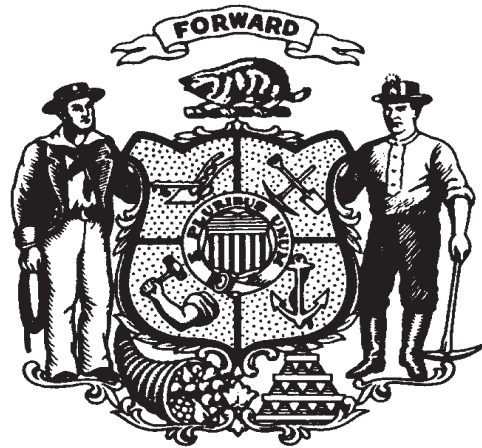


Wisconsin Administrative Register

No. 667



Publication Date: July 31, 2011

Effective Date: August 1, 2011



Legislative Reference Bureau
<http://www.legis.state.wi.us/rsb/code.htm>



WISCONSIN ADMINISTRATIVE REGISTER

The Wisconsin Administrative Register is published twice monthly by the Legislative Reference Bureau.

Questions, comments, or corrections should be directed to:

Bruce Hoesly (608) 266-7590

email: bruce.hoesly@legis.wisconsin.gov

The Wisconsin Administrative Register and Administrative Code may be obtained from the:

Department of Administration

Office of Document Sales

(608) 266-3358

and may be accessed on the internet at:

<http://www.legis.state.wi.us/rsb/code.htm>

Table of Contents

Emergency Rules Now in Effect.**Pages 5 to 10**

Children and Families:

Safety and Permanence, Chs. DCF 35–59Creates sections DCF 57.485 and 57.49 (1) (am), relating to determination of need for new group homes. **EmR1034**Repeals Chapter DCF 38 and revises Chapter DCF 56, relating to foster care. **EmR1050**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. **EmR1106**

Government Accountability Board:

Amends section GAB 1.28, relating to the definition of the term “political purpose”. **EmR1049**

Insurance:

Revises section Ins 6.07 (4) and (9), relating to readability and electronic access to insurance policies and affecting small business. **EmR1101**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. **EmR1108**

Natural Resources:

Fish, Game, etc., Chs. NR 1—Creates section NR 40.02 (2), relating to the identification, classification and control of invasive species. **EmR1036**Creates 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. **EmR1039**Repeals section NR 40.02 (28m), amends section NR 40.04 (3m), and repeals and recreates section NR 40.07 (8), relating to the identification, classification and control of invasive species. **EmR1045**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. **EmR1107**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. **EmR1109*****Environmental Protection — Air Pollution Control, Chs. NR 400—***Revises Chapters NR 400, 405 and 407, relating to major source permitting thresholds for sources of greenhouse gas emissions and affecting small business. **EmR1046**

Revenue:

Creates section Tax 2.957, relating to income and franchise tax credits and deductions for businesses that relocate to Wisconsin. **EmR1104**

	Creates section Tax 3.05, relating to income and franchise tax deductions for job creation. EmR1105
	Creates section Tax 11.10 relating to wind, solar, and certain gas powered products. EmR1110
Safety and Professional Services: (formerly Commerce)	<i>Financial Resources for Businesses and Communities, Chs. Comm 100–149</i> Creates Chapter Comm 103, relating to certification of disabled–veteran–owned businesses, and affecting small businesses. EmR1041
Safety and Professional Services: (formerly Regulation and Licensing)	Creates 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. EmR0827
	Creates section RL 180.02 and revises section RL 181.01, relating to training and proficiency in the use of automated external defibrillators for licensure as a licensed midwife. EmR0828
	Creates 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. EmR1102
Safety and Professional Services — Barbering and Cosmetology Examining Board:	Revises Chapters BC 9 and 11, relating to late renewal and continuing education. EmR1047
Safety and Professional Services — Veterinary Examining Board:	Revises 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. EmR1103
Scope Statements.	Pages 11 to 14
Agriculture, Trade and Consumer Protection:	Revises Chapter 99 of the administrative code. SS 002–11
	Revises Chapter 50 of the administrative code. SS 003–11
Employment Relations Commission:	Creates emergency and permanent rules regarding initial annual certification elections for municipal and state employee bargaining units. SS 004–11
Submittal of Rules to Legislative Council Clearinghouse.	Page 15
Employee Trust Funds:	Amends section ETF 20.35. CR 11–041
Hearing Notices.	Pages 16 to 18
Revenue:	Hearing to consider emergency rules creating section Tax 11.10, relating to wind, solar, and certain gas powered products. EmR1110
Submittal of Proposed Rules to the Legislature.	Page 19
Natural Resources:	<i>Fish, Game, etc., Chs. NR 1–</i> Revises Chapters NR 46, relating to administrative changes to the Managed Forest Law (MFL) Program. CR 11–013

Natural Resources:	<i>Environmental Protection—Air Pollution Control, Chs. NR 400—</i> Revises Chapters NR 404 and 484, relating to repeal of the state’s secondary 24–hour ambient air quality standard for particulate matter measured as total suspended particulate. CR 07–082
Revenue:	Creates section Tax 2.957, relating to income and franchise tax credits and deductions for businesses that relocate to Wisconsin. CR 11–023 Creates section Tax 3.05, relating to income and franchise tax deductions for job creation. CR 11–024
Rule Orders Filed with the Legislative Reference Bureau.	Page 20
Agriculture, Trade and Consumer Protection:	Revises Chapters ATCP 161, relating to verified statement and contract penalties for grand and loan programs. CR 10–120
Employee Trust Funds:	Revises section ETF 20.055, relating to the waiver of spousal/domestic partner consent on Wisconsin Retirement System benefit applications. CR 10–137 Revises section ETF 10.7575, relating to the implementation of statutory changes related to power of attorney pursuant to 2009 Wisconsin Act 319. CR 10–138
Insurance:	Revises Chapter Ins 17, relating to annual injured patients and families compensation fund fees, mediation panel fees, and provider classification. CR 11–015 Revises Chapter Ins 6, relating to readability and electronic access to insurance policies. CR 11–021
Public Service Commission:	Revises Chapter PSC 168, relating to the certification and operation of alternative telecommunications utility resellers. CR 10–143
Safety and Professional Services: (formerly Regulation and Licensing)	Revises Chapters RL 180 and 181, relating to training and proficiency in the use of automated external defibrillators for licensure as a licensed midwife. CR 08–087 Revises Chapters RL 80, 81, 82, 83, 84, 85 and 86, relating to licensure and certification requirements if licensed in another state or territory, approved instructors for educational programs and continuing education, examination requirements, rules of professional conduct, and “FIRREA” and AQB criteria. CR 10–135
Safety and Professional Services — Hearing and Speech Examining Board:	Revises sections HAS 8.03 and 8.04, relating to continuing education. CR 11–017
Safety and Professional Services — Radiography Examining Board:	Creates Chapters RAD 1 to 6, relating to radiography. CR 11–016
Rules Published with this Register and Final Regulatory Flexibility Analysis.	Page 21
Agriculture, Trade and Consumer Protection:	Chapter ATCP 69, relating to buttermaker license qualifications. CR 10–106

