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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.

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
Extension Through: July 29, 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

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: August 10, 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
Extension Through: August 4, 2011
Hearing Date: February 16, 2011

Insurance (2)

1. 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
Extension Through: September 6, 2011
Hearing Date: May 3, 2011

2. EmR1108 — Rule to amend sections Ins 17.01 (3) and 17.28 (3) (c), and to repeal and recreate section Ins 17.28 (6), Wis. Adm. Code, relating to annual injured patients and families compensation fund fees, medical mediation panel fees, and provider classifications for the fiscal year beginning July 1, 2011.

Finding of Emergency

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

These changes must be in place with an effective date of July 1, 2011 for the new fiscal year assessments. The fiscal year fees were established by the Board of Governors at meeting on February 16, 2011. Although the permanent version is currently under review by the Legislature, it cannot be published in time to meet the necessary effective date.

Publication Date: June 10, 2011
Effective Dates: June 10, 2011 through November 6, 2011

Natural Resources (5) *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

4. EmR1107 — Rule to amend section NR 25.09 (2) (b) 2. a. and f., and create section NR 25.09 (1) (b) 11., relating to commercial fishing in outlying waters.

Finding of Emergency

The Department of Natural Resources finds that an emergency exists and the foregoing rules are necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of facts constituting the emergency is: Commercial trap nets in Lake Michigan pose a hazard to the safety of recreational fishermen trolling submerged fishing lines. The preservation of public safety requires appropriate

measures to assure that recreational boaters can know the location of trap nets and are able to release themselves from entanglement with the commercial nets. Accordingly, this NRB Order requires that 1) boat operators engaged in trolling with downriggers carry wire cutters on board capable of severing fishing line or downrigger cable, 2) the enhanced net marking requirements on Lake Michigan be applied to trap nets on Lake Superior, 3) all parts of trap nets set in Zone 3 of Lake Michigan between June 29 and Labor Day be within designated areas, and 4) the marking of trap nets in Lake Michigan be enhanced by the use of reflective tape on buoy staffs.

Publication Date: May 23, 2011
Effective Dates: May 23, 2011 through October 19, 2011
Hearing Date: June 27, 2011

5. EmR1109 — Rule to amend sections NR 10.01 (3) (ed) 1. a., 10.01 (3) (et) 2., 10.104 (7) (a) 1., and 10.104 (7) (b), relating to deer hunting seasons and carcass tag use.

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 rule is necessary in order to foster participation by hunters and landowners so they will continue to hunt and cooperate in CWD control and deer herd management. This rule proposal balances pressing social concerns about the quality of the deer hunt with the need for effective herd control measures such as additional antlerless deer harvest in management units that are more than 20% over population goals or simply over population goals in units that are part of the CWD Management Zone. This rule will increase harvest of bucks in the CWD zone which have a higher prevalence of CWD and, because of their greater dispersal distances, have a higher likelihood of spreading CWD. However, the rule retains a herd control tool which requires that antlerless deer be harvested before additional bucks (beyond the initial one) may be taken. The federal government and state legislature have delegated to the appropriate agencies rule-making authority to control and regulate hunting of wild animals. The State of Wisconsin must provide publications describing the regulations for deer hunting to more than 630,000 deer hunters prior to the start of the season. These regulations must be approved prior to printing nearly 1 million copies of the regulations publication.

Publication Date: July 2, 2011
Effective Dates: September 17, 2011 through February 13, 2012

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
Extension Through: September 11, 2011
Hearing Date: January 21, 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
Extension Through: July 20, 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 (3)

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
Hearing Date: June 14, 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
Hearing Date: June 14, 2011

3. EmR1110 — The Wisconsin Department of Revenue hereby adopts an emergency rule interpreting s. 77.54 (56), Stats., creating **section Tax 11.10** relating to wind, solar, and certain gas powered products.

The statement of scope for this emergency rule, SS 001-11, was approved by the governor on June 17, 2011, and published in Register 667 on July 14, 2011. This emergency rule was approved by the governor on June 20, 2011

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 a sales and use tax exemption for certain energy-producing wind, solar, and gas powered products and the electricity or energy they produce.

It is necessary to promulgate this rule order so that this exemption, which is effective July 1, 2011, 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: June 29, 2011
Effective Dates: June 29, 2011 through November 25, 2011

Scope Statements

Revenue **SS 001-11**

This scope statement was approved by the governor on June 17, 2011.

