bifurcated sentence less positive adjustment time, (2) section 304.06 (1) (bg) 3. and 4., Stats., after the inmate has served either 75 % or 85 % of their term of confinement, depending on the offense for which the inmate was sentenced, and (3) section 302.1135 (2) (a), (b), and (c), Stats., based on age or extraordinary health.

If the rule is not created promptly and immediately, the commission will not be able to proceed in reviewing inmates under these various release procedures. This could result in significant delay in the implementation of the statutory provisions which will negatively impact the ability of the department of corrections to manage the inmate population in a safe and effective manner. In addition, a delay will affect the management and control of inmate population levels of correctional facilities with the resources necessary to maintain public safety.

The purpose of the emergency rule is to implement newly created statutory provisions providing for release of inmates under specified circumstances. The permanent rule process has been started. However, the permanent rule process will take approximately nine months to complete. Emergency rules are necessary to respond the legislatively recognized need to review inmates who meet the requirements under the statutes for potential release while the permanent rules are being developed.

Publication Date: December 31, 2009
Effective Dates: December 31, 2009
 through May 29, 2010
Extension Through: September 26, 2010
Hearing Date: February 23, 2010

Government Accountability Board (2)

1. EmR1016 — Rule adopted to create **section GAB 1.91**, relating to organizations making independent disbursements.

Finding of Emergency

Pursuant to s. 227.24, Stats., the Government Accountability Board finds an emergency exists as a result of the United States Supreme Court decision *Citizens United v. FEC*, 558 U.S. ___, (No. 08–205)(January 21, 2010). Within the context of ch. 11, Stats, the rule provides direction to organizations receiving contributions for independent disbursements or making independent disbursements. Comporting with *Citizens United*, this emergency rule order does not treat persons making independent disbursements as full political action committees or individuals under s. 11.05, Stats., for the purposes of registration and reporting. With respect to contributions or in-kind contributions received, this emergency rule order requires organizations to disclose only donations “made for” political purposes, but not donations received for other purposes.

The Board adopts the legislature’s policy findings of s. 11.001, Stats., emphasizing that one of the most important sources of information to voters about candidates is available through the campaign finance reporting system. The Board further finds that it is necessary to codify registration, reporting and disclaimer requirements for organizations receiving contributions for independent disbursements or making independent disbursements so that the campaign finance information is available to voters. The rule must be adopted immediately to ensure the public peace and welfare with respect to the administration of current and future elections.

Publication Date: May 20, 2010
Effective Dates: May 20, 2010 through
 October 16, 2010
Extension Through: December 15, 2010
Hearing Date: August 30, 2010

2. EmR1035 — Rule adopted to repeal and recreate **Chapter GAB 4**, relating to observers at a polling place or other location where votes are being cast, counted or recounted.

Finding of Emergency

The Government Accountability Board repeals and recreates chapter GAB 4, Election observers, to establish guidelines for election inspectors and observers alike regarding observation by “any member of the public” of the public aspects of the voting process and regarding the conduct of observers at polling places and other locations where observation of the public aspects of the voting process may take place. The Board finds that an emergency exists and that an emergency rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of the facts constituting the emergency is:

Pursuant to s. 227.24, Stats., the Government Accountability Board finds that an emergency exists in the Board’s May 5, 2008 decision to decline to reaffirm the administrative rule EIBd 4.01 because the rule was inconsistent with the requirements of its enabling statute, s. 7.41, Stats. The statute states that any member of the public is allowed to be present at the polls on Election Day to observe; however, it does not specify standards of conduct by which observers must abide.

The Board further finds that given the public interest in the 2010 General Election, the expected high turnout, the increasing use of observers in the polling place, and the comments of municipal and county clerks regarding the obstacles observers can pose to the orderly conduct of elections, it is necessary to codify standards to regulate the observers’ conduct and that the attached rule governing observer conduct must be adopted prior to the General Election to ensure the public peace and safety with respect to the administration of the fall elections.

Publication Date: September 24, 2010
Effective Dates: September 24, 2010 through
 February 20, 2011

Insurance (3)

1. EmR0925 — Rule adopted to create **section Ins 3.75**, relating to continuation of group health insurance policies.

Exemption From Finding of Emergency

Under 2009 Wisconsin Act 11, section 9126, a Finding of Emergency is not required for this emergency rule. The relevant portion of 2009 Act 11 reads as follows:

2009 Wisconsin Act 11, SECTION 9126. Nonstatutory provisions; Insurance.

(4) CONTINUATION COVERAGE RULES. (a) Notwithstanding section 632.897 of the statutes and subsections (1), (2), and (3), the commissioner of insurance may promulgate rules establishing standards requiring insurers to provide continuation of coverage for any individual covered at any time under a group policy who is a state eligible individual to whom subsection (2) or (3) applies or an assistance eligible individual, as defined under section 3001 (a) (3) of the federal act, including rules governing election or extension of election periods, notice, rates, premiums, premium payment, application of preexisting condition exclusions, and election of alternative coverage.

(b) The commissioner may promulgate the rules under paragraph (a) as emergency rules under section 227.24 of the statutes. Notwithstanding section 227.24 (1) (c) of the statutes, emergency rules promulgated under this paragraph may remain in effect for one year and may be extended under section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, **the commissioner is not required to provide evidence that promulgating a rule under this paragraph as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this paragraph.** [Emphasis Added]

Publication Date: October 1, 2009
Effective Dates: October 2, 2009
 through October 1, 2010
Extension Through: November 29, 2010
Hearing Date: December 8, 2009

2. EmR0945 — Rule adopted revising **section Ins 3.75**, relating to the continuation of group health insurance policies.

Exemption From Finding of Emergency

Under 2009 Wisconsin Act 11, section 9126, a Finding of Emergency is not required for this emergency rule. The relevant portion of 2009 Act 11 reads as follows:

2009 Wisconsin Act 11, SECTION 9126. Nonstatutory provisions; Insurance.

(4) CONTINUATION COVERAGE RULES (a) Notwithstanding section 632.897 of the statutes and subsections (1), (2), and (3), the commissioner of insurance may promulgate rules establishing standards requiring insurers to provide continuation of coverage for any individual covered at any time under a group policy who is a state eligible individual to whom subsection (2) or (3) applies or an assistance eligible individual, as defined under section 3001 (a) (3) of the federal act, including rules governing election or extension of election periods, notice, rates, premiums, premium payment, application of preexisting condition exclusions, and election of alternative coverage.

(b) The commissioner may promulgate the rules under paragraph (a) as emergency rules under section 227.24 of the statutes. Notwithstanding section 227.24 (1) (c) of the statutes, emergency rules promulgated under this paragraph may remain in effect for one year and may be extended under section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, **the commissioner is not required to provide evidence that promulgating a rule under this paragraph as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this paragraph.** [Emphasis Added]

Publication Date: January 7, 2010
Effective Dates: January 8, 2010 through January 7, 2011
Hearing Date: May 5, 2010

3. EmR1020 — Rule adopted to revise **Chapter Ins 17**, relating to annual injured patients and families compensation fund fees and medical mediation panel fees for the fiscal year beginning July 1, 2010, and may have an effect on small business.

Finding of Emergency

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

These changes must be in place with an effective date of July 1, 2010 for the new fiscal year assessments. The fiscal year fees were established by the Board of Governors at a meeting on May 18, 2010.

Publication Date: June 15, 2010
Effective Dates: June 15, 2010 through November 11, 2010
Hearing Date: July 19, 2010

Military Affairs

EmR1030 — Rule adopted to create **Chapter DMA 1**, relating to military family financial aid.

Exemption From Finding of Emergency

Under 2009 Wisconsin Act 28, section 9136, a Finding of Emergency is not required for this emergency rule. The relevant portion of 2009 Act 28 reads as follows:

2009 Wisconsin Act 28, Section 9136. Nonstatutory provisions; Military Affairs.

(2c) EMERGENCY RULE; MILITARY FAMILY FINANCIAL AID. Using the procedure under section 227.24 of the statutes, the department of military affairs shall promulgate the rules described under section 321.45 (2) of the statutes, as created by this act, for the period before the permanent rules become effective, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, **the department of military affairs is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for the rules promulgated under this subsection.** [Emphasis added]

Publication Date: July 26, 2010
Effective Dates: July 26, 2010 through December 22, 2010
Hearing Date: October 13, 2010

Natural Resources (5)

Fish, Game, etc., Chs. NR 1—

1. EmR1014 — Rule adopted to create **section NR 45.13 (1m) (d)**, relating to the establishment of a slow–no–wake zone on the Wisconsin River at the Dells of Wisconsin River state natural area.

Finding of Emergency

The Department of Natural Resources finds that an emergency exists and that an emergency rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of the facts constituting the emergency is: Based on information received by the Department, user conflicts are increasing. Failure to enact this rule could lead to additional boating accidents and potential for injury during the upcoming high use season.

Publication Date: May 20, 2010
Effective Dates: May 20, 2010 through October 16, 2010
Hearing Date: June 22, 2010

2. EmR1028 — Rule adopted to amend **s. NR 10.104 (7) (a)**, relating to the use of archery deer hunting licenses.

Finding of Emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect

the public welfare. Deer populations are well below goal in much of northeast Wisconsin, causing great concern from hunters and others who value deer. This rule is one of the ways the department is trying to rebuild the populations there. The federal government and state legislature have delegated to the appropriate agencies rule-making authority to control and regulate hunting wild animals. The State of Wisconsin must provide publications describing the regulations for deer hunting to approximately 250,000 archery deer hunters prior to the start of the season. These regulations must be legally in effect prior to printing nearly 1 million copies of the regulations publication. The timeline for the permanent version of this rule will not have it in effect in time for these deadlines.

Publication Date: July 8, 2010
Effective Dates: July 8, 2010 through December 4, 2010
Hearing Date: August 30, 2010

3. EmR1033 — Rule adopted to revise section **NR 10.01 (1)**, relating to hunting and the 2010 migratory game bird seasons and waterfowl hunting zones.

Finding of Emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public welfare. The federal government and state legislature have delegated to the appropriate agencies rule-making authority to control the hunting of migratory birds. The State of Wisconsin must comply with federal regulations in the establishment of migratory bird hunting seasons and conditions. Federal regulations are not made available to this state until mid-August of each year. This order is designed to bring the state hunting regulations to conformity with the federal regulations. Normal rule-making procedures will not allow the establishment of these changes by September 1. Failure to modify our rules will result in the failure to provide hunting opportunity and continuation of rules which conflict with federal regulations.

Publication Date: September 1, 2010
Effective Dates: September 1, 2010 through January 28, 2011
Hearing Date: October 26, 2010

4. EmR1036 — Rule adopted to create s. **NR 40.04 (2) (g)** relating to the identification, classification and control of invasive species.

Exemption From Finding of Emergency

Section 227.24 (1) (a), Stats., authorizes state agencies to promulgate a rule as an emergency rule without complying with the notice, hearing and publication requirements under ch. 227, Stats., if preservation of the public peace, health, safety or welfare necessitates putting the rule into effect prior to the time it would take effect if the agency complied with the procedures. However, s. 23.22 (2t) (a), Stats., authorizes the department to promulgate emergency rules to identify, classify, or control an invasive species without having to provide evidence that an emergency rule is necessary for the preservation of public peace, health, safety, or welfare or to provide a finding of emergency. **In addition, such emergency rules may remain in effect until whichever of the following occurs first: the first day of the 25th month beginning after the effective date of the emergency rule, the effective date of the repeal of the emergency rule, or the date on which the permanent rule identifying,**

classifying, or controlling the invasive species, promulgated under s. 23.22 (2) (b) 6., Stats., takes effect.

Publication Date: September 29, 2010
Effective Dates: September 29, 2010 through: *See bold text above*
Hearing Dates: October 25 to 29, 2010

5. EmR1037 — Rule adopted to create s. **NR 27.03 (3) (a)** relating to adding cave bats to Wisconsin's threatened species list.

Finding of Emergency

The emergency rule procedure, pursuant to s. 227.24, Wis. Stats., is necessary and justified in establishing rules to protect the public welfare. The proposed rule change seeks to provide protection to Wisconsin cave bat species, which face the imminent threat of white-nose syndrome. White-nose syndrome has spread across 14 states and 2 Canadian provinces in the last 3 years, spreading up to 800 miles per year. Mortality rates of affected bat colonies reach 100%. The disease was located last spring within 225 miles of the Wisconsin's southern boarder and 300 miles from the northern boarder. Because the known dispersal distance of the little brown bat is 280 miles, an affected cave is now located within the dispersal range of Wisconsin little brown bats. Listing the cave bat species before white-nose syndrome has been detected in Wisconsin will allow the Department time to work collaboratively with stakeholders to ensure that appropriate conservation measures are developed and in place when white-nose syndrome is first detected. Because of the speed of white-nose syndrome, the Department would not have time to develop appropriate conservation measures if normal rule-making procedures were used and listing was delayed until after white-nose syndrome was detected in Wisconsin. Based on the current location and known rate of spread of the disease, we anticipate the presence of white-nose syndrome in Wisconsin as early as January 2011.

Publication Date: September 29, 2010
Effective Dates: September 29, 2010 through February 25, 2011
Hearing Dates: October 25 to 29, 2010

Public Instruction (2)

1. EmR1018 — Rule adopted to create **Chapter PI 45**, relating to the use of race-based nicknames, logos, mascots, and team names by school boards.

Finding of Emergency

Pursuant to Section 3 of the nonstatutory provisions of 2009 Wisconsin Act 250, the Department of Public Instruction is not required to provide evidence that this rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency.