Chapters ATCP 21 Appendix, 29, 30, 35, 50, 55, 57, 90, 91, 92 and 161, relating to minor and technical rule changes. **CR 10-122**

Chapter ATCP 21, relating to Thousand Cankers Disease. **CR 11-001**

Sections Affected.

Pages 22 to 23

Executive Orders.

Page 24

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: August 31, 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

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: October 3, 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

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

Safety and Professional Services
 (Formerly 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

Safety and Professional Services (3)
 (Formerly Regulation and Licensing)

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

Safety and Professional Services —

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: September 18, 2011

Hearing Date: April 4, 2011

**Safety and Professional Services —
 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

Scope Statements

Agriculture, Trade and Consumer Protection

SS 002-11

In accordance with 2011 Wisconsin Act 21, (Sec 227.135(2)) this scope statement was approved by the Governor on July 14, 2011 before DATCP took any action in proceeding with this proposed rule including submission of this scope statement for publication.

The Department of Agriculture, Trade and Consumer Protection (DATCP) gives notice, pursuant to s. 227.135, Stats., that it proposes to modify Chapter 99 of the administrative code as follows:

Subject

Grain dealer and grain warehouse keeper agricultural producer security assessments.

Objective of the Rule

Create a cap on the amount of annual agricultural producer security assessments that must be paid by grain dealers and grain warehouse keepers.

Policy Analysis

Chapter 126 of the Wisconsin Statutes governs the Agricultural Producer Security Program. This program is designed to limit losses to producers in the event of a default by a grain dealer, grain warehouse keeper, vegetable contractor, or a milk contractor. It contains a number of provisions that are designed to reduce the risk that a default may occur. If a default does occur, however, producers who suffer losses may be able to make a claim against the Agricultural Producer Security Fund ("Fund") to cover a portion of those losses.

The program is funded by license fees and assessments paid by licensees. Generally, license fees are calculated based on volume (i.e. the more bushels of grain that a grain dealer purchases or that a grain warehouse keeper stores, the higher the fees). However, assessments are calculated using a formula that, in part, is based on default risk. The formula takes each licensee's financial ratios into account to calculate its assessment. In a sense, the concept is similar to purchasing an insurance policy: the higher the risk of the insured, the higher the premium. All else being equal, a grain dealer or grain warehouse keeper that controls its use of debt or maintains equity in the company will pay a lower assessment than one that is highly leveraged or lacks liquidity.

The new license year for grain dealers and grain warehouse keepers begins on September 1, 2011. Based on the most recently filed financial statements, there is at least one grain elevator that is both a licensed grain dealer and a licensed grain warehouse keeper which will have abnormally high assessments. In various times throughout the program's existence, very large contractors in all regulated industries have occasionally incurred six-digit annual assessments. However, it appears that this year there one licensee's annual assessment will exceed one million dollars. This assessment would more than four times higher than any annual assessment in the history of the grain security program.

Demanding an assessment of this amount jeopardizes the future existence of the grain elevator, creates a significant risk of harm to the welfare of the many hundreds of grain farmers who do business with this grain elevator, and may result in major disruptions in the grain industry.

Statutory Authority

Sections 93.07 (1), 126.81 (1) (a), 126.88 (1), and 227.24, Stats.

Comparison with Federal Regulations

The USDA, through the Farm Service Agency (FSA), administers the United States Warehouse Act. This is a voluntary regulatory program. Generally, a warehouse keeper must maintain enough grain in inventory to cover 100% of depositor obligations at all times. Further, FSA licensed warehouse keepers must submit financial statements, submit to inspections by USDA auditors, and post surety bonds. In the event the warehouse defaults, FSA can convert the bonds to cash and disperse the proceeds to depositors.

While the federal grain warehouse license is officially a voluntary program, in practice, it is not completely voluntary. Every state that has significant grain production (including Wisconsin) has some type of state grain warehousing law. These laws *require* grain warehouse keepers to obtain a license, but the grain warehouse keeper is allowed to choose whether they would prefer a state license or a federal license.

There are no federal regulations that relate to grain dealing (buying and selling grain). The U.S. Warehouse Act described above only regulates storing grain that belongs to others.

Policy Alternatives

- No Change. If DATCP takes no action, current rules will remain in effect.
- Presently, DATCP is contemplating a temporary emergency rule that would institute an upper cap on annual assessment amounts. However, should it become apparent that it would be good policy to pursue assessment limits in a permanent rule, there are additional alternatives.

Entities Affected by the Rule

The State of Wisconsin licenses about 280 grain dealers and about 105 grain warehouse keepers. Almost all of the grain warehouse keepers also maintain a dealer license. However, this proposed rule will likely only directly affect the assessments of one large business that maintains both a state grain warehouse license and a grain dealer license.

Statutory Alternatives

None at this time.

Estimate of Time Needed to Develop the Rule

DATCP estimates that it will use approximately 0.3 FTE staff to develop this rule. This includes investigation, drafting, preparing related documents, coordinating advisory committee meetings, holding public hearings and

communicating with affected persons and groups. DATCP will use existing staff to develop this rule.

DATCP Board Authorization

The Board of Agriculture, Trade and Consumer Protection (Board) shall approve this scope statement before DATCP may begin drafting the emergency rule. The Board may not approve this scope statement until 10 days after it is published in the Wisconsin Administrative Register, and DATCP may not publish the scope statement until it has the written approval of the governor.

If the Board takes no action on the scope statement within 30 days after the scope statement is presented to the Board, the scope statement is considered approved.

Agriculture, Trade and Consumer Protection

SS 003–11

In accordance with 2011 Wisconsin Act 21, (Sec 227.135(2)) this scope statement was approved by the Governor on July 14, 2011 before DATCP took any action in proceeding with this proposed rule including submission of this scope statement for publication.

The Department of Agriculture, Trade and Consumer Protection (DATCP) gives notice, pursuant to s. 227.135, Stats., that it proposes to revise Chapter 50 of the administrative code.

Subject

Soil and Water Resource Management.

Statutory Authority

Sections 92.05 (3) (c) and (k), 92.14 (8), 92.15 (3) (b), 92.16, 92.18 (1), 93.07 (1), and 281.16 (3) (b) and (c), Stats.

Background

By statute, sec. 281.16 Stats., DATCP must develop rules to implement Department of Natural Resources (DNR) farm runoff standards, also known as the agricultural performance standards adopted in NR 151, Wis. Adm. Code (NR 151). Through ch. ATCP 50, Wis. Adm. Code (ATCP 50), DATCP carries out these responsibilities. ATCP 50 ensures that implementation of the farm runoff standards is contingent on cost–share requirements (see s. ATCP 50.08). It also addresses the following components needed for implementation:

- Farm conservation standards and practices, with a focus on nutrient management (Subchapter II).
- The framework for statewide soil and water resource management, and the mechanism for distribution of department grant funds to counties including cost–sharing. (Subchapters III and IV).
- Cost–share procedures and rates that apply to department funds used for landowner cost–sharing (Subchapter V).
- Standards for conservation professionals to ensure proper installation of farm and other practices (Subchapter VI).
- Requirements for local regulation including manure storage ordinances (Subchapter VII).
- Technical and other standards for practices cost–shared with state funds (Subchapter VIII).

DNR revised NR 151 in January 2011 to add and modify the performance standards that address runoff from farms. The new standards include:

- A setback area between cropland and waterbodies within which tillage is prohibited for the purpose of maintaining stream bank integrity and avoiding soil deposits into state waters.
- A new annual and rotational limit on the amount of phosphorus that may run off cropland and pasture, as measured by a phosphorus index.
- A prohibition against significant discharge of process wastewater from milk houses, feedlots, and other similar sources.
- A requirement that crop and livestock producers reduce discharges if necessary to meet a load allocation specified in an approved Total Maximum Daily Load (TMDL) by implementing targeted performance standards specified for the TMDL area using best management practices and farm conservation practices in ATCP 50.

The modified farm performance standards are as follows:

- Extension of the sheet, rill and wind erosion standard to pastures starting July 1, 2012.
- Clarification that the nutrient management standard does not cover applications of industrial waste, municipal sludge or septage regulated under other DNR programs provided the material is not commingled with manure prior to application, (with an explanation in a note about the relationship of these applications to farm nutrient management planning).
- Manure storage standards for existing and new facilities are modified to include a margin of safety requirement, and redefine responsibilities for closure.

Preliminary Objectives and Analysis

This proposed rule will modify DATCP's soil and water resource management program under ch. ATCP 50, primarily for the purpose of incorporating the changes in NR 151 adopted in 2011. Under ATCP 50, the current program addresses soil and water conservation on farms, county soil and water programs, grants to counties, cost–share grants to landowners, standards for soil and water professionals, local regulation, and standards for cost–shared practices.

Areas of focus

To properly account for changes in DNR farm runoff standards, DATCP will limit its rulemaking to the following:

1. Ensure that the farm conservation standards in Subchapter II support implementation of the new and modified standards in NR 151. DATCP will need to decide how to update the farm conservation practices in s. ATCP 50.04 and related definitions. In this regard, DATCP may consider (i) whether the soil erosion standard based on RUSLE 2 can be properly applied to pastures, (ii) whether the nutrient management standard should be modified to address pastures, (iii) a method for establishing the distance between 5 and 20 feet for a tillage setback, and (iv) identifying an alternative to calculating phosphorus index without SNAP Plus. To reiterate, DATCP will focus on changes to conservation standards in Subchapter II needed to implement DNR's updated farm runoff standards.
2. Evaluate the framework for statewide soil and water resource management (Subchapter III) to ensure that it fairly implements the updated NR 151 standards.

Specifically consider changes in ATCP 50.16 related to the farmland preservation program, including a phase-in of the farm runoff standards updated in NR 151, and clarification of schedules of compliance and monitoring. DATCP will only make changes to Subchapter III needed to implement DNR's updated farm runoff standards.

3. Improve the mechanism for distribution of department grant funds to counties (Subchapter IV), with a primary goal of ensuring that farmers have access to funds needed for extended implementation responsibilities, and a process for providing cost-share dollars that is more efficient and customer friendly. To reflect the closing of the priority watershed projects, DATCP may make changes in the manner it funds county conservation programs. The focus of the rules changes in this area will be guided by implementation of DNR's updated farm runoff standards.
4. Address whether the current Subchapter VI provisions for certifying agricultural engineering practitioners are adequate with respect to the design, installation or approval of agricultural engineering practices needed to implement NR 151 requirements. The current rules are largely based on technical standards adopted by the United States Department of Agriculture, Natural Resources Conservation Service (NRCS). The NRCS standards are updated on a regular basis. The rule revision may incorporate these changes to the NRCS technical standards in this and other subchapters such as Subchapter VIII.
5. Update the technical and other standards for practices cost-shared with state funds in Subchapter VIII to facilitate implementation of the new and modified NR 151 farm runoff standards. For example, DATCP must develop a cost-share practice standard for feed storage in response to the new DNR rule requirement related to process wastewater discharges. DATCP will clarify practice descriptions to clarify use in farm and non-farm settings.
6. Make other changes, clarifications and updates as necessary to facilitate implementation of NR 151 as revised.

Comparison with Federal Regulations

NRCS Conservation Standards

NRCS has adopted standards for conservation practices cost-shared by NRCS. Current DATCP rules incorporate many NRCS standards by reference. In most cases, the standards apply only to conservation practices cost-shared with DATCP funds. But in some cases (such as nutrient management), DATCP rules incorporate the NRCS standards as mandatory pollution control standards. Enforcement of these mandatory standards is generally contingent on cost-sharing (there are limited exceptions).

NRCS standards vary, to some extent, between states. NRCS coordinates its Wisconsin standard-setting process with DATCP, DNR and others. For purposes of Wisconsin's soil and water conservation program, DATCP may incorporate NRCS standards as written or may modify the standards as appropriate. DATCP tries to ensure that state standards are reasonably consistent with NRCS standards.