Subject

Tax 11.10, relating to wind, solar, and certain gas powered products.

Objective of the Rule

The objective of the emergency rule is to interpret the sales and use tax exemption provided in s. 77.54 (56), Stats., created effective July 1, 2011.

Policy Analysis

Existing policies are as set forth in the rules. No new policies are being proposed, other than to reflect law changes. If the rules are not changed, they will be incorrect in that they will not reflect current law or current Department policy.

Statutory Authority

Section 227.24, Stats.

Comparison with Federal Regulations

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

Entities Affected by the Rule

Persons selling, purchasing, storing, using, or otherwise consuming certain energy-producing wind, solar, and gas powered products and the electricity or energy they produce.

Estimate of Time Needed to Develop the Rule

The department estimates it will take approximately 50 hours to develop this emergency rule.

Contact Information

Dale Kleven: (608)266-8253 or
dale.kleven@revenue.wi.gov

Submittal of Rules to Legislative Council Clearinghouse

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

Employee Trust Funds CR 11-040

On June 16, 2011, the Department of Employee Trust Funds submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

This rule is not subject to s. 227.135 (2), as affected by 2011 Wis. Act 21. The statement of scope for this rule, published in Register No. 660, on December 14, 2010, was sent to the LRB prior to the effective date of 2011 Wis. Act 21.

Analysis

The proposed rule is to revise existing administrative rules of the Department of Employee Trust Funds, to indicate that many forms required by the department can be obtained from

the department's website, to recognize the use of e-mail in communications made and received by the department, to make the notes in the rules consistent, to reflect current practices of the department, and to make other technical changes.

Agency Procedure for Promulgation

A public hearing is required and will be held on July 29, 2011, at 1:00 p.m. in the downstairs Conference Room GB at the offices of the Department of Employee Trust Funds, 801 West Badger Road, Madison, Wisconsin.

Contact Information

David H. Nispel, General Counsel

Email: david.nispel@etf.state.wi.us

Telephone: (608) 264-6936

Rule–Making Notices

Notice of Hearing

Agriculture, Trade and Consumer Protection

CR 11–037

(DATCP # 09–R–20)

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) announces that it will hold a public hearing on revisions to Chapter ATCP 160 relating to County and District Fairs.

Hearing Information

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

Date: Tuesday, July 26, 2011

Time: 1:00 P.M. to 4:00 P.M.

Location: Department of Agriculture, Trade and Consumer Protection
Board Room (1st Floor)
2811 Agriculture Drive
Madison, WI 53718–6777

Hearing impaired persons may request an interpreter for these hearings. Please make reservations for a hearing interpreter by **July 10, 2011** by writing to Cindy Rein, Division of Agricultural Market Development, P.O. Box 8911, Madison, WI 53708–8911, cindy.rein@wisconsin.gov or telephone (608) 224–5116. Alternatively, you may contact the DATCP TDD at (608) 224–5058. Handicap access is available at the hearings.

Appearances at the Hearing and 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 Wednesday, **August 10, 2011** for additional written comments. Comments may be sent to the Division of Agricultural Development at the address below, or by email to linda.merrimanhitchman@wisconsin.gov.

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.us. Copies will also be available at the hearing. To view the proposed rule online, go to: <https://health.wisconsin.gov/admrules/public/Home>.

Analysis Prepared by Department of Agriculture, Trade and Consumer Protection

The Department of Agriculture, Trade and Consumer Protection (DATCP) provides financial assistance (fair aids) to county and district fairs, pursuant to s. 93.23, Stats. Fair aids are used to fund prizes (premiums) awarded to fair

exhibitors. DATCP has adopted rules for the use of fair aids, in consultation with the Wisconsin association of fairs.

This rule updates current rules related to the use of fair aids. Among other things, this rule establishes new and revised entry classes and premium categories, and gives fairs more flexibility to allow new types of youth projects.

Statutes interpreted

Section 93.23, Stats.

Statutory authority

Sections 93.07 (1) and 93.23 (1) (a) 2., Stats.

Explanation of Statutory Authority

DATCP has general authority, under section 93.07 (1), Stats., to interpret laws under its jurisdiction. DATCP has specific authority under 93.23 (1) (a)2., Stats., to adopt rules related to the use of county and district fair aids.

Related rules or statutes

Fair aid amounts are appropriated under sections 20.115 (4) (b) and (t), Stats.