Publication Date: June 1, 2010
Effective Dates: June 1, 2010 through October 28, 2010
Hearing Date: July 29, 2010

2. EmR1023 — Rule adopted creating **Chapter PI 43**, relating to education reform.

Finding of Emergency

The Department of Public Instruction finds that an emergency exists and that an emergency rule is necessary for

the immediate preservation of the public welfare. The facts constituting the emergency are as follows:

2009 Wisconsin Act 215 requires the state superintendent to promulgate rules establishing criteria and procedures for determining whether a school or school district is in need of improvement and whether a school is among the lowest performing 5 percent of all public schools in the state. The Act became effective May 14, 2010 and review by the various interest groups was completed June 18, 2010. Rules must be in place as soon as possible to establish identification criteria prior to the upcoming school year.

Publication Date: June 28, 2010
Effective Dates: June 28, 2010 through November 24, 2010
Hearing Date: July 27, 2010

Regulation and Licensing (4)

1. EmR0827 — Rule adopted creating **s. RL 91.01 (3) (k)**, relating to training and proficiency in the use of automated external defibrillators for certification as a massage therapist or bodyworker.

Exemption From Finding of Emergency

Section 41 (2) (b) of the nonstatutory provisions of 2007 Wisconsin Act 104 provides that notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department of regulation and licensing is not required to provide evidence that promulgating a rule as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated to implement 2007 Wisconsin Act 104. Notwithstanding s. 227.24 (1) (c) and (2) of the statutes, these emergency rules will remain in effect until the date on which the final rules take effect.

Publication Date: September 10, 2008
Effective Dates: September 10, 2008 through the date on which the final rules take effect
Hearing Dates: November 26, 2008
 April 13, 2009

2. EmR0828 — Rules adopted to **amend s. RL 181.01 (2) (c); and to create ss. RL 180.02 (1m), (3m) and (11), 181.01 (1) (d), (2) (c) 1. and 2.**, relating to training and proficiency in the use of automated external defibrillators for licensure as a licensed midwife.

Exemption From Finding of Emergency

Section 41 (2) (b) of the nonstatutory provisions of 2007 Wisconsin Act 104 provides that notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department of regulation and licensing is not required to provide evidence that promulgating a rule as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated to implement 2007 Wisconsin Act 104. Notwithstanding s. 227.24 (1) (c) and (2) of the statutes, these emergency rules will remain in effect until the date on which the final rules take effect.

Publication Date: September 10, 2008
Effective Dates: September 10, 2008 through the date on which the final rules take effect
Hearing Date: November 26, 2008

3. EmR1031 — Rule adopted revising **Chapters RL 110 to 116**, relating to the regulation of professional boxing contests.

Exemption From Finding of Emergency

The Department of Regulation and Licensing, pursuant to 2009 Wisconsin Act 111, is not required to provide evidence that an emergency exists nor provide evidence that promulgating a rule is necessary for the preservation of the public peace, health, safety, or welfare.

Publication Date: August 25, 2010
Effective Dates: September 1, 2010 through January 28, 2011
Hearing Date: September 20, 2010

4. EmR1032 — Rule adopted creating **Chapters RL 192 to 196**, relating to the regulation of mixed martial arts sporting events.

Exemption From Finding of Emergency

The Department of Regulation and Licensing, pursuant to 2009 Wisconsin Act 111, is not required to provide evidence that an emergency exists nor provide evidence that promulgating a rule is necessary for the preservation of the public peace, health, safety, or welfare.

Publication Date: August 26, 2010
Effective Dates: September 1, 2010 through January 28, 2011
Hearing Date: September 20, 2010

Technical College System Board

EmR1025 — Rule adopted to amend **Chapter TCS 17**, relating to training program grant funds.

Finding of Emergency

The Wisconsin Technical College System Board finds that an emergency exists and that an emergency rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting an emergency is:

In May 2010, the Wisconsin C.O.R.E. Jobs Act provided an additional \$1 million GPR for the training program grants authorized in Wis. Stats. §§ 20.292 (1) (eh) and 38.41. 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, with a special emphasis on advanced manufacturing and welding.

The WTCS Board is required to award these funds by June 30, 2011, the end of the current 2009–11 biennium. In addition, s. TCS 17.06 (1), Wis. Adm. Code, requires that district boards or employers receiving skills training or education under the grant shall contribute matching funds, other than in-kind matching funds, equal to at least 25% of total approved project costs.

Due to the sustained decline in economic conditions and reduction in business revenues, technical college districts report that employers are withdrawing participation in approved training grants because of an inability to fund the

25% match. Therefore, to ensure that business and incumbent workers in need of skills training and other education may access these services and that appropriated funds are distributed to technical college districts for this purpose before the end of the fiscal year, emergency administrative rules eliminating the 25% match requirement must be established immediately.

Publication Date: July 2, 2010
Effective Dates: July 2, 2010 through
 November 28, 2010
Hearing Date: September 28, 2010

Transportation

EmR1017 — Rule adopted to create section **Trans 100.25**, relating to mandatory insurance exemptions.

Finding of Emergency

The Department of Transportation finds that an emergency

exists and that an emergency rule is necessary for the immediate preservation of the public health and welfare. A statement of the facts constituting the emergency is the requirements of the mandatory insurance laws in Chapter 344, Stats., as created by 2009 Wis. Act 28, contain exceptions to furnishing proof of a motor vehicle liability insurance policy. This emergency rule defines the administration of those exceptions. These mandatory insurance requirements, and the exceptions, are effective June 1, 2010, thereby necessitating an emergency rule being put into place until the effective date of the permanent rule. Clarification of the mechanism to be used to qualify for an exception under the new statute will be useful to persons wishing to file for an exception. Persons whose religious beliefs preclude them from buying insurance will benefit from this rule making.

Publication Date: June 1, 2010
Effective Dates: June 1, 2010 through
 October 28, 2010
Hearing Date: June 24, 2010

Scope Statements

Hearing and Speech Examining Board

Subject

Revises section HAS 6.10, relating to providing temporary licenses to audiologists who meet certain requirements.

Objective of the Rule

To provide a framework for the issuance, termination and renewal of a temporary license to practice audiology for applicants who meet requirements for licensure, but have not completed the practical examination.

Policy Analysis

The passage of 2009 Wisconsin Act 356 authorized the board to grant a temporary license to an applicant to practice audiology if an applicant has satisfied all the requirements for licensure but has not yet successfully completed the practical examination. This will allow an Au.D. audiologist to begin to provide services quickly without waiting for the next examination.

According to the United States Department of Labor, Bureau of Labor Statistics, employment of audiologists is expected to grow 25% from 2008 to 2018, much faster than average for all occupations. Hearing loss is strongly associated with aging, so increased growth in older population groups will cause the number of people with hearing and balance impairments to increase markedly. Wisconsin is no different. According to the Wisconsin Department of Administration's Updated Population Projections for Wisconsin Counties, between 2005 and 2035 the percentage of Wisconsinites 60 and older will grow from 17.4% to 27.5%.

<http://dhs.wisconsin.gov/aging/demographics/index.htm>.

Medical advances also are improving the survival rate of premature infants and trauma victims, who then need

assessment and sometimes treatment. Greater awareness of the importance of early identification and diagnosis of hearing disorders in infants also will increase employment. In addition to medical advances, technological advances in hearing aids may drive demand. Digital hearing aids have become smaller in size and also have quality improving technologies like reducing feedback. Demand may be spurred by those who switch from analog to digital hearing aids, as well as those who will desire new or first-time hearing aids because they are becoming less visible.

Another development that will make a greater need for audiologists is advancement in treatment methods for hearing impaired individuals, including implantable hearing aids and cochlear implants.

Employment for audiologists in educational services will increase commensurate to the growth in elementary and secondary school enrollments, including enrollment of special education students.

Statutory Authority

Sections 15.08 (5) (b) and 227.11 (2), Stats., and s. 459.24 (6) (b) 2. and (c), Stats., as amended in 2009 Wisconsin Act 356.

Comparison with Federal Regulations

None.

Entities Affected by the Rule

Applicants applying for licensure as an audiologist, clients, employers, and the Department of Regulation and Licensing.

Estimate of Time Needed to Develop the Rule

It is estimated that 120 staff hours will be needed to promulgate the rule.

Submittal of Rules to Legislative Council Clearinghouse

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

Agriculture, Trade and Consumer Protection CR 10–122

On October 15, 2010, the Department of Agriculture, Trade and Consumer Protection submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order revises Chapters ATCP 30, 35, 90, 91, 92 and 161 relating to Minor and Technical Rule Changes.

Agency Procedure for Promulgation

A public hearing will be scheduled in the future. The Department's Office of Legal Counsel is responsible for promulgation of the rule.

Contact Information

Karen Schultz
Phone: (608) 224–5023
Email: Karen.Schultz@wisconsin.gov

Agriculture, Trade and Consumer Protection CR 10–121

On October 15, 2010, the Department of Agriculture, Trade and Consumer Protection submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order revises Chapter ATCP 70 relating to food processing plant license exemption for certain home-canners and maple sap processors.

Agency Procedure for Promulgation

A public hearing will be scheduled in the future. The Department's Division of Food Safety is responsible for promulgation of the rule.

Contact Information

Tom Lietzke
Phone: (608) 224–4711
Email: C.Lietzke@wisconsin.gov

Agriculture, Trade and Consumer Protection CR 10–120

On October 15, 2010, the Department of Agriculture, Trade and Consumer Protection submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed rule revises Chapter ATCP 161 relating to economic development grants and loans accountability provisions.

Agency Procedure for Promulgation

A public hearing will be scheduled in the future. The Department's Division of Agricultural Development is responsible for promulgation of the rule.

Contact Information

Linda Merriman Hitchman
Phone: (608) 224–5132
Email: Linda.MerrimanHitchman@wisconsin.gov

Natural Resources

Environmental Protection — Air Pollution Control, Chs. NR 400—

CR 10–119

DNR# AM–34–05

On October 13, 2010, the Department of Natural Resources submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order revises Chapters NR 400, 410, 411 and 484 relating to indirect source management permit program.

Agency Procedure for Promulgation

A public hearing is scheduled for November 18, 2010. The Department's Bureau of Air Management is responsible for promulgation of the rule.

Contact Information

Robert B. Eckdale, Bureau of Air Management
Phone: (608) 266–2856
Email: Robert.Eckdale@wisconsin.gov

Natural Resources

Fish, Game, etc., Chs. NR 1—

CR 10–123

DNR# IS–47–10

On October 19, 2010, the Department of Natural Resources submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order revises Chapters NR 19 and 40

Agency Procedure for Promulgation

A public hearing is scheduled for November 29, 2010. The Department's Bureau of Endangered Resources is responsible for promulgation of the rule.

Contact Information

Stacy Rowe, Bureau of Endangered Resources
101 S. Webster Street, ER/6
P.O. Box 7921
Madison, WI 53707-7921
Phone: (608) 266-7012
Email: Stacy.Rowe@wisconsin.gov

Rule–Making Notices

Notice of Hearing

Agriculture, Trade and Consumer Protection

CR 10–122

The State of Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) announces that it will hold a public hearing on proposed rules to revise Chapters ATCP 30, 35, 90, 91, 92, and 161 that make minor remedial drafting changes to a number of department rules.

Hearing Information

DATCP will hold a public hearing at the time and place shown below:

<u>Date and Time:</u>	<u>Location:</u>
November 16, 2010	Dept. of Agriculture, Trade and Consumer Protection
Tuesday	Room 472
1:00–3:00pm	2811 Agriculture Drive Madison, WI 53718

Hearing impaired persons may request an interpreter for this hearing. Please make reservations for a hearing interpreter by **Friday, November 12, 2010**, by writing to Karen Schultz, Office of Legal Counsel, P.O. Box 8911, Madison, WI 53708–8911, telephone (608) 224–5023. Alternatively, you may contact the DATCP TDD at (608) 224–5058. Handicap access is available at the hearing.

Submittal of Written Comments

DATCP invites the public to attend the hearing and comment on the proposed rule. Following the public hearing, the hearing record will remain open until Friday, **November 26, 2010** for additional written comments. Comments may be sent to the Office of Legal Counsel at the address below, by email to Karen.Schultz@wisconsin.gov or online at: <http://AdminRules.Wisconsin.gov/>.

To provide comments or concerns relating to small business, please contact DATCP's small business regulatory coordinator Keeley Moll at the address above, by emailing to Keeley.Moll@wisconsin.gov or by telephone at (608) 224–5039.

Copies of Proposed Rule

You may obtain a free copy of this rule by contacting the Wisconsin Department of Agriculture, Trade and Consumer Protection, Office of Legal Counsel, 2811 Agriculture Drive, P.O. Box 8911, Madison, WI 53708. You can also obtain a copy by calling (608) 224–5023 or emailing Karen.Schultz@wisconsin.gov. Copies will also be available at the hearings. To view the proposed rule online, go to: <http://AdminRules.Wisconsin.gov/>.

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

This rule makes minor technical changes to a number of current rules administered by the Department of Agriculture, Trade and Consumer Protection (“DATCP”).

Statute(s) interpreted

Sections 94.69, 94.73, 98.03, 98.06, 98.07, 100.20 and chapter 160, Stats.

Statutory authority

Sections 93.07 (1), 94.69 (1) (i), 94.73 (11), 98.03 (2), 98.07 (4), 100.20 (2), 160.19 (2) and 160.21 (1), Stats.

Explanation of statutory authority

DATCP has general authority, under s. 93.07 (1), Stats., to adopt rules to interpret laws under its jurisdiction. It also has specific rulemaking authority related to various matters addressed by this rule (see above). This rule makes minor changes to a number of different rules administered by DATCP. The changes are adopted under essentially the same authority used to adopt the original rules.

Related statute(s) or rule(s)

This rule is not substantially affected by other statutes or rules, other than those identified in this rule.

Plain language analysis

This rule makes minor or technical changes to a number of current DATCP rules. This rule does all of the following:

Atrazine Rules

This rule repeals an obsolete rule provision requiring DATCP to make a report on its atrazine pesticide rules (subch. VIII of ch. ATCP 30, Wis. Adm. Code) by April 1, 1996. DATCP made a timely report in response to that (now obsolete) reporting requirement. This rule makes no substantive change to the current atrazine rules, which are designed to protect groundwater from atrazine contamination. DATCP annually reviews and updates its atrazine rules, based on the most recent groundwater survey and test data.

Agricultural Chemical Cleanup Program

This rule makes minor technical wording changes to current rules related to the agricultural chemical cleanup program (ch. ATCP 35, Wis. Adm. Code). This rule makes no substantive change to the current rules.

Payment to Ethanol Producers

This rule repeals obsolete rules related to DATCP payments to ethanol producers (subch. III of ch. ATCP 161, Wis. Adm. Code), because the ethanol producer payment program has been eliminated. Section 93.75, Stats., which created the program, was repealed by 2007 Wis. Act 20.

Weights and Measures

This rule updates technical standards incorporated by reference in current rules related to fair packaging and labeling (ch. ATCP 90, Wis. Adm. Code), methods of sale of commodities (ch. ATCP 91, Wis. Adm. Code), and fair weights and measures (ch. ATCP 92, Wis. Adm. Code). The technical standards are published by the National Institute of Standards and Technology (NIST). This rule incorporates the latest published editions of the relevant NIST standards, which include routine technical updates to the previously–cited editions.

Other Minor Edits

This rule corrects typographical errors and makes other non–substantive edits to current rules, as needed.

Comparison with federal regulations

This rule updates references to weights and measures technical standards published by the National Institute of Standards and Technology (NIST). By incorporating the latest NIST standards, this rule keeps Wisconsin standards consistent with applicable national standards.

Comparison with rule(s) in surrounding states

This rule does not have a significant impact on programs in this state or other states, or create any significant disparity between this state and other states. The updated national weights and measures standards (NIST standards) incorporated by this rule are the same standards used in other states.

Data and analytical methodologies

This rule does not depend on any complex analysis of data. This rule merely makes minor or technical changes to current rules.

Standards incorporated by reference

This rule updates references to certain weights and measures technical standards (NIST standards) that are incorporated by reference in current rules. Updated technical standards include standards found in NIST Handbooks 44, 130 and 133 (2011 editions).

Pursuant to s. 227.21, Stats., DATCP will request permission from the Department of Justice to incorporate the updated technical standards by reference in this rule. Copies of the updated standards will be kept on file with DATCP and the Legislative Reference Bureau.

Fiscal Impact

This rule will have no significant fiscal impact on DATCP or local units of government. This rule will not have a substantial impact on DATCP administrative or operating costs.

Small Business Impact

This rule will not have any significant impact on small business or other business. This rule makes minor technical “housekeeping” changes that will not have a significant impact on business standards, costs or operations.

Environmental Impact

This “housekeeping” rule will have no significant environmental impact.

Agency Contact Person

Questions or comments related to this rule may be sent to the following address:

Karen Schultz
Department of Agriculture, Trade and Consumer
Protection
2811 Agriculture Drive
Madison, WI 53718
Telephone: (608) 224-5023
Email: Karen.Schultz@wisconsin.gov

Notice of Hearing**Agriculture, Trade and Consumer Protection****CR 10-121**

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) announces that it will hold

public hearings on proposed rules to revise Chapter ATCP 70, related to food processing plant license exemptions. DATCP adopted a temporary emergency rule, effective April 22, 2010, to create license exemptions for certain small-scale home canners and maple syrup processors.

Hearing Information

DATCP will hold public hearings at the times and places shown below:

Thursday, November 11, 2010

9:00 a.m. – 12:00 p.m.

Clark County Courthouse – Auditorium
517 Court Street
Neillsville, WI 54456

Friday, November 12, 2010

1:00 p.m. – 4:00 p.m.

Vernon County Courthouse Annex
Third Floor County Board Room
400 Courthouse Square
Viroqua, WI 54665

Monday, November 15, 2010

11:00 a.m. – 2:00 p.m.

Eau Claire County – UW Extension
227 1st Street West
Altoona, WI 54720-4712

Tuesday, November 16, 2010

9:00 a.m. – 12:00 p.m.

Spooner Ag Research Station
W6646 HWY 70
Spooner, WI 54801

Wednesday, November 17, 2010

10:00 a.m. – 1:00 p.m.

Northern Great Lakes Center Theater
29270 County Highway G
Ashland, WI 54806

Thursday, November 18, 2010

9:00 a.m. – 12:00 p.m.

Oneida County – UW Extension
3375 Airport Road, #10
Rhineland, WI 54501

Friday, November 19, 2010

9:00 a.m. – 12:00 p.m.

Shawano County Courthouse
311 N. Main Street
Shawano, WI 54166

Monday, November 22, 2010

8:30 a.m. – 11:30 a.m.

Fond du Lac County – UW Extension
Admin./Extension Building
400 University Drive, Room: AE 205/206
Fond du Lac, WI 54935

Monday, November 22, 2010

1:00 p.m. – 4:00 p.m.

Outagamie County – UW Extension
3365 W Brewster Street, Room: ABC

Appleton, WI 54911

Tuesday, November 23, 2010

9:00 a.m. – 12:00 p.m.

Washington County Courthouse
Room 1020 – Lower Level
432 E. Washington Street
West Bend, WI 53095

Tuesday, November 23, 2010

1:30 p.m. – 4:30 p.m.

Jefferson County – UW Extension
864 Collins Road, Room: 8/9 (on the lower level)
Jefferson, WI 53549

Wednesday, November 24, 2010

9:00 a.m. – 12:00 p.m.

Iowa County – UW Extension
222 North Iowa Street
Room: UW Extension Conference Room
Dodgeville, WI 53533

Hearing impaired persons may request an interpreter for these hearings. Please make reservations for a hearing interpreter by **November 5, 2010**, by writing to Deb Mazanec, Division of Food Safety, P.O. Box 8911, Madison, WI 53708-8911; e-mailing to Debbie.Mazanec@wisconsin.gov or by phone at (608) 224-4712. Alternatively, you may contact the DATCP TDD at (608) 224-5058. Handicap access is available at the hearings.

Appearances at the Hearing

DATCP invites the public to attend the hearings and comment on the proposed rule. DATCP also seeks public input for the development of the proposed rules, including answers to the following questions:

- *Should small-scale processors of other types of foods also be exempted from food processing plant license requirements?
- *If so, what food types? Under what conditions?
- *If not, why not?
- *Should food processors claiming an exemption be required to register with DATCP and obtain a registration certificate, to help farmers market operators and others verify their license status?

Submittal of Written Comments

Following the hearings, the hearing record will remain open until **November 30, 2010** for additional written comments. Comments may be sent to DATCP's Division of Food Safety at the address below, by email to Debbie.Mazanec@wisconsin.gov or online at <http://AdminRules.Wisconsin.gov/>.

To provide comments or concerns relating to small business, you may also contact DATCP's small business regulatory coordinator Keeley Moll at the address above, or by emailing to Keeley.Moll@wisconsin.gov or by telephone at (608) 224-5039.

Copies of Proposed Rule

You may obtain free copies of the proposed rule by contacting the Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Food Safety, 2811 Agriculture Drive, P.O. Box 8911, Madison, WI 53708. You may also obtain copies by calling (608) 224-4712 or e-mailing Debbie.Mazanec@wisconsin.gov. Copies will also be available at the hearing. To view the proposed rule online, go to: <http://AdminRules.Wisconsin.gov/>.

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

The Department of Agriculture, Trade and Consumer Protection (DATCP) administers state food processing plant license requirements under s. 97.29, Stats. This proposed rule exempts the following persons from licensing under s. 97.29, Stats., subject to certain conditions:

- *An individual who home-cans acidic, acidified or fermented vegetable or fruit products for retail sale at a community or social event, m farmers' market or farm roadside stand, and receives no more than \$5,000 from those sales in any license year. This exemption implements the statutory exemption created by 2009 Wis. Act 101.
- *A person who processes maple sap to create maple syrup or concentrated maple sap that the person sells only to other processors for further processing, and who receives no more than \$5,000 from those sales in any license year.

Statutes interpreted

Sections 97.09 (4), 97.29 and 227.24, Stats.

Statutory authority

Sections 93.07 (1), 97.09 (4), 97.29 (1) (g) 8. and (5), and 227.24, Stats.

Explanation of statutory authority

DATCP has broad general authority, under s. 93.07 (1), Stats., to interpret laws under its jurisdiction. Under s. 97.09 (4), Stats., DATCP may establish and enforce standards governing the production, processing, packaging labeling, transportation, storage, handling, display, sale, including retail sale, and distribution of foods that are needed to protect the public from the sale of adulterated or misbranded foods. Under s. 97.29(1)(g)8. and (5), Stats., DATCP may spell out food processing plant license requirements and exemptions.

Related rule(s) or statute(s)

DATCP administers Wisconsin's food safety and labeling laws under ch. 97, Stats., including food processing plant license requirements under s. 97.29, Stats. (as modified by 2009 Wis. Act 101). DATCP has adopted food processing plant licensing rules under ch. ATCP 70, Wis. Adm. Code.

A person who processes food for sale or distribution is generally required to hold a state food processing plant license under s. 97.29, Stats. However, there are certain exemptions. Persons who are engaged in dairy or meat processing, or who operate retail food establishments, must be licensed under other statutes. Local food license and zoning regulations may apply in some cases.

2009 Wis. Act 101 exempted, from state licensing under s. 97.29, Stats., persons who home-can acidic, acidified or fermented vegetable or fruit products for retail sale at a community or social events or farmers' markets, provided that the person receives no more than \$5,000 from those sales

during the license year. Act 101 does not exempt those persons from other state license requirements that may apply, nor does it exempt them from local licensing or zoning ordinances that may apply.

Plain language analysis

Home Canning For Retail Sale

Under this proposed rule, a person who home-cans acidic, acidified or fermented vegetable or fruit products for retail sale at a community or social event, farmers' market or farm roadside stand is exempt from a food processing plant license under s. 97.29, Stats, if all of the following apply:

- *The person is an individual, not a legal entity such as a corporation.
- *The individual receives no more than \$5,000 during the license year from those sales. If 2 or more individuals home-can acidic, acidified or fermented vegetable or fruit products at the same home address, none of those individuals qualifies for the license exemption unless their combined gross receipts from the sale of those products totals no more than \$5,000.
- *The canned products have an equilibrium pH value of 4.6 or lower. The individual must test the first batch of canned product produced according to each separate recipe used by the individual in each license year, to verify that canned products produced according to that recipe meet this pH requirement. The individual must keep, for at least 2 years, a record of each pH test.
- *The individual registers annually with DATCP. There is no cost to register, and the registrant is not required to obtain a registration certificate from DATCP.
- *The individual completes a home-canning safety course, or follows a written recipe (including ingredients and canning procedures) that reliably ensures the safety of each home-canned product.
- *The individual discloses to potential buyers, by means of a sign or placard, that the canned products "are homemade in a kitchen that has not been subject to state inspection."
- *Each canned product is properly labeled to include all of the following:
 - The name and address of the individual who canned the product.
 - The date on which the product was canned.
 - The following statement: "This product was made in a home not subject to state licensing or inspection."
 - A list of ingredients in descending order of prominence (major ingredients must be of vegetable or fruit origin). The list must include the common name of any ingredient that originates from milk, eggs, fish, crustacean shellfish, tree nuts, wheat, peanuts or soybeans.
- *The individual keeps a complete written record of every batch of canned product.
 - The batch record must include the name of the product, the product recipe (including procedures and ingredients), the amount of the product batch canned and sold, the canning and sale dates, the sale location, gross sales receipts, the results of any pH test conducted on the

product, and the disposition of any product not sold.

-The individual must keep the record for at least 2 years after the individual sells or otherwise disposes of the product, and must make that record available to DATCP for inspection and copying upon request.

Maple Sap Processed For Sale To Other Processors

Under this proposed rule, a person who processes maple sap to produce maple syrup or concentrated maple sap for sale to another processor for further processing is exempt from licensing under s. 97.29, Stats., if all of the following apply:

- *The person receives less than \$5,000 from those sales in a license year.
- *The person registers annually with DATCP. There is no cost to register, and the registrant is not required to obtain a registration certificate from DATCP.
- *The person keeps a written record of each sale, retains that record for at least 2 years, and makes the record available to DATCP for inspection and copying upon request. The record must include the name and address of the purchaser, the date of sale, the amount of maple syrup or concentrated maple sap sold, and the sale price.

Comparison with federal regulations

There is no federal law that addresses these issues or compels DATCP to adopt this rule.

Comparison with rules in surrounding states

Illinois:

Illinois has no laws related to home-processed foods. All food processed for sale to the public in Illinois must be processed in a licensed facility.

Iowa:

In Iowa, individuals may annually process up to \$20,000 in potentially-hazardous baked goods (including soft pies and bakery products with a custard or cream filling) at a licensed "home food establishment" for sale on the premises (the bakery goods may be consumed elsewhere). Individuals may sell non-potentially hazardous home-baked goods at a farmers' market, without a license. Canning and processing of low acid or acidified foods must be done in a licensed commercial establishment.

Minnesota:

Minnesota exempts a person from licensing as a food processor if the person produces less than \$5,000 of non-potentially hazardous food or less than \$5,000 of home-canned acidified food. Home-canned acidified foods may only be sold at community or social events or farmers' markets in Minnesota. A point-of-sale placard and the product label must disclose that the product was produced in an unlicensed and uninspected home setting. The product label must also disclose the name and address of the processor and the date the goods were processed. Wisconsin's new law (2009 Act 101) was influenced by Minnesota's law.

Michigan:

Michigan enacted a Cottage Food Law in July 2010 that allows individuals to manufacture and store certain types of foods in an unlicensed home kitchen. Only non-potentially hazardous foods may be manufactured in a home kitchen under this law. Potentially hazardous and canned foods must be manufactured in licensed food processing facilities. The

Cottage Foods may only be sold directly to a consumer at farmers' markets, farm stands, roadside stands and similar venues. Cottage foods cannot be sold over the internet, by mail order or for wholesale distribution. Each packaged product must be labeled and contain the statement: Made in a home kitchen not inspected by the Michigan Department of Agriculture. Gross sales are limited to no more than \$15,000 per household.

Data and analytical methodologies

This proposed rule is not based on any specialized data or analytical methodologies. Portions of this rule (such as pH requirements for home-canned food sold to the public) are based on well-established food science and public health principles.

Fiscal Estimate

DATCP currently licenses and inspects food processing plants under s. 97.29, Stats.,. This emergency rule exempts certain persons from the need to obtain a food processing plant license. These persons include: (1) a person who cans or otherwise processes certain homemade foods and sells them at farmers' markets, community or social events but receives no more than \$5,000 in retail sales of these foods in a license year; and (2) a maple syrup processor that sells evaporated maple sap or syrup for further processing and receives no more than \$5,000 in a license year. For purposes of this fiscal estimate, DATCP makes the following assumptions (DATCP does not have any data to document these "best guess" assumptions):

1. About 100 home canners will begin to sell their home-canned products at community or social events or farmers' markets in response to the license exemption under this rule. Few, if any, currently licensed food processing plants will qualify for the exemption or drop their current licenses.

2. About 25 maple sap processors will qualify for a license exemption under this rule. Expected revenue loss is less than \$2,400.

Impact of the rule on state government

This emergency rule will have minimal fiscal impact on state government. Revenue losses will be less than \$2,400 and will be offset by reduced inspection costs. DATCP will incur some costs to implement the license exemptions and provide public information. DATCP estimates that it will need to reassign 0.1 FTE from other work, and will incur \$1,000 in added expense. DATCP expects to absorb these costs within its current budget.

Impact of the rule on local governments

This rule will not have any fiscal impact on local governments.

Fiscal Impact

This rule will not have a significant fiscal impact on the state of Wisconsin or on local governments.

Small Business Impact

This proposed rule implements 2009 Wis. Act 101, which removes license requirements for certain home-canners who wish to sell their products to the public at community or social events, farmers' markets and farm roadside stands. The food safety standards in this rule will help protect the public from serious food safety hazards (including botulism) that may be associated with improperly home-canned products. The

prevention of food safety problems promotes public confidence and benefits the entire food industry, including home-canners.

This proposed rule may encourage some home-canning hobbyists to sell their home-canned products at community or social events, at farmers' markets, or at their own farm roadside stands. That may have an adverse competitive impact on licensed canners who currently supply those sales outlets, although the adverse effect is likely to be minimal. Larger food canning businesses that supply canned food for the mass consumer market will not be significantly affected by this emergency rule.

This proposed rule also exempts certain small maple sap processors from licensing under s. 97.29. The exemption will relieve those processors from unnecessary licensing costs and compliance burdens, while ensuring adequate food safety protection.

Environmental Impact

This rule will not have any significant environmental impact.

Agency Contact Person

Questions and comments related to this proposed rule may be directed to:

Debbie Mazanec
Department of Agriculture, Trade and Consumer
Protection
P.O. Box 8911
Madison, WI 53708-8911
Telephone (608) 224-4712
E-Mail: Debbie.Mazanec@wisconsin.gov

Notice of Hearing

Agriculture, Trade and Consumer Protection CR 10-120

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) announces that it will hold a public hearing on rules relating to new accountability measures for economic development grants and loans under Chapter ATCP 161, required by ss. 93.07 (18) (b) 6. and 7., Stats. (created by 2007 Wisconsin Act 125).

Hearing Information

DATCP will hold the public hearing at the time and location shown below:

Tuesday, December 2, 2010

9:00 a.m. to 12:00 p.m.

WI Department of Agriculture, Trade and Consumer
Protection

Board Room, 1st Floor

2811 Agriculture Drive

Madison, WI 53718

Hearing impaired persons may request an interpreter for this hearing. Please make reservations for a hearing interpreter by **November 17, 2010** by writing to Linda Merriman Hitchman, Division of Agricultural Market Development, P.O. Box 8911, Madison, WI 53708-8911, Linda.MerrimanHitchman@wisconsin.gov, telephone (608) 224-5132. Alternatively, you may contact the DATCP TDD at (608) 224-5058. Handicap access is available at the hearings.

Submittal of Written Comments

DATCP invites the public to attend the hearing and comment on the rules. Following the hearing, the hearing record will remain open until **Monday, December 6, 2010** for additional written comments. Comments may be sent to the Division of Agricultural Development at the address below, by email to Linda.MerrimanHitchman@wisconsin.gov.

To provide comments or concerns relating to small business, you may also contact DATCP's small business regulatory coordinator Keeley Moll at the address above, or by emailing to Keeley.Moll@wisconsin.gov or by telephone at (608) 224-5039.

Copies of Proposed Rule

You may obtain free copies of the proposed permanent rule by contacting the Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Agricultural Market Development, 2811 Agriculture Drive, P.O. Box 8911, Madison, WI 53708. You may also obtain copies by calling (608) 224-5132 or emailing Linda.MerrimanHitchman@wisconsin.gov. Copies will also be available at the hearing. To view the proposed rule online, go to: <http://AdminRules.Wisconsin.gov/>.

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

This rule implements s. 93.07 (18) (b) 6. and 7., Stats. (created by 2007 Wisconsin Act 125) which require new accountability measures related to state economic development grants and loans. Under s. 93.07 (18) (b) 6. and 7., Stats., the department of agriculture, trade and consumer protection (DATCP) must adopt rules to do all of the following (other agencies that make economic development grants and loans must adopt similar rules):

- *Require persons receiving more than \$100,000 in economic development grants or loans to submit verified statements to DATCP, and make supporting documentation available for DATCP inspection.
- *Establish procedures that will allow DATCP to withhold payments to, recover funds from, or impose financial penalties on grant or loan recipients who submit false information to DATCP or fail to honor the terms of a grant or loan contract. The new procedures must include contract provisions that will allow DATCP to impose penalties on grant or loan recipients who fail to honor contract obligations.

Statutes interpreted

Sections 93.07 (18) (b) 6. and 7., Stats.

Statutory authority

Sections 93.07 (1) and 93.07 (18) (b) 6. and 7., Stats.

Explanation of statutory authority

DATCP has general authority, under s. 93.07 (1), Stats., to interpret laws under its jurisdiction. Sections 93.07 (18) (b) 6. and 7., Stats., require DATCP to adopt certain rules imposing accountability measures related to state economic development grants and loans. This rule implements that statutory mandate.

Related statute(s) or rule(s)

2007 Act 125 also requires the departments of commerce, natural resources, tourism and transportation, the UW system, the Wisconsin technical college system, and the Wisconsin

housing and economic development authority to adopt rules that are similar to this rule. DATCP also has existing contract rules for agricultural diversification and development grants (ATCP 161.07) and "buy local" grants (ATCP 161.46).

Plain language analysis

This rule requires the following accountability provisions in each contract for a DATCP economic development grant or loan:

For a grant or loan of \$100,000 or more, a provision requiring the grant or loan recipient to give DATCP a verified statement signed by a certified public accountant (CPA) and a director or principal officer of the grant or loan recipient.

Provisions allowing DATCP to withhold payments to, recover funds from, or impose financial penalties on grant or loan recipients who submit false information to DATCP or fail to honor the terms of the grant or loan contract.

Comparison with federal regulations

Federal statutes under 31 USC 6304 require contracts for many federal grants.

Many federal grant programs have regulations to ensure grant accountability, including regulations related to grant contracts, contract performance, financial accountability, and remedies for noncompliance.

Administering agencies may deny, suspend or terminate payments to grant recipients who fail to comply with grant contract terms.

If a grant recipient makes false or misleading statements to obtain a grant or benefit, the agency may collect civil forfeitures and assessments that are well in excess of the fraudulently-obtained grant or benefit payments.

Comparison with rule(s) surrounding states

Minnesota:

Minnesota requires recipients of state economic development grants to enter into grant contracts. Recipients may be required to report on the use of funds, and may be required to repay grant funds if they fail to comply with contract terms. Minnesota, like Wisconsin, requires more detailed reports from persons receiving large grants.

Michigan:

Michigan requires certain persons receiving economic development grants (including tax credits for job promotion) to enter into grant contracts, submit verified statements, and report on fund use and benefits. Funding can be reduced or terminated, and recipients can be required to repay funds, for certain reasons.

Illinois:

Illinois requires recipients of state economic development grants to enter into grant contracts. Recipients may be required to report on the use of funds, and may be required to repay grant funds if they fail to comply with contract terms. Minnesota, like Illinois, requires more detailed reports from persons receiving large grants.

Iowa:

Iowa requires recipients of state economic development grants to enter into grant contracts. Recipients may be required to report on the use of funds, and may be required to repay grant funds if they fail to comply with contract terms.

Data and analytical methodologies

This rule does not rely on any special data or analytical methodologies. Rule standards and requirements are largely dictated by state law, but also implement practices developed by DATCP under its existing grant and loan programs. These practices are similar to practices used by the federal government, other states and the private sector.

Fiscal Estimate**Background:**

This rule implements s. 93.07 (18) (b) 6. and 7., Stats., created by 2007 Wisconsin Act 125, which require new accountability measures related to state economic development grants and loans. In accordance with the provisions of s. 93.07 (18) (b) 6. and 7., Stats., this rule requires the following accountability provisions in each contract for a DATCP economic development grant or loan (other agencies that make economic development grants and loans must adopt similar rules):

For a grant or loan of \$100,000 or more, a provision requiring the grant or loan recipient to give DATCP a verified statement signed by a certified public accountant (CPA) and a director or principal officer of the grant or loan recipient.

Provisions allowing DATCP to withhold payments, to recover funds from, or impose financial penalties on grant or loan recipients who submit false information to DATCP or fail to honor the terms of the grant or loan contract.

DATCP currently requires each recipient of an economic development grant or loan to enter into a contract that contains provisions similar to those that s. 93.07 (18) (b) 6. and 7., Stats., requires DATCP to adopt by rule. DATCP will make the necessary modifications to the contract language it currently uses to incorporate the required procedures into each grant and loan contract. DATCP legal, financial and program staff currently conduct procedures to withhold payments to, recover funds from, or impose financial penalties on grant and loan recipients as required by the rule. There will be no additional costs created by these administrative activities.

Agency Contact Person

Questions and comments related to this rule may be directed to:

Linda Merriman Hitchman
Department of Agriculture, Trade and Consumer
Protection
P.O. Box 8911
Madison, WI 53708-8911
Telephone (608) 224-5132
E-Mail: Linda.MerrimanHitchman@wisconsin.gov

Notice of Hearing**Natural Resources**

Fish, Game, etc., Chs. 1 —

CR 10-123

DNR# IS-49-10 (E) and IS -47-10

NOTICE IS HEREBY GIVEN that pursuant to ss. 23.27 (3) (b) and 227.11 (2) (a), Stats., the Department of Natural Resources will hold public hearings on permanent and emergency rules to revise Chapter NR 40, Wis. Adm. Code, related to white-nose syndrome management. The hearings

will be held concurrently with hearings to list the fungus, *Geomyces destructans*, as a prohibited invasive species in s. NR 40.04 (2), Wis. Adm. Code, and hearings to list four cave bat species as threatened in s. NR 27.03 (3), Wis. Adm. Code.

Hearing Information

The hearings will begin at **11:00 am** at the locations listed below. Following a brief informational presentation, public comments and statements will be accepted.

Monday, November 29, 2010

Green Bay State Office Building
Room 618
200 North Jefferson Street
Green Bay, WI 54301

Monday, November 29, 2010

The Pyle Center
Room 315
702 Langdon Street
Madison, WI 53706

Monday, November 29, 2010

Division of State Facilities
Eau Claire State Office Building
Room 139
718 W Clairemont Avenue
Eau Claire, WI 54701

Monday, November 29, 2010

UW Marathon County
Room 218
518 S. 7th Avenue
Wausau, WI 54401

Pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Rori Paloski at (608) 264-6040 with specific information on your request at least 10 days before the date of the scheduled hearing.

Copies of Rule and Submittal of Written Comments

The proposed rule and fiscal estimate may be reviewed and comments electronically submitted at the following Internet site: <http://adminrules.wisconsin.gov>. Written comments on the proposed rule may be submitted via U.S. mail to Ms. Stacy Rowe, Bureau of Endangered Resources, P.O. Box 7921, Madison, WI 53707 or by email to Stacy.Rowe@wisconsin.gov. Comments must be submitted by **4:00 p.m. on November 29, 2010**. Written comments whether submitted electronically or by U.S. mail will have the same weight and effect as oral statements presented at the public hearings. A personal copy of the proposed rule and fiscal estimate may be obtained from Ms. Rowe.