This rule may modify current DATCP rules that incorporate NRCS standards by reference. This rule may incorporate updated NRCS standards, or may modify NRCS standards to make them more clear or workable in Wisconsin's soil and water conservation program.

Agricultural Engineering Practitioners; NRCS Certification Standards

NRCS certifies agricultural engineering practitioners who design, install or approve agricultural engineering practices cost-shared by NRCS. DATCP certifies practitioners who perform similar functions under DATCP rules. DATCP rules are based on NRCS standards (but include some modifications based on Wisconsin program needs). DATCP works with NRCS and county land conservation departments to ensure that standards are reasonably consistent and meet federal, state and local needs.

Federal Conservation Funding

The United States Department of Agriculture administers a number of federal programs that offer voluntary conservation incentives to farmers. The Environmental Quality Incentives Program (EQIP) is a key program offering cost-sharing for conservation improvements, including nutrient management plans, manure storage improvements and others.

Other programs, such as the Conservation Reserve Program (CRP) and the Conservation Reserve Enhancement Program (CREP) also provide cost-sharing and other incentives for conservation practices. DATCP attempts to coordinate state conservation funding programs with relevant federal programs.

Entities Affected by the Rule

County Conservation Programs: This rule may revise standards and procedures for county conservation programs, including funding standards and procedures. New grant allocation procedures may ultimately affect grant allocations between counties (this rule will not directly alter grant allocations). County staff may need to become familiar with modified conservation standards and procedures. Rule changes may affect the certification of county agricultural engineering practitioners.

Farmers and Other Landowners: Farmers may be affected by changes to current farm conservation standards and requirements. Farmers may also be affected by changes to current cost-share standards and procedures. To the extent that this rule may ultimately affect grant allocations between counties, farmers in those counties may also be affected. This rule may also affect non-farmer landowners, to the extent that it clarifies DATCP cost-share policy related to those landowners.

Farm-Related Businesses: Farm supply organizations, nutrient management planners, soil testing laboratories, agricultural engineering practitioners, agricultural engineers, construction contractors and others provide goods and services to farmers related to farm conservation. Those entities may be affected by this rule, including changes related to conservation standards and cost-share grants to farmers.

Users and Beneficiaries of Natural Resources: Communities, businesses including the tourist industry, and individuals benefit from the protections in this rule for water and soil resources. This rule establishes conservation practices, supports county resource management programs, and provides cost-sharing to prevent runoff and provide other protections for land and water.

Policy Alternatives

If DATCP takes no action, current rules will remain in effect. Some current rule provisions are outdated in certain respects, and may not adequately address stakeholder needs. The current rules do not address possible changes in DNR standards related to nonpoint source pollution. Some current

rule provisions may hinder effective future operation of the DATCP programs, or may limit DATCP's ability to respond to changing conditions. Some provisions may also hinder future coordination of federal, state and local conservation programs.

Statutory Alternatives

None at this time.

Estimate of Time Needed to Develop the Rule

DATCP estimates that it will use the equivalent of 1.25 FTE staff to revise this rule. This anticipates an 18 month period for investigation and analysis, rule drafting, preparing related documents, coordinating advisory committee meetings, holding public hearings and communicating with affected persons and groups. DATCP will use existing staff to develop this rule.

DATCP Board Authorization

DATCP may not begin drafting this rule until the Board of Agriculture, Trade and Consumer Protection (Board) approves this scope statement. The Board may not approve this scope statement sooner than 10 days after this scope statement is published in the Wisconsin Administrative Register. If the Board takes no action on the scope statement within 30 days after the scope statement is presented to the Board, the scope statement is considered approved. Before DATCP holds public hearings on this rule, the department must prepare an economic impact analysis and the Board must approve the hearing draft. The Governor and the Board must also approve the final draft rule before DATCP adopts the rule.

Employment Relations Commission**SS 004-11**

This statement of scope was approved by the governor on July 20, 2011.

Subject

The Wisconsin Employment Relations Commission plans to promulgate emergency and permanent administrative rules regarding the conduct of initial annual certification elections for municipal and state employee bargaining units as mandated by 2011 Wisconsin Act 10 and 2011 Wisconsin Act 32.

Statutory Authority

Statutory authority to promulgate the rules is found in sections. 111.71, 111.94, 227.11 and 227.44, Stats.

Policy Analysis

The rules will affect all municipal employers, the State of Wisconsin, all municipal and state employees who are eligible to be represented by a labor organization for the purposes of collective bargaining, and all labor organizations who do or wish to represent employees of a municipal employer or of the State of Wisconsin for the purposes of collective bargaining.

Comparison with Federal Regulations

There are no existing or proposed federal regulations that address the activities to be regulated by the rules.

Estimate of Time Needed to Develop the Rule

It is estimated that 100 hours of state employee time will be spent to develop the rules.

Agency Contact

Scope Statement prepared 7/15/2011 by Peter G. Davis, Chief Legal Counsel, Wisconsin Employment Relations Commission. (608) 266-2993 peterg.davis@wisconsin.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 11–041

On July 11, 2011, the Department of Employee Trust Funds submitted a proposed rule amending section ETF 20.35 to the Wisconsin Legislative Council Rules Clearinghouse. The rule is in relation to Qualified Domestic Relations Orders.

This rule is not subject to s. 227.135 (2), as affected by 2011 Wis. Act 21. The statement of scope for this rule, submitted to the LRB on January 19, 2011 and published in the Administrative Register No. 662 on February 28, 2011, was received by the LRB prior to the effective date of 2011 Wis. Act 21.

Analysis

The proposed rule amendments are needed to reflect changes to receiving and processing qualified domestic

relations orders (QDROs) at the Department. This rule-making is needed to incorporate language for QDROs received from domestic partnerships, to address tax concerns under IRC S. 415(b), and to clarify and provide ETF with more flexibility in handling QDROs.

Agency Procedure for Promulgation

A public hearing is required for this rule. The hearing date, once scheduled, will be preceded by a notice of public hearing pursuant to ss. 227.17 and 227.18 Stats.

The Department's Office of Policy Privacy and Compliance is primarily responsible for this rule.

Contact Information

Lucas Strelow, Policy Advisor

Email: lucas.strelow@gmail.com

Telephone: 608) 267–0722

Rule–Making Notices

Notice of Hearing

Revenue EmR1110

NOTICE IS HEREBY GIVEN that, pursuant to section 227.24, Stats., and interpreting section 77.54 (56), Stats., the Department of Revenue will hold a public hearing to consider emergency rules creating section Tax 11.10, relating to wind, solar, and certain gas powered products.

Hearing Information

The hearing will be held:

Date: Friday, August 12, 2011
Time: 9:00 A.M.
Location: Department of Revenue
 Events Room
 2135 Rimrock Road
 Madison, WI 53713

Handicap access is available at the hearing location.

Appearances at the Hearing

Interested persons are invited to appear at the hearing and may make an oral presentation. It is requested that written comments reflecting the oral presentation be given to the department at the hearing.

Submittal of Written Comments

Written comments may also be submitted to the contact person listed below no later than **August 19, 2011**, and will be given the same consideration as testimony presented at the hearing.

Dale Kleven
 Department of Revenue
 Mail Stop 6–40
 2135 Rimrock Road
 P.O. Box 8933
 Madison, WI 53708–8933
 Telephone: (608) 266–8253
 E–mail: dale.kleven@revenue.wi.gov

Analysis Prepared by Department of Revenue

Statutes interpreted

Section 77.54 (56), Stats.

Statutory authority

Section 227.24, Stats.

Explanation of Statutory Authority

Section 227.24, Stats., provides an agency may promulgate a rule as an emergency rule without complying with the notice, hearing, and publication requirements of the statutes 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.

Related rules or statutes

There are no other applicable statutes or rules.

Plain language analysis

This emergency rule defines the term “product” as it applies to the sales and use tax exemption under s. 77.54 (56), Stats., provides examples of items that are and are not considered products, and clarifies the exemption requirements and scope.

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.

Comparison with rules in adjacent states

Minnesota and Iowa have sales and use tax exemptions relating to equipment involved in converting wind or solar energy into electricity or heat, Michigan and Illinois do not.

Minnesota:

M. S. 297A.67. Subd.29, *Solar energy products*. A solar energy system, as defined in section 216C.06, subdivision 17, is exempt.

M. S. 297A.68. Subd.12, *Wind energy conversion systems*. Wind energy conversion systems, as defined in section 216C.06, subdivision 12, that are used as an electric power source are exempt, and the materials used to manufacture, install, construct, repair, or replace them are exempt.

Minnesota has no rules pertaining to these statutes.

Iowa:

Iowa Code sec. 423.3.54, the sales price from the sale of wind energy conversion property to be used as an electric power source and the sale of the materials used to manufacture, install, or construct wind energy conversion property used or to be used as an electric power source.

For purposes of this subsection, “*wind energy conversion property*” means any device, including, but not limited to, a wind charger, windmill, wind turbine, tower and electrical equipment, pad mount transformers, power lines, and substation, which converts wind energy to a form of usable energy.

Iowa Code sec. 423.3.90, *The sales price from the sale of solar energy equipment*. For purposes of this subsection, “*solar energy equipment*” means equipment that is primarily used to collect and convert incident solar radiation into thermal, mechanical, or electrical energy or equipment that is primarily used to transform such converted solar energy to a storage point or to a point of use.

Iowa has a rule (701—230.7(423)) relating to the statutory exemption for “wind energy conversion property.” However, the rule merely reiterates the statutory language and does not interpret the statute.

Summary of data and analytical methodologies

In reviewing the language of s. 77.54 (56), Stats., the department concluded that in order to administer the sales and use tax exemption being created, it needs to promulgate rules interpreting and clarifying the underlying statutory provisions.

Analysis and supporting documentation used to determine effect on small business

As explained above, this emergency rule is created to administer changes in Wisconsin's sales and use tax laws. As the rule itself does not impose any significant financial or other compliance burden, the department has determined that it does not have a significant effect on small business.

Small Business Impact

This emergency rule does not have a significant effect on small business.

Economic Impact

Individuals and representatives of businesses and local governmental units that may be affected by the rule are invited to appear at the hearing or submit written comments as described above as to whether the rule will adversely affect in a material way the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of Wisconsin.

Fiscal Estimate

State fiscal effect

No state fiscal effect.

Local government fiscal effect

No local government costs.

Anticipated costs incurred by private sector:

This emergency rule does not have a significant fiscal effect on the private sector.

Agency Contact Person

Please contact Dale Kleven at (608) 266-8253 or dale.kleven@revenue.wi.gov, if you have any questions regarding this emergency rule.

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.

Text of Rule

SECTION 1. Tax 11.10 is created to read:

Tax 11.10 Wind, solar, and certain gas powered products.
(1) **GENERAL.** Section 77.54 (56), Stats., provides a sales and use tax exemption for the following:

(a) The sales price from the sale of and the storage, use, or other consumption of a product whose power source is wind energy, direct radiant energy received from the sun, or gas generated from anaerobic digestion of animal manure and

other agricultural waste, if the product produces at least 200 watts of alternating current or 600 British thermal units per day, except that the exemption does not apply to an uninterruptible power source that is designed primarily for computers.

(b) Except for the sale of electricity or energy that is exempt from taxation under s. 77.54 (30), Stats., the sales price from the sale of and the storage, use, or other consumption of electricity or energy produced by a product described in par. (a).

(2) **DEFINITION.** In this section and in s. 77.54 (56), Stats., "product" means tangible personal property that converts wind energy, direct radiant energy received from the sun, or gas generated from the anaerobic digestion of animal manure and other agricultural waste into alternating current electricity or heat.

(3) **ITEMS WHICH ARE PRODUCTS.** Products include the following items described in sub. (2):

(a) Wind turbine generators, including blade assembly and tower.

(b) Gas turbine generators, including the gas turbine.

(c) Gas fueled furnaces, space heaters, and water heaters.

(d) Photovoltaic cells, modules, and arrays, including tracking equipment that maintains optimal orientation to the sun.

(e) Solar thermal collectors.

(f) Hardware required for installation of an item described in sub. (2).

(g) Inverters used to transform direct current produced by an item described in sub. (2) into alternating current, including property used to convey the direct current from the product to the inverter.

(4) **ITEMS WHICH ARE NOT PRODUCTS.** Items which are not products include the following:

(a) Tangible personal property that stores or consumes electricity or heat produced by an item described in sub. (2).

