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Direct questions to Bruce Hoesly (608) 266-7590, bruce.hoesly@legis.wi.gov.

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Emergency Rules Now in Effect

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

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

Occasionally the Legislature grants emergency rule authority to an agency with a longer effective period than 150 days or allows an agency to adopt an emergency rule without requiring a finding of emergency.

Extension of the effective period of an emergency rule is granted at the discretion of the Joint Committee for Review of Administrative Rules under s. 227.24 (2), Stats.

Notice of all emergency rules which are in effect must be printed in the Wisconsin Administrative Register. This notice will contain a brief description of the emergency rule, the agency finding of emergency or a statement of exemption from a finding of emergency, date of publication, the effective and expiration dates, any extension of the effective period of the emergency rule and information regarding public hearings on the emergency rule.

Copies of emergency rule orders can be obtained from the promulgating agency. The text of current emergency rules can be viewed at www.legis.state.wi.us/rsb/code.

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

Administration (2)

1. EmR1309 — The Department of Administration hereby adopts an order to create **Chapter Adm 93**, relating to the community development block grant program.

The statement of scope for this rule, SS 041–13, was approved by the Governor on April 15, 2013, and published in Register No. 688 on April 30, 2013, and approved by the Department of Administration Secretary, Mike Huebsch, effective May 13, 2013. This emergency rule was approved by the Governor on June 19, 2013.

Finding of Emergency

Each year the federal government makes funding available to the several states for economic and housing development through a program known as the Community Development Block Grant Program (CDBG). The CDBG is governed under 42 USC 5301 to 5319 and 24 CFR Part 570, and is administered by the US Department of Housing and Urban Development (HUD). Since the dissolution of the Wisconsin Department of Commerce, the Wisconsin Department of Administration (DOA) has received CDBG grants from HUD, and entered into agreements with the Wisconsin

Economic Development Corporation (WEDC) for the administration of those funds. Under this arrangement, state administrative code Chapter Commerce 108 was unneeded, as WEDC operated under substantially similar internal policies. Recently, DOA and WEDC have mutually determined that the expertise of DOA is better suited to administration of CDBG funds, while the expertise of WEDC is best suited to consultation with localities and businesses seeking to access CDBG funds. The parties intend to formalize the transfer of administrative responsibility of CDBG funds to DOA shortly. Consequently, it is imperative for the welfare of the State of Wisconsin that administrative code provisions concerning the CDBG program be made.

Filed with LRB: June 28, 2013
Publication Date: July 1, 2013
Effective Dates: July 1, 2013 through November 27, 2013
Hearing Date: November 18, 2013
Extension Through: March 27, 2014

2. EmR1321 — The Department of Administration hereby adopts an order to repeal **section Adm 2.14 (2) (vr) c.**; to renumber and amend **section Adm 2.14 (2) (v) 9. a. and b.**; to amend **sections Adm 2.02 (1) (a), 2.04 (1), 2.04 (2), (3), (5), and (7), 2.07 (2), 2.08 (1) and (1) (d), 2.11, 2.14 (2), (2) (v), (2) (vm) and (2) (vm) 5.**; and to create **sections Adm 2.03 (3m), (3r) and (6m), 2.04 (1m), (2m), (2r), (2z), (9), and (10), and 2.14 (2) (vm) and (2) (vm) 5.**

The statement of scope for this rule, SS 131–13, was approved by the Governor on October 8, 2013, and published in Register No. 694 on October 31, 2013, and approved by Department of Administration Secretary Mike Huebsch on November 13, 2013. This emergency rule was approved by the Governor on November 21, 2013.

Finding of Emergency

Since 1979 the legislature has vested the department of administration with the responsibility and authority to manage various state buildings and grounds, including those of the Wisconsin state capitol. S. 16.84 (1), Stats. Since 1979, the department has permitted the use of these buildings and grounds for the free discussion of public questions and other purposes, so long as such uses did not interfere with the prime uses of these facilities, or otherwise infringe on interests of the state. s. 16.845, Stats., and s. Adm 2.04.

Each year, the Wisconsin state capitol police issue nearly 500 permits for the use of various state facilities. Permits are used for a variety of purposes, whether political, non-political, charitable, or commercial. Permits are issued regardless of political party, affiliation, or content. Permits are given to any person free of charge.

Occupation of the capitol rotunda and other areas has caused disruptions to the properly permitted events and normal government activities, including but not limited to, a Red Cross blood drive, a high school science exhibit, school group tours, general public tours, and legislative committee meetings and sessions. The state does not refuse permits for the lawful and safe use of state facilities by any person or persons, and the state cannot allow any person or persons to occupy the capitol in disregard of the rights of permit holders, public employees, or visitors. It is imperative that the

department gain compliance in order to protect the public safety and welfare.

On October 24, 2013, a lawsuit was dismissed based upon a stipulation of and settlement agreement between the parties. The department is obligated under the settlement agreement to advance certain changes in procedure. The department seeks to fulfill its obligations in a timely manner, which is not possible without engaging in the emergency rule process.

Filed with LRB: November 26, 2013
Publication Date: November 27, 2013
Effective Dates: November 27, 2013 through April 25, 2014
Hearing Date: February 21, 2014

Agriculture, Trade and Consumer Protection (3)

1. EmR1322 — The state of Wisconsin Department of Agriculture, Trade and Consumer Protection hereby adopts the following emergency rule to amend **section ATCP 21.17 (1) (b)** and to create **section ATCP 21.17 (1) (f)**, relating to the quarantine of Dane County for the emerald ash borer.

This emergency rule was approved by the Governor on December 10, 2013.

The blanket scope for this rule, SS 141–13, was approved by the Governor on October 30, 2013 published in register No. 695 on November 14, 2013, and approved by the Board of Agriculture, Trade & Consumer Protection on December 10, 2013.

Finding of Emergency

The United States Department of Agriculture — Animal and Plant Health Inspection Service (“APHIS”) positively identified Emerald Ash Borer (“EAB”) in Madison, Dane County on November 22, 2013. EAB is an exotic, invasive pest that poses a dire risk to the ash forest. When APHIS declares quarantine, DATCP has regulatory authority for import controls and quarantine for EAB under s. ATCP 21.17. It is anticipated that APHIS will declare a quarantine for Dane County but that it will take six to eight weeks for APHIS to act. A six week delay until enactment of the federal quarantines leaves too much time for businesses or individuals to move potentially EAB infested material out of this county to areas of Wisconsin or other states that are not infested with EAB.

DATCP is adopting this rule as a temporary emergency rule, pending completion of federal quarantine regulations. DATCP does not anticipate completing a permanent rule.

Filed with LRB: December 17, 2013
Publication Date: December 18, 2013
Effective Dates: December 18, 2013 through May 16, 2014
Hearing Date: January 13, 2014

2. EmR1325 — The Wisconsin Department of Agriculture, Trade and Consumer Protection adopts the following emergency rule to repeal **sections ATCP 136.02 (4) (d) and 136.10 (2) (c), (3) (a) 2., and (b) 4.,** and to amend **sections ATCP 136.02 (4) (g) (Note), (5), (7), (8) (a), 136.08 (1), (7) (Note), and 136.12 (1) (b) (Note) and (2) (Note),** relating to mobile air conditioners, reclaiming or recycling refrigerant.

This emergency rule was approved by the Governor on December 23, 2013.

The scope statement for this rule, SS 122–13, was approved by the Governor on September 20, 2013 published in register No. 694 on October 14, 2013, and approved by the Board of Agriculture, Trade & Consumer Protection on November 13, 2013.

Finding of Emergency

In Wisconsin, businesses that repair mobile air conditioners must register with the department and pay an annual registration fee of \$120 for each registered location. In addition, each technician working on mobile air conditioners at these businesses must attend a DATCP–approved training course and pass an exam.

A recent statutory change harmonized Wisconsin’s state mobile air conditioner law with federal law, and Wisconsin’s unique training course content is no longer applicable.

The registration year begins on March 1 of each year. By that date, all mobile air conditioning businesses and technicians must be registered with the department or pay a surcharge fee.

DATCP has determined that it has sufficient alternative revenue sources to fund the mobile air conditioning program and is undergoing rule–making to permanently eliminate the \$120 registration fee. However, the rule–making will not be effective for the upcoming registration year that begins March 1, 2014. The department has also determined that its technician training requirements can be modified due to recent changes in state statute that harmonize Wisconsin law with federal law. Technicians who complete the federally approved training course will now meet Wisconsin’s training requirement.

This temporary emergency rule is necessary to protect the welfare of the small businesses that would otherwise pay the registration fee. In addition, the emergency rule is needed to protect the welfare of small businesses and their employees by eliminating an unnecessary training requirement.

Filed with LRB: December 27, 2013
Publication Date: December 31, 2013
Effective Dates: December 31, 2013 through May 29, 2014

3. EmR1402 (DATCP Docket No. 13–R–17) — The Wisconsin department of Agriculture, Trade and Consumer Protection hereby adopts the following emergency rule to amend **sections ATCP 161.50 (3) (f), 161.60, and 161.62 (1) (intro.),** relating to the “grow Wisconsin dairy processor” grant program created under ss. 20.115 (4) (dm) and 93.40 (1) (g), Stats.

This emergency rule was approved by the Governor on January 10, 2014.

The scope statement for this rule, SS 140–13, was approved by the Governor on October 29, 2013, published in register No. 695 on November 14, 2013, and approved by the Board of Agriculture, Trade & Consumer Protection on December 10, 2013.

Finding of Emergency

Enactment of a rule is necessary to establish criteria the department will use to make determinations for grants, loans or other forms of financial assistance to dairy processors to promote and develop the dairy industry. An emergency rule is needed to ensure that funds are used to assist dairy producers during the first year of the program as permanent rules cannot be adopted in time to provide the basis for grant and loan determinations during that first year of the program.

Filed with LRB: January 21, 2014

Publication Date: January 20, 2014
Effective Dates: January 20, 2014 through
 June 18, 2014

Publication Date: June 12, 2013
Effective Dates: June 12, 2013 through
 November 8, 2013
Hearing Date: July 23, 2013
Extension Through: March 8, 2014

Employment Relations Commission

EmR1310 — The Wisconsin Employment Relations Commission hereby creates **Chapters ERC 70, 71, and 80**, relating to annual certification elections.

This emergency rule was approved by the Governor July 3, 2013.

The statement of scope for this rule, SS 045–13, was approved by the Governor on April 19, 2013, published in Register 689, on May 14, 2013, and approved by the Wisconsin Employment Relations Commission on June 3, 2013.

Finding of Emergency

An emergency exists because the public peace, health, safety and welfare necessitate putting these rules into effect so that the Wisconsin Employment Relations Commission can meet its obligation to conduct annual certification elections as required by ss. 111.70 (4) (d) 3. b. and 111.83 (3) (b), Stats.

Filed with LRB: July 15 2013
Publication Date: July 13, 2013
Effective Dates: July 13, 2013 through
 December 9, 2013
Extension Through: April 8, 2014

Insurance (2)

1. EmR1306 — The Commissioner of Insurance adopts an order to amend **sections Ins 17.01 (3) and 17.28 (3) (c)** and to repeal and recreate **section Ins 17.28 (6)**, Wis. Admin. Code, relating to Injured Patients and Families Compensation Fund Annual Fund and Mediation Panel Fees, and ISO code amendments for the fiscal year beginning July 1, 2013, and affecting small business.