Analysis Prepared by the Department of Natural Resources**Plain language analysis**

Chapter NR 40, Wis. Adm. Code, establishes a classification system for invasive species and regulates those in the prohibited and restricted categories. It also establishes preventive measures that when followed, will help minimize the spread of invasive species into or within Wisconsin. In a previous emergency rule, the department listed *Geomyces destructans* as a prohibited invasive fungus species. *Geomyces destructans* has been identified as the fungus that

causes white nose syndrome (WNS) in cave bats. Because the department has little if any control over the natural movements of bats, the main focus in WNS management is on limiting the anthropogenic spread of *G. destructans*.

This Order adds provisions to ss. NR 40.04 and 40.07 relating to early detection and prevention of the spread of WNS due to anthropogenic activities, as follows:

1. For purposes of early detection, with permission or pursuant to an inspection warrant, department staff may access caves and mines in order to monitor, survey, and inspect for the presence of *Geomyces destructans*.

2. Equipment, gear, clothing and other objects may not be brought or placed into or near a cave or mine if they have been in or near a cave or mine located outside of Wisconsin.

3. Equipment, gear, clothing and other objects that have been in or near a cave or mine in the state must be decontaminated following department–approved WNS decontamination protocols before they can be brought into another state cave or mine.

4. All equipment, gear, clothing and other objects that have been in or near a cave or mine in Wisconsin must be decontaminated immediately upon exit.

5. All equipment, gear, clothing and other objects that will be or have come in contact with bats (including, but not limited to nets, traps, weighing tubes, bat bags, wing punches, rulers, clothing, gloves, electronic equipment and exclusion materials) and all individuals handling bats must be decontaminated prior to and immediately after contact.

6. With permission or pursuant to an inspection warrant, the department may install and properly maintain, at no cost to the owner, physical barriers to limit access to any cave or mine by either individuals or bats.

The Order also adds key definitions and sets out authority for the department to grant written exemptions from the new decontamination requirements if it would not allow WNS to be transported to other locations.

Related statute(s) or rule(s)

Related statutes or rules include but are not limited to the following provisions which, to varying degrees, may apply to the identification, classification, control or other regulation of species that are invasive, or to conduct that may result in the introduction or spread of invasive species:

<u>Statutory section</u>	<u>Title [or subject]</u>
15.347 (18)	Invasive species council.
23.093	Carp control research.
23.235	Nuisance weeds.
23.24	Aquatic plants.
26.20 (4)	[Railroad right-of-way annual weed removal]
26.30	Forest insects and diseases; department jurisdiction; procedure.
27.019 (7) (c)	[County rural planning – highways – only native plantings allowed]
27.05 (5) and (7)	[County authority to manage plants and control weeds in county waters, parks and county lands]
29.011	Title to wild animals.
29.047	Interstate transportation of game.
29.053	Specific open and closed seasons.

29.055	Wild animals; possession in closed season or in excess of bag limit.
29.057	Wild animals; possession in open season.
29.089	Hunting on land in state parks and state fish hatcheries.
29.091	Hunting or trapping in wildlife refuge.
29.192	Regulation of takings of certain wild animals.
29.301	General restrictions on hunting.
29.307	Hunting with aid of aircraft prohibited.
29.314	Shining animals.
29.327	Regulation of waterfowl blinds.
29.331	Trapping regulation.
29.334	Hunting and trapping; treatment of wild animals.
29.335	Feeding wild animals for nonhunting purposes.
29.337	Hunting and trapping by landowners and occupants.
29.354	Possession of game birds and animals.
29.407	Transportation of fish.
29.414	Erection of barriers to exclude rough fish.
29.417	Permit to take rough fish.
29.421	Removal of rough fish.
29.424	Control of detrimental fish.
29.509	Bait dealer license.
29.516	Fishing with nets and setlines.
29.601	Noxious substances.
29.604	Endangered and threatened species protected.
29.614	Scientific collector permit.
29.627	Domestic fur-bearing animal farms.
29.701	Propagation of fish; protected wild animals.
29.705	Propagation of fish; removal of fish.
29.733	Natural waters used in fish farms.
29.734	Barriers required for fish farms.
29.735	Importation of fish.
29.736	Stocking of fish.
29.737	Permit for private management.
29.738	Private fishing preserves.
29.741	Food in the wild for game birds.
29.875	Disposal of escaped deer or elk.
29.885	Removal of wild animals.
29.887	Wildlife control in urban communities.
29.924	Investigations; Searches.
29.927	Public nuisances.
29.931	Seizures.
29.934	Sale of confiscated game and objects.
30.07	Transportation of aquatic plants and animals; placement of objects in navigable waters.
30.1255	Report on control of aquatic nuisance species.
59.70 (17) and (18)	[County funds, equipment, fees for pest and weed control, plant or animal diseases.]

- 66.0407 Noxious weeds. [local governments]
- 66.0517 Weed commissioner. [local governments]
- 66.0627 Special charges for current services. [charges for weed elimination]
- 84.07 (3) [DOT highway patrol officers to destroy noxious weeds on highways]
- 93.07 Department duties. [Dept. of Agriculture, Trade and Consumer Protection – pests]
- 94.01 Plant inspection and pest control authority.
- 94.02 Abatement of pests.
- 94.03 Shipment of pests and biological control agents; permits.
- 94.10 Nursery stock; inspection and licensing.
- 94.38 Agricultural and vegetable seeds; definitions.
- 94.41 Prohibitions. [Sale or distribution of noxious weed seed]
- 94.45 Powers and authority of the department.
- 94.46 Stop sale; penalties; enforcement.
- 94.69 Pesticides; rules.
- 94.76 Honeybee disease and pest control.
- 146.60 Notice of release of genetically engineered organisms into the environment.
- 169.04 Possession of live wild animals.
- 169.06 Introduction, stocking, and release of wild animals.
- 169.07 Exhibition of live wild animals.
- 169.08 Propagation of wild animals.
- 169.10 Sale and purchase of live wild animals.
- 169.11 Harmful wild animals.
- 169.36 Record-keeping and reporting requirements.
- 182.017 Transmission lines; privileges; damages. [utility weed control along transmission lines]
- 281.17 (2) [DNR to supervise chemical treatment of waters for the suppression of nuisance-producing organisms that are not regulated by the program established under s. 23.24 (2).]
- 237.10 Rapide Croche lock [Fox River lamprey barrier]

Comparison with federal regulations

None known.

Comparison with rules in adjacent states

The department is not aware of any other states or provinces that have taken similar actions.

Data and analytical methodologies

Bats affected with WNS were first observed in 2006 at a single cave near Albany, New York. WNS has since been found in 14 states and 2 Canadian provinces, spreading up to 800 miles in the last year. Mortality rates of affected colonies reach 100%. WNS has been linked to the death of over one-million bats since 2007 and threatens to cause the extinction of several bat species in the near future. According to a Consensus Statement issued at the WNS Emergency Science Strategy Meeting in May 2009, white-nose syndrome "... has caused the most precipitous decline of

North American wildlife in recorded history." Last spring, the disease was detected within 225 miles of Wisconsin's southern border and 300 miles from the northern border. That means a WNS-infected cave is now located within the 280-mile dispersal range of Wisconsin little brown bats. Based on the disease's current location and known rate of spread, we anticipate the detection of WNS in Wisconsin as early as January, 2011.

Hibernating bats are susceptible to WNS. Those infected tend to show a white fungal growth on their face, arms, legs, wings, and/or tail caused by the newly isolated and named fungus, *Geomyces destructans*. Infected bats exhibit atypical behavior such as daytime activity during winter hibernation, which rapidly depletes stored energy reserves. Wing damage and emaciation are also common.

To date, nine species of cave bats are affected by WNS, including the federally endangered Indiana bat, which historically was found in Wisconsin. All Wisconsin cave bats, which include the little brown bat (*Myotis lucifugus*), northern long-eared bat (*Myotis septentrionalis*), eastern pipistrelle (*Perimyotis subflavus*), and big brown bat (*Eptesicus fuscus*), are among the species fatally affected by WNS. Consequently, Wisconsin's cave bat population as a whole is threatened by this devastating disease. The little brown bat is Wisconsin's most common bat species and because this species has seen the greatest mortality rate due to WNS, Wisconsin anticipates significant impacts to its cave bat populations when WNS begins to affect Wisconsin bats. Research published in the journal *Science* (August 2010) states "...we expect a 99% chance of regional extinction of little brown myotis within the next 16 years."

Research conducted at the United States Geological Survey (USGS) Wildlife Health Center has shown that *G. destructans* is transferred from bat to bat, and a multi-agency project demonstrated bats can develop white nose syndrome (WNS) through infection directly from an affected cave environment, in the absence of infected bats.

There is also evidence of human transfer of *G. destructans* from site to site and/or bat via contaminated equipment, gear or clothing. There have been long-distance jumps in the spread of WNS, beyond the distance bats would likely transmit the disease. These "jump" sites have been frequently-visited caves, often with small bat populations. The U.S. Geological Survey, National Wildlife Health Center has detected *G. destructans* fungal spores in cave sediment, demonstrating persistence of the fungus in the absence of bats. The New York Department of Environmental Conservation, Wildlife Pathology Unit has isolated *G. destructans* fungal spores on equipment and clothing after exiting an affected cave.

Even in the face of incomplete information, general epidemiological principles should be used to inform the WNS investigation and response. All available evidence indicates that WNS is caused by an infectious agent and can therefore potentially be spread by all known modes of disease transmission, including direct contact, inhalation, ingestion, fomites (inanimate objects), and human or animal vectors. Wildlife diseases such as WNS spread rapidly when there is high prevalence of pathogen(s), efficient chains of transmission, abundant susceptible hosts, and/or environments that allow pathogen persistence without a host. Regardless of the infectious agent (fungus, bacterium, or virus), universal precautions should be implemented. Universal precautions are procedures and guidelines designed

to reduce incidence of disease by both preventing infections and breaking chains of transmission.

These rules were developed with the assistance of the Bureau of Endangered Resources and Legal Services. Department of Justice opinion was also sought and confirmed the need to put the proposed actions into rule. The department has also recently met with stakeholders, including mine and commercial cave owners to discuss WNS and possible management options. All known cave and mine owners in Wisconsin were contacted this year as well to provide background information on WNS and cave management.

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

None.

Small Business Impact

The rule is not expected to have a significant adverse effect on a substantial number of small businesses. Therefore, under s. 227.19 (3m), Stats., a final regulatory flexibility analysis is not required. The rule may have favorable effects on a number of businesses by preventing the introduction or limiting the spread of WNS, thereby preserving the agricultural, economic and environmental benefits associated with healthy bat populations.

There are approximately 120 known bat hibernacula in Wisconsin, and approximately 12 of these are public caves. In addition, less than 20 of the caves and mines in Wisconsin are routinely caved. Affected constituencies include commercial caves and mines, active underground mines, private cave and mine owners, recreational cavers, agriculture and forest industries, and conservation organizations. Concerns will likely include how the proposed rules will affect current activities. Many of these potential concerns may be addressed through cost-sharing, technical support, and education provided by the department. Examples include: cost-sharing for installation of bat gates or other physical barriers, cost-sharing for conservation actions, providing cave closure signage and decontamination protocols, and providing locations of caves that may be used for recreational caving activities (where bats are known to have been excluded). Agriculture industries, forest industries and conservation organizations would be negatively affected by not attempting to control or slow the spread of WNS.

The cost of decontamination will be minimal. The cost of excluding bats at a cave with high human visitation would be \$100–\$500. The department is seeking funds to cover these costs. The cost of caving gear typically ranges from \$125–\$750. Very few sites in Wisconsin require vertical climbing gear. The cost of signage at caves and mines would be \$0 because the department will provide the signs.

Under the proposed rules, the department may ask any person who owns, controls, or manages property where a cave or mine may be present to install and properly maintain physical barriers to limit access to the cave or mine by either individuals or bats, in accordance with a plan approved by the department. The department is seeking funding to assist with the installation of barriers, and therefore cost to those parties who install such barriers should be negligible. Additionally, commercial caves will have the option to exclude bats from their cave(s) with the help of the department, allowing them to remain open for tourism, and resulting in no loss of tourism dollars. Finally, the department will work with active mines

to develop control plans that will not hinder mining operations.

Under current ch. NR 40, the department may ask any person who owns, controls, or manages property where a prohibited species is present to control the prohibited species in accordance with a plan approved by the department. While a person who owns, controls, or manages property where a prohibited species is present is responsible for controlling the prohibited species that exists on the property, the department will seek funds to assist in the control of prohibited species.

The department will normally follow an informal, stepped enforcement process in order to obtain compliance with invasive species rules. This involves informal discussions between department staff and the individual, landowner or company, notifying the person of potential violations and providing guidance on how to comply with the rules. Notices of non-compliance may follow if necessary. If formal enforcement is necessary, ch. NR 40 will be enforced by department conservation wardens, county district attorneys, and circuit courts through the use of citations and civil or criminal complaints. Civil and criminal enforcement may also be carried out by department referral of violations to the Wisconsin Attorney General, with prosecution and abatement actions in the circuit courts. Criminal enforcement will be limited to intentional violations. Finally, violations of the permits issued under ch. NR 40 also may be enforced by administrative permit revocation proceedings.

Pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have an economic impact on small businesses. The department's Small Business Regulatory Coordinator may be contacted at SmallBusiness@dnr.state.wi.us or by calling (608) 266–1959.

Environmental Analysis

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

Fiscal Estimate

Assumptions used in arriving at fiscal estimate

State Fiscal Estimate:

The proposed rule package will require time by DNR staff to prepare the rule and administer rule hearings. Endangered Resources staff, as well as other Department staff, may see an increase in time associated with the changes to bat management, especially in the decontamination of equipment and in monitoring. It is assumed there will not be a significant increase in staff time, and that this time can be covered by existing appropriations.

Local Fiscal Estimate:

Minimal impact to the few local governments that own caves or mines.

Private Fiscal Impacts:

It is assumed there will be negligible costs associated with this rule. Private landowners with caves may experience some costs associated with restricting cave access, such as posting signs, or with time associated with contractors monitoring on

their property, but all potential cost impacts are assumed to be minimal.

The department will also seek funds to assist in the design, installation, and maintenance of physical barriers at all caves.

State fiscal effect

Indeterminate. Increase Costs — May be possible to absorb within agency's budget.

Local government fiscal effect

Indeterminate.

Agency Contact

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Madison, WI 53707-7921
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Amended Notice of Hearings

(See Register dated October 14, 2010 for original)

Natural Resources

Fish, Game, etc., Chs. NR 1—

EmR 1037, CR 10-114

DNR# ER-37-10(E) and ER-35-10

NOTICE IS HEREBY GIVEN that pursuant to ss. 23.09 (2), 29.604, 227.11 (2) and 227.24, Stats., the Department of Natural Resources will hold public hearings on the emergency and permanent rule proposals to list four cave bat species as threatened in s. NR 27.03 (3), Wis. Adm. Code. The hearings will be held concurrently with hearings to list the fungus, *Geomyces destructans*, as a prohibited invasive species in s. NR 40.04 (2), Wis. Adm. Code.

Hearing Information

The hearings will begin at **11:00 am** at the locations listed below. Following a brief informational presentation, public comments and statements will be accepted.

Tuesday, October 26, 2010

Glaciers Edge and Gathering Waters Rooms
DNR South Central Region Headquarters
3911 Fish Hatchery Road
Fitchburg, WI 53711

Monday, November 29, 2010

Green Bay State Office Building
Room 618
200 North Jefferson Street
Green Bay, WI 54301

Monday, November 29, 2010

The Pyle Center
Room 315
702 Langdon Street
Madison, WI 53706

Monday, November 29, 2010

Division of State Facilities
Eau Claire State Office Building
Room 139
718 W Clairemont Avenue

Eau Claire, WI 54701

Monday, November 29, 2010

UW Marathon County
Room 218
518 S. 7th Avenue
Wausau, WI 54401

Pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Stacy Rowe at (608) 266-7012 with specific information on your request at least 10 days before the date of the scheduled hearing.

Copies of Rule and Submittal of Written Comments

The proposed rule and fiscal estimate may be reviewed and comments electronically submitted at the following Internet site: <http://adminrules.wisconsin.gov>. Written comments on the proposed rule may be submitted via U.S. mail to Ms. Stacy Rowe, Bureau of Endangered Resources, P.O. Box 7921, Madison, WI 53707 or by email to Stacy.Rowe@wisconsin.gov. Comments must be submitted by **4:00 p.m. on November 29, 2010**. Written comments whether submitted electronically or by U.S. mail will have the same weight and effect as oral statements presented at the public hearings. A personal copy of the proposed rule and fiscal estimate may be obtained from Ms. Rowe.

Analysis Prepared by the Department of Natural Resources

Plain language analysis

The proposed changes to Ch. NR 27, Wis. Admin. Code, will add the four cave bat species in Wisconsin to the Wisconsin threatened species list. The four species include the little brown bat (*Myotis lucifugus*), big brown bat (*Eptesicus fuscus*), northern long-eared bat (*Myotis septentrionalis*), and eastern pipistrelle (*Perimyotis subflavus*).

Related statute(s) or rule(s)

Section 29.604 (3), Wis. Stats., requires the department to establish an endangered and threatened species list. Chapter NR 27, Wis. Admin. Code, provides the list of endangered and threatened species.

Comparison with federal regulations

Although several species of cave bats are listed federally by the United States Fish and Wildlife Service (USFWS), we are not aware of any listings that have occurred specifically due to white-nose syndrome. However, USFWS has received a petition to list two cave bat species due to white-nose syndrome and is in the process of reviewing the petition.

Comparison with adjacent states

Vermont, New York and Massachusetts are in the process of listing several cave bat species due to white-nose syndrome. The Minnesota Department of Natural Resources has recently proposed the little brown bat (*Myotis lucifugus*) and big brown bat (*Eptesicus fuscus*) as species of special concern because of the eminent threat of white-nose syndrome in the state. The other two species of cave bats in Minnesota, northern long-eared bat (*Myotis septentrionalis*) and eastern pipistrelle (*Perimyotis subflavus*) are already listed as species of special concern in Minnesota.

Data and analytical methodologies

The proposed emergency rule is related to the addition of Wisconsin's four cave bat species to the state's threatened

species list. The four species include the little brown bat (*Myotis lucifugus*), big brown bat (*Eptesicus fuscus*), northern long-eared bat (*Myotis septentrionalis*), and eastern pipistrelle (*Perimyotis subflavus*).

The proposed rule change seeks to provide protection to Wisconsin cave bat species, which face the imminent threat of white-nose syndrome. White-nose syndrome has spread across 14 states and two Canadian provinces in the last three years, spreading up to 800 miles per year. Mortality rates of affected bat colonies reach 100%. The disease was located last spring within 225 miles of Wisconsin's southern border and 300 miles from the northern border. Because the known dispersal distance of the little brown bat is 280 miles, an affected cave is now located within the dispersal range of Wisconsin little brown bats. Based on the current location and known rate of spread of the disease, we anticipate the presence of white-nose syndrome in Wisconsin as early as January 2011.

Wisconsin has one of the highest concentrations of cave bat hibernacula in the Midwest and large numbers of cave bats from neighboring states hibernate in Wisconsin. Consequently, Wisconsin's cave bat population, and those of surrounding states, is threatened by this devastating disease. All Wisconsin bat species are among the species fatally affected by the white-nose syndrome.

Cave bats were assessed for changes in population condition using the following triggers established by the Bureau of Endangered Resources:

1. Significant change in the Natural Heritage Inventory State Rank since 1997
2. Significant change in the Natural Heritage Inventory Global Rank since 1997
3. Change in United States Endangered Species Act status since 1997
4. Is there a need for immediate protection (i.e., new threat)
5. Change in other statuses, e.g., International Union for Conservation of Nature (IUCN), Convention on International Trade in Endangered Species (CITES)
6. New data on population condition available
7. Recommended for listing/delisting since 1997
8. Taxonomic change
9. For currently listed species, have recovery goals been met

All four cave bat species met triggers #1 and #4, and the little brown bat also met trigger #7 (recommended for listing by stakeholders), therefore indicating the need for the emergency rule change.

Listing these species before white-nose syndrome has been detected in Wisconsin will allow the department time to work collaboratively with stakeholders to ensure that appropriate conservation measures are developed and in place. Because of the speed of white-nose syndrome, the department would not have time to develop appropriate conservation measures if listing was delayed until after white-nose syndrome was detected in Wisconsin.

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

None.

Small Business Impact

Affected constituencies include commercial caves and mines, private cave and mine owners, recreational cavers, wildlife rehabilitators, animal control operators, the agricultural industry, the conservation community, wind utilities, WI Department of Transportation (WDOT) and homeowners. Concerns will likely include how listing the bats will affect current activities. Many of these potential concerns will be addressed through a broad incidental take permit/authorization and voluntary agreements so that the listing does not have a significant economic impact on a substantial number of small businesses.

A broad incidental take permit/authorization would be created, as provided for under s. 29.604, Wis. Stats. The broad incidental take permit/authorization would allow for the incidental taking of state listed cave bats that may occur as a result of specific public health concerns, bat removals, building demolitions, forestry activities, bridge demolitions, miscellaneous building repairs and wind energy development projects (see the "Broad Incidental Take Permit/Authorization for Cave Bats" attachment for more information). Some take of bats may still occur as a result of these activities, however take will be minimized by following specific minimization measures, and the department has concluded that the projects covered under this permit are not likely to jeopardize the continued existence and recovery of the state population of these bats or the whole plant-animal community of which they are a part; and has benefit to the public health, safety or welfare that justifies the action. This incidental take permit/authorization is only needed when a bat is present or suspected to be present (e.g., Natural Heritage Inventory report of bats in the area, evidence of bat presence).

Pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have a significant economic impact on small businesses. The department's Small Business Regulatory Coordinator may be contacted at SmallBusiness@dnr.state.wi.us or by calling (608) 266-1959.

Environmental Analysis

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

Agency Contact

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Amended Notice of Hearings

(See Register dated October 14, 2010 for original)

Natural Resources

Fish, Game, etc., Chs. NR 1—

EmR 1036, CR 10–115

DNR # IS–42–10(E) and IS–41–10

NOTICE IS HEREBY GIVEN that pursuant to ss. 23.09 (2), 23.22, 227.11 (2) and 227.24, Stats., the Department of Natural Resources will hold public hearings on the emergency and permanent rule proposals to list the fungus, *Geomyces destructans*, as a prohibited invasive species in s. NR 40.04 (2), Wis. Adm. Code. The hearings will be held concurrently with hearings to list four cave bat species as threatened in s NR 27.03 (3), Wis. Adm. Code.

Hearing Information

The hearings will begin at **11:00 am** at the locations listed below. Following a brief informational presentation, public comments and statements will be accepted.

Tuesday, October 26, 2010

DNR South Central Region Headquarters
Glaciers Edge and Gathering Waters Rooms
3911 Fish Hatchery Road
Fitchburg, WI 53711

Monday, November 29, 2010

Green Bay State Office Building
Room 618
200 North Jefferson Street
Green Bay, WI 54301

Monday, November 29, 2010

The Pyle Center
Room 315
702 Langdon Street
Madison, WI 53706

Monday, November 29, 2010

Division of State Facilities, Eau Claire State Office Building
Room 139
718 W Clairemont Avenue
Eau Claire, WI 54701

Monday, November 29, 2010

UW Marathon County
Room 218
518 S. 7th Avenue
Wausau, WI 54401

Pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Ms. Rowe at (608) 266–7012 with specific information on your request at least 10 days before the date of the scheduled hearing.

Copies of Rule and Submittal of Written Comments

The proposed rule and fiscal estimate may be reviewed and comments electronically submitted at the following Internet site: <http://adminrules.wisconsin.gov>. Written comments on the proposed rule may be submitted via U.S. mail to Ms. Stacy

Rowe, Bureau of Endangered Resources, P.O. Box 7921, Madison, WI 53707 or by email to Stacy.Rowe@wisconsin.gov. Comments must be submitted by **4:00 p.m. on November 29, 2010**. Written comments whether submitted electronically or by U.S. mail will have the same weight and effect as oral statements presented at the public hearings. A personal copy of the proposed rule and fiscal estimate may be obtained from Ms. Rowe.

Analysis Prepared by the Department of Natural Resources

Plain Language Analysis

The proposed changes to ch. NR 40, Wis. Adm. Code, will add the fungus, *Geomyces destructans*, to the list of prohibited invasive species, allowing the department to effectively manage its spread and limit human transport.

Existing rules ban the transportation (including importation), possession, transfer (including sale) and introduction of invasive species that are listed or identified as “prohibited”, with certain exceptions. Transportation, possession, transfer and introduction without a permit are exempt if the department determines that the transportation, possession, transfer or introduction was incidental or unknowing, and was not due to the person’s failure to take reasonable precautions. Existing rules authorize the department to enter property with the permission of the owner or person in control of the property and, if permission cannot be obtained, to seek an inspection warrant from the Circuit Court. Entry is only for the purpose of inspection, sampling or control of prohibited invasive species.

The current rules also allow the department to enter into consent orders with persons who own, control or manage property where prohibited invasive species are present to implement approved control measures, and to issue unilateral orders for control purposes unless the person was not responsible for the presence of the prohibited invasive species. If a control order is not complied with and the department undertakes control measures, the current rules allow for cost–recovery by the department for the expenses it incurred.

Related statute(s) or rule(s)

Related statutes or rules include but are not limited to the following provisions which, to varying degrees, may apply to the identification, classification, control or other regulation of species that are invasive, or to conduct that may result in the introduction or spread of invasive species:

<u>Statutory section</u>	<u>Title [or subject]</u>
15.347 (18)	Invasive species council.
23.24	Aquatic plants.
29.011	Title to wild animals.
29.604	Endangered and threatened species protected.
29.614	Scientific collector permit.
29.885	Removal of wild animals.
29.924	Investigations; Searches.
30.07	Transportation of aquatic plants and animals; placement of objects in navigable waters.
94.01	Plant inspection and pest control authority.
94.02	Abatement of pests.
94.03	Shipment of pests and biological control agents; permits.

94.69	Pesticides; rules.
169.04	Possession of live wild animals.
169.06	Introduction, stocking, and release of wild animals.
169.07	Exhibition of live wild animals.
169.08	Propagation of wild animals.
169.10	Sale and purchase of live wild animals.
169.11	Harmful wild animals.

Comparison with federal regulations

We are not aware of any existing or proposed federal regulations that would list the fungus, *Geomyces destructans*, as an invasive species.

Comparison with rule(s) in adjacent states

Wisconsin appears to be unique in taking the approach of listing the fungus, *Geomyces destructans*, as an invasive species; we are not aware of any other states or provinces that have taken similar actions. We don't know of any other states that have a similar mechanism—an invasive species rule—for listing the fungus. We are also not aware of any existing or proposed federal regulations that would list the fungus, *Geomyces destructans*, as an invasive species.

Data and analytical methodologies

White-nose Syndrome (WNS) is a disease responsible for unprecedented mortality in cave hibernating bats and is identified by the white fungus (*Geomyces destructans*) that grows on the nose, ears, and muzzle and/or wing membrane. Infected bats exhibit atypical behavior, such as daytime activity during winter hibernation, which rapidly depletes stored energy reserves. Wing damage and emaciation are also common.

WNS has been documented in fourteen states and two Canadian provinces and is spreading rapidly from the first affected sites (up to 800 miles per year). The speed at which WNS is spreading necessitates immediate action on the part of the department to list the white-nose fungus as a prohibited invasive species. Based on the current location and known rate of spread of the disease, it is likely that WNS will reach Wisconsin as early as January 2011.

This rule was developed with the assistance of the Bureaus of Endangered Resources and Legal Services and with input from the Wisconsin Council on Invasive Species (Council). The Bureau of Endangered Resources prepared an Issue Brief for the Council, which provided background on white-nose syndrome, the extent and serious nature of the threat of the disease to Wisconsin's cave bats, and the need for listing *Geomyces destructans* as a prohibited invasive species.

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

None.

Small Business Impact

Affected constituencies include commercial caves and mines, private cave and mine owners, recreational cavers, property owners, the agricultural industry, and the conservation community. Concerns will likely include how listing the fungus will affect current activities. Many of these potential concerns may be addressed through cost-sharing, technical support, and education provided by the department. Examples include: reviewing proposed research proposals and issuance of scientific research licenses, cost-sharing for

installation of bat gates and other conservation actions, providing cave closure signage and decontamination protocols, and providing locations of caves that may be used for recreational caving activities (where bats are known to have been excluded).

Under NR 40, the department may ask any person who owns, controls, or manages property where a prohibited species is present to control the prohibited species in accordance with a plan approved by the department. While a person who owns, controls or manages property where a prohibited species is present is responsible for controlling the prohibited species that exists on the property, the department will seek funds to assist in the control of prohibited species. Therefore, conducting control measures will not necessarily result in a cost to commercial cave operators. Additionally, commercial caves will have the option to exclude bats from their cave(s) with the help of the department, allowing them to remain open for tourism, and resulting in no loss of tourism dollars.

Under s. 227.19 (3m), Wis. Stats., a final regulatory flexibility analysis is not required.

Pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have a significant economic impact on small businesses. The department's Small Business Regulatory Coordinator may be contacted at SmallBusiness@dnr.state.wi.us or by calling (608) 266-1959.

Environmental Analysis

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

Agency Contact

Erin Crain, EIM Section Chief
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Email: Erin.Crain@wisconsin.gov

Notice of Hearing

Natural Resources

**Air Pollution Control, Chs. NR 400—
CR 10-119**

DNR# AM-34-05

NOTICE IS HEREBY GIVEN that pursuant to ss. 227.16 and 227.17, Stats, the Department of Natural Resources, hereinafter the Department, will hold a public hearing on proposed amendments to Chapters NR 400, 410, 411, and 484, relating to the indirect source air management permit program on the date and at the time and location listed below.

Hearing Information

The Department of Natural Resources will hold a public hearing at the time and place shown below:

**Thursday November 18, 2010
at 1:00 PM**

Natural Resources State Office Building
Room 713
101 S. Webster Street
Madison, WI 53703

Live interactive satellite connections to this hearing will also be provided in the following locations:

DNR Southeast Region Headquarters
Rooms 140–141

2300 North Dr. Martin Luther King Jr. Drive
Milwaukee, WI 53212

DNR Northeast Region Headquarters
Lake Michigan Room
2984 Shawano Avenue
Green Bay, WI 54313

DNR West Central Region Headquarters
Paddlefish Conference Room
1300 W Clairemont Avenue
Eau Claire, WI 54701

Reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Contact Robert B. Eckdale in writing at the Department of Natural Resources, Bureau of Air Management (AM/7), 101 S Webster, Madison, WI 53707; by E-mail to Robert.Eckdale@wisconsin.gov; or by calling (608) 266–2856. A request must include specific information and be received at least 10 days before the date of the scheduled hearing.

Availability of the Proposed Rules and Fiscal Estimate

The proposed rule and supporting documents, including the fiscal estimate, may be viewed and downloaded from the Administrative Rules System Web site which can be accessed through the link provided on the Proposed Air Pollution Control Rules Calendar at <http://www.dnr.state.wi.us/air/rules/calendar.htm>. If you do not have Internet access, a printed copy of the proposed rule and supporting documents, including the fiscal estimate, may be obtained free of charge by contacting Robert Eckdale, Department of Natural Resources, Bureau of Air Management (AM/7), 101 S. Webster St, Madison, WI, 53703, or by calling 608.266.2856.

Submittal of Written Comments

Comments on the proposed rule must be received on or before **November 29, 2010**. Written comments may be submitted by U.S. mail, fax, E-mail, or through the Internet and will have the same weight and effect as oral statements presented at the public hearing. Written comments and any questions on the proposed rules should be submitted to:

Mike Friedlander

Department of Natural Resources
Bureau of Air Management (AM/7)
101 S Webster St, Madison, WI 53703

Phone: 608.267.0806

Fax: 608.267.0560

E-mail: Michael.Friedlander@wisconsin.gov

Internet: Use the Administrative Rules System Web site accessible through the link provided on the Proposed Air

Pollution Control Rules Calendar at
<http://dnr.wi.gov/air/rules/calendar.htm>

Analysis Prepared by the Department of Natural Resources

Statute interpreted

Section 285.60. (10), Stats.

Statutory authority

Section 227.11 (2) (a), 285.11 (1), 285.60 (6) Stats.

Explanation of agency authority

Section 285.11, Stats. gives the Department the authority to promulgate air pollution rules. Section 285.60, Stats., gives the Department the authority to regulate indirect sources by requiring construction and operation permits. Section 285.60 (6) Stats. gives the Department the authority to exempt types of sources from any requirement, if the potential emissions from the sources do not present a significant hazard to public health, safety, or welfare or to the environment.

Related statute or rule

Chapter NR 406 describes a general permit process and criteria for the construction, reconstruction, replacement, relocation or modification of stationary sources in accordance with s. 285.60(3), Stats.

Plain language analysis

The proposed rule revision will allow a general construction permit option for most indirect sources, providing industry and the Department with a streamlined approach to permitting. The proposed general construction permit option will eliminate carbon monoxide modeling as a requirement for most indirect source permit applications and will eliminate the screening level analysis for roadway capacity expansion projects. Indirect sources may still request a standard indirect source permit with carbon monoxide modeling. The proposed rule revision will eliminate the requirement for indirect source operational permits and focus control measures toward diesel and particulate matter emissions. The basis for permit exemptions is proposed to change from total vehicle capacity to total impervious surface dedicated to parking and maneuver. The proposed rule revision includes an exemption option for sources that agree to adopt superior environmental performance through the Green Tier program. Green Tier is based on a collaborative system of contracts and charters crafted jointly by participating businesses and the DNR. These contracts and charters streamline environmental requirements while advancing new environmental technologies.

Comparison with federal regulation

There is no existing or proposed federal regulation for permitting indirect sources.

Comparison with similar rules in adjacent states

Illinois, Iowa, Michigan, and Minnesota do not have similar rules. Minnesota had an indirect source permit program, but the program was discontinued on July 1, 2001 in response to budget cuts.

Data and analytical methodologies used and how any related findings support the regulatory approach chosen

Technological advances in automobile pollution control equipment and cleaner burning gasoline have significantly reduced carbon monoxide emissions. New health effects information for diesel emissions and fine-particles pollution suggest a different priority for the indirect source permit program.

Indirect source permit applicants were surveyed to determine the average permit processing time and total cost. The survey results were used as a means to define the time and cost savings associated with a streamlined permit process. Indirect source permit holders report the current permit process, from preparing to receiving final permit, requires nearly 8 months and costs between \$30,000 – \$40,000, excluding legal fees.

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

No analysis or supporting documentation was developed as most indirect source permit applicants are large scale developers, not small businesses.

Small Business Impact

Indirect source permit applicants tend to be large scale developers, therefore the impact on small business is not considered to be applicable.

The Small Business Regulatory Coordinator may be contacted at SmallBusiness@dnr.state.wi.us, or by calling (608) 266–1959.

Environmental Analysis

The Department has made a preliminary determination that adoption of the proposed rules would not involve significant adverse environmental effects and would not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on comments received, an environmental analysis may be prepared before proceeding. This analysis would summarize the Department's consideration of the impacts of the proposal and any reasonable alternatives.

Fiscal Estimate Summary

A revised rule will save businesses and developers about \$270,000 annually in permit fees and project analysis related

costs. The cost for an indirect source air permit with environmental assessment is \$8,250. In addition, the cost to develop an indirect source permit application, including consultant fees, traffic modeling, and documentation can total between \$30,000 – \$40,000. In an average year, Air Management processes 9 indirect source air permits, so the total business cost is approximately $9 \times \$30,000 = \$270,000$. Since legal fees are not factored into this estimate, the true savings are likely to be substantially greater than the estimate.

The adoption of a general construction permit framework will result in reduced state costs, but also reduced revenue related to the current indirect source permit revenue. Reduced revenues occur because the proposed rule applies the general permit fee structure, eliminates the environmental assessment requirement for most indirect source permit applications, and eliminated the screening level analysis for roadway projects.

Assumptions for annual reduce revenues

9 indirect source permits – permit fees under current rule = \$74,250

9 indirect source permits – permit fees under proposed rule = \$13,500

Reduced costs to the state occur due to the elimination of the screening level analysis for highway projects. Surveys of consultants indicate that the average cost associated with developing an indirect source permit exemption is \$4,000. The \$4,000 cost is paid by either Wisconsin municipalities or the Wisconsin Department of Transportation.

Assumptions for annual reduced costs

2 screening level analyses – consultant fees under current rule = \$8,000

Agency Contact

Mike Friedlander, (608) 267–0806, (608) 267–0560 (fax), Michael.Friedlander@wisconsin.gov

Rule Orders Filed with the Legislative Reference Bureau

The following administrative rule orders have been filed with the Legislative Reference 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 Legislative Reference Bureau at bruce.hoesly@legis.wisconsin.gov or (608) 266-7590 for updated information on the effective dates for the listed rule orders.

Agriculture, Trade and Consumer Protection

CR 10-055

Revises Chapter ATCP 60, relating to somatic cell standards for dairy goat milk.
Effective 12-1-10.

Barbering and Cosmetology Examining Board

CR 10-014

Revises Chapter BC 7, relating to examinations for barbers and cosmetologists, aestheticians, electrologists, manicurists, and managers.
Effective 12-1-10.

Children and Families

Family and Economic Security, Chs. DCF 101-153

CR 08-034

Repeals and recreates Chapter DCF 101, relating to Wisconsin Works sanction good cause exceptions and affecting small businesses.
Effective 1-1-11.

Children and Families

Family and Economic Security, Chs. DCF 101-153

CR 10-078

Creates Chapter DCF 110, relating to transitional jobs for low-income adults.
Effective 12-1-10.

Corrections

CR 09-120

Revises Chapter DOC 302, relating to sentence computation and modification.
Effective 12-1-10.

Financial Institutions — Banking

CR 10-097

Revises Chapter DFI – Bkg 74, relating to the exemption of health care billing companies from the definition of a collection agency.
Effective 1-1-11.

Health Services

Health, Chs. DHS 110—

CR 10-084

Revises Chapter DHS 138, relating to the subsidy of health insurance premiums for persons with HIV infection.
Effective 1-1-11.

Health Services

Health, Chs. DHS 110—

CR 10-085

Revises Chapters DHS 110, 111, 112, 113, and 119 relating to emergency medical services, including first responders, emergency medical technicians (EMT's), first responder service providers, non-transporting EMT service providers, and ambulance service providers.
Effective 1-1-11.

Health Services

Management, Technology & Strategic Finance,

Chs. DHS 1-18

Community Services, Chs. DHS 30—

Health, Chs. DHS 110—

CR 10-091

Revises Chapter DHS 12 and Appendices 83, 88, 124, 127, 148 and 165 relating to miscellaneous minor and technical changes.
Effective 1-1-11.

Natural Resources

Fish, Game, etc., Chs. NR 1—

CR 10-042

Revises Chapter NR 45, relating to the use of department properties.
Effective 1-1-11.

Natural Resources

Environmental Protection —Air Pollution Control,

Chs. NR 400—

CR 10-033

Revises Chapter NR 433, relating to implementation of best available retrofit technology for the protection of visibility in mandatory Class I federal areas.
Effective 1-1-11.

Natural Resources***Environmental Protection —Air Pollution Control******Chs. NR 400—*****CR 10–048**

Revises Chapters NR 400, 405 and 406, relating to permit requirements for Class I areas, and affecting small business. Effective 1–1–11.

Natural Resources***Environmental Protection —Air Pollution Control******Chs. NR 400—*****CR 10–049**

Revises Chapters NR 484 and 485, relating to the vehicle inspection and maintenance program and affecting small business. Effective 1–1–11.

Natural Resources***Environmental Protection —Air Pollution Control******Chs. NR 400—*****CR 10–050**

Revises Chapters NR 400, 404, 405, 406, 407, 408 and 484, relating to permit requirements for particulate matter emission. Effective 1–1–11.

Public Instruction**CR 10–058**

Revises Chapter PI 34, relating to school nurse certification. Effective 12–1–10.

Public Instruction**CR 10–074**

Revises Chapter PI 45, relating to the use of race-based nicknames, logos, mascots and team names by school boards. Effective 12–1–10.

Public Instruction**CR 10–075**

Revises Chapter PI 43, relating to education reform. Effective 12–1–10.

Revenue**CR 10–093**

Revises Chapter Tax 11, relating to motor vehicle, alternate fuels, and general aviation fuel tax return and refund claim forms; fermented malt beverage tax return and refund claim forms; intoxicating liquor report, tax return, and refund claim forms; cigarette and tobacco products report, tax return and refund claim forms; and sales and use tax, local exposition tax, and premier resort area tax return forms. Effective 12–1–10.

Revenue**CR 10–094**

Revises Chapter Tax 11, relating to sales and use tax. Effective 12–1–10.

Revenue**CR 10–095**

Revises Chapters Tax 1, 2 and 3, relating to electronic funds transfer; original and amended corporation franchise and income tax returns; information returns and wage statements; returns of persons other than corporations; the recycling surcharge; estimated tax requirements; addback and disclosure of related entity expenses; pass-through entity withholding; and the dividends received deduction for corporations. Effective 12–1–10.

Transportation**CR 10–082**

Creates Chapter Trans 75, relating to bikeways and sidewalks in highway projects. Effective 1–1–11.

Transportation**CR 10–088**

Revises Chapter Trans 131, relating to vehicle emission inspection process. Effective 1–1–11.

Workforce Development***Public Works Construction Contracts, Chs. DWD
290–294*****CR 10–092**

Revises Chapter DWD 290, relating to amending the rules of the prevailing wage program in response to statutory changes made by 2009 Wisconsin Act 28. Effective 1–1–11.

Rules Published with this Register and Final Regulatory Flexibility Analyses

*The following administrative rule orders have been adopted and published in the **October 31, 2010**, Wisconsin Administrative Register. Copies of these rules are sent to subscribers of the complete Wisconsin Administrative Code and also to the subscribers of the specific affected Code.*

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

Commerce

Financial Resources for Businesses and Communities, Chs. Comm 100—

CR 10-041

Creates Chapter Comm 137, relating to reallocations for recovery zone facility bonds as established under the federal American Recovery and Reinvestment Act of 2009, and affecting small businesses. Effective 11-1-10.

Summary of Final Regulatory Flexibility Analysis

Less stringent application requirements are not included for small-business applicants because the directive under which these rules are adopted, in 2009 Wisconsin Act 112, does not provide such flexibility.

No substantive reporting will be imposed on small businesses.

The rules are not expected to impose significant costs on small businesses for other measures because the rules address submittal of documentation, and other activities, only by applicants that choose to participate in the tax-exempt private activity bonding addressed in the rules.

Summary of Comments by Legislative Review Committees

No comments were received.

Commerce

Financial Resources for Businesses and Communities, Chs. Comm 100—

CR 10-054

Creates Chapter Comm 121, relating to small business innovation research assistance grants, and affecting small businesses. Effective 11-1-10.

Summary of Final Regulatory Flexibility Analysis

Less stringent application requirements are not included for small-business applicants because the directive under which these rules are adopted, in section 560.45 of the Statutes, does not provide such flexibility.

No substantive reporting will be imposed on small businesses.

The rules are not expected to impose significant costs on small businesses for other measures because the rules address submittal of documentation, and other activities, only by applicants that choose to pursue grants for assistance in the phase of development that precedes eligibility in the federal Small Business Innovation Research program, or for assistance with participating in the Phase III, commercialization portion of that program.

Summary of Comments by Legislative Review Committees

No comments were received.

Corrections

CR 09-039

Repeals and recreates Chapter DOC 346, relating to juvenile detention facilities and juvenile portions of a county jail. Effective 11-1-10.

Summary of Final Regulatory Flexibility Analysis

There is no expected effect on small businesses under s. 227.114, Stats.

Summary of Comments by Legislative Review Committees

No comments were reported.

Health Services

Health, Chs. DHS 110—

CR 10-037

Revises Chapter DHS 137, relating to anatomical gifts and the Wisconsin Donor Registry. Effective 11-1-10.

Summary of Final Regulatory Flexibility Analysis

The rules do not affect small businesses.

Summary of Comments by Legislative Review Committees

No comments were received.

Natural Resources

Fish, Game, etc., Chs. NR 1—

CR 10-020

DNR # WM-01-10

Revises Chapters NR 10, 11, 12, and 19, relating to hunting and trapping regulations, wildlife damage and nuisance control, closed areas and game refuges. Effective 11-1-10 and 2-1-11.

Summary of Final Regulatory Flexibility Analysis

The revisions to Chs. NR 10, 11, 12 and 19, Wis. Admin. Code, relating to hunting, trapping, closed areas and game refuges are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, nor are any design or operational standards contained in the rule. Therefore, under s. 227.19 (3m) Stats., a final regulatory flexibility analysis is not required.

Summary of Comments by Legislative Review Committees

No comments were reported.

Natural Resources
Fish, Game, etc., Chs. NR 1—
CR 10–025

DNR # FH–03–10

Revises Chapters NR 20, 21, 23, and 26, relating to fishing on the inland, outlying, and boundary waters of Wisconsin. Effective 11–1–10 and 4–1–11.

Summary of Final Regulatory Flexibility Analysis

These rules are applicable to individual sportspersons and do not impose any compliance or reporting requirements on small businesses nor are any design or operational standards contained in the rule. Therefore, under s. 227.19 (3m), Stats., a final regulatory flexibility analysis is not required.

Summary of Comments by Legislative Review Committees

No comments were reported.

Natural Resources
Fish, Game, Forestry, etc., Chs. NR 1—
CR 10–031

DNR # FR–04–10

Revises Chapter NR 46, relating to the administration of the forest crop law and managed forest law. Effective 11–1–10.

Summary of Final Regulatory Flexibility Analysis

Landowners who recently bought land that was under a Forest Crop Law contract will now will be given an extension to meet the requirements to make sure the land is designated as Managed Forest Law (MFL). Landowners with existing MFL land will only be able to add lands in adjacent municipalities if the land will not qualify as a stand alone entry. Landowners required to plant trees on MFL land will have lower stocking requirements to be considered a medium density stocking level. Certified Plan Writers will be impacted by the proposed rule by changing the manner in which the report management plan cost data to the department. The rule has no significant economic impact on a substantial number of small businesses.

Summary of Comments by Legislative Review Committees

The rules were reviewed by the Senate Committee on Transportation, Tourism, Forestry and Natural resources and the Assembly Committee on Forestry on July 22, 2010. The Department did not receive any comments or requests for modification.

Natural Resources
Fish, Game, etc., Chs. NR 1—
CR 10–052

DNR # WM–15–10

Revises section NR 10.104 (7) (a), relating to the use of archery deer hunting licenses. Effective 11–1–10.

Summary of Final Regulatory Flexibility Analysis

These revisions to ch. NR 10, Wis. Adm. Code, pertain to game and hunting. These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses. This proposal does not establish design or operational standards. Under s. 227.19 (3m), Stats., a final regulatory flexibility analysis is not required.

Summary of Comments by Legislative Review Committees

No comments were reported.

Natural Resources
Environmental Protection — Water Regulation,
Chs. NR 300—
CR 10–032

DNR # WT–21–09

Revises Chapters NR 335 and 336, relating to grants for dam maintenance, repair, modification, or abandonment and removal. Effective 11–1–10.

Summary of Final Regulatory Flexibility Analysis

The rule package will not have a significant economic impact on small business. The rules do not directly affect small businesses unless they own a dam and want to remove the structure, in which case they can apply for funding to accomplish this objective. Therefore, under s. 227.114, Stats., an initial regulatory flexibility analysis was not required. Engineering consultants and companies involved in dam construction and removal should benefit from an increase in project activity resulting from an increase in the supply of money for these kinds of projects.

Summary of Comments by Legislative Review Committees

No small businesses provided comments on the rule package during the public comment period.

Natural Resources
Environmental Protection — Hazardous Waste
Management, Chs. NR 600—
CR 10–036

DNR # WA–30–09

Revises section NR 660.10, relating to hazardous waste management. Effective 11–1–10.

Summary of Final Regulatory Flexibility Analysis

1. Describe the type of small business that will be affected by the rule.

The proposed rules affect small businesses that are large quantity or small quantity generators of hazardous waste. There is no direct correlation between the definitions of “small business” and “large quantity generator” or “small quantity generator,” so a precise assessment of the definitions’ effect on small business is not possible. Small businesses may be either large quantity or small quantity generators of hazardous waste, or neither. In any case, under the revised hazardous waste generator base fee statute, the maximum additional amount that a large quantity generator would have to pay is \$470. A small quantity generator would pay a maximum of \$350 more than in past years.

Under the statutory language in effect before the 2009–2011 biennial budget (2009 Wisconsin Act 28), all large quantity generators and small quantity generators who were required to submit a hazardous waste annual report were required to pay a base fee of \$210 and \$20 per ton for hazardous waste generated during the reporting year. The tonnage fee did not apply to any wastes that were recycled or reused, and if a generator recycled or reused all of its hazardous waste, it was not required to pay the base fee either.

2009 Wisconsin Act 28 amended the statutes to increase the base fee from \$210 to \$350 for small quantity generators, and to \$470 for large quantity generators. It also increased the maximum fee any generator would have to pay from \$17,000 to \$17,500 per year. In addition, the base fee was applied to all generators who are required to report, regardless of whether they recycled or reused any or all of their wastes. The per ton fee remains at \$20 per ton.

2. Briefly explain the reporting, bookkeeping and other procedures required for compliance with the rule.

No new recordkeeping or reporting requirements are created and no new skills are required to comply with the proposed rules.

3. Describe the type of professional skills necessary for compliance with the rule.

No new professional skills are needed to comply with the proposed rule.

Summary of Comments by Legislative Review Committees

No comments were reported.

Sections Affected by Rule Revisions and Corrections

The following administrative code sections had rule revisions and corrections take place in **October 2010**, and will be effective as indicated in the history note for each particular section. For additional information, contact the Legislative Reference Bureau at (608) 266-7590.

Revisions

Commerce

Ch. Comm 121 (Entire Chapter)

Ch. Comm 137 (Entire Chapter)

Corrections

Ch. DOC 346 (Entire Chapter)

Health Services

Ch. DHS 137 (Entire Chapter)

Natural Resources

Ch. NR 10

NR 10.001 (5v), (9w)

NR 10.01 (1) (g), (2) (f), (3) (e), (es), (et), (f)

NR 10.06 (6) (r)

NR 10.09 (1) (c)

NR 10.104 (7) (a), (b)

NR 10.105 (4), (5), (6), (7)

NR 10.106 (1)

NR 10.11 (4), (5) (a)

NR 10.13 (1) (b)

NR 10.29

NR 10.31 (1) (b), (e)

Ch. NR 11

NR 11.01 (2)

Ch. NR 12

NR 12.35 (4)

NR 12.36 (3) (b)

NR 12.37 (4) (a)

Ch. NR 19

NR 19.025 (2) (d), (3) (dm)

Ch. NR 20

NR 20.20 (2) (a), (3) (am), (f), (4) (c), (i), (7) (c), (h), (21) (h), (44) (g), (49) (am), (f), (51) (a), (55) (b), (e), (57) (b), (d), (f), (i), (64) (d), (66) (bm), (g), (68) (cm), (69) (c), (d), (f), (73) (a)

Ch. NR 21

NR 21.04 (7) (a)

Ch. NR 23

NR 23.05 (5) (d)

Ch. NR 26

NR 26.01 (57) (a), (b)

NR 26.05 (26)

NR 26.06 (57) (b), (d), (g)

NR 26.09 (57) (a), (b)

Ch. NR 46

NR 46.02 (24m)

NR 46.16 (7)

NR 46.165 (4) (f)

NR 46.18 (2) (d), (5) (c), (7) (c), (8) (b)

NR 46.30 (1) (e), (f), (2)

Ch. NR 335

NR 335 (title)

NR 335.02 (1)

NR 335.03 (1), (4) to (20), (23), (24)

NR 335.05

NR 335.06

NR 335.07

NR 335.08 (1) (a) to (e), (2) (c), (f)

NR 335.09

NR 335.14 (1) (b)

NR 335.15

NR 335.16

Ch. NR 336

NR 336.01

NR 336.02

NR 336.03 (1) to (3), (6) to (12), (14)

NR 336.05 (9) to (11)

NR 336.06 (1), (2) (g) to (i)

NR 336.08

NR 336.09

NR 336.10

Ch. NR 660

NR 660.10 (70m), (107)

Editorial Corrections

Corrections to code sections under the authority of s. 13.92 (4) (b), Stats., are indicated in the following listing.

Commerce

Ch. Comm 137

Comm 137.04 (title)

Corrections

Ch. DOC 346

DOC 346.14 (2) (c) 6.

Health Services

Ch. DHS 137

DHS 137.06 (2)

Executive Orders

The following are recent Executive Orders issued by the Governor.

Executive Order 328. Relating to a Declaration of a State of Emergency.

Executive Order 329. Relating to a Declaration of a State of Emergency.

Executive Order 330. Relating to a Declaration of a State of Emergency in Executive Orders # 328 and # 329.

Executive Order 331. Relating to a Declaration of a State of Emergency.

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