Examples: A refrigerator that consumes electricity produced by a wind turbine generator is not itself a product whose power source is wind energy, and a battery that is used to store electricity produced by a wind turbine generator is not itself a product whose power source is wind energy.

(b) A foundation for an item described in sub. (2).

(c) Except as provided in sub. (3) (g), property necessary to convey, alter, or transfer electricity or heat generated by an item described in sub. (2).

(d) Tangible personal property used to transfer or store liquids or gases heated by an item described in sub. (2).

Example: A tank that stores hot water heated by a solar collector is not itself a product whose power source is direct radiant energy received from the sun.

(5) **EXEMPTION FOR PRODUCTS.** (a) For purposes of the exemption under sub. (1) (a), a product that produces direct current shall be considered to produce alternating current if the direct current is modified to alternating current prior to the direct current being stored, used, consumed, or sold by the producer.

Example: A wind turbine generator produces direct current. The current is used to charge batteries. When needed, the batteries supply direct current to an inverter, producing alternating current used to power various devices. The direct current generator does not qualify for exemption since the direct current is being stored by the producer prior to changing it to alternating current.

(b) In order to qualify for the exemption under sub. (1) (a), a product using gas as a power source shall use gas from the anaerobic digestion of animal manure and other agricultural waste exclusively as its power source. A product that uses other fuels such as natural gas, propane, or gas generated from a landfill does not qualify for exemption.

(c) Products that qualify for the exemption under sub. (1) (a) include the following:

1. An alternating current wind turbine generator rated by the manufacturer to produce at least 200 watts of alternating current with a wind speed of 25 miles per hour.

2. A direct current wind turbine generator that is rated by the manufacturer to produce at least 250 watts of direct current at a wind speed of 25 miles per hour and produces alternating current as described in par. (a).

Example: A direct current wind turbine generator is rated by the manufacturer to produce at least 250 watts of direct current with a wind speed of 25 miles per hour. The generator is connected to an inverter that modifies the direct current to alternating current prior to the direct current being stored, used, consumed, or sold by the producer. The generator, inverter, and the property used to convey the direct current from the generator to the inverter qualify for exemption.

3. A direct current wind turbine generator that produces alternating current as described in par. (a) of at least 200 watts as measured at the inverter under normal operating conditions with a wind speed of no more than 25 miles per hour.

4. A solar thermal collector with an output rating of at least 600 British thermal units per day, as determined by the Solar Rating and Certification Corporation.

5. A photovoltaic cell, module, or array with a standard test condition output rating of at least 250 watts of direct current that produces alternating current as described in par. (a).

6. A direct current gas turbine generator that meets the requirement in par. (b) and produces alternating current as described in par. (a) of at least 200 watts as measured at the inverter when producing direct current under its normal operating conditions.

7. A gas fueled furnace, space heater, or water heater that meets the requirement in par. (b) and can be expected to consume gas in an amount equivalent to at least 600 British thermal units per day throughout the year.

Example: Gas generated by the anaerobic digestion of animal manure or agricultural waste is used solely as the power source for a space heater and a water heater. Both products, when in use, produce over 600 British thermal units per day. The water heater is used every day of the year while the space heater is used only during the months of October through April. The water heater qualifies for exemption, the space heater does not.

(d) The exemption under sub. (1) (a) may be claimed by the consumer of the product who purchases the product as tangible personal property. A contractor who will purchase, furnish, and install a product which will become real property when installed is the consumer of the product, and may provide its supplier with a properly completed exemption certificate, claiming the product is exempt under s. 77.54 (56), Stats. A contractor who will furnish and install a product that will remain tangible personal property when installed may purchase a product without tax for resale. The purchaser may then issue the contractor an exemption certificate, claiming the product is exempt under s. 77.54 (56) (a), Stats.

(6) EXEMPTION FOR ENERGY PRODUCED BY A PRODUCT. (a) The exemption under sub. (1) (b) applies to a direct sale from the producer of electricity or energy to the consumer of the same electricity or energy where all of the following apply:

1. The electricity or energy is produced by a product that qualifies for exemption under sub. (1) (a).

2. The sale does not qualify for exemption under s. 77.54 (30), Stats.

Note: Section 77.54 (30) (a), Stats., provides an exemption, in part, for electricity sold during November through April for residential use, fuel and electricity sold for use in farming, and fuel and electricity consumed in manufacturing tangible personal property in Wisconsin.

(b) The exemption under sub. (1) (b) does not apply to electricity or energy which is first purchased for resale from the producer and is then sold in a subsequent retail sale, unless the person making the retail sale is able to account for the quantity of electricity or energy that qualifies for exemption under s. 77.54 (56) (b), Stats., and is able to identify the person to whom such electricity or heat is sold.

Example: Electricity that would otherwise qualify for exemption under s. 77.54 (56) (b), Stats., is commingled in a distribution network with electricity that is not produced by a product whose power source is wind energy, direct radiant energy received from the sun, or gas generated from anaerobic digestion of animal manure and other agricultural wastes. It is not possible to determine to whom, or in what amount, the electricity that qualifies for exemption is sold. A purchaser of this electricity will not be able to provide an exemption certificate to a utility and properly claim what portion of the electricity it has purchased is exempt pursuant to s. 77.54 (56) (b), Stats., nor is it possible for a utility to know what portion of the electricity purchased by the consumer was from eligible sources.

(c) The exemption under sub. (1) (b) does not apply to the sale of, or the storage, use or other consumption of gas produced by the anaerobic digestion of animal manure or other agricultural wastes unless such gas is produced by a product described in sub. (1) (a).

Submittal of Proposed Rules to the Legislature

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

Natural Resources
Fish, Game, etc., Chs. NR 1—
CR 11-013

(DNR # FR-45-10)

Revises Chapters NR 46, relating to administrative changes to the Managed Forest Law (MFL) Program.

This rule is not subject to s. 227.185. The statement of scope for this rule, published in Register No. 657, on September 14, 2010, was sent to LRB prior to the effective date of 2011 Wis. Act 21.

Natural Resources
Environmental Protection—Air Pollution Control,
Chs. NR 400—
CR 07-082

(DNR # AM-23-07B)

Revises Chapters NR 404 and 484, relating to repeal of the state's secondary 24-hour ambient air quality standard for particulate matter measured as total suspended particulate.

This rule is not subject to s. 227.185. The statement of scope for this rule, published in Register No. 616, on April 30, 2007, was sent to LRB prior to the effective date of 2011 Wis. Act 21.

These are the same proposed rule changes which had been previously removed from Natural Resources Board order AM-23-07 at the direction of, and prior to approval by, the

Board. Since Order AM-23-07B only contains proposed rule changes already reviewed by the Legislative Council Rules Clearinghouse, and after discussions with the Director and Assistant Director of the Legislative Council, this order is being submitted under the same Clearinghouse number (CR 07-082) assigned to order AM-23-07.

Revenue
CR 11-023

Creates section Tax 2.957, relating to income and franchise tax credits and deductions for businesses that relocate to Wisconsin.

This rule is not subject to s. 227.185, Stats. The statement of scope for this rule, published in Register No. 662 on February 28, 2011, was sent to LRB prior to the effective date of 2011 Wisconsin Act 21.

Revenue
CR 11-024

Creates section Tax 3.05, relating to income and franchise tax deductions for job creation.

This rule is not subject to s. 227.185, Stats. The statement of scope for this rule, published in Register No. 662 on February 28, 2011, was sent to LRB prior to the effective date of 2011 Wisconsin 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.

Agriculture, Trade and Consumer Protection **CR 10-120**

Revises Chapters ATCP 161, relating to verified statement and contract penalties for grand and loan programs.
Effective 9-1-11.

Public Service Commission **CR 10-143**

Revises Chapter PSC 168, relating to the certification and operation of alternative telecommunications utility resellers.
Effective 9-1-11.

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.
Effective 9-1-11.

Safety and Professional Services **(Formerly Regulation and Licensing)** **CR 08-087**

Revises Chapters RL 180 and 181, relating to training and proficiency in the use of automated external defibrillators for licensure as a licensed midwife.
Effective 9-1-11.

Employee Trust Funds **CR 10-138**

Revises section ETF 10.7575, relating to the implementation of statutory changes related to power of attorney pursuant to 2009 Wisconsin Act 319.
Effective 9-1-11.

Safety and Professional Services **(Formerly Regulation and Licensing)** **CR 10-135**

Revises Chapters RL 80, 81, 82, 83, 84, 85 and 86, relating to licensure and certification requirements if licensed in another state or territory, approved instructors for educational programs and continuing education, examination requirements, rules of professional conduct, and "FIRREA" and AQB criteria.
Effective 9-1-11.

Insurance **CR 11-015**

Revises Chapter Ins 17, relating to annual injured patients and families compensation fund fees, mediation panel fees, and provider classification.
Effective 9-1-11.

Safety and Professional Services — **Hearing and Speech Examining Board** **CR 11-017**

Revises sections HAS 8.03 and 8.04, relating to continuing education.
Effective 9-1-11.

Insurance **CR 11-021**

Revises Chapter Ins 6, relating to readability and electronic access to insurance policies.
Effective 9-1-11.

Safety and Professional Services — **Radiography Examining Board** **CR 11-016**

Creates Chapters RAD 1 to 6, relating to radiography.
Effective 9-1-11.

Rules Published with this Register and Final Regulatory Flexibility Analyses

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

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

Agriculture, Trade and Consumer Protection

CR 10-106

(ATCP # 09-R-17)

Revises Chapter ATCP 69, relating to buttermaker license qualifications. Effective 8-1-11.

Summary of Final Regulatory Flexibility Analysis

Business Impact

Under current law, butter must be made by or under the supervision of a licensed buttermaker. However, there are currently only 49 licensed buttermakers in the state. This rule will provide more flexible training and examination options to facilitate the training and licensing of qualified buttermakers.

There is a growing national market for butter. This rule will promote the development and diversification of Wisconsin's dairy industry. It will allow more people to enter the industry as licensed buttermakers, including makers of artisan and farmstead butter. It will help relieve an acute shortage of licensed buttermakers, which is putting the state's entire butter industry at risk. It will also ensure the safety and quality of Wisconsin butter, and maintain Wisconsin's reputation as a dairy leader, by ensuring that buttermakers are adequately trained and qualified.

Summary of Comments by Legislative Review Committees

On April 14, 2011, DATCP transmitted the above rule for legislative committee review. The rule was assigned to the Senate Committee on Agriculture, Forestry, and Higher Education and to the Assembly Committee on Agriculture. Neither the Senate or Assembly committee held a hearing or took any action on the rule.

Agriculture, Trade and Consumer Protection

CR 10-122

(ATCP # 9-R-05)

Revises Chapters ATCP 21 Appendix, 29, 30, 35, 50, 55, 57, 90, 91, 92 and 161, relating to minor and technical rule changes. Effective 8-1-11.

Summary of Final Regulatory Flexibility Analysis

This rule will not have any significant impact on small business or other business. This rule makes minor technical

“housekeeping” changes that will not have a significant impact on business standards, costs or operations.

Summary of Comments by Legislative Review Committees

On March 9, 2011, DATCP transmitted the above rule for legislative committee review. The rule was assigned to the Senate Committee on Agriculture, Forestry and Higher Education and to the Assembly Committee on Agriculture. Neither the Senate nor the Assembly committee took any action on the rule.

Agriculture, Trade and Consumer Protection

CR 11-001

(ATCP # 10-R-6)

Revises Chapter ATCP 21, relating to Thousand Cankers Disease. Effective 8-1-11.

Summary of Final Regulatory Flexibility Analysis

This rule will benefit Wisconsin wood industries by helping to preserve Wisconsin's economically important black walnut forest resource. Black walnut is a highly valuable tree, prized for the quality of its wood. Black walnut is used to make furniture and other important value-added wood products. There are approximately 18.5 million black walnut trees in Wisconsin, with over 13% of them located in the southwestern part of the state. Wisconsin businesses export over \$4 million in black walnut products annually.

This rule will not have a significant adverse impact on businesses in this state. This rule restricts the import of firewood and untreated black walnut wood products from areas *outside* this state, but does not otherwise restrict the distribution or sale of wood or wood products. This rule will restrict the activities of a small number of businesses in this state, and offers ways for those businesses to minimize any potential adverse impacts.

Summary of Comments by Legislative Review Committees

On March 14, 2011, DATCP transmitted the above rule for legislative committee review. The rule was assigned to the Senate Committee on Agriculture, Forestry and Higher Education and to the Assembly Committee on Agriculture. The Assembly committee held a hearing on the rule on May 4, 2011. Neither the Senate nor the Assembly committee took any action on the rule.

Sections Affected by Rule Revisions and Corrections

The following administrative code sections had rule revisions and corrections take place in **July 2011**, and will be effective as indicated in the history note for each particular section. For additional information, contact the Legislative Reference Bureau at (608) 266-7590.

Revisions

Agriculture, Trade and Consumer Protection

Ch. ATCP 21

ATCP 21.21
ATCP 21 Appendix A

Ch. ATCP 29

ATCP 29.54 (7) (a) 5. (Note), (e) 2. (Note)

Ch. ATCP 30

ATCP 30.32 (2) (Note), (3) (b) (Note)
ATCP 30.33 (3) (c)
ATCP 30.39

Ch. ATCP 31

ATCP 31.05 (1) (Note)
ATCP 31.06 (1) (Note)

Ch. ATCP 35

ATCP 35 (Note)
ATCP 35.06 (1) (g) (Note), (3) (b) (Note), (4)
ATCP 35.08 (5) (title), (a), (b), (b) (Note), (c), (6) (a)
ATCP 35.10 (8)
ATCP 35.14 (19)
ATCP 35.16 (4) (b)
ATCP 35.20 (3)

Ch. ATCP 40

ATCP 40.08 (2) (Note)
ATCP 40.10 (Note), (1) (a) (Note), (b) 3. (Note)

Ch. ATCP 48

ATCP 48.60 (1) (intro.) (Note)

Ch. ATCP 50

ATCP 50.12 (5)
ATCP 50.16 (5) (a) (Note)

Ch. ATCP 55

ATCP 55.07 (1) (a)

Ch. ATCP 57

ATCP 57.01 (30)
ATCP 57.10 (1) (a) 2., 3., (2) (d), (i), (j), (3), (6) (a), (c)
ATCP 57.12 (1) (a) 2., 3., (2) (d), (i), (j), (3), (6) (a), (c)
ATCP 57.14 (6) (a), (c)
ATCP 57.16 (2) (d), (e)
ATCP 57.20 (6)

Ch. ATCP 90

ATCP 90.05 (2) (a) (Note)
ATCP 90.08 (Note)

Ch. ATCP 91

ATCP 91.01 (4)

Ch. ATCP 92

ATCP 92.02 (1)
ATCP 92.06 (1) (a), (b), (2)
ATCP 92.22 (1) (b), (Note)

Ch. ATCP 161

ATCP 161.01
ATCP 161.07 (2)
ATCP 161 subch. III

Editorial Corrections

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

Administration

Ch. Adm 5

Adm 5.04 (1) (e)

Ch. Adm 9

Adm 9.01

Ch. Adm 48

Adm 48.01

Ch. Adm 50

Adm 50.03 (2)

Ch. Adm 70

Adm 70.03 (Note)

Agriculture, Trade and Consumer Protection

Ch. ATCP 21

ATCP 21.20 (1)

Ch. ATCP 35

ATCP 35.28

Ch. ATCP 55

ATCP 55.06 (4)

Ch. ATCP 69

ATCP 69.01 (3) (e) 1., 2., (f) 1. to 5.

Health Services**Ch. DHS 12**

DHS 12.02 (1) (b)

Ch. DHS 62

DHS 62.16

Ch. DHS 77

DHS 77.01 (1)

DHS 77.04 (1) (a), (c)

DHS 77.08 (3)

Ch. DHS 83

DHS 83.46 (3)

Ch. DHS 89

DHS 89.28 (5)

DHS 89.29 (2) (b) 2.

Ch. DHS 105

DHS 105.15

DHS 105.17 (1) (b) 3.

DHS 105.39 (4) (b) 2.

Ch. DHS 109

DHS 109.52 (2) (a)

Ch. DHS 118

DHS 118.02 (4)

DHS 118.03 (11)

Ch. DHS 125

DHS 125.03 (1), (6), (7)

Ch. DHS 133

DHS 133.02 (5m) (c)

Ch. DHS 134

DHS 134.82 (3) (f) (Note)

Ch. DHS 145

DHS 145.13 (2) (a)

Ch. DHS 147

DHS 147.01

DHS 147.06 (6) (a)

Ch. DHS 149

DHS 149.01

DHS 149.03 (13), (25), (28), (40)

DHS 149.04

DHS 149.05 (9)

DHS 149.08 (1) (a)

DHS 149.18 (1) (a)

Ch. DHS 153

DHS 153.08 (4) (e)

Ch. DHS 167

DHS 167.02

Ch. DHS 182

DHS 182.01

DHS 182.03 (5)

DHS 182.04 (intro.)

DHS 182.06 (5) (a)

Ch. DHS 199

DHS 199.01

DHS 199.03 (8)

DHS 199.06 (5) (a), (b)

Natural Resources**Ch. NR 13**

NR 13.30 (2) (j) 4.

Public Defender**Ch. PD 6**

PD 6.08

Executive Orders

The following are recent Executive Orders issued by the Governor.

Executive Order 34. Relating to Directing Agency Action Concerning Bonds to Be Issued As Qualified Midwestern Disaster Area Bonds.

Executive Order 35. Relating to a Proclamation that the Flag of the United States and the Flag of the State of Wisconsin be Flown at Half-Staff as a Mark of Respect for Private First Class Ryan J. Larson of the United States Army Who Lost His Life While Serving His Country During Operation Enduring Freedom-Afghanistan.

Executive Order 36. Relating to a Proclamation that the Flag of the United States and the Flag of the State of Wisconsin be Flown at Half-Staff as a Mark of Respect for Specialist Tyler R. Kreinz of the United States Army Who Lost His Life While Serving His Country During Operation Enduring Freedom-Afghanistan.

Executive Order 37. Relating to Postsecondary Educational Institution Compliance with the U.S. Department of Education Program Integrity Rule.

Executive Order 38. Relating to a Proclamation that the Flag of the United States and the Flag of the State of Wisconsin be Flown at Half-Staff as a Mark of Respect for Corporal Michael C. Nolen of the United States Marine Corps Who Lost His Life While Serving His Country During Operation Enduring Freedom-Afghanistan.

The State of Wisconsin
Department of Administration
Bureau of Document Services
Document Sales and Distribution Section
P.O. Box 7840
Madison, Wisconsin 53707-7840



First Class Mail

Dated Material. Please Do Not Delay!