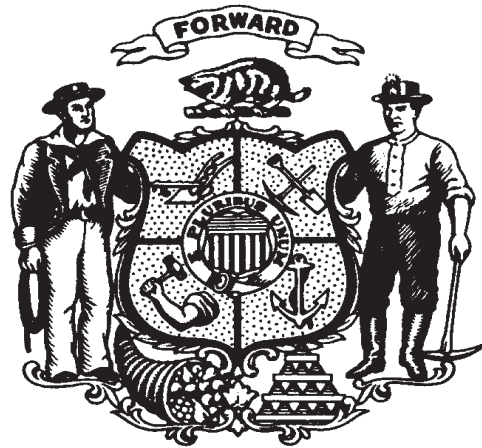


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Emergency Rules Now in Effect

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 (2)

1. EmR1040 — Rule adopted to create **Chapter ATCP 53**, relating to agricultural enterprise areas.

Exemption from Finding of Emergency

Under s. 91.84 (2), the department may use the procedure under s. 227.24 to promulgate a rule designating an agricultural preservation area or modifying or terminating the designation of an agricultural preservation area. Notwithstanding s. 227.24 (1) (c) and (2), a rule promulgated under that subsection remains in effect until the department modifies or repeals the rule. Notwithstanding s. 227.24 (1) (a) and (3), the department is not required to determine that promulgating a rule under that 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 a rule promulgated under that subsection.

The department views s. 91.84 (2) as authority to adopt permanent rules that shall be published immediately in the Wisconsin Administrative Code.

Publication Date: November 9, 2010
Effective Dates: January 1, 2011 until the Department modifies or repeals the rule

2. EmR1048 — Rule adopted to repeal and recreate **Chapter ATCP 20**, relating to seed labeling and sales.

Finding of Emergency

Pursuant to sections 93.07 (1) and 94.45 (6), Stats. This emergency rule is also adopted pursuant to the nonstatutory provision in 2009 Wis. Act 28, section 9103 (3).

2009 Wis. Act 28 repealed outdated seed standards effective January 1, 2011, and authorized DATCP to adopt new standards by rule. A non-statutory provision, contained in section 9103 (3) of Act 28, authorized DATCP to adopt interim rules by the emergency rulemaking procedure under s. 227.24, Stats., without a finding of emergency. Under this non-statutory provision, the interim rules may remain in effect until July 1, 2011 or until the effective date of proposed “permanent” seed rules, whichever date is earlier.

Publication Date: January 1, 2011
Effective Dates: January 1, 2011 through July 1, 2011
Hearing Date: January 11, 2011

Children and Families (3)

Safety and Permanence, Chs. DCF 37–59

1. 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

2. EmR1050 — Rule adopted to repeal **Chapter DCF 38** and revise **Chapter DCF 56**, relating to foster care.

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:

In the Child and Family Services Review of Wisconsin's child welfare system this past year, the federal Administration for Children and Families found that Wisconsin is not operating in substantial conformity with a number of federal requirements. In response to this review, the department has submitted a program improvement plan that commits the department to complete implementation of the levels of care system and the child assessment tool throughout the first quarter of 2011. Implementation must begin immediately to meet this deadline and subsequent dependent deadlines in the remaining 2 years of the program improvement plan.

Publication Date: January 1, 2011
Effective Dates: January 1, 2011 through May 30, 2011
Hearing Date: February 8, 15, 28, 2011

3. EmR1106 — Rule adopted to revise **Chapters DCF 52, 54, and 57**, relating to regulation of rates charged by residential care centers for children and youth, child-placing agencies, and group homes.

Finding of Emergency

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

2009 Wisconsin Act 28 directed the department to implement rate regulation effective January 1, 2011. Implementation was delayed and this rule is phasing-in rate regulation at the earliest feasible date.

Publication Date: April 18, 2011
Effective Dates: April 18, 2011 through September 16, 2011
Hearing Date: May 18, 2011

Commerce

Financial Resources for Businesses and Communities, Chs. Comm 100–149

1. EmR1041 — Rule adopted creating **Chapter Comm 103**, relating to certification of disabled-veteran-owned businesses, and affecting small businesses.

Exemption From Finding of Emergency

The Legislature, by SECTION 101 (1) in 2009 Wisconsin Act 299, 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: November 14, 2010
Effective Dates: November 14, 2010 through April 12, 2011
Extension Through: June 11, 2011
Hearing Date: February 15, 2011

Government Accountability Board

EmR1049 — Rule adopted to amend **section GAB 1.28**, relating to the definition of the term “political purpose.”

Finding of Emergency

The Government Accountability Board amends s. GAB 1.28 (3) (b), Wis. Adm. Code, relating to the definition of the term “political purpose.” Section GAB 1.28 as a whole continues to clarify the definition of “political purposes” found in s. 11.01 (16) (a)1., Stats., but repeals the second sentence of s. GAB 1.28 (3) (b) which prescribes communications presumptively susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate.

This amendment to s. GAB 1.28 (3) (b) is to the rule that was published on July 31, 2010 and effective on August 1, 2010, following a lengthy two year period of drafting, internal review and study, public comment, Legislative review, and consideration of U.S. Supreme Court decisions. Within the context of ch. 11, Stats, s. GAB 1.28 provides direction to persons intending to engage in activities for political purposes with respect to triggering registering and reporting obligations under campaign financing statutes and regulations. In addition, the rule provides more information for the public so that it may have a more complete understanding as to who is supporting or opposing which candidate or cause and to what extent, whether directly or indirectly.

Pursuant to §227.24, Stats., the Government Accountability Board finds an emergency exists as a result of pending litigation against the Board and two decisions by the United States Supreme Court: *Federal Election Commission (FEC) v. Wisconsin Right to Life, Inc. (WRTL II)*, 550 U.S. 549 (2007) and *Citizens United v. FEC*, 558 U.S. ___, (No. 08–205) (January 21, 2010). Following the effective date of the August 1, 2010 rule, three lawsuits were filed seeking a declaration that the rule was unconstitutional and beyond the Board's statutory authority: one in the U.S. District Court for the Western District of Wisconsin, one in the U.S. District Court for the Eastern District of Wisconsin, and one in the Wisconsin Supreme Court. On August 13, 2010, the Wisconsin Supreme Court temporarily enjoined enforcement of the August 1, 2010 rule, pending further order by the Court.

In the lawsuit in the U.S. District Court for the Western District of Wisconsin, the parties previously executed a joint stipulation asking the Court to permanently enjoin application and enforcement of the second sentence of s. GAB 1.28 (3) (b). On October 13, 2010, the Court issued an Opinion and Order denying that injunction request. In denying the injunction, the Court noted that “G.A.B. has within its own power the ability to refrain from enforcing, or removing altogether, the offending sentence from a regulation G.A.B. itself created” and emphasized that “removing the language — for example, by G.A.B. issuing an emergency rule — would be far more ‘simple and expeditious’ than asking a federal court to permanently enjoin enforcement of the offending regulation.” *Wisconsin Club for Growth, Inc. v. Myse*, No. 10–CV–427, slip op. at 2 (W.D. Wis. Oct. 13, 2010). The Court further noted that staying the case would give the Board time to resolve some or all of the pending issues through further rulemaking. *Id.*, slip op. at 14.

In addition, the Board, through its litigation counsel, has represented to the Wisconsin Supreme Court that it does not intend to defend the validity of the second sentence of s. GAB 1.28 (3) (b) and that it would stipulate to the entry of an order

by that Court permanently enjoining the application or enforcement of that sentence.

This amendment brings s. GAB 1.28 (3) (b) into conformity with the above stipulation, with the representations that have been made to the Wisconsin Supreme Court, and with the suggestions made in the October 13, 2010, Opinion and Order of the U.S. District Court for the Western District of Wisconsin. The Board finds that the immediate adoption of this amendment will preserve the public peace and welfare by providing a simple and expeditious clarification of the meaning of s. GAB 1.28 for litigants, for the regulated community, and for the general public and by doing so in advance of the 2011 Spring Election and any other future elections.

Publication Date: January 7, 2011
Effective Dates: January 7, 2011 through June 5, 2011
Hearing Date: February 16, 2011

Insurance (3)

1. EmR1042 — Rule to create **section Ins 3.35**, relating to colorectal cancer screening coverage and affecting 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:

Beginning December 1, insurers offering disability insurance policies and self-insured governmental plans are required to offer coverage for colorectal cancer screening. In order to ensure there is no gap in coverage the office needs to promulgate guidance as directed s. 632.895 (16m) (d), Stats., in advance of the initial implementation date.

Publication Date: November 29, 2010
Effective Dates: November 29, 2010 through April 27, 2011
Extension Through: June 26, 2011
Hearing Date: January 25, 2011

2. EmR1043 — Rule to amend **section Ins 3.37 (1) to (5) (intro)**; and to create **sections Ins 3.37 (2m), (3m), (4m) and (5m), and 3.375**, relating to health insurance coverage of nervous and mental disorders and substance use disorders, and affecting small business.

Exemption From Finding of Emergency

The legislature by s. 632.89 (4) (b) 2., Stats., provides an exemption from a finding of emergency for adoption of the rule. Section 632.89 (4) (b) 2., Stats., reads as follows:

632.89 (4) (b) 2. Using the procedure under s. 227.24, the commissioner may promulgate the rules under subd. 1., for the period before the effective date of any permanent rules promulgated under subd. 1., but not to exceed the period authorized under 227.24 (1) (c) and (2). Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), the commissioner is not required to provide evidence that promulgating a rule under this subdivision as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to make a finding of emergency for a rule promulgated under this subdivision.

Publication Date: November 29, 2010
Effective Dates: November 29, 2010 through April 27, 2011
Extension Through: June 26, 2011
Hearing Date: January 25, 2011

3. EmR1101 — Rule adopted to revise **section Ins 6.07 (4) and (9)**, relating to readability and electronic access to insurance policies and affecting 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: the cost of implementing the Flesch scores and electronic access to policies significantly exceeded anticipated costs for the insurance industry; a review of state resources indicates insufficient staff to timely review the volume of health insurance policy filings resulting from the flesch score requirement; and it is anticipated the federal department of Health and Human Services (“HHS”) will use National Association of Insurance Commissioners recommendations for the development of standards for a uniform summary of benefits and coverage explanation for all potential policyholders and enrollees. Repealing these provisions now before costly system overhauls will save both the industry and the state significant resources. Further, although it was anticipated that the National Association of Insurance Commissioners was planning to implement a national readability standard, such movement has stalled negating the amendment to prior Flesch readability scores.

The changes contained in this emergency rule will restore prior standards and ease financial constraints for the insurance industry.