Plain language analysis

Background

DATCP currently provides fair aids to 76 county and district fairs. State aid moneys are used to reimburse fairs for premiums awarded to fair exhibitors. The legislature appropriated \$375,500 in general purpose revenue and \$20,000 in segregated revenue for fair aids in each year of the FY 2009–11biennium.

Under s. 93.23, Stats., DATCP may reimburse 95% of the first \$8,000 in net premiums awarded by a fair, and 70% of all net premiums over \$8,000, up to a maximum total reimbursement amount of \$10,000. In order to qualify for state aid, fairs must award premiums according to DATCP rules. If combined reimbursement claims from all fairs exceed available appropriations, DATCP reimburses claims on a pro rata basis.

Current rules specify entry classes for county and district fair exhibits. For each entry class, current rules specify uniform premiums for first place to fourth place premium awards. A fair may award higher premiums, but DATCP will pay state aids only on that portion of a premium award that is within the maximum amount specified by rule.

DATCP updates its county and district fair rules periodically, based on recommendations from the Wisconsin association of fairs. Current rules were last updated in 2000.

Rule Overview

This rule does all of the following:

- Creates new and revised entry classes for some fair exhibits. Changes are designed to keep entry classes current with exhibition trends and needs.
- Revises some current premium amounts. Under current rules and this rule, reimbursable premiums for most exhibits are under \$10.00 (higher amounts may be awarded for some exhibits).
- Makes minor organizational and drafting changes to clarify current rules.

Dairy Cattle

This rule does not change current dairy cattle entry classes, except that in the junior fair division it eliminates required distinctions between “grade” and “registered” cattle within certain entry classes. A fair board may establish “grade” and “registered” subclasses within any entry class if it wishes to do so.

Beef Cattle

This rule modifies market beef entry classes in both the open and junior divisions. Under this rule, market beef animals are raised for market and shown by weight. Entry classes are not limited by breed, sex or age, except that this rule includes the following market beef categories based on age:

- “Feeder calf” (under 17 weeks old). The fair board may create up to 2 “feeder calf” entry classes based on weight.
- “Market steer or heifer” (at least 17 weeks old). The fair board may create up to 3 “market steer or heifer” entry classes based on weight.

Under this rule, an exhibitor may enter up to 3 market beef animals in all market beef entry classes, and may receive up to 2 premiums in any market beef entry class.

Swine

This rule clarifies, but does not substantially alter, current rule provisions related to market swine entry classes in both the open and junior fair divisions. Under this rule:

- Market swine are raised for market and shown by weight (entry classes are not limited by breed, sex or age).
- A fair board may establish up to 3 market swine entry classes, based on weight.
- An exhibitor may enter up to 3 market swine in all market swine entry classes, and may receive up to 2 premiums in any entry class.

This rule clarifies, but does not substantially alter, the current *swine carcass* entry class in the junior fair division. This rule clarifies that an exhibitor may enter only one market pig in the *swine carcass* class, but may enter that same market pig in a *market swine* class.

Sheep

This rule expands the current *sheep* department in the open division to include a *dairy sheep* entry category (that category already exists in the junior fair division). The fair board may create one or more entry classes within the new “dairy sheep” category. This rule specifies premiums for the new category.

This rule clarifies, but does not substantially alter, current rule provisions related to *market lamb* entry classes in both the open and junior fair divisions. Under this rule:

- Market lambs are raised for market and shown by weight (entry classes are not limited by breed, sex or age).
- A fair board may establish up to 3 market lamb entry classes, based on weight.
- A single exhibitor may enter up to 3 market lambs in all market lamb entry classes, and may receive up to 2 premiums in any entry class.

This rule clarifies shearing standards for sheep exhibited in both the open and junior fair divisions (different standards apply to fleece, meat and other breeds).

Goats

In both the open and junior fair divisions, this rule expands the current *dairy goats* department to create a more general *goats* department. Within the *goats* department, this rule creates *dairy goat*, *meat goat* and *other goat* entry categories. Within each entry category, this rule specifies allowed entry classes and premiums (this rule clarifies but does not change the current *dairy goat* entry classes and premiums). This rule eliminates *goat* department entry classes for pygmy and angora goats (pygmy and angora goats may instead be exhibited as “domesticated exotic animals”).

Llamas, Alpacas and Domesticated Exotic Animals

This rule re–names the *domesticated exotic animals* department as the *llamas, alpacas and domesticated exotic animals* department, to put more emphasis on llamas and alpacas (which are widely shown at fairs). Under this rule, the exhibitor of a llama or alpaca may win premiums for both exhibitor showmanship and animal performance.

Self–Determined Projects

This rule gives fair boards more flexibility to create special junior fair division entry classes for “self–determined projects” in a wide range of departments. Projects must meet 4–H guidelines or comparable youth organization standards. This rule specifies reimbursable premium amounts for “self–determined projects.” Under this rule, a fair board has some flexibility to choose among alternative premium levels (depending, for example, on the department to which the project pertains).

Youth Group Booths, Banners and Scrapbooks

This rule creates, in the junior fair division, a new department of *youth group booths, banners and scrapbooks*. The fair board may create one or more entry classes within this category. This rule specifies reimbursable premium amounts for the new department.

New Entry Classes in Senior Citizens Division

Within the senior citizens division, this rule authorizes new entry classes related to natural sciences, antiques and clothing.

Other Changes and Clarifications

This rule does all of the following:

- Retains current language allowing fair boards to charge entry fees or *stall rents* to exhibitors, but it eliminates current provisions that limit stall rent amounts.
- Clarifies that state aid may not be used to award more than one premium to any exhibitor in any department in the junior fair division, except that:
 - A premium may be awarded to each member of a group that collectively owns and enters a livestock exhibit.
 - An exhibitor may receive a separate premium for showmanship, where specifically allowed by this rule.
 - An exhibitor may receive more than one premium for animals entered in certain market classes, as specifically provided in this rule.
- Clarifies that, for entry classes based on animal age, the age of an animal is determined as of the first day of the fair.

- Makes a variety of other editorial changes and clarifications to current rules.

Comparison with federal regulations

There is no federal regulation of, or financial support for, county or district fairs.

Comparison with rules in adjacent states

Illinois:

Illinois appropriates state funds to pay premium aids for county fairs. The 12 largest fairs receive \$30,000 in reimbursement for every \$45,000 spent on maintenance and rehabilitation; smaller fairs are funded based on a population formula. A 1999 law specified that 66 2/3 cents would be reimbursed for each premium dollar paid in fair–exhibit competition, including 4–H. As of 2009, the actual reimbursement rate dropped below 30 cents as a result of state budget problems. Illinois has rules governing the distribution of premiums.

Iowa:

Iowa allocates state funds to the association of Iowa fairs, which in turn distributes funds to county and local fairs. The association determines funding distributions, subject to Iowa law. To qualify for funding, local fair organizations must own land and buildings worth at least \$25,000. They must also report their financial status and the amount of funds spent on fair premiums during the prior year.

Michigan:

Until recently, Michigan paid state aides equal to 66% of the prior year's premiums paid by county fairs. However this funding was eliminated in the 2009–11 biennial budget bill.

Indiana:

Indiana authorizes counties to levy a tax of up to 4 cents on each one hundred dollars valuation of taxable property for support of 4–H clubs, boys and girls clubs and agricultural fairs.

Minnesota:

Minnesota authorizes counties to appropriate funds to county agricultural societies, for the purpose of operating county fairs.

Summary of data and analytical methodologies

This rule was developed in cooperation with the Wisconsin association of fairs, based on information provided by the association. This rule does not rely on any special data or analytical methodologies.

Small Business Impact

This rule will not have any impact on business. Participation in county and district fairs is voluntary. Individual businesses may benefit from winning premiums at county or district fairs, but premium amounts are relatively small and this rule does not substantially affect the likelihood of winning.

Fiscal Estimate

This rule will not affect state costs or revenues. DATCP does not project a significant change in reimbursement requests because of this rule (in any case, fair aids are subject to aggregate appropriation limits). This rule will not affect local government costs or revenues.

Agency Contact Person

Questions and comments (including hearing 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 Employee Trust Funds CR 11–040

The Wisconsin Department of Employee Trust Funds proposes an order to revise Chapters ETF 10, 11, 20, 40, 50, 52, 60, and 70 relating to technical and minor substantive changes in existing ETF administrative rules.

Hearing Information

Date: Monday, July 29, 2011
Time: 1:00 p.m.
Location: Department of Employee Trust Funds
Conference Room GB
801 W. Badger Road
Madison, WI 53713

Appearances at the Hearing

Persons wishing to attend should come to the reception desk up the stairs (or by elevator) from the main entrance to the building.

Submittal of Written Comments

Written comments on the proposed rule may be submitted to David Nispel, General Counsel, Department of Employee Trust Funds, P.O. Box 7931, Madison, WI 53707. Written comments must be received at the Department of Employee Trust Funds no later than 4:30 p.m. on **July 29, 2011**.

Copies of Proposed Rule

Copies of the proposed rule are available without cost from David Nispel, General Counsel, Department of Employee Trust Funds, P.O. Box 7931, Madison, WI 53707–7931. The telephone number is: (608) 264–6936.

Analysis Prepared by the Department of Employee Trust Funds

Statute(s) interpreted

Sections 40.01 (1), 40.01 (2), 40.02 (48m), 40.03 (1) (j), 40.03 (6) (j), 40.03 (7) (f), 40.03 (8) (f), 40.08 (1m), 40.23 (2m) (em) 1.c., 40.24 (4), 40.24 (7) (a), 40.63 (1) (d), 40.63 (5), 40.63 (9) (d), 40.65 (2) (b), 40.80 (2g), 54.01 (20), 54.10 (3), 230.35 (4) (f), Stats.

Statutory authority

Sections 40.03 (2) (i), (ig), (ir) and 227.11 (2) (a), Stats.

Explanation of agency authority

By statute, the DETF Secretary is expressly authorized, with appropriate board approval, to promulgate rules required for the efficient administration of any benefit plan established in ch. 40 of the Wisconsin statutes. Also, each state agency may promulgate rules interpreting the provisions of any

statute enforced or administered by the agency if the agency considers it necessary to effectuate the purpose of the statute.

Related statute or rule

There are no other related statutes or administrative rules directly related to this technical rule.

Plain language analysis

The purpose of this rule is to revise existing administrative rules of the Department of Employee Trust Funds, to indicate that many forms required by the department can be obtained from the department's website, to recognize the use of e-mail in communications made and received by the department, to make the notes in the rules consistent, to reflect current practices of the department, and to make other technical changes.

Summary of and preliminary comparison with existing or proposed federal regulation

The only federal regulations that may be affected by this proposed rule are provisions of the Internal Revenue Code regulating qualified pension plans. The Wisconsin Retirement System is required to be maintained as a qualified plan by s. 40.015, Stats.

Comparison with rules in adjacent states

Periodically, retirement systems in adjacent states promulgate technical rules to update existing administrative rules.

Summary of data and analytical methodologies

The department is proposing this rule to update existing rules and interpretations of existing statutes.

Analysis and supporting documentation used to determine effect on small business

This rule does not have an effect on small businesses because private employers and their employees do not participate in, and are not covered by, the Wisconsin Retirement System. Please see attached economic impact analysis.

Small Business Impact

The rule has no effect on small businesses.

Economic Impact

This rule does not have an economic effect on specific businesses, business sectors, public utility ratepayers, local governmental units, and the state's economy as a whole. Because this technical rule does not have an economic impact, ETF has not solicited information and advice from businesses, associations representing businesses, local governmental units, and individuals that may be affected by the proposed rule. For the same reason, ETF has not contacted local governmental units.

The policy problem that the proposed rule is intended to address is to indicate that many forms required by the department can be obtained from the department's website, to recognize the use of e-mail in communications made and received by the department, to make notes in the rules consistent, to reflect current practices of the department, and to make other technical changes. The federal government and the states of Illinois, Iowa, Michigan, and Minnesota

periodically make technical changes in their administrative rules.

There is no economic impact of this proposed rule and therefore no implementation and compliance costs reasonably expected to be incurred by or passed along to businesses, local governmental units, and individuals that may be affected by the proposed rule.

The actual and quantifiable benefits of the proposed rule include making it easier for members of the Wisconsin Retirement System to obtain forms required by the department and to communicate with the department by a variety of means. In addition, the notes following existing rules will be consistent in content and appearance. We expect that the proposed rule will be effective in addressing the policy problem noted above.

The alternative of not promulgating the proposed rule would result in the policy problem being ineffectively addressed with a lower level of customer service.

Since the proposed rule does not adversely affect in a material way the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of the state, the department did not consult with businesses, local governmental units, and individuals that may be affected by the proposed rule when preparing this economic impact analysis.

Fiscal Estimate

The proposed rule has no direct fiscal impact. The proposed rule generates no revenues for any employer. The proposed rule itself has no effect on the fiscal liabilities of any county, city, village, town, school district, technical college district or sewerage. The rule has no state fiscal effect during the current biennium and no fiscal impact on state funds.

Contact Person

Please direct any questions about the proposed rule to David Nispel, General Counsel, Department of Employee Trust Funds, P.O. Box 7931, Madison, WI 53707. The e-mail address: david.nispel@etf.state.wi.us. The telephone number is: (608) 264-6936.

**Notice of Rule Making
Without Public Hearing**

**Justice
CR 11-036**

NOTICE IS HEREBY GIVEN that pursuant to section 175.35 (2g) (c) and (2g) (d), Stats., and interpreting section 175.35 (1) (at), (2g) (c), (2g) (d), and (2i), Stats., and according to the procedure set forth in section 227.16 (2) (e), Stats., the Wisconsin Department of Justice will adopt the following rule as proposed in this notice, without public hearing unless, within 30 days after publication of this notice, the Wisconsin Department of Justice is petitioned for a public hearing by 25 natural persons who will be affected by the rule; a municipality that will be affected by the rule; or an association that is representative of a farm, labor, business, or professional group that will be affected by the rule.

The Wisconsin Department of Justice proposes an order to amend section Jus 10.11 (1), and to create sections Jus 10.01 (4) (am) and 10.095, relating to firearms restriction records searches.

Submittal of Written Comments

Walter Neverman, Director
 Crime Information Bureau
 Wisconsin Department of Justice
 Post Office Box 2718
 Madison WI 53707-2718
 Fax: (608) 267-2779
 E-mail: nevermanwm@doj.state.wi.us

Comments must be received no later than 30 days after the date of publication of this notice.

Analysis Prepared by the Department of Justice**Statute(s) interpreted**

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

Statutory authority

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

Explanation of agency authority

The Wisconsin Department of Justice is directed by section 175.35 (2g) (d), Stats., to promulgate rules relating to background checks for the purchase of handguns so that relevant information concerning firearms restrictions that is received by the department from circuit courts in proceedings under chapters 51 and 55, Stats., is conveyed in a timely manner to the national instant criminal background check system, 28 CFR Part 25. The department is also required by section 175.35 (2i), Stats., to charge a fee for each firearms restriction records search, as defined in section 175.35 (1) (at), Stats. The fee established by the Legislature is currently \$13.

Related statute or rule

Sections 51.20 (13) (cv), 51.45 (13) (i), 55.10 (3) (f), and 55.12 (10), Stats. There are no related rules.

Plain language analysis

This rule creates a new definitional section, Jus 10.01 (4) (am), that conforms to section 175.35 (1) (at), Stats. This rule also creates a new provision, Jus 10.095, which authorizes the Wisconsin Department of Justice to maintain a database of information concerning firearms restrictions that is received from circuit courts in proceedings under chs. 51 and 55, Stats., and directs the department to convey relevant information from the database in a timely manner to the national instant criminal background check system, 28 CFR Part 25. This rule also conforms the fee provisions in Jus 10.11 (1) to the fee provisions in section 175.35 (2i), Stats.

Summary of and preliminary comparison with existing or proposed federal regulation

A new provision, Jus 10.095, facilitates the operation of the national instant criminal background check system, 28 CFR Part 25.

Comparison with rules in adjacent states

There are no comparable rules in Illinois, Iowa, Michigan, or Minnesota.

Summary of factual data and analytical methodologies

There is no factual data available. No analytical methodologies were used.

Analysis and supporting documentation used to determine effect on small business

The Legislature sets all fees to be collected by firearms dealers in section 175.35(2i), Stats. This rule does not impose

any separate or additional fee and therefore does not have any economic effect on small business.

Small Business Impact

There are no provisions in this rule that have any significant effect on small business.

Fiscal Estimate**State fiscal effect**

No effect upon existing revenues.

Increase costs. Additional staff time and additional data processing is required. – May be possible to absorb within agency's budget.

Local government costs

None.

Fund sources affected

None.

Long-range fiscal implications

None known.

Contact Person

Walter Neverman, Director
 Crime Information Bureau
 Wisconsin Department of Justice
 17 West Main Street
 Post Office Box 2718
 Madison WI 53707-2718
 Phone: (608) 266-7314
 E-mail: nevermanwm@doj.state.wi.us

Text of Proposed Rule

SECTION 1. Jus 10.01 (4) (am) is created to read:

Jus 10.01 (4) (am) "Firearms restrictions record search" means a search of department of justice records to determine whether a person seeking to purchase a handgun is prohibited from possessing a firearm, as provided in s. 175.35 (1) (at), Stats.

SECTION 2. Jus 10.095 is created to read:

Jus 10.095 Processing of information received from circuit courts under chs. 51 and 55, Stats. (1) (a) The department shall maintain a database that includes:

1. A listing of those persons who have been ordered not to possess a firearm under ss. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a), Stats., with respect to whom the department has received such information from a circuit court.

2. A listing of those persons who have obtained relief through a cancellation order under ss. 51.20 (13) (cv) 1m. c., 51.45 (13) (i) 2.c., 54.10 (3) (f) 2.c., or 55.12 (10) (b) 3., Stats., with respect to whom the department has received such information from a circuit court.

3. Any identifying information that has been provided by a circuit court to the department under subd. 1. or 2.

(b) The department shall in a timely manner provide relevant information that is added to the database to the national instant criminal background check system, 28 CFR Part 25, in accordance with its procedures.

(2) Except as provided in sub. (1) (b) and s. 175.35 (2g) (c), Stats., the department may not disclose information from the database.

Note: The promulgation of this section is required by s. 175.35 (2g) (d), Stats., as created by 2009 Wisconsin Act 258,

sec. 13, which directs the department of justice to promulgate rules to convey in a timely manner to the national instant criminal background check system certain information concerning firearms restrictions that is received from circuit courts in proceedings under chs. 51 and 55, Stats.

SECTION 3. **Jus 10.11(1)** is amended to read: The department shall charge a dealer a \$5 fee for each record search the dealer requests under s. Jus 10.06 (1) (d) as set forth in s. 175.35, Stats. A dealer may collect the \$5 fee from the transferee.

Submittal of Proposed Rules to the Legislature

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

Commerce **CR 11-020**

Revises Chapter Comm 5, relating to licenses, certifications and registrations.

This rule is not subject to section 227.185, Stats. The statement of scope for this rule, published in Register No. 657 on September 30, 2010, was sent to the Legislative Reference Bureau prior to the effective date of 2011 Wisconsin Act 21.

Natural Resources ***Fish, Game, etc., Chs. NR 1—*** **CR 11-007**

(DNR # WM-01-11)

Revises Chapters NR 10, and 45, relating to the 2011 Spring Hearings relating to hunting, trapping and the management of department rules.

This rule is not subject to s. 227.185. The statement of scope for this rule, published in Register No. 660, on December 14, 2010, was sent to LRB prior to the effective date of 2011 Wis. Act 21.

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.

Children & Families

*Safety and Permanence, Chs. DCF 35-59
Early Care and Education, Chs. DCF 201-252*

CR 10-148

Revises Chapters DCF 37, 38, 50, 56, 201 and 250, relating to foster care.
Effective 9-1-11.

Commerce

*Fee Schedule, Ch. Comm 2
Licenses, Certifications and Registrations, Ch. Comm 5
Fire Prevention, Ch. Comm 14
Elevators, Escalators and Lift Devices, Ch. Comm 18
Uniform Dwelling, Chs. Comm 20-25
Wisconsin Commercial Building Code, Chs. Comm 61-66*

CR 10-103

Revises Chapters Comm 2, 5, 14, 20 and 61-66, relating to Wisconsin Commercial Building Code.
Effective 9-1-11 in part, 1-1-12, in part, and 7-1-14 in part.

Commerce

*Fee Schedule, Ch. Comm 2
Fire Prevention, Ch. Comm 14
Uniform Dwelling, Chs. Comm 20-25
Gas systems, Ch. Comm 40
Wisconsin Commercial Building Code, Chs. Comm 61-66*

CR 11-002

Revises Chapters Comm 2, 14, 20, 40 and 65, relating to

fuel gas systems and affecting small businesses.
Effective 9-1-11.

Natural Resources

Fish, Game, etc., Chs. NR 1-

CR 10-131

(ATCP # FR-38-10)

Creates section NR 45.055, relating to the use of golf courses in the Governor Thompson State Park and the Peshtigo River State Forest.
Effective 9-1-11.

Natural Resources

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

CR 10-144

(ATCP # AM-17-10)

Revises Chapters NR 400, 405 and 407, relating to major source permitting thresholds for sources of greenhouse gas emissions and affecting small business.
Effective 9-1-11.

Transportation

CR 10-142

Revises Chapter Trans 132, relating to temporary operation plates or permits.
Effective 9-1-11.

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