This emergency rule was approved by the Governor on June 4, 2013.

The statement of scope for this rule, SS 042–13, was approved by the Governor on April 16, 2013, published in Register No. 688, on April 30, 2013, and approved by the Commissioner on May 10, 2013.

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 prior to July 1, 2013, in order for the new fiscal year assessments to be issued in accordance with s. 655.27 (3), Wis. Stats. The permanent rule-making process cannot be completed prior to the effective date of the new fee schedule. The fiscal year fund fees were established by the Board of Governors at the meeting held on December 19, 2012, and the mediation panel fees were established by the Board of Governors at the meeting held on March 20, 2013.

Filed with LRB: June 10, 2013

2. EmR1314 — The Commissioner of Insurance proposes an order to create **Chapter Ins 6 subch. II, subch. II (title), and sections Ins 6.91 to 6.98**, relating to navigators, nonnavigator assisters, and related entities and affecting small business.

The statement of scope for this rule SS 078–13, was approved by the Governor on July 1, 2013, published in Register No. 691, on July 15, 2013, and approved by the Commissioner on July 26, 2013. This emergency rule was approved by the Governor on August 30, 2013.

Finding of Emergency

In accordance with s. 623.98, Stats., the commissioner may promulgate rules under ss. 227.24 (1) (a) and (3), Stats., without providing evidence that promulgating a rule is necessary for the preservation of the public peace, health, safety, or welfare and without a finding of emergency. The commissioner intends to publish the proposed rule sufficiently in advance of October 1, 2013 to permit proper licensing, certification, and training of navigators and nonnavigator assisters and to permit proper registration of navigator and nonnavigator assister entities. The commissioner intends to promulgate permanent rules close in time to the emergency rules so not to create a gap in requirements.

Filed with LRB: September 5, 2013
Publication Date: September 10, 2013
Effective Dates: September 10, 2013 through
 February 6, 2014
Hearing Date: September 27, 2013
Extension Through: April 7, 2014

Natural Resources (5)

Fish, Game, etc., Chs. NR 1—

1. EmR1210 (DNR # WM–09–12(E)) — The Wisconsin Natural Resources Board proposes an order to amend **sections NR 10.001 (25c), 10.02 (1), 10.06 (5) and (8) (intro.), 10.07 (2) (b) 2., 10.07 (2m) (intro.) and (e) (intro.), 10.07 (2m) (f) (intro.), 10.09 (1), 10.13 (1) (b) 9., 10.13 (1) (b) 15., 10.13 (1) (b) 16., 10.145 (intro), 10.145 (3) to (8), 12.10 (intro.), 12.10 (1) (a) 4., 12.10 (1) (b) 2., 12.15 (13) and 19.25** and to create **sections NR 10.001 (22q), 10.001 (23a), 10.001 (23am), 10.001 (23b), 10.001 (26g), 10.001 (33), 10.01 (3) (j), 10.07 (1) (m), 10.07 (2m) (em), 10.07 (2m) (g) 3., NR 10.07 (4), 10.13 (1) (b) 15m., 10.13 (1) (b) 18., 10.145 (1m), (1u) and Note, sections NR 10.16 (5), 10.295, 12.15 (11) (e), 12.60 to 12.63, 12.64 (1) (a) and (b) (intro.) 1., 12.64 (1) (b) 2. and 3., 12.64 (1) (b) 4. and 5., 12.64 (2) (a) to (c), 12.64 (2) (d), 12.64 (3) and 12.65**, relating to the wolf hunting and trapping season and regulations and a depredation program.

This emergency rule was approved by the Governor on August 10, 2010.

The statement of scope for this rule, SS 023–12, was approved by the Governor on April 12, 2012, published in Register No. 676, on April 30, 2012, and approved by the Natural Resources Board on May 23, 2012.

Finding of Emergency

A non-statutory provision, SECTION 21, of 2011 ACT 169 requires the department to submit rules necessary for implementation or interpretation and establishes that the department is not required to make a finding of emergency.

Filed with LRB: August 15, 2012

Publication Date: August 18, 2012

Effective Dates: August 18, 2012 through the date on which the permanent rules take effect, as provided in 2011 Wisconsin Act 169, section 21.

2. EmR1215 (DNR # WM-16-12(E)) — The Wisconsin Natural Resources Board proposes an order to repeal and recreate **section NR 10.01 (3) (h) 1.**, relating to the coyote hunting season.

This emergency rule was approved by the Governor on August 30, 2012.

The statement of scope for this rule, SS 038-12, was approved by the Governor on May 29, 2012, published in Register No. 678, on June 14, 2012, and approved by the Natural Resources Board on June 27, 2012.

Finding of Emergency

A non-statutory provision, Section 21, of 2011 ACT 169 requires the department to submit rules necessary for implementation or interpretation and establishes that the department is not required to make a finding of emergency.

Filed with LRB: September 14, 2012

Publication Date: October 1, 2012

Effective Dates: October 1, 2012 through the date on which the permanent rules take effect, as provided in 2011 Wisconsin Act 169, section 21.

3. EmR1319 (DNR # WM-22-13(E)) — The Wisconsin Natural Resources Board proposes an order to amend **sections NR 10.275 (intro.) and 45.09 (1)** and to create **sections NR 10.13 (Note) and 10.275**, relating to hunting and trapping in state parks.

This rule was approved by the Governor on October 31, 2013.

The statement of scope for this emergency rule, SS 083-13, was approved by the Governor on July 15, 2013, published in Register No. 691 on July 31, 2013 and approved by the Natural Resources Board on August 14, 2013.

Finding of Emergency

The department finds that putting this rule into effect prior to the time it would take effect using the permanent rule process is necessary to protect the public safety and welfare. By restricting gun and archery hunting to certain areas, and trapping to certain areas and methods, this rule will prevent those activities in locations where they may jeopardize the safety and welfare of visitors to the Wisconsin State Park System.

Filed with LRB: November 7, 2013

Publication Date: November 15, 2013

Effective Dates: November 15, 2013 through April 13, 2014

4. EmR1320 (DNR # FH-27-13(E)) — The Wisconsin Natural Resources Board proposes an order to create **Chapter NR 85**, relating to development of a competitive grant program for cities, villages, towns, counties, federally

recognized Indian tribes or bands located in this state, and fish farms in order to increase the capacity to raise walleye for stocking in Wisconsin waters.

This rule was approved by the Governor on November 8, 2013.

The statement of scope for this emergency rule, SS 104-13, was approved by the Governor on August 12, 2013, published in Register No. 692 on September 1, 2013 (August 31, 2013), and approved by the Natural Resources Board on September 25, 2013.

Finding of Emergency — Exemption

2013 Wisconsin Act 20, the 2013-15 state budget, included the following nonstatutory language: The department of natural resources may promulgate emergency rules under section 227.24 of the statutes implementing sections 29.739 and 29.740 of the statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated for walleye population maintenance and enhancement grants remain in effect until June 30, 2016, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide evidence that promulgating this 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 under this subsection.

Filed with LRB: November 14, 2013

Publication Date: November 21, 2013

Effective Dates: November 21, 2013 through June 30, 2016, or the date on which permanent rules take effect, whichever is sooner.

Hearing Date: December 12, 2013 and December 19, 2013

5. EmR1401 (DNR # FH-26-13(E)) — The Wisconsin Natural Resources Board proposes an order to amend **sections NR 20.20 (73) (n) 4. and 25.06 (1) (a)**, Wis. Adm. Code, relating to lake trout harvest limits in Lake Superior.

This rule was approved by the Governor on December 30, 2013.

The statement of scope for this rule, SS 108-13, was approved by the Governor on August 13, 2013, published in Register No. 692 on August 31, 2013, and approved by the Natural Resources Board on September 25, 2013.

Finding of Emergency

Pursuant to s. 227.4, Stats., the department finds that an emergency exists and that this rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. The welfare of state-licensed commercial fishers, tribal commercial fishers, recreational anglers, and associated businesses is threatened by a decline in the lake trout population in the Apostle Islands vicinity of Lake Superior. The continued, persistent decline in lake trout population abundances and predicted further declines necessitate the current reductions in order to ensure a sustainable lake trout fishery over the long-term. Lake trout harvest limits were negotiated in October 2013 among the Department of Natural Resources and the Red Cliff and Bad River Bands of Lake Superior Chippewa and those changes must be ordered through administrative code. This emergency rule is needed to preserve the public welfare.

Filed with LRB: January 14, 2014

Publication Date: January 13, 2014
Effective Dates: January 13, 2014 through June 11, 2014

Public Instruction

EmR1324 — The State Superintendent of Public Instruction hereby proposes to amend **sections PI 5.02 (6) and (11m), 5.035 (6), and 5.04**, relating to high school equivalency diplomas and certificates of general educational development.

Per the Dane County Circuit Court order issued in *Coyne, et al. v. Walker, et al.*, Case No. 11-CV-4573, the Department of Public Instruction is not required to obtain the Governor's approval for the statement of scope or this rule.

The scope statement for this rule, SS 093-13, was published in Register No. 692, on August 14, 2013, and approved by State Superintendent Tony Evers on August 27, 2013.

Finding of Emergency

The Department of Public Instruction 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 the facts constituting the emergency is:

The number of subtests and the passing scores for the General Educational Development (GED) Test will be changing in January 2014 when a new test is implemented by the GED Testing Service.

Unless the rule is changed to reflect these new subtests and passing scores, the Department may be prevented from issuing credentials for test takers who pass the GED Test because the required passing scores will be incorrect.

Filed with LRB: December 27, 2013
Publication Date: December 27, 2013
Effective Dates: December 27, 2013 through May 25, 2014
Hearing Date: February 24, 2014

Revenue

EmR1323 — The Wisconsin Department of Revenue hereby adopts an emergency rule interpreting s. 77.58 (1) (a) and (5), Stats., and amending **section Tax 11.93**, relating to sales tax filing frequency.

This emergency rule was approved by the Governor on November 15, 2013.

The scope statement for this rule, SS 100-13, was approved by the Governor on August 2, 2013, published in Register No. 692 on August 31, 2013, and approved by the Secretary of Revenue on September 10, 2013.

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:

Section 77.58 (1), Stats., provides that retailers must file sales tax returns quarterly, except as provided in s. 77.58 (1) (a) and (b), Stats., which allows for sales tax returns to be filed monthly.

Section 77.58 (5), Stats., provides that the department may require returns and payments on the amount of taxes for other than a quarterly period if it deems it necessary to ensure payment to or facilitate the collection by the state of the amount of taxes. The department has provided for annual sales tax returns by rule in s. Tax 11.93 (1) for retailers that have an annual tax liability of \$300 or less.

Because 2013 Wis. Act 20 doubles the threshold upon which a monthly sales tax return is required to be filed (\$600 to \$1200), s. Tax 11.93 (1) should also be changed to reflect a similar increase in the threshold upon which an annual sales tax return can be filed.

As the statutory change to the monthly filing standard goes into effect on January 1, 2014, the corresponding change to the annual filing standard in s. Tax 11.93 (1) should also go into effect on January 1, 2014. There is insufficient time for the permanent rule to be effective on January 1, 2014.