Publication Date: February 9, 2011
Effective Dates: February 9, 2011 through July 8, 2011
Hearing Date: May 3, 2011

Natural Resources (3)

Fish, Game, etc., Chs. NR 1—

1. EmR1036 — Rule adopted to create **section 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 Date: October 25 to 29, 2010

2. EmR1039 (DNR # IS-49-10(E)) — Rule adopted to create sections NR 40.02 (7g), (7r), (25m), (28m) and (46m), 40.04 (3m) and 40.07 (8) relating to the identification, classification and control of invasive bat 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: November 3, 2010
Effective Dates: November 3, 2010 through
See bold text above
Hearing Date: November 29, 2010

3. EmR1045 (DNR # IS-07-11(E)) — Rule to repeal section NR 40.02 (28m); to amend section NR 40.04 (3m), and to repeal and recreate section NR 40.07 (8), (all as created by Natural Resource Board emergency order EmR1039, DNR # IS-49-10(E)), 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: December 13, 2010
Effective Dates: December 13, 2010 through
See bold text above

Natural Resources

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

EmR1046 (DNR # AM-48-10(E)) — The Wisconsin Natural Resources Board proposes an emergency order to amend section NR 407.02 (4) (b) (intro.), and Table 3 in 407.05 (5) and to create sections NR 400.02 (74m), 400.03 (3) (om), and (4) (go) and (ki), 405.02 (28m), 405.07 (9), 407.02 (8m) and 407.075, relating to major source permitting thresholds for sources of greenhouse gas emissions and affecting small business.

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. Preservation of the public welfare necessitates putting the forgoing rules into effect prior to the time that it would take if the Department complied with normal procedures.

On April 1, 2010, the U.S. EPA promulgated the first emission standard for gases contributing to climate change, i.e., greenhouse gases or GHG, which will become effective on January 2, 2011. While these standards target automobile emissions, under the Clean Air Act, this action will unintentionally subject stationary sources across the country to complex prevention of significant deterioration (PSD) and Title V permitting and emission control requirements. U.S. EPA attempted to mitigate this unintended effect by promulgating additional rules, which became effective on June 3, 2010, limiting applicability of the permitting requirements. However, Wisconsin sources will not be affected by the new U.S. EPA rules since existing state statute and administrative code do not contain the same applicability limiting provisions. State rules consistent with those at the federal level must be in effect on January 2, 2011 in order to provide the relief U.S. EPA intended for Wisconsin sources. Without these proposed emergency rules, many sources, including municipal landfills, hospitals, asphalt plants, wastewater treatment plants, small wood fired boilers and agricultural digesters, will be considered major emissions sources of GHG, and therefore subject to the permit and emission control requirements for GHG. These permit and control requirements were never intended or designed to address the type or size of sources that could now be affected. Without the proposed changes, the existing rules would have the potential to overwhelm DNR permitting staff, divert resources away from significant environmental issues, and delay issuance of construction permits for critical projects for expanding businesses.

Therefore, the Department finds that the proposed emergency rules are necessary and appropriate for the preservation of the public welfare.

Publication Date: December 15, 2010
Effective Dates: December 15, 2010 through
 May 15, 2011
Hearing Date: January 21, 2011

Public Instruction

EmR1051 — Rule adopted to create Chapter PI 46, relating to training requirements for individuals administering nonprescription and prescription drug products to pupils.

Finding of Emergency

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

Section 118.29 (6), Stats., requires the department to approve training in administering nonprescription drug products and prescription drugs. The statute also specifies that no school bus driver, employee, or volunteer may administer a nonprescription drug product or prescription drug, use an epinephrine auto-injector, or administer glucagon unless he or she has received such training. Because the statutory requirement becomes effective March 1, 2011, administrative rules must be in place as soon as possible so that training programs can be established prior to the effective date of the statutes.

Publication Date: December 28, 2010
Effective Dates: December 28, 2010 through May 26, 2011
Hearing Date: January 12, 2011

Regulation and Licensing (3)

1. EmR0827 — Rule adopted creating **section 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 Date: November 26, 2008
 April 13, 2009

2. EmR0828 — Rules adopted to amend **section RL 181.01 (2) (c)**; and to create **sections 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. EmR1102 — Rule adopted creating **Chapters RL 200 to 202**, relating to governing professional conduct of individuals licensed as sign language interpreters, and for the treatment of state resident licensure exemption requests.

Finding of Emergency

2009 Wisconsin Act 360 created laws regulating the practice of sign language interpreting, and became effective on December 1, 2010. Under the act, codified at s. 440.032, Stats., individuals practicing as sign language interpreters must now be licensed by the department, and must comply with a code of professional conduct to be promulgated by the department. The new law also provides for exemptions from the licensure requirement under certain circumstances, and requires the council to promulgate rules establishing the criteria and procedures for granting state resident exemptions. As s. 440.032, Stats., is already in effect, an emergency rule is necessary to implement the law pending promulgation of a similar permanent rule.

Publication Date: March 16, 2011
Effective Dates: March 16, 2011 through August 12, 2011
Hearing Date: May 3, 2011

**Regulation and Licensing —
Barbering and Cosmetology Examining Board**

EmR1047 — Rule adopted to revise **Chapters BC 9 and 11**, relating to late renewal and continuing education.

Finding of Emergency

The rule as currently promulgated fails to adequately protect the public to the extent that several provisions are underdeveloped, ambiguous or silent. As a result, inconsistent interpretations and contradictory information has led to significant confusion within the profession. Given that the rules require licensees to comply by March 31, 2011, the errors and omissions need to be addressed immediately so licensees can receive adequate training to provide safe and competent services to the public, and comply with the requirements for renewal of a license.

Publication Date: December 23, 2010
Effective Dates: December 23, 2010 through May 21, 2011
Hearing Date: April 4, 2011

**Regulation and Licensing —
Veterinary Examining Board**

EmR1103 — Rule adopted to revise **sections VE 2.01 (2), 3.03 (intro) and (5)**, relating to the requirements for the initial licensure of veterinarians, specifically, the procedures for, and the types of examinations required.

Finding of Emergency

As currently written, the veterinary examining board rules regarding licensure candidates' deadlines for submission of applications to take the North American Veterinary Licensing Examination (NAVLE) do not align with the deadlines established by the National Board of Veterinary Medical Examiners (NBVME). The rules thus also conflict with the deadlines defined in the board's NBVME NAVLE agreement. The rules state that a candidate shall file a completed NAVLE application with the board at least 60 days prior to the date of the scheduled examination. However, NAVLE's deadlines require submission of applications approximately 115 days ahead of the examination date. This inconsistency between the rules and NAVLE's deadlines will likely cause significant confusion for licensure candidates. At worst, it could preclude a candidate from taking the particular NAVLE he or she applies for due to missing the application deadline. In addition, recently-passed legislation now allows foreign veterinary graduates to show evidence of successful completion of the Program for the Assessment of Veterinary Education Equivalence (PAVE) as an alternative to the American Veterinary Medical Association (AMVA) Educational Commission for Foreign Veterinary Graduates Certification (ECFVGC) program. The board adopts this emergency rule effecting the necessary changes pending the promulgation of a similar permanent rule.

Publication Date: March 28, 2011
Effective Dates: March 28, 2011 through August 24, 2011
Hearing Date: May 25, 2011

Revenue (2)

1. EmR1104 — Rule adopted creating **section Tax 2.957**, relating to income and franchise tax credits and deductions for businesses that relocate to Wisconsin.

Finding of Emergency

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

The emergency rule is to reflect changes in Wisconsin's tax laws due to the creation of income and franchise tax credits and deductions for businesses that relocate to Wisconsin.

It is necessary to promulgate this rule order so that these credits and deductions, created to help bring much needed jobs to Wisconsin, may be administered in a fair and consistent manner.

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

Publication Date: April 7, 2011
Effective Dates: April 7, 2011 through September 3, 2011

2. EmR1105 — Rule adopted creating **section Tax 3.05**, relating to income and franchise tax deductions for job creation.

Finding of Emergency

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

The emergency rule is to reflect changes in Wisconsin's tax laws due to the creation of income and franchise tax deductions for job creation.

It is necessary to promulgate this rule order so that these deductions, created to help bring much needed jobs to Wisconsin, may be administered in a fair and consistent manner.

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

Publication Date: April 7, 2011
Effective Dates: April 7, 2011 through September 3, 2011

Scope Statements

Justice

Handgun Transfers, Ch. Jus 10

Subject

Revises Chapter Jus 10, relating to firearms restriction records searches.

Objective of the Rule

The primary objective of the rule is to update Chapter Jus 10 to conform to existing requirements in sections 175.35 (2g) (d) and 175.35 (2i), Stats.

Policy Analysis

Because the rule will implement explicit statutory directives, there are no legally viable policy alternatives available to the department. The principal purpose of the rule is to provide for departmental processing of information concerning orders involving firearms restrictions received from circuit courts under chs. 51 and 55, Stats., as provided in section 175.35 (2g) (d), Stats. The rule will also conform the fee provisions in Jus 10.11 (1) to the fee provisions in section 175.35 (2i), Stats.

Statutory Authority

Section 175.35 (1) (at), (2g) (c), (2g) (d), and (2i), Stats.

Comparison with Federal Regulations

The rule will facilitate the operation of the national instant criminal background check system, 28 CFR Part 25.

Entities Affected by the Rule

The entity principally affected by the rule is the Wisconsin Department of Justice. Additional departmental staff time and additional data processing will be required. The rule will not significantly affect handgun dealers or handgun purchasers because the rule will conform Jus 10 to existing statutory requirements.

Estimate of Time Needed to Develop the Rule

60 hours.

Agency Contact

Walter Neverman, Director, Crime Information Bureau, Wisconsin Department of Justice, 17 West Main Street, Post Office Box 2718, Madison WI 53707-2718, (608) 264-6207, nevermanwm@doj.state.wi.us.

Natural Resources

Fish, Game, etc., Chs. NR 1—

Subject

Revises Chapters NR 50, relating to snowmobile grant program and Chapter NR 64, relating to the all-terrain vehicle grant program.

Objective of the Rule

The Department is requesting authorization to pursue a number of modifications to Chapters NR 50 (snowmobile grant program) and NR 64 (all-terrain vehicle grant program), Wis. Adm. Code. Modifications are needed to:

(1) Improve specifications for bridge design and the length of easement agreements on which bridge abutments are placed (both chs. NR 50 and NR 64);

(2) Incorporate statutory changes already in place regarding supplemental trail maintenance grant funding (in ch. NR 50);

(3) Adjust s. NR 64.14(6)(b) to allow state trail grants to fund the higher trail summer maintenance costs;

(4) Improve signage requirements (in ch. NR 64); and

(5) Add a description of “troute” — trail/route combination that provides a trail connector — and allow grant funding for this purpose (in ch. NR 64).

Description of Relevant Existing and New Policies and Analysis of Policy Alternatives

(1) Bridge Design and the Length of Easement Agreements

The Department has long published a set of guidelines for the design of bridge structures built with either snowmobile or all-terrain vehicle grant funds. With the continued increase in weight of snow grooming power units and drags, the infrastructure committee of the Governor’s Snowmobile Recreation Council undertook a review of the specifications in conjunction with Sanjay Olson, Chief Engineer, Department’s Facilities and Land Bureau. The design process was modified from point loading to train loading and the design load increased from its current 12,000 pounds to 14,000 pounds. Chapter NR 50, the administrative rule for snowmobile trail aids, needs to be revised to show the newer design load. Chapter NR 64, the administrative rules for all-terrain vehicle trails aids, is currently silent on the bridge design load and should be updated to reflect the newer design load.

In addition, the Governor’s Snowmobile Recreation Council has requested that the Department develop a sliding scale for the length of easement agreements based on the total estimated cost of a bridge structure, i.e., longer easements required for more expensive, larger bridge structures. Easements are common for the land on which bridge abutments are built. The Council feels that the current minimum easement agreement length of 3 years is not sufficient for bridge structures costing in excess of \$50,000.

Statutory Authority

The statutory authority to pursue the above rule modifications is contained in ss. 350.12(4) and 23.33(8)(a) and (9), Stats.

(2) Threshold for Supplemental Trail Maintenance Grant Funding

2005 Wis. Act 25 increased the cost threshold for supplemental snowmobile trail grant funding. Prior to the passage of 2005 Wis. Act 25, actual cost of grooming snowmobile trails had to exceed \$130 per mile before a

project sponsor was eligible for supplemental grant funding in any year. With the passage of 2005 Wis. Act 25, that threshold is now \$150 per mile per year. Chapter NR 50 needs to be revised to reflect changes made in 2005 Wis. Act 25.

Statutory Authority

The statutory authority to pursue the rule modification is contained in s. 350.12(4)(bm)(2), Stats.

(3) Higher Trail Summer Maintenance Costs

The Off Road Vehicle (ORV) Advisory Council has recommended an increase in summer all–terrain vehicle (ATV) trail maintenance payments from \$450 per mile to \$600 per mile to cover the actual trail maintenance costs that are now being absorbed by county or municipal funds. Chapter NR 64 needs to be revised to reflect the \$600 per mile amount.

Statutory Authority

The statutory authority to pursue the rule modification is contained in s. 23.33(9)(b)(5), Stats.

(4) ATV Trail Seasonal Signage changes

There has been a need to distinguish between ATV trail use seasons. The ORV Council recommends three separate signs by which seasonal use can be identified.

Statutory Authority

The statutory authority to pursue the rule modification is contained in s. 23.33(9)(b)(4), Stats.

(5) Inclusion of “Troutes” or a Trail/Route Combination

The Department is aware that several all–terrain vehicle (ATV) paths exist that also allow motor vehicle traffic. From the onset of the program, these paths were identified as trails and signed accordingly. In June 2008, DNR legal counsel advised that such paths were routes and not trails. The ORV Council, Wisconsin County Forestry Association, and DNR propose language for ch. NR 64 to accommodate paths with both ATV and motor vehicle traffic. These paths – now called “troutes” – will be grandfathered into the administrative code; proposed language reads as follows:

“Any path that is a trail/route combination and received ATV grant funding prior to June 5, 2008, shall continue to receive the per–mile maintenance currently awarded. Trail signage on troutes will be allowed to remain.”

The proposal includes adding the definition of a troute (trail/route combination that allows ATVs and motor vehicles to utilize the same linear surface and is used as a trail connector) as defined in s. NR 64.02 (3), Wis. Adm. Code. Further, the department will provide state aid of up to 50% of the per–mile summer maintenance rate listed in s. NR 64.14 (2)(b), Wis. Adm. Code, for troutes. All troutes developed after June 2008 must be signed as routes and are eligible for funding as follows:

If a road is not receiving gas tax funding not more than 50% of the per mile rate as identified in s. NR 64.14 (2) (b), Wis. Adm. Code, will be provided. If a road is receiving gas tax funding, the grant amount will be calculated as the per–mile rate identified in s. NR 64.14 (2) (b) minus the gas tax received, not to exceed 50% of the rate in s. NR 64.14 (2) (b), Wis. Adm. Code. Further, rehabilitation of troutes will be calculated as 50% of total project costs, excluding the cost of any structures. Also, any troute not receiving gas tax funding will be allowed to sign as a route with signs no smaller than 6” x 6” in size and no larger than specified in s. NR 54.12 (7) (a), Wis. Adm. Code.

Statutory Authority

The statutory authority to pursue the rule modification is contained in s. 23.33 (9) (b), Stats.

Estimate of Time and Other Resources Necessary to Develop the Rule

The time necessary to draft the changes will be approximately 100 hours.

Description of All Entities Affected by the Rule

The eligible program sponsors (snowmobile – county and snowmobile clubs; all–terrain vehicle — county and municipalities) would be the parties immediately impacted by the design concept changes. Sponsors are the entities responsible for bridge design and construction bidding.

The proposed development of a sliding scale on easements agreement length versus bridge costs for the snowmobile program would impact both the sponsor and cooperating snowmobile club who is generally involved in securing the easements with the landowner prior to bridge placement.

Comparison with Federal Regulations

The proposed design concept would make Wisconsin standards consistent with standards established by American Association of State Highway Traffic Officials (AASHTO) for pedestrian bridges.

The proposed rules do not interface with existing or proposed federal regulations.

Agency Contact

WI DNR Contact
Diane Conklin
ATV and Snowmobile Grant Manager
Wisconsin DNR
1341 2nd Ave.
P.O. Box 397
Cumberland, WI 54829
Phone: 715/822–8583
E–mail: diane.conklin@wisconsin.gov

Submittal of Rules to Legislative Council Clearinghouse

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

Regulation and Licensing CR 11-027

On April 25, 2011, the Department of Regulation and Licensing submitted proposed rules to the Legislative Council Rules Clearinghouse.

Analysis

This proposed rule-making order revises section RL 4.08, relating to background checks and fingerprinting.

Agency Procedure for Promulgation

A public hearing is required and will be held on a date to be determined. The departments Division of Board Services is primarily responsible for promulgation of the proposed rule.

Contact Information

Shancethea Leatherwood, Paralegal
Department of Regulation and Licensing
Division of Board Services
Phone: (608) 261-4438
Email: Shancethea.L Leatherwood@wisconsin.gov

Regulation and Licensing — Marriage and Family Therapy, Professional Counseling and Social Work Examining Board CR 11-028

On April 28, 2011, the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board submitted proposed rules to the Legislative Council Rules Clearinghouse.

Analysis

This proposed rule-making order revises Chapter MPSW 3, relating to social work training certificate.

Agency Procedure for Promulgation

A public hearing is required and will be held on June 1, 2011 at 9:15 a.m. at 1400 East Washington Avenue, Room 121 C, Madison, Wisconsin (enter at 55 North Dickinson Street).

Contact Information

Sharon Henes, Paralegal
Department of Regulation and Licensing
Division of Board Services
Phone: (608) 261-2377
Email: Sharon.Henes@wisconsin.gov

Rule-Making Notices

Notice of Hearing

Regulation and Licensing — Marriage and Family Therapy, Professional Counseling and Social Work Examining Board

CR 11-028

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board in sections 15.08 (5) (b), 227.11 (2), 457.03 (1), Wis. Stats., and interpreting section 459.09, Wis. Stats., the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board, Social Worker Section will hold a public hearing at the time and place indicated below to consider an order to revise Chapter MPSW 3, relating to social work training certificate.

Hearing Information

<u>Date and Time</u>	<u>Location</u>
June 1, 2011	1400 East Washington Avenue
Wednesday	Room 121 C
at 9:00 A.M.	Madison, WI 53703

Appearances at the Hearing

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Regulation and Licensing, Division of Board Services, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received at or before the public hearing to be held on **June 1, 2011**, to be included in the record of rule-making proceedings.

Copies of Proposed Rule

Copies of this proposed rule are available upon request to Sharon Henes, Paralegal, Department of Regulation and Licensing, Division of Board Services, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, or by email at sharon.henes@wisconsin.gov.

Submittal of Written Comments

Comments may be submitted to Sharon Henes, Paralegal, Department of Regulation and Licensing, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to sharon.henes@wisconsin.gov. Comments must be received at or before the public hearing to be held on **June 1, 2011** to be included in the record of rule-making proceedings.

Analysis Prepared by the Department of Regulation and Licensing

Statute(s) interpreted

Section 459.09, Wis. Stats.

Statutory authority

Sections 15.08 (5) (b), 227.11 (2), 457.03 (1), Wis. Stats.

Explanation of agency authority

Pursuant to s. 457.03 (1), Wis. Stats., the Joint Board of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board Social Work has the authority upon the advice of the social worker section to promulgate rules establishing minimum standards for educational programs that must be completed for certification or licensure as a social worker under this chapter.

Related statute or rule

Section 457.09, Wis. Stats.

Plain language analysis

The purpose of the proposed rules is to clarify and improve the Social Work Training Certificate (SWTC) procedure, to reduce confusion among prospective applicants, and to streamline the certificate approval process by clarifying the requirements for approval of one of the qualifying degree programs. The Social Work Training Certificate was created by the Legislature to allow students with undergraduate degrees in a small number of social-science majors to obtain basic-level social work certification by completing a number of social work courses and a supervised internship or work experience.

Section 1 repeals the language in MPSW 3.13 (1) (a) 1. and adds language that defines the standards for a human services program to be approved by the section. This Section repeals the language in MPSW 3.13 (1) (a) 2. and adds language to define the standards for an approved human services major. This Section repeals the language in MPSW 3.13 (1) (a) 3. and the note which follows because the proposed revisions in MPSW 3.13 (1) (a) 1. and MPSW 3.13 (1) (a) 2. provide definitive standards for approving a human services degree.

Section 2 amends MPSW 3.13 (2) to add language that increases the total number of required social work courses to be taken by the applicant while holding the Social Worker Training Certificate. The proposed rule clarifies the courses must be successfully completed and not merely taken. The proposed rule specifies the educational background of the course instructor, the type of educational materials to be used, and the minimum number of courses which must be taken at the same institution.

Section 3 amends the language in MPSW 3.12 (2) (b) to increase the number of social work practice and methods courses required to obtain social worker degree equivalency and an overall description of the nature of the qualifying coursework.

Section 4 amends the language in MPSW 3.13 (2) (b) 1. to describe the categories of social work practice and methods courses required to be completed to obtain social worker degree equivalency.

Section 5 amends the language in MPSW 3.13 (2) (b) 2. to describe the learning outcomes under the social work practice coursework and to describes the skills which the coursework will prepare the student to perform.

Section 6 renumbers the subparagraphs following MPSW 3.13 (2) (b) 2. to accommodate the new proposed language in MPSW 3.13 (2) (b) 1.

Section 7 repeals MPSW 3.13 (2) (b) 5. in its entirety due to proposed revisions in MPSW 3.13 (2) (b).

Section 8 amends MPSW 3.13 (2) (b) to add three new competencies that are required for the qualifying social work methods courses.

Section 9 amends MPSW 3.13 (2) (c) to add language which expands the theories and knowledge to be included in the human behavior in the social environment (HBSE) course.

Section 10 repeals MPSW 3.13 (3) (a) 1. in its entirety due to proposed language in MPSW 3.13 (3m).

Section 11 renumbers MPSW 3.13 (3) (a) 2. due to the repeal of MPSW 3.13 (3) (a) 1.

Section 12 amends the language in MPSW 3.13 (3) (b) to eliminate the language allowing the one year of social work employment to be completed in the applicant's degree program. Employment is not part of a program leading to the degree.

Section 13 repeals MPSW 3.13 (b) 1. in its entirety due to proposed language in MPSW 3.13 (3m). This Section repeals MPSW 3.13 (3) (b) 2. in its entirety due to the grandfather time period for employment while holding the social worker training certificate has passed.

Section 14 creates MPSW 3.13 (3m) to add new language describing the human services internship and employment competencies and to reflect the learning outcome and skills to be obtained in the internship or employment.

Section 15 amends MPSW 3.13 (4) to add proposed language which requires the student intern and the internship supervisor to enter into a learning contract to facilitate the goals and expectations of the internship.

Section 16 amends MPSW 3.13 (6) (b) to describe the type of changes made to an approved human services program which require the submittal of the program to the section for approval.

Comparison with similar rules in adjacent states

Illinois:

Illinois does not have a training certificate, temporary license, or diploma equivalency comparable to MPSW § 3.13. Illinois grants only two types of social work license:

- a *clinical social work* license requires a doctorate degree in social work with the completion of at least 2,000 hours of supervised clinical professional experience or a master's degree in social work with the completion of 3,000 hours of supervised clinical professional experience;
- a *social work* license requires a graduate degree in social work or an undergraduate degree in social work with the completion of at least 3 years of supervised professional experience subsequent to obtaining the degree.

Other than fulfilling the requirements of these two licenses, an applicant cannot obtain a new social work license in Illinois (with the exception of licensed social workers moving into Illinois from another state or country). For more information, please see the Illinois statutes here: <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1295&ChapterID=24>.

Iowa:

Iowa does not have a training certificate, temporary license, or diploma equivalency comparable to MPSW § 3.13. Iowa grants four types of social work license with the following educational requirements:

- *Bachelor level social worker* — evidence that the applicant possesses a bachelor's degree in social work from an accredited school.
- *Master level social worker* — evidence that the applicant possesses a master's degree in social work or doctoral degree in social work from an accredited school.
- *Independent level social worker* — evidence that the applicant possesses a master's degree in social work or a doctoral degree in social work from an accredited school, and have the equivalent of two years of full–time post–master's social work degree practice or 4000 hours of post–master's social work degree experience over a minimum of two–year and maximum of six–year period.
- *Foreign–trained social worker* — equivalency evaluation of their educational credentials by International Educational Research Foundations and a notarized copy of the certificate or diploma awarded to the applicant from a social work program in the country in which the applicant was educated.

For more information, please see Chapter 280 of the Professional Licensure [645] of the Iowa Administrative Rules here:

[http://search.legis.state.ia.us/nxt/gateway.dll/ar/iac/6450___professional%20licensure%20division%20__5b645__5d/2800___chapter%20280%20licensure%20of%20social%20workers/_c_6450_2800.xml?f=templates\\$fn=document-frame.e.htm\\$3.0](http://search.legis.state.ia.us/nxt/gateway.dll/ar/iac/6450___professional%20licensure%20division%20__5b645__5d/2800___chapter%20280%20licensure%20of%20social%20workers/_c_6450_2800.xml?f=templates$fn=document-frame.e.htm$3.0).

Michigan:

Michigan does not have a training certificate, temporary license, or diploma equivalency comparable to MPSW § 3.13. Michigan grants two types of social work license:

- A licensed bachelor's social worker must have a bachelor's degree in social work and complete at least 2 years of full–time postbachelor degree experience, or the equivalent in part–time hours, in the practice of social work at the bachelor's level under supervision of a licensed master's social worker; and;
- A licensed master's social worker must have a master's or doctoral degree in social work and complete at least 2 years of full–time postmaster's/postdoctoral degree experience, or the equivalent in part–time hours, in the practice of social work at the master's level under supervision of a licensed master's social worker.

The Board may grant a limited license to applicants to engage in the 2–year post degree experience required under Michigan's social work licensing requirements if the applicant has completed all the educational requirements for licensure.

In addition, Michigan offers a “Social Service Technician” license, which allows an individual who is specially trained to practice only under the supervision of a licensed master's or bachelor's social worker to work under such licensed social worker. An individual may be registered as a social service technician if s/he:

- Has 1 year of social work experience or completed 2 years of college that included some coursework relevant to human services areas; and;
- Is employed in the practice of social work and applies social work values, ethics, principles, and skills, or has the equivalent of 2,000 hours of service in social work.

For more information, please see Part 185 of Chapter 333 of the Michigan statutes here:

[http://www.legislature.mi.gov/\(S\(5xo1jau0c41qwsirrdwvopze\)\)/mileg.aspx?page=getObject&objectName=mcl-368-1978-15-185](http://www.legislature.mi.gov/(S(5xo1jau0c41qwsirrdwvopze))/mileg.aspx?page=getObject&objectName=mcl-368-1978-15-185)

Minnesota:

Minnesota does not have a training certificate or diploma equivalency comparable to MPSW § 3.13. Minnesota does offer a temporary license. The Minnesota temporary license grants a licensee to temporarily engage in social work practice for 6 to 12 months, depending on the type of the temporary license. The temporary license may be available in the following situations:

- For students or others not currently licensed in another jurisdiction who have applied for a license and attest they completed the requirements for a bachelor's or graduate degree in social work from an accredited program.
- In emergency situations (such as for persons currently licensed in another jurisdiction to practice social work and can attest that they have completed the requirements for a bachelor's or graduate degree in social work from an accredited program.
- For an applicant who has completed the requirements for a bachelor's or graduate degree in social work from a program in candidacy status for accreditation with the CSWE or similar accreditation bodies.
- For teachers whose permanent residence is outside the United States, teaching at an Minnesotan academic institution for a period less than 12 months and can attest they completed the requirements for a bachelor's or graduate degree in social work.

Minnesota has five types of social work licenses. Each type's educational and training requirements are as follows:

- *Licensed social worker* — a bachelor's degree in social work from an accredited program.
- *Licensed graduate social worker* — a graduate degree in social work from an accredited program.
- *Licensed independent social worker* — a graduate degree in social work from an accredited program and practice as a social worker, meeting specific supervised practice requirements.
- *Licensed independent clinical social worker* — a graduate degree in social work from an accredited program and practice as a clinical social worker, meeting specific supervised practice requirements.
- *Provisional license* — a bachelor's or graduate degree in social work from an accredited program and completion of 2,000 hours of supervised social work practice.

For more information, please see Chapter 148D of the Minnesota Statutes here:

<https://www.revisor.mn.gov/statutes/?id=148D>.

Summary of related federal requirements

There is no existing or proposed federal regulation that is intended to address the activities to be regulated by the rule.

Summary of factual data and analytical methodologies

A task force was convened comprised of members of the Social Worker Section and faculty and administrators from Wisconsin public and private colleges to develop the criteria and standards for the rule revisions. Data was collected by research regarding current accreditation bodies and public and private schools' academic programs.

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

Section 227.137, Stats., requires an "agency" to prepare an economic impact report before submitting the proposed rule-making order to the Wisconsin Legislative Council. The Department of Regulation and Licensing is not included as an "agency" in this section.

Effect on Small Business

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

Small business regulatory coordinator

The Department's Regulatory Review Coordinator may be contacted by email at john.murray@wisconsin.gov, or by calling (608) 266-8608.

Fiscal Estimate

The department estimates that the proposed rule will have no significant fiscal impact.

Anticipated costs incurred by private sector

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

Agency Contact Person

Sharon Henes, Paralegal, Department of Regulation and Licensing, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-2377; email at sharon.henes@wisconsin.gov.

Submittal of Proposed Rules to the Legislature

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

Commerce

Fee Schedule, Ch. Comm 2

Licenses, Certifications, Ch. Comm 5

Fire Prevention, Ch. Comm 14

Uniform Dwelling, Chs. Comm 20–25

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

CR 10–103

Revises Chapters Comm 2, 5, 14, 20, and 60 to 66, relating to Wisconsin Commercial Building Code.

Employee Trust Funds

CR 10–137

Revises section ETF 20.055, relating to the waiver of spousal/domestic partner consent on Wisconsin retirement system benefit applications.

Employee Trust Funds

CR 10–138

Revises section ETF 10.75, relating to the implementation of statutory changes related to power of attorney for finances and property pursuant to 2009 Act 319.

Insurance

CR 11–015

Revises Chapter Ins 17, relating to annual injured patients and families compensation fund fees, mediation panel fees, and provider classifications.

Natural Resources

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

(DNR # AM–17–10)

CR 10–144

Revises Chapters NR 400, 406 and 407, relating to major source permitting thresholds for sources of greenhouse gas emissions and affecting small business.

Transportation

CR 10–142

Revises Chapter Trans 132, relating to temporary operation plates or permits.

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.

Commerce

*Financial Resources for Businesses and Communities,
Chs. Comm 100-149*

CR 10-044

Creates Chapter Comm 124, relating to the Forward Innovation Fund, and affecting small businesses.
Effective 6-1-11.

Commerce

*Financial Resources for Businesses and Communities,
Chs. Comm 100-149*

CR 10-117

Creates Chapter Comm 135, relating to investment tax credit for food processing plants and food warehouses, and affecting small businesses.
Effective 6-1-11.

Rules Published with this Register and Final Regulatory Flexibility Analyses

Correction

CR 10-133 and 10-134 were identified as Regulation and Licensing rules in the Rules Published section of the printed Register April 30, 2011, No. 664. CR 10-133 and 10-134 are Public Defender Board Rules.

Notice of Suspension of an Administrative Rule

The Joint Committee for the Review of Administrative Rules met in Executive Session on March 1, 2011 and adopted the following motions:

Motion on section NR 404.04 (3)

- That the Joint Committee for Review of Administrative Rules suspend section NR 404.04 (3), pursuant to s. 227.26 (2) (d), Stats., effective April 27, 2011, on the basis of testimony received at its March 29, 2011 meeting, and on the grounds that the contents of Ch. NR 404.04 (3) conflict with state law; are contrary to legislative intent/ and impose an undue hardship on Wisconsin's businesses as stated in s. 227.19 (4) (d) 3, 4, and 6, Stats.

Motion carried: 6 Ayes, 3 Noes, 1 Absent

Motion on Chapter NR 411

- That the Joint Committee for Review of Administrative Rules suspend Ch. NR 411, pursuant to s. 227.26 (2) (d), Stats., effective April 27, 2011, on the basis of testimony received at its March 29, 2011 meeting, and on the grounds that the contents of Ch. NR 411 are no longer needed due to changes in the state's air quality; are arbitrary and capricious; and impose an undue hardship on business owners as stated in s. 227.19 (4) (d) 5 and 6, Stats.

Motion carried: 6 Ayes, 3 Noes, 1 Absent

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