Filed with LRB: December 19, 2013
Publication Date: January 1, 2014
Effective Dates: January 1, 2014 through May 30, 2014
Hearing Date: January 27, 2014

Safety and Professional Services (2)

Professional Services, Chs. SPS 1-299

1. EmR1307 — The Wisconsin Department of Safety and Professional Services adopts an order to repeal **section SPS 81.04 (1) (c) 3. and 4.**, and to amend **section SPS 81.04 (2)**, relating to reciprocity.

This emergency rule was approved by the Governor on May 20, 2013.

The statement of scope for this rule, SS 012-13, was approved by the Governor on January 28, 2013, published in Register No. 686 on February 14, 2013, and approved by the Department of Safety and Professional Services on February 28, 2013.

Finding of Emergency

The Department of Safety and Professional Services finds that an emergency exists and that this rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is as follows:

Title XI of the Federal Financial Institutions Reform and Recovery Enforcement Act of 1989, as amended by the Dodd-Frank Act of 2010, dictates reciprocity requirements for real estate appraisers in each state. The federal body that oversees reciprocity requirements is the Appraisal Subcommittee (ASC). Currently, Wis. Admin. Code s. SPS 81.04 is not in compliance with the federal legislation. The Code must be brought into compliance by July 1, 2013. At that time, the ASC will conduct an audit to determine which states are in compliance. If Wisconsin is designated "out of compliance," then federally regulated financial institutions may not engage a Wisconsin certified or licensed appraiser to perform an appraisal of property for a federally related transaction and other states will not be required to recognize Wisconsin credentialed appraisers seeking reciprocity. In order to implement the federally mandated reciprocity requirements before July 1, 2013, an emergency rule is needed.

Filed with LRB: June 12, 2013

Publication Date: June 18, 2013
Effective Dates: June 18, 2013 through
 November 14, 2013
Extension Through: March 14, 2014

Publication Date: June 13, 2013
Effective Dates: June 13, 2013 through
 November 9, 2013
Hearing Date: August 6, 2013
Extension Through: March 9, 2014

2. EmR1308 — The Wisconsin Department of Safety and Professional Services adopts an order to create **section SPS 34.04 (2) (a) 4.**, relating to training of firearms instructors for private security personnel, private detectives, and private investigators or special investigators, and affecting small business.

This emergency rule was approved by the Governor on May 29, 2013.

The statement of scope for this rule, SS 080–12, was approved by the Governor on October 2, 2012, published in Register No. 682 on October 31, 2012, and approved by the Department of Safety and Professional Services on December 4, 2012.

Finding of Emergency

The Department of Safety and Professional Services (DPS) finds that an emergency exists and that this rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is as follows.

Under section SPS 34.02 (1), private security personnel, private detectives, and private investigators or special investigators, who are seeking a firearms permit from the Department must obtain a certificate of firearms proficiency. Section SPS 34.02 (2) mandates that the certification be received from a Department–approved firearms–proficiency certifier pursuant to section SPS 34.04.

Section SPS 34.04 currently accepts only those certifier applicants who have received training as a police or security firearms instructor and who have either (1) current approval as a firearms instructor by the Wisconsin Law Enforcement Standards Board (LESB); (2) current certification as a law enforcement firearms instructor by the National Rifle Association, Inc., (NRA) or; (3) approval on or after January 1, 1995, as a firearms instructor by the LESB or NRA and have completed a refresher course presented by a regional training school approved by the LESB or the NRA.

Due to enactment of 2011 Wisconsin Act 35 (commonly referred to as the concealed carry law), which became effective on November 1, 2011, there is a greater need for additional entities who can provide training and approve applicants as firearms proficiency certifiers. Section 175.60 (4) of the Statutes currently allows technical colleges, colleges, and universities to provide this training for concealed–carry purposes. No such provision is made as it relates to private security personnel, private detectives, and private investigators or special investigators, for carrying a weapon openly. Moreover, the training needed for DPS firearms certifiers differs significantly from that needed and provided by the LESB curriculum and under 2011 Act 35. To that end, a new standard needs to be developed and implemented, separate and distinct from the LESB standards. Because the need to approve applicants for firearm proficiency certifiers is immediate and pressing, emergency rules are warranted.

Filed with LRB: June 13, 2013

Safety and Professional Services

Uniform Dwelling Code, Chs. 320–325

EmR1403 — The Wisconsin Department of Safety and Professional Services adopts an order to amend **sections SPS 321.02 (1) (c), 321.23, Table 321.25–A, 321.25 (7) (d) and (8) (a) (Note), and Chapters 320 to 325 Appendix — Minimum Fastener Schedule Table**; and to repeal and recreate **section SPS 321.25 (8) (b) to (h) and (9)**, relating to wall bracing for one– and two–family dwellings.

This emergency rule was approved by the Governor on January 28, 2014.

The statement of scope for this rule, SS 139–13, was approved by the Governor on October 28, 2013, published in Register 695 on November 14, 2013, and approved by the Department on November 26, 2013.

Finding of Emergency

The Department of Safety and Professional Services finds that an emergency exists and that this rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is as follows.

Some building designers find the current rules for wall bracing for one– and two–family dwellings are too difficult to understand and apply, which results in unnecessary costs and delays in home building. Promulgating revisions to the rules through the emergency rule process is needed in order to avoid these costs and delays as soon as possible. In addition, the report that the Dwelling Code Council is required to complete by July 1, 2014, under section 101.62 (4) of the Statutes is expected to include recommendations to clarify and simplify these rules through the emergency rule process.

Filed with LRB: February 13, 2014
Publication Date: February 19, 2014
Effective Dates: April 1, 2014 through
 August 28, 2014
Hearing Date: March 11, 2014

Safety and Professional Services — Controlled Substances Board

EmR1318 — The Controlled Substances Board adopts an order to create **section CSB 2.36**, relating to scheduling controlled substances.

This emergency rule was approved by the Governor on September 20, 2013.

The statement of scope for this rule, SS 062–13, was approved by the Governor on May 29, 2013, published in Register 690 on June 15, 2013, and approved by the Controlled Substances Board on July 15, 2013.

Finding of Emergency

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

The Brown County District Attorney's office has provided the Controlled Substances Board with information relevant to emergency scheduling and the commencement of a prosecution concerning a controlled substance analog. UR-144, XLR-11, and AKB48 are pharmacologically similar to Schedule I substances THC and JWH-018. By sharing pharmacological similarities with the Schedule I substances, synthetic cannabinoids pose a risk both to the individual user and other affected individuals. UR-144, XLR-11, and AKB48 are being marketed as "legal" alternatives to marijuana. This characterization (and the reputation as potent herbal intoxicants) has increased their popularity and prevalence.

The Controlled Substances Board finds that scheduling of UR-144, XLR-11, and AKB48 on an emergency basis is necessary to avoid an imminent hazard to public safety. The substances are not included in any other schedule and no exemption or approval is in effect for the substance under 21 USC 355.

On May 16, 2013, the U.S. Department of Justice Drug Enforcement Administration emergency scheduled UR-144, XLR11, and AKB48 as Schedule I, illegal drugs under the Controlled Substances Act.

Filed with LRB: October 17, 2013
Publication Date: October 13, 2013
Effective Dates: October 13, 2013 through October 12, 2014
Hearing Date: November 11, 2013

Transportation

EmR1404 — The Wisconsin Department of Transportation proposes an order to create **section Trans 327.14**, relating to motor carrier safety and affecting small businesses.

This emergency rule was approved by the Governor on February 10, 2014.

The statement of scope for this rule, SS 155-13, was approved by the Governor on December 16, 2013, published in Register 696, on December 31, 2013, and approved by Secretary Mark Gottlieb as required by s. 227.135 (2), Stats., on January 13, 2014.

Finding of Emergency

The welfare of commercial motor vehicle drivers who hold a commercial driver license ("CDL") issued by the State of Wisconsin who operate commercial motor vehicles outside this state will be harmed beginning January 30, 2014, if they cannot demonstrate compliance with recent federal regulations because they will be treated by other states as unlicensed drivers. Beginning on January 1, 2014, federal regulations require CDL holders to have certified to DOT the type of commercial driving they do and, if required, to have submitted proof of medical fitness to drive, and to have their driving records updated by DOT to show these actions, before driving a commercial motor vehicle. The Department published the scope statement for permanent rulemaking in

September 2011 to implement these federal requirements. The permanent rulemaking effort is ongoing but will not take effect before the January 30, 2014 deadline for compliance.

Filed with LRB: February 14, 2014
Publication Date: February 16, 2014
Effective Dates: February 16, 2014 through July 15, 2014

Workforce Development

Unemployment Insurance, Chs. DWD 100-150

EmR1316 — The Wisconsin Department of Workforce Development hereby adopts an order to repeal **sections DWD 126.02 (2), (3), and (4), 126.03 (1), 126.04, 126.05, 127.01 (2) (b), (f) to (i), and (3), 127.02 (intro.), (1), (2), (3), and (4), 127.02 (5) and (10), and 127.08**; to renumber and amend **section DWD 126.02 (1)**; to amend **sections DWD 126.01, 126.03 (intro.) and (2), 127 (title), 127.01 (1), (2) (intro.), (a), (c), and (d), 127.02 (7), (9), and (11), 127.04 (title), (1), and (2), 127.05, 127.06 (1), (2), and (3), 127.07 (title) and (1), 128.01 (2) (a), and 129.01 (1) and (2)**; to repeal and recreate **sections DWD 127.01 (2) (j) and 127.07 (2)**; and to create **sections DWD 126.02 (Note), 126.03 (3), (4), (5), (6), and (7), 127.01 (2) (em), 127.02 (12), 127.04 (1m) (e), and 127.06 (1) (c)**, relating to unemployment insurance work registration, work search, and benefit claiming procedures.

This emergency rule was approved by the Governor on September 20, 2013.

The statement of scope for this emergency rule, SS 106-13, was approved by the Governor on August 14, 2013, published in Register No. 692 on August 31, 2013, and approved by the Secretary of Workforce Development on September 11, 2013.

Finding of Emergency

The Department of Workforce Development finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public welfare. Statements of the facts constituting the emergency are:

- (1) In order to fulfill the new statutory directives to require claimants for unemployment insurance benefits to increase their number of weekly work search actions from two to at least four;
- (2) In order to simplify the process and compliance with respect to requirements for unemployment insurance claimants to register for work;
- (3) In order to execute the new statutory requirement to request additional information from claimants;
- (4) In order to improve the unemployment insurance trust fund balance and thereby relieve employers of the burden of additional taxation;
- (5) In order to better assist unemployment insurance benefit claimants to obtain gainful employment; and,
- (6) In order to promote the improvement in the Wisconsin economy as a result of the immediate implementation of legislative directives with respect to the unemployment insurance program contained in 2013 Wisconsin Act 20 and 2013 Wisconsin Act 36.

Adoption of the emergency rule will ensure that these legislative directives are implemented within the time-frame envisioned with enactment of 2013 Wisconsin Act 20 and 2013 Wisconsin Act 36.

Filed with LRB: September 25, 2013

Publication Date: September 29, 2013

Effective Dates: September 29, 2013 through February 25, 2014, except that changes to ss. DWD 126.03 and 127.02 take effect after the Secretary determines the Department has the technological ability to implement the changes.

Hearing Date: November 4, 2013

Extension Through: April 26, 2014

Workforce Development

Employment and Training, Chs. DWD 805–830

EmR1317 — The Wisconsin Department of Workforce Development hereby adopts an order to create **Chapter DWD 801**, relating to workforce training grants under the Wisconsin Fast Forward program.

This emergency rule was approved by the Governor on September 20, 2013.

The statement of scope for this rule, SS 109–13, was approved by the Governor on August 15, 2013, published in

Register No. 692 on August 31, 2013, and approved by the Department of Workforce Development on September 11, 2013.

Finding of Emergency

The Department of Workforce Development (DWD) finds that an emergency exists and emergency rules are necessary for the immediate preservation of the public peace, health, safety, or welfare. The reason for the emergency is:

DWD proposes to create new rules in Chapter DWD 801 to implement the program of workforce training grants enacted by 2013 Wisconsin Act 9. DWD held a public hearing on the permanent rule for this new program on July 15, 2013, and has made revisions to the text of the proposed permanent rule in response to the comments received. It would now benefit the public welfare to proceed with the rules in emergency form so that the program can begin this fall.

Filed with LRB: September 25, 2013

Publication Date: September 29, 2013

Effective Dates: October 1, 2013 through February 27, 2014

Hearing Date: November 5, 2013

Extension Through: April 28, 2014

Scope Statements

Agriculture, Trade and Consumer Protection

SS 009-14

This statement of scope was approved by the governor on February 10, 2014.

Rule No.

Chapters ATCP 20, 21, 29, 30, 33, 35, 40, 42, 49, 50, 71, 90, 91, 92, 94, 105, 123, 127, and 161 (revise).

Relating to

Seed labeling and sale; plant inspection and pest control, pesticide use and control; pesticide product restrictions; fertilizer and pesticide bulk storage; agricultural chemical cleanup program; fertilizer and related products; commercial feed; farmland preservation; soil and water resource management program; food warehouses and bulk milk distributors; fair packaging and labeling; selling commodities by weight, measure or count; weights and measures; petroleum and other liquid fuel products; sales below cost; electronic communication services; direct marketing; agricultural development and market promotion.

Rule Type

Permanent

1. Finding/Nature of Emergency (Emergency Rule Only)

N/A

2. Detailed Description of the Objective of the Proposed Rule

This proposed rule will make technical changes (Non-substantive or minor substantive changes) to a number of administrative code chapters administered by DATCP. This rule may make the following technical changes to current rules:

- Update technical standards incorporated by reference in current rules (new editions of technical references cited in current rules).
- Correct erroneous and obsolete citations and cross-references.
- Correct typographical errors.
- Make non-substantive organizational and drafting changes.
- Make other minor changes to current rules to incorporate new statutory language.

4. Detailed Explanation of Statutory Authority for the Rule (Including the Statutory Citation and Language)

93.07 Department duties

(1) REGULATIONS. To make and enforce such regulations, not inconsistent with law, as it may deem necessary for the exercise and discharge of all the powers and duties of the department, and to adopt such measures and make such regulations as are necessary and proper for the enforcement

by the state of chs. 93 to 100, which regulations shall have the force of law.

(12) PLANT PESTS. To conduct surveys and inspections for the detection and control of pests injurious to plants, make, modify, and enforce reasonable rules needed to prevent the dissemination of pests, declare and manage emergencies relating to the detection and control of pests injurious to plants, provided that such declaration does not supersede the authority of the chief state forester under s. 23.114 or the department of natural resources under s. 26.30, and suggest methods of control.

(24) ENFORCEMENT OF LAWS. To enforce chs. 88 and 93 to 100 and all other laws entrusted to its administration, and especially:

(a) To enforce the laws regarding the production, manufacture and sale, offering or exposing for sale or having in possession with intent to sell, of any dairy, food or drug product.

(b) To enforce the laws regarding the adulteration or misbranding of any articles of food, drink, condiment or drug.

(c) To inspect any milk, butter, cheese, lard, syrup, coffee, tea or other article of food, drink, condiment or drug made or offered for sale within this state which it may suspect or have reason to believe to be impure, unhealthful, misbranded, adulterated or counterfeit, or in any way unlawful.

(d) To prosecute or cause to be prosecuted any person engaged in the manufacture or sale, offering or exposing for sale or having in possession with intent to sell, of any adulterated dairy product or of any adulterated, misbranded, counterfeit, or otherwise unlawful article or articles of food, drink, condiment or drug.

94.45 Seed Sales. (6) The department shall promulgate rules that establish and enforce the standards for labeling, distribution, sampling, inspecting, analyzing, testing, examination and sale of agricultural seed and vegetable seed.

97.09 Rules. (4) The department may, by rule, establish and enforce standards governing the production, processing, packaging, labeling, transportation, storage, handling, display, sale, including retail sale, and distribution of foods that are needed to protect the public from the sale of adulterated or misbranded foods.

5. Estimate of Amount of Time that State Employees Will Spend Developing the Rule and of Other Resources Necessary to Develop the Rule

The department estimates that it will use approximately 0.20 FTE staff to develop this rule. That includes time required for investigation and analysis, rule drafting, preparing related documents, coordinating advisory committee meetings, holding public hearings, and communicating with affected persons and groups. The department will use existing staff to develop this rule.

6. List with Description of all Entities that may be Affected by the Proposed Rule

The proposed technical changes to current rules will not have any impact on persons covered by those rules. There will be no adverse impact on business or local government.

7. Summary and Preliminary Comparison with any Existing or Proposed Federal Regulation That is Intended to Address the Activities to be Regulated by the Proposed Rule

Not applicable.

8. Anticipated Economic Impact of Implementing the Rule (Note if the Rule is Likely to Have a Significant Economic Impact on Small Businesses)

None.

Contact Person

Kelly Monaghan, Legal Assistant, (608) 224-5023.

Natural Resources

Fish, Game, etc., Chs. 1—

SS 012-14

(DNR # FH-02-14, FH-03-14(E))

This statement of scope was approved by the governor on February 14, 2014.

Rule No.

Chapters NR 20, 23 (revise).

Relating to

Modifications in daily bag limit and minimum size limit in response to tribal harvest.

Rule Type

Permanent and Emergency rules.

1. Finding/Nature of Emergency (Emergency Rule Only)

The Department of Natural Resources (Department) finds that an emergency rule is needed to promote the preservation and protection of public peace, health, safety, and welfare in the Ceded Territory of Wisconsin by minimizing regional social and economic disruption known to be associated with reductions in walleye bag limits on off-reservation waters. Pursuant to litigation arising from *Lac Courte Oreilles v Voigt*, 700 F. 2d 341 (7th Cir. 1983), the six Wisconsin bands of Lake Superior Ojibwe (Chippewa Bands) have the right to take walleye from off-reservation waters using efficient methods such as spearing and netting.

Authority to promulgate an emergency rule under this scope will provide the Department with the flexibility necessary to adjust angler regulations to potentially alleviate and minimize regional social and economic disruption known to be associated with reductions in walleye bag limits on off-reservation waters within the Ceded Territory.

2. Detailed Description of the Objective of the Proposed Rule

The proposed rules would allow emergency and permanent changes for making adjustments to fishing regulations in the Ceded Territory to allow more flexibility in responding to tribal declarations and harvest levels. Currently these regulations are prescribed in ss. NR 20.18, 20.20, 20.36, 20.37, and 23.055. In particular, the Department may consider comparable alternatives to bag limit adjustments such as size limit or season adjustments.

Additional rule changes may be pursued which are reasonably related to those discussed here.

3. Description of the Existing Policies Relevant to the Rule, New Policies Proposed to be Included in the Rule, and an Analysis of Policy Alternatives

The proposed rules would make modifications to portions of chs. NR 20 and 23, pertaining to sport fishing regulations on inland and border waters of Wisconsin. These changes are proposed to protect and enhance the State's fish resources.

Current administrative code requires the Department to make changes to angler bag limits for walleye in lakes named for harvest by any of the Chippewa Bands. These bag limit adjustments are designed to prevent exceeding 35% exploitation of individual walleye fisheries by joint tribal and angler harvest. Angler bag limit reductions are designed to accommodate the intended amount of tribal harvest.

Factors affecting expected tribal harvest in 2014 and beyond are currently uncertain and the Department requests approval to consider rule alternatives to angling regulations relating to tribal harvest which could better accommodate final declared, expected, or realized tribal harvest levels as they become known for each fishing season.

4. Detailed Explanation of Statutory Authority for the Rule (Including the Statutory Citation and Language)

Section 29.014 (1), Stats., directs the Department to establish and maintain conditions governing the taking of fish that will conserve the fish supply and ensure the citizens of this state continued opportunities for good fishing.

Section 29.041, Stats., provides that the Department may regulate fishing on and in all interstate boundary waters and outlying waters.

5. Estimate of Amount of Time that State Employees Will Spend Developing the Rule And of Other Resources Necessary to Develop the Rule

Approximately 250 hours.

6. List with Description of all Entities that may be Affected by the Proposed Rule

Licensed sport anglers.

7. Summary and Preliminary Comparison with any Existing or Proposed Federal Regulation That is Intended to Address the Activities to be Regulated by the Proposed Rule

The Department is not aware of any existing or proposed federal regulation that would govern sport fishing in Wisconsin's waters.

8. Anticipated Economic Impact of Implementing the Rule

The proposed rule change would impact sport anglers. Changes in angling regulations enacted to accommodate declared, expected, or realized tribal harvest could potentially alleviate and minimize regional social and economic disruption known to be associated with reductions in walleye bag limits on off-reservation waters within the Ceded Territory. Exact economic impact of the rule is unknown, but likely minimal impact (less than \$50,000 per year) is expected for businesses or business associations.

No additional compliance or reporting requirements will be imposed on small businesses as a result of these rule changes. During rule development, the proposed rule will be available for review and comment at <https://health.wisconsin.gov/admrules/public/Search>.

9. Anticipated Number, Month, and Locations of Public Hearings

The Department anticipates holding two public hearings in the month of May 2014. Hearing cities will be: Madison and Wausau. If possible, hearings will be combined for the emergency and permanent rules.

The Department will hold these hearings in these locations to gather input from sport anglers and tribal interests.

Contact Person

Mike Staggs, (608) 267-0796,
mike.staggs@wisconsin.gov.

Transportation

SS 013-14

This statement of scope was approved by the governor on January 24, 2014.

Rule No.

Chapter Trans 58 (create).

Relating to

Surveying reference station system (height modernization) user fee.

Rule Type

Permanent.

1. Finding/Nature of Emergency (Emergency Rule Only)

NA

2. Detailed Description of the Objective of the Proposed Rule

2013 Wisconsin Act 20, the 2013-15 Biennial Budget Act, created s. 85.63, Wis. Stats., which directs the Wisconsin Department of Transportation (DOT) to administer a Surveying Reference Station System program.

The purpose of the Surveying Reference Station System is to make elevation data available to governments, businesses, agricultural users and members of the public in the design, construction and maintenance of highways and related infrastructure, in tracking groundwater and surface water movement, for precise agricultural positioning, and in mapping. Use of the system improves the accuracy of surveying by establishing “heights” using global positioning systems (GPS) technology and modern remote sensing methods. The name “Height Modernization Program” is used to describe the DOT program that creates and operates this system.

2013 Wisconsin Act 20 authorizes DOT to charge a fee for providing access to this system and directs that the fee be established by rule. It provides no direction as to how the fee should be structured. This fee is called the Height Modernization User Fee to maintain consistency with the name of the program that operates the Surveying Reference Station System.

3. Description of the Existing Policies Relevant to the Rule, New Policies Proposed to be Included in the Rule, and an Analysis of Policy Alternatives

DOT has an existing policy of charging users of systems it develops and maintains. For example, state residents pay fees for driver’s licenses, vehicle and title registration, and motor

carriers pay a variety of license and permit fees. Most of the dollars that come into the transportation fund are directly or indirectly user fees, and the policy of charging a fee for use is well established.

The proposed Height Modernization fee will be a user fee and its creation is consistent, from a policy perspective, with existing practice. Unlike most fees assessed by DOT to transportation users, the law creating this fee specified it be program revenue — it will be assessed only to registered users and the funds generated will be used specifically for maintenance of the surveying reference station system. Because this is specified in law, the Department will not be considering other alternatives.

The Department proposes forming an advisory committee made up of representatives of the groups impacted by the fee. This advisory group will provide information and advice on the structure of the fee and related operational issues, including level of system service.

4. Detailed Explanation of Statutory Authority for the Rule (Including the Statutory Citation and Language)

2013 Wisconsin Act 20 in Section 1581 creates s. 85.63, Stats., which in turn creates a requirement for DOT to develop a surveying reference system, and by rule, fees to provide access to this system as follows:

s. 85.63 Surveying reference station system. (1) The department shall administer a surveying reference station system consisting of all of the following:

(a) A passive system consisting of a network of monuments located throughout the state that is used to generate latitude, longitude, and elevation data.

(b) An active surveying reference station system consisting of reference stations statewide that continuously transmit global positioning system data to a system server, and the server that receives and processes the data received from the reference stations.

(2) The department may charge a fee for providing access to the system under sub. (1) in an amount to be established by rule. All fees received under this subsection shall be deposited in the general fund and credited to the appropriation account under s. 20.395 (3) (jg).

Section 331 in 2013 Wisconsin Act 20 creates an appropriation for fees collected under the proposed rules thusly:

20.395 (3) (jg) of the statutes is created to read:

20.395 (3) (jg) *Surveying Reference Station System.* From the general fund, all moneys received under s. 85.63 (2), Stats., for maintenance and operation costs of the surveying reference station system under s. 85.63 (1), Stats.

5. Estimate of Amount of Time that State Employees Will Spend Developing the Rule and of Other Resources Necessary to Develop the Rule

The Department estimates DOT staff will spend an estimated 0.7 FTE (1452 hrs) developing this administrative rule, as follows:

Surveying and Mapping staff: 2.0 FTE x 4 hrs/wk x 78 weeks = 624 hrs

Bureau of Technical Services supervisory staff 1.0 FTE x 2 hrs/wk x 78 weeks = 156 hrs

Bureau of Technical Services director: 1.0 FTE x 1 hr/wk x 40 weeks = 40 hrs

Bureau of Information Technology Services staff: 1.0 FTE x 320 hrs = 320 hrs

Office of Policy, Budget and Finance staff: 1.0 FTE x 2 hrs/wk x 78 wks = 156 hrs

Communications staff: 1.0 FTE x 2 hrs/wk x 78 wks = 156 hrs

Additional resource expenditures include BITS software development costs of \$100,000, and meeting resources for eight meetings of the Height Modernization Administrative Rule Advisory Committee.

6. List with Description of all Entities that may be Affected by the Proposed Rule

Users of the Surveying Reference Station System include the DOT and a variety of other state and local governments and private businesses. The system is used in the design, construction and maintenance of highways and related infrastructure, in tracking groundwater and surface water movement, for precise agricultural positioning, and in mapping.

There are currently 1528 registered users which are categorized as follows: 22% agriculture related businesses (farmers, agricultural equipment dealers, etc.); 12% construction-related businesses; 1% education/research related entities; 53% engineering/surveying related businesses; 7% that use the system for GIS mapping; and 5% other.

7. Summary and Preliminary Comparison with any Existing or Proposed Federal Regulation that is Intended to Address the Activities to be Regulated by the Proposed Rule

There are no existing or proposed federal regulations that specify a fee for access to a surveying reference system. These systems operate at the state, local, or private sector level.

8. Anticipated Economic Impact of Implementing the Rule (Note if the Rule is Likely to Have a Significant Economic Impact on Small Businesses)

The economic impact on system users will be the fee that is assessed. Preliminary information gathered indicates that between \$500,000 and \$1,000,000 will be required annually to fund the system maintenance and upgrade costs. With approximately 500 users expected to remain as a base, the average fee would be \$1,000 – \$2,000 per user. The DOT believes this would not have a significant economic impact.

Contact Person

Linda Merriman Hitchman OPBF, (608) 266-1585.

Ray Kumapayi DTSD, (608) 246-7941.

Workforce Development

Apprenticeship, Chs. 295—296

SS 010-14

This statement of scope was approved by the governor on February 12, 2014.

Rule No.

Section DWD 295.25 (create).

Relating to

Apprenticeship completion awards under 2013 Wisconsin Act 57.

Rule Type

Permanent

The Department of Workforce Development (DWD) gives notice pursuant to s. 227.135, Stats., that it proposes to create new rules in Chapter DWD 295 to implement the program of apprenticeship completion awards enacted by 2013 Wisconsin Act 57.

Detailed Description of the Objective of the Proposed Rule

In 2013 Wisconsin Act 57, the Governor and Legislature have enacted s. 106.05, Wis. Stats., which provides that DWD shall administer an apprenticeship completion award program to partially reimburse tuition costs incurred by an apprentice or the sponsor of an apprentice. The amount of reimbursement is 25% of the cost of tuition or \$1,000, whichever is less. The statute also provides that a first payment of no more than \$250 shall be made upon completion of the first year of an apprentice's apprentice contract. The statute requires that DWD promulgate rules to implement the program. DWD expects the rules to cover issues such as the definition of "tuition" and other terms, the requirements of the application process, reimbursement rates, deadlines, the possible need for pro rate limitations on awards, the ending of the program in the absence of future funding, and related topics.

Description of Existing Policies Relevant to the Rule, New Policies Proposed to be Included in the Rule, and an Analysis of Policy Alternatives

There is no existing program or policy for the payment of apprenticeship completion awards. The new statute provides that, from the appropriation provided, DWD shall provide to the apprentice or to the apprentice's sponsor a completion award equal to 25% of the cost of tuition incurred by the apprentice or sponsor, or \$1,000, whichever amount is less. DWD will develop rules that provide a definition of "tuition" and specify how the cost of tuition will be calculated so that this information can be provided in the required application. The rules will specify whether the application is to be on paper or electronic, or if both or other options will be allowed. Policies will need to be developed to specify reimbursement rates, deadlines, determinations on the necessity of pro rata funding, sunset of the program in the absence of continued appropriations, and the application procedure for an apprentice with child support obligations.

Detailed Explanation of Statutory Authority for the Rule (Including the Statutory Citation and Language)

Sec. 106.05(4), Wis. Stats., provides as follows:

"The department shall promulgate rules to implement this section."

Estimate of Amount of Time that State Employees Will Spend Developing the Rule and of Other Resources Necessary to Develop the Rule

The estimated time is 80 hours.

List with Description of All Entities that May Be Affected by the Proposed Rule

Apprentices and the sponsors of apprentices will be affected by this rule.

Summary and Preliminary Comparison with Any Existing or Proposed Federal Regulation that is Intended to Address the Activities to be Regulated by the Proposed Rule

There is no federal regulation that is equivalent to this program.

**Anticipated Economic Impact of Implementing the Rule
(Note if the Rule is Likely to Have a Significant
Economic Impact on Small Businesses)**

The rule will not have a negative economic impact, and is likely to have a small positive economic impact, on individuals and businesses that employ apprentices, including small businesses.

Contact Person

For program questions:

Karen Morgan, DWD Division of Employment and Training,

201 E. Washington Avenue, Madison WI 53703

(608) 266-3313

Karen.Morgan@dwd.wisconsin.gov

For rulemaking questions:

Howard Bernstein, DWD Legal Counsel

P.O. Box 7946

Madison WI 53707

(608) 266-9427

Howard.Bernstein@dwd.wisconsin.gov

Workforce Development

Apprenticeship, Chs. 295—296

SS 011-14

This statement of scope was approved by the governor on February 13, 2014.

Rule No.

Section DWD 295.25 (create).

Relating to

Apprenticeship completion awards under 2013 Wisconsin Act 57.

Rule Type

Emergency

Finding of Emergency

The Department of Workforce Development (DWD) finds that an emergency exists and emergency rules are necessary for the immediate preservation of the public health, safety and welfare. The reason for the emergency is:

The issuance of payments under the apprenticeship completion award program cannot begin until an administrative rule is in effect to implement the procedures used to administer the program. It will benefit the public welfare to place the rule into effect as soon as possible so that apprentices or their sponsors can begin receiving the award payments authorized by the law.

Detailed Description of the Objective of the Proposed Rule

In 2013 Wisconsin Act 57, the Governor and Legislature have enacted s. 106.05, Wis. Stats., which provides that DWD shall administer an apprenticeship completion award program to partially reimburse tuition costs incurred by an apprentice or the sponsor of an apprentice. The amount of

reimbursement is 25% of the cost of tuition or \$1,000, whichever is less. The statute also provides that a first payment of no more than \$250 shall be made upon completion of the first year of an apprentice's apprentice contract. The statute requires that DWD promulgate rules to implement the program. DWD expects the rules to cover issues such as the definition of "tuition" and other terms, the requirements of the application process, reimbursement rates, deadlines, the possible need for pro rate limitations on awards, the ending of the program in the absence of future funding, and related topics.

Description of Existing Policies Relevant to the Rule, New Policies Proposed to be Included in the Rule, and an Analysis of Policy Alternatives

There is no existing program or policy for the payment of apprenticeship completion awards. The new statute provides that, from the appropriation provided, DWD shall provide to the apprentice or to the apprentice's sponsor a completion award equal to 25% of the cost of tuition incurred by the apprentice or sponsor, or \$1,000, whichever amount is less. DWD will develop rules that provide a definition of "tuition" and specify how the cost of tuition will be calculated so that this information can be provided in the required application. The rules will specify whether the application is to be on paper or electronic, or if both or other options will be allowed. Policies will need to be developed to specify reimbursement rates, deadlines, determinations on the necessity of pro rata funding, sunset of the program in the absence of continued appropriations, and the application procedure for an apprentice with child support obligations.

Detailed Explanation of Statutory Authority for the Rule (Including the Statutory Citation and Language)

Sec. 106.05(4), Wis. Stats., provides as follows:

"The department shall promulgate rules to implement this section."

Estimate of Amount of Time that State Employees Will Spend Developing the Rule and of Other Resources Necessary to Develop the Rule

The estimated time is 80 hours.

List with Description of all Entities that may be Affected by the Proposed Rule

Apprentices and the sponsors of apprentices will be affected by this rule.

Summary and Preliminary Comparison with any Existing or Proposed Federal Regulation that is Intended to Address the Activities to be Regulated by the Proposed Rule

There is no federal regulation that is equivalent to this program.

**Anticipated Economic Impact of Implementing the Rule
(Note if the Rule is Likely to Have a Significant
Economic Impact on Small Businesses)**

The rule will not have a negative economic impact, and is likely to have a small positive economic impact, on individuals and businesses that employ apprentices, including small businesses.

Contact Person

For program questions:

Karen Morgan, DWD Division of Employment and
Training,

201 E. Washington Avenue, Madison WI 53703

(608) 266-3313

Karen.Morgan@dwd.wisconsin.gov

For rulemaking questions:

Howard Bernstein, DWD Legal Counsel

P.O. Box 7946

Madison WI 53707

(608) 266-9427

Howard.Bernstein@dwd.wisconsin.gov

Submittal of Proposed Rules to Legislative Council Clearinghouse

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

Natural Resources *Fish, Game, etc., Chs. 1—* **CR 14-012**

(DNR # WM-33-13)

On February 11, 2014, the Department of Natural Resources submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

The statement of scope for this rule, SS 062-12, was approved by the governor on August 14, 2012, published in Register No 680, on August 31, 2012, and approved by the Natural Resources Board on September 26, 2012.

Analysis

The proposed rule-making order revises Chapter NR 10, relating to muskrat and mink trapping seasons.

Agency Procedure for Promulgation

A public hearing will be held: Date to be determined.

Contact Person

Linda Haddix — Bureau of Legal Services, (608) 266-1959.

Public Instruction **CR 14-018**

On February 14, 2014, the Wisconsin Department of Public Instruction submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

The scope statement for this rule, SS 119-13, was published in Register No. 693, on September 30, 2013, and approved by State Superintendent Tony Evers, on October 14, 2013. Per the Dane County Circuit Court order issued in *Coyne, et al. v. Walker, et al.*, Case No. 11-CV-4573, the Department of Public Instruction is not required to obtain the Governor's approval for the statement of scope or this rule.

Analysis

The proposed rule amends repeals section PI 34.34 (1), (2), and (2m); amends section PI 34.33 (intro); and creates sections PI 34.241, 34.242, and 34.243, relating to charter school teaching licenses.

Agency Procedure for Promulgation

Public hearings will be scheduled as required under s. 227.16 (1), Stats.

The Division for Academic Excellence within the Department of Public Instruction is primarily responsible for promulgation of this rule.

Contact Person

If you have questions regarding this rule, you may contact Katie Schumacher, Administrative Rules Coordinator, at Katie.Schumacher@dpi.wi.gov or (608) 267-9127.

Public Instruction **CR 14-021**

On February 19, 2014, the Wisconsin Department of Public Instruction submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

The scope statement for this rule, SS 074-13, was published in Register No. 691, on July 14, 2013, and approved by State Superintendent Evers, on July 24, 2013. Per the Dane County Circuit Court order issued in *Coyne, et al. v. Walker, et al.*, Case No. 11-CV-4573, the Department of Public Instruction is not required to obtain the Governor's approval for the statement of scope or this rule.

Analysis

The proposed rule repeals and recreates Chapter PI 36, relating to public school inter-district open enrollment.

Agency Procedure for Promulgation

Public hearings will be scheduled as required under s. 227.16 (1), Stats.

The Division for Finance and Management within the Department of Public Instruction is primarily responsible for promulgation of this rule.

Contact Person

If you have questions regarding this rule, you may contact Katie Schumacher, Administrative Rules Coordinator, at Katie.Schumacher@dpi.wi.gov or (608) 267-9127.

Safety and Professional Services *Professional Services, Chs. 1—299*

CR 14-013

On February 10, 2014, the Department of Safety and Professional Services submitted a proposed rule to the Legislative Council Rules Clearinghouse.

The scope statement for this rule, SS 023-13, was approved by the Governor on February 18, 2014, published in Register No. 687 on April 1, 2013, and approved by the Department of Safety and Professional Services on April 30, 2013.

Analysis

Statutory authority: Sections 227.11 (2), 444.035, 444.04, 444.06, 444.095 (3), and 444.19, Stats.

The proposed rule-making order repeals Chapters SPS 100 to 105 and revises Chapters SPS 192 to 196, relating to mixed martial arts, amateur boxing, and professional boxing.

Agency Procedure for Promulgation

A public hearing is required and will be held on March 12, 2014, at 1400 East Washington Avenue, Room 121, Madison, Wisconsin (enter at 55 North Dickinson Street).

Contact Person

Jean MacCubbin, Department of Safety and Professional Services, Division of Policy Development, phone (608) 266-0955, email jean.maccubbin@wisconsin.gov.

Safety and Professional Services *Professional Services, Chs. 1—299* **CR 14-014**

On February 10, 2014, the Department of Safety and Professional Services submitted a proposed rule to the Legislative Council Rules Clearinghouse.

The scope statement for this rule, SS 063-13, was approved by the Governor on June 10, 2013, published in Register No. 690 on July 1, 2013, and approved by the Department of Safety and Professional Services on July 16, 2013.

Analysis

Statutory authority: Sections 227.11 (2) (a) and 440.26 (3m), Stats.

This proposed rule-making order revises Chapter SPS 34, relating to firearms and other dangerous weapons for private security personnel, private detectives, and private investigators or special investigators, and rule changes affected by 2011 Act 35.

Agency Procedure for Promulgation

A public hearing is required and will be held on March 12, 2014 at 1400 East Washington Avenue, Room 121, Madison, Wisconsin (enter at 55 North Dickinson Street).

Contact Person

Jean MacCubbin, Department of Safety and Professional Services, Division of Policy Development, phone (608) 266-0955, email jean.maccubbin@wisconsin.gov.

Safety and Professional Services *Professional Services, Chs. 1—299* **CR 14-016**

On February 13, 2014, the Department of Safety and Professional Services submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

The scope statement for this rule, SS 123-13, was approved by the Governor on September 20, 2013, published in Register No. 694 on October 14, 2013, and approved by the Department of Safety and Professional Services on October 28, 2013.

Analysis

Statutory Authority: ss. 227.11 (2) (a), 440.03 (1), 458.03 (1) (b), 458.1085, 458.10 (3), Stats.

This proposed rule-making order revises Chapters SPS 80 to 87, relating to examinations, education, and experience requirements for real estate appraisers.

Agency Procedure for Promulgation

A public hearing is required and will be held on March 14, 2014, at 1400 East Washington Avenue, Room 121B at 9:00 AM, Madison, Wisconsin (enter at 55 North Dickinson Street).

Contact Person

Shawn Leatherwood, Department of Safety and Professional Services, Division of Policy Development, 608-261-4438 or Shancethea.L Leatherwood@wisconsin.gov.

Safety and Professional Services *Professional Services, Chs. 1—299* *General, Part IV, Chs. 388—* **CR 14-019**

On February 14, 2014, the Department of Safety and Professional Services submitted a proposed rule to the Legislative Council Rules Clearinghouse.

The scope statement for this rule, SS 142-13 was approved by the Governor on October 31, 2013, published in Register No. 695 on November 14, 2013, and approved by the Department of Safety and Professional Services on November 25, 2013.

Analysis

Statutory Authority: Sections 227.04 (2) (b), 227.11 (2) (a), 440.03 (1) and (13) (am), Stats.

This proposed rule-making order revises Chapters SPS 1, 1 Appendix I, 1 Appendix II, 2, 2 Appendix I, 3, 3 Appendix I, 4, 6, 7, 8, 8 Appendix I, and 500, relating to administrative procedures and small business discretion.

Agency Procedure for Promulgation

A public hearing is required and will be held on March 17, 2014 at 1400 East Washington Avenue, Room 121A, Madison, Wisconsin (enter at 55 North Dickinson Street).

Contact Person

Katie Paff, Department of Safety and Professional Services, Division of Policy Development, (608) 261-4472 and Kathleen.Paff@wisconsin.gov.

Safety and Professional Services *General Part I, Chs. 301—319* *Commercial Building Code, Chs. 361—366* **CR 14-020**

On February 14, 2014, the Department of Safety and Professional Services submitted a proposed rule to the Legislative Council Rules Clearinghouse.

The scope statement for this rule was published in Register No. 651 on March 15, 2010, and approved by the Department of Commerce on April 16, 2010.

Analysis

Statutory Authority: Sections 101.02 (15) (h) to (j), 101.63 (1), 101.981 (2), 101.982, and 227.11 (2) (a), Stats.

This proposed rulemaking order revises Chapters SPS 318, 362, and 366, relating to elevators, escalators, and lift devices.

Agency Procedure for Promulgation

A public hearing is required and will be held on March 17, 2014, at 1400 East Washington Avenue, Room 121C, Madison, Wisconsin (enter at 55 North Dickinson Street).

Contact Person

Sam Rockweiler, Department of Safety and Professional Services, Division of Policy Development, 608.266.0797, sam.rockweiler@wi.gov.

Executive Order 50, Paragraph III.2. Statement

The Department ensured the accuracy, integrity, objectivity, and consistency of the data used in preparing the proposed rules and corresponding analysis.

Safety and Professional Services
Uniform Dwelling Code, Chs. 320—325
CR 14-015

On February 10, 2014, the Department of Safety and Professional Services submitted a proposed rule to the Legislative Council Rules Clearinghouse.

The scope statement for this rule, SS 139-13, was approved by the Governor on October 28, 2013, published in Register No. 695 on November 14, 2013, and approved by the Department of Safety and Professional Services on November 26, 2013.

Analysis

Statutory Authority: Sections 227.11 (2) (a) and 101.63 (intro.) and (1) (intro.), Stats.

This proposed rulemaking order amends sections SPS 321.02 (1) (c), 321.23, Table 321.25-A, 321.25 (7) (d) and (8) (a) (Note), and chapters SPS 320 to 325 Appendix — Minimum Fastener Schedule Table; and repeals and recreates section SPS 321.25 (8) (b) to (h) and (9), relating to wall bracing for one- and two-family dwellings.

Agency Procedure for Promulgation

A public hearing is required and will be held on March 11, 2014, at 1400 East Washington Avenue, Room 121C, Madison, Wisconsin (enter at 55 North Dickinson Street).

Contact Person

Sam Rockweiler, Department of Safety and Professional Services, Division of Policy Development, (608) 266-0797, sam.rockweiler@wi.gov.

Executive Order 50, Paragraph III.2. Statement

The Department ensured the accuracy, integrity, objectivity, and consistency of the data used in preparing the proposed rules and corresponding analysis.

Safety and Professional Services
Uniform Dwelling Code, Chs. 320—325
General Part II, Chs. 326—360
CR 14-017

On February 13, 2014, the Department of Safety and Professional Services submitted a proposed rule to the Legislative Council Rules Clearinghouse.

The scope statement for this rule, SS 136-13, was approved by the Governor on October 15, 2013, published in Register No. 694 on October 31, 2013, and approved by the Department of Safety and Professional Services on November 12, 2013.

Analysis

Statutory Authority: Sections 101.935 (3), 101.937 (1), 101.96 (1) (a) and (b), and 227.11 (2) (a), Stats.

This proposed rulemaking order revises Chapters SPS 320, 321, and 326, relating to manufactured homes and manufactured home communities.

Agency Procedure for Promulgation

A public hearing is required and will be held on March 14, 2014, at 1400 East Washington Avenue, Room 121C, Madison, Wisconsin (enter at 55 North Dickinson Street).

Contact Person

Sam Rockweiler, Department of Safety and Professional Services, Division of Policy Development, 608.266.0797, sam.rockweiler@wi.gov.

Executive Order 50, Paragraph III.2. Statement

The Department ensured the accuracy, integrity, objectivity, and consistency of the data used in preparing the proposed rules and corresponding analysis.

Rule–Making Notices

Notice of Hearing

Public Instruction CR 14–018

NOTICE IS HEREBY GIVEN That pursuant to s. 115.28 (7) (a), Stats., and interpreting s. 115.28 (7) (g), Stats., the Department of Public Instruction will hold a public hearing as follows to consider the revision of Chapter PI 34, relating to charter school licenses.

Hearing Information

Date: Monday, March 24, 2014
Time: 3:00 to 5:00 p.m.*
Location: GEF 3 Building
 125 South Webster Street
 Room 041
 Madison, Wisconsin

*If no speakers are remaining, the hearing will conclude early (but no earlier than 3:30 p.m.). Those that would like to testify should plan to be there at the beginning of the hearing. For those who cannot attend the public hearing, comments received by the Department will be given the same weight as testimony.

The hearing site is fully accessible to persons with disabilities. If you require reasonable accommodation to access the meeting, please call Katie Schumacher at (608) 267–9127, or leave a message with the Teletypewriter (TTY) at (608) 267–2427, at least 10 days prior to the hearing date. Reasonable accommodation includes materials prepared in an alternative format, as provided under the Americans with Disabilities Act.

Place Where Comments are to be Submitted and Deadline For Submission

The proposed administrative rule is available to review at http://pb.dpi.wi.gov/pb_rulespg or <https://health.wisconsin.gov/admrules/public/Rmo?nRmold=15825>. Comments can be made by using the contact information below. Written comments on the proposed rules received no later than **March 28, 2014**, will be given the same consideration as testimony presented at the hearing.

Agency Contact Person

Katie Schumacher, Administrative Rules Coordinator and Small Business Regulatory Coordinator, Katie.Schumacher@dpi.wi.gov, Department of Public Instruction, 125 South Webster Street, P.O. Box 7841, Madison, WI 53707–7841.

Analysis by the Department of Public Instruction

Statute interpreted

Section 115.28 (7) (g), Stats.

Statutory authority

Section 115.28 (7) (a), Stats.

Explanation of agency authority

115.28 General duties. The state superintendent shall:

(7) LICENSING OF TEACHERS. (a) License all teachers for the public schools of the state; make rules establishing standards of attainment and procedures for the examination and licensing of teachers within the limits prescribed in ss. 118.19 (2) and (3), 118.192, and 118.195; prescribe by rule standards, requirements, and procedures for the approval of teacher preparatory programs leading to licensure, including a requirement that, beginning on July 1, 2012, and annually thereafter, each teacher preparatory program located in this state shall submit to the department a list of individuals who have completed the program and who have been recommended by the program for licensure under this subsection, together with each individual's date of program completion, from each term or semester of the program's most recently completed academic year; file in the state superintendent's office all papers relating to state teachers' licenses; and register each such license.

Related statute or rule

N/A.

Plain language analysis

Chapter PI 34 governs the issuance of licenses for public school personnel in the State of Wisconsin. This rule change was done to align the rule with newly created law under s. 115.28 (7) (g), Stats., regarding the three–year charter license. The following changes were made to ch. PI 34:

- Created the criteria to apply and renew the three year charter school license as newly created under s. 115.28 (7) (g), Stats.
- Added clarifying language to make clear the difference between the newly created three year charter license and the existing charter school instructional license.
- Created the 1–year charter school instructional staff license for already licensed teachers in non–virtual charter schools who are unable to demonstrate their content knowledge in core academic subjects before being hired.
- Removed the reference to the 30 hours of training required to teach online that was removed from statute under 2013 Wisconsin Act 20.

Summary of, and comparison with, existing or proposed federal regulations

N/A.

Comparison with rules in adjacent states

No information.

Summary of factual data and analytical methodologies

2013 Wisconsin Act 20 created s. 115.28 (7) (g), Stats., which requires the Department of Public Instruction (DPI) to grant a charter school teaching license to any person who has a bachelor's degree and demonstrates, based on criteria established by the DPI, that the person is proficient in the subject or subjects he or she intends to teach. Chapter PI 34 will be modified to include the criteria that a person must meet to demonstrate that the person is proficient in the subject or subjects he or she intends to teach.

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

This rule change could impact public schools, including charter schools and educator preparation programs.

Anticipated costs incurred by private sector

There is not expected to be a cost to the private sector.

Effect on Small Business

The proposed rules will have no economic impact on small businesses, as defined in s. 227.114 (1), Stats.

Agency Contact Person

Katie Schumacher
Budget and Policy Analyst
Wisconsin Department of Public Instruction
Katie.Schumacher@dpi.wi.gov
(608) 267-9127

Text of Rule

SECTION 1. PI 34.241, PI 34.242, and PI 34.243 are created to read:

PI 34.241 Charter school instructional staff license.

(1) A charter school instructional staff license may be issued to an applicant who holds a valid initial, professional or master educator teaching license issued by the department. The license authorizes an individual to teach any grade or any subject outside the individual's initial, professional or master educator teaching license in a non-virtual charter school. To be eligible for the charter school instructional staff license, an applicant shall meet the following criteria:

(a) An applicant assigned to teach any core academic subject, as defined under 20 USC 7801(11), in a non-virtual charter school shall verify one of the following:

1. A major or minor from a regionally-accredited institution in each of the assigned core academic subjects.
2. Passing a content knowledge examination prescribed by the state superintendent in each of the assigned core academic subjects.
3. Demonstrated knowledge and competence in each of the assigned core academic subject based on an assessment process approved by the state superintendent.

(b) An applicant assigned to teach any subject that is not considered a core academic subject may be eligible for a charter school instructional staff license without verification of criteria listed under par. (a).

(2) The applicant under this section shall submit a complete application, developed by the department, specifying the applicant's qualifications for the license.

(3) A charter school instructional staff license shall have the same license term as the valid initial, professional or master educator teaching license not to exceed five years. The charter school instructional staff license shall not have the same license term as the life license or the master educator license.

(4) A one-year charter school instructional staff license may be issued to an applicant who holds a valid teaching license but has not demonstrated content knowledge in a core academic subject area as defined under 20 USC 7801(11). The license may be issued for any assigned grade level and any assigned subject in a non-virtual charter school. To receive this one-year license, a district administrator or designated official of the employing school district or charter school under s. 118.40, Stats., shall request a license on behalf of the applicant following a search for a qualified, licensed individual. This license is renewable for one-year periods if the applicant is making adequate progress toward eligibility for the charter school instructional staff license with verification that he or she has completed 6 semester credits each licensure term toward a content minor in his or her assigned teaching area until such time that one of the criteria under sub. (1) (a) has been completed.

PI 34.242 Three-year charter license.

(1) An individual who holds a bachelor's degree from a regionally-accredited institution may be eligible to obtain this license to teach in a non-virtual charter school. An applicant shall demonstrate the appropriate level of content knowledge in each of the subjects the applicant is assigned to teach by verifying one of the following:

(a) Completion of a major or minor from a regionally-accredited institution in each of the assigned academic subjects.

(b) Passing a content knowledge examination prescribed by the state superintendent in each of the assigned academic subjects.

(c) Demonstrated knowledge and competence in each of the assigned academic subjects based on an assessment process approved by the state superintendent.

(2) The applicant under this section shall submit a completed application, developed by the department, specifying his or her qualifications for the license.

(3) The license is renewable for three-year periods.

PI 34.243 Teaching licenses for educators teaching in a virtual charter school.

An individual assigned to teach in a virtual charter school under s. 118.40 (8) (b) 1., Stats., shall hold a valid initial, professional or master educator license in each of the grades and subject areas of that individual's assignment.

SECTION 2. PI 34.33(intro) is amended to read:

PI 34.33 Supplementary categories.

Except as specified under sub. (1) (c), ~~in order~~ to receive a license issued under a supplementary category under this subchapter, an individual shall hold or be eligible to hold an initial, professional, or master educator_teaching license issued by the department under subch. VII. Licenses under this subchapter may be issued in the following categories:

SECTION 3. PI 34.34(1), (2), and (2m) are repealed.

SECTION 4. EFFECTIVE DATE:

The proposed rules contained in this order shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register, as provided in s. 227.22 (2) (intro.), Stats.

STATE OF WISCONSIN DEPARTMENT OF ADMINISTRATION DOA 2049 (R 07/2011)		
ADMINISTRATIVE RULES FISCAL ESTIMATE AND ECONOMIC IMPACT ANALYSIS		
Type of Estimate and Analysis		
<input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected		
Administrative Rule Chapter, Title and Number		
PI 34, Teacher Education Program Approval and Licenses		
Subject		
Charter School Teaching License		
Fund Sources Affected		Chapter 20, Stats. Appropriations Affected
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		
Fiscal Effect of Implementing the Rule		
<input type="checkbox"/> No Fiscal Effect <input checked="" type="checkbox"/> Indeterminate	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input checked="" type="checkbox"/> Increase Costs <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget <input type="checkbox"/> Decrease Costs
The Rule Will Impact the Following (Check All That Apply)		
<input type="checkbox"/> State's Economy <input type="checkbox"/> Local Government Units	<input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Public Utility Rate Payers	
Would Implementation and Compliance Costs Be Greater Than \$20 million?		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Policy Problem Addressed by the Rule		
2013 Wisconsin Act 20 created s. 115.28(7)(g), Stats., which requires the Department of Public Instruction (DPI) to grant a charter school teaching license to any person who has a bachelor's degree and demonstrates, based on criteria established by the DPI, that the person is proficient in the subject or subjects he or she intends to teach. PI 34 will be modified to include the criteria that a person must meet to demonstrate that the person is proficient in the subject or subjects he or she intends to teach.		
Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)		
Local: The effect on local school districts is indeterminate. It is unclear how this change to the way charter school teachers are licensed will affect the supply of teachers for charter schools and non-charter schools.		
State: Implementing a new framework for issuing charter school teaching licenses may slightly increase costs, but those costs could be absorbed by the department.		
Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule		
This proposed rule change will include the proficiency criteria established by DPI that a person must meet in order to be granted a charter school teaching license. The Department is required to establish criteria by 2013 Wisconsin Act 20.		

Long Range Implications of Implementing the Rule
The Department will establish criteria for determining whether an educator is proficient in the subject the educator intends to teach for the purposes of being granted a charter school teaching license. The Department is required to do this under 2013 Wisconsin Act 20.
Compare With Approaches Being Used by Federal Government
No information.
Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)
No information.
Name and Phone Number of Contact Person
Katie Schumacher, Department of Public Instruction Administrative Rules Coordinator, (608) 267-9127.

Notice of Hearing

Public Instruction CR 14-021

NOTICE IS HEREBY GIVEN That pursuant to ss. 227.11 (2) (a) (intro) and 118.51, Stats., and interpreting s. 118.51, Stats., the Department of Public Instruction will hold a public hearing as follows to consider the revision of Chapter PI 36, relating to the full-time open enrollment program.

Hearing Information

Date: Tuesday, March 25, 2014
Time: 3:00 to 5:00 p.m.*
Location: GEF 3 Building
 125 South Webster Street
 Room 041
 Madison, Wisconsin

*If no speakers are remaining, the hearing will conclude early (but no earlier than 3:30 p.m.). Those that would like to testify should plan to be there at the beginning of the hearing. For those who cannot attend the public hearing, comments received by the Department will be given the same weight as testimony.

The hearing site is fully accessible to persons with disabilities. If you require reasonable accommodation to access the meeting, please call Katie Schumacher at (608) 267-9127, or leave a message with the Teletypewriter (TTY) at (608) 267-2427, at least 10 days prior to the hearing date. Reasonable accommodation includes materials prepared in an alternative format, as provided under the Americans with Disabilities Act.

Place Where Comments are to be Submitted and Deadline for Submission

The proposed administrative rule is available to review at http://pb.dpi.wi.gov/pb_rulespg or <https://health.wisconsin.gov/admrules/public/Rmo?nRmoId=15226>. Comments can be made by using the contact information below. Written comments on the proposed rules received no later than **March 28, 2014**, will be given the same consideration as testimony presented at the hearing.

Proposed Order of the State Superintendent of Public Instruction Adopting Permanent Rules

The scope statement for this rule, SS 074-13, was published in Register No. 691, on July 14, 2013, and approved

by State Superintendent Tony Evers, on July 24, 2013. Per the Dane County Circuit Court order issued in Coyne, et al. v. Walker, et al., Case No. 11-CV-4573, the Department of Public Instruction (DPI) is not required to obtain the Governor's approval for the statement of scope or this rule.

The State Superintendent of Public Instruction hereby proposes to renumber Subchapter III of Chapter PI 36 and sections PI 36.06 to PI 36.09; to repeal and recreate Subchapters I, II, and IV of Chapter PI 36; and to create Subchapter III of PI 36; relating to the full-time open enrollment program.

Analysis by the Department of Public Instruction

Statute interpreted

Sections 118.40 (8), 118.51, and 121.05 (1) (a), Stats.

Statutory authority

Sections 227.11 (2) (a) (intro) and 118.51, Stats.

Explanation of agency authority

Under s. 227.11 (2) (a) (intro), Stats., "Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation." Under s. 118.51, Stats., the DPI requires rules to effectively implement the Full-Time Open Enrollment Program.

Related statute or rule

N/A.

Plain language analysis

The proposed changes include: designation of open enrollment spaces and approval and denial of applications; handling of applications submitted under the regular and alternative application procedures; procedures for terminating open enrollment due to habitual truancy; procedures for considering whether a special education cost is an undue financial burden; confidentiality of pupil records as they relate to open enrollment; procedures and standards for open enrollment appeals; administrative and aid transfer procedures; and procedures for filing claims and making payments to parents for open enrollment transportation reimbursement.

Summary of, and comparison with, existing or proposed federal regulations

N/A.

Comparison with rules in adjacent states

No information.

Summary of factual data and analytical methodologies

The Full-Time Open Enrollment Program was created by 1997 Wisconsin Act 27. Since then, the statute has been amended or affected by ten legislative enactments, including: changes to 4-year-old kindergarten eligibility for open enrollment; limiting the number of districts a pupil can apply to; waiting lists; preferences and guarantees for certain students; transportation for open enrolled students; open enrollment to virtual charter schools; and habitual truancy. The program has been affected by a number of court decisions. Nearly 3,000 appeals have been filed with the Department.

The most recent change to full-time open enrollment occurred with 2011 Wisconsin Act 114, which changed the timing of the application process under the Open Enrollment Program and permitted certain pupils to submit open enrollment applications outside the regular application period, thus changing the nature of the Open Enrollment Program from a once-a-year time-limited application period to a year-round opportunity to apply. Specifically, 2011 Wisconsin Act 114 changes s. 118.51, Stats., by requiring pupils to submit an enrollment application no later than the last weekday in April, rather than no later than the 3rd Friday following the first Monday in February. As a result of this change, subsequent deadlines are adjusted accordingly. 2011 Act 114 also changes s. 118.51, Stats., by allowing alternative open enrollment procedures under certain circumstances.

The rules have only been amended three times since they were first promulgated in July 1998 including: addressing the number of districts a pupil may apply to, and establishing wait lists, and modifying the method of serving notices of denial. The rule amendments do not incorporate all of the statutory changes that have occurred.

The objective of the proposed rule-making is to update the full-time enrollment portion of PI 36 to address the statutory changes and issues that have arisen over the past 14 years. Finally, this rule change will also include any changes to the Full-Time Open Enrollment Program stemming from the passage of the 2013-15 biennial budget.

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

Chapter PI 36 currently addresses full-time open enrollment in the context of parent and pupil responsibilities, nonresident school board responsibilities, and resident school board responsibilities. Currently, these areas reflect the law as it existed prior to the enactment of 2011 Wisconsin Act 114, as well a number of other acts and court decisions. The DPI is proposing to update the full-time open enrollment portion of ch. PI 36 so that it reflects the current state of the law. The alternative to not promulgating this rule is to have an administrative rules chapter that is outdated. School districts, parents and pupils will be affected by this rule.

Anticipated Costs Incurred by Private Sector

There is not expected to be a cost to the private sector.

Effect on Small Business

The proposed rules will have no economic impact on small businesses, as defined in s. 227.114 (1), Stats.

Agency Contact Person

Katie Schumacher
 Budget and Policy Analyst
 Wisconsin Department of Public Instruction
Katie.Schumacher@dpi.wi.gov
 (608) 267-9127

STATE OF WISCONSIN DEPARTMENT OF ADMINISTRATION DOA 2049 (R 07/2011)		
ADMINISTRATIVE RULES FISCAL ESTIMATE AND ECONOMIC IMPACT ANALYSIS		
Type of Estimate and Analysis		
<input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected		
Administrative Rule Chapter, Title and Number		
Chapter PI 36		
Subject		
Public School Open Enrollment Program		
Fund Sources Affected	Chapter 20, Stats. Appropriations Affected	
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	20.255(2)(ac)	
Fiscal Effect of Implementing the Rule		
<input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Indeterminate	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Increase Costs <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget <input type="checkbox"/> Decrease Costs
The Rule Will Impact the Following (Check All That Apply)		
<input type="checkbox"/> State's Economy <input checked="" type="checkbox"/> Local Government Units	<input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Public Utility Rate Payers	

Would Implementation and Compliance Costs Be Greater Than \$20 million? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Policy Problem Addressed by the Rule Administration of the public school open enrollment program
Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) The open enrollment statute affects school districts. When a pupil transfers from a nonresident to a resident school district, money follows the pupil from the resident to the nonresident school district through an increase or reduction in the school district's state aid payment(s). School districts in which more pupils transfer in than out will receive a net increase in their state aid payment; school district in which more pupils transfer out will receive a net decrease in their state aid payment. There is no economic impact on school districts that is specific to the rule.
Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit to implementing the rule is to provide specificity and clarification to the administration of the open enrollment program and to comply with statute. The alternative to implementing the rule is to administer the program through "guidelines" that do not have the force of law.
Long Range Implications of Implementing the Rule There are no long range implications that are specific to the rule.
Compare With Approaches Being Used by Federal Government There is no comparable program at the federal level.
Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota) Open enrollment funding is established in state statute. There is no effect that is specific to the rule. Illinois, Iowa, Michigan and Minnesota also have public school choice programs. However, all of these states have foundation funding systems for public schools, while Wisconsin has a tax-base equalizing formula. Under a foundation funding system, there is no direct transfer of money from the resident to the nonresident school district; instead the district of attendance (nonresident school district) receives the per pupil foundation amount directly, rather than as a transfer of funds from the resident to the nonresident school district.
Name and Phone Number of Contact Person Katie Schumacher, 608-267-9127

Notice of Hearing

Safety and Professional Services

Professional Services, Chs. 1—299

CR 14-013

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Department of Safety and Professional Services in ss. 227.11 (2), 444.035, 444.04, 444.06, 444.095 (3), and 444.19, Stats., and interpreting ss. 444.02 (2), 444.04, 444.06, and 444.095 (4), Stats., the Department of Safety and Professional Services will hold a public hearing at the time and place indicated below to consider an order to repeal Chapters SPS 100 to 105 and to revise Chapters SPS 192 to 196, relating to mixed martial arts, amateur boxing, and professional boxing.

Hearing Information

Date: Wednesday, March 12, 2014
Time: 9:30 a.m.
Location: 1400 East Washington Avenue

(Enter at 55 North Dickinson St.)
Room 121B
Madison, Wisconsin

Appearances at the Hearing

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366. Written comments must be received at or before the public hearing to be included in the record of rule-making proceedings.

Copies of Rule

Copies of this proposed rule are available upon request to Jean MacCubbin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366 Madison, Wisconsin 53708-8366, by email at

jean.maccubbin@wisconsin.gov or on our website at <http://dsps.wi.gov/Default.aspx?Page=44e541e8-abdd-49da-8fde-046713617e9e>

Analysis Prepared by the Department of Safety and Professional Services

Statutes interpreted

Sections 444.02 (2), 444.04, 444.06, and 444.095 (4), Stats.

Statutory authority

Sections 227.11 (2), 444.035, 444.04, 444.06, 444.095 (3), and 444.19, Stats.

Section 227.11 (2), Stats., reads: “Rule-making authority is expressly conferred as follows: (a) Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation. All of the following apply to the promulgation of a rule interpreting the provisions of a statute enforced or administered by an agency: ...”

Section 444.035, Stats., reads: “Bond. The department shall by rule require a promoter or club conducting a professional contest or amateur mixed martial arts fighting contest to post a bond or other surety in a reasonable amount determined by the department to ensure payment of the promoter’s or club’s expenses in conducting the contest, including payments to contestants and to the department.”

Section 444.04, Stats., reads: “Promoter and club reports. Within 2 business days after a promoter or club holds a professional contest or amateur mixed martial arts fighting contest, the club shall furnish to the department a written report, verified by the promoter or by one of the club’s officers under penalty of perjury, showing the number of tickets sold for the contest, the amount of gross proceeds, and all other information the department requires by rule to be included in the report. The department may limit, suspend, revoke, or assess a forfeiture to the promoter or club for failure to comply with this section or failure to provide accurate information to the department. Any forfeiture collected under this section shall be deposited in the appropriation account under s. 20.165 (1) (jm).”

Section 444.06, Stats., reads: “Inspectors. The department shall appoint official inspectors, each of whom shall receive a card authorizing the inspector to act wherever the department designates. The department may be, and at least one inspector shall be present at all professional contests and all amateur mixed martial arts fighting contests and see that the rules are strictly observed. Inspectors shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties. The department may require a promoter or club to pay the cost of designating additional inspectors, who may include a referee or judge performing the duties of an inspector, for an event. The department may require a promoter or club to pay the department an amount not to exceed \$250 for each additional inspector designated by the department.”

Section 444.095 (3), Stats., reads: “The department shall promulgate rules that establish all of the following with respect to mixed martial arts fighting contests:

- (a) Qualifications and fees for licensure of referees and judges for mixed martial arts fighting contests.

(b) Requirements for regular health examinations of mixed martial arts fighting contestants, including all of the following:

1. Annual physical examinations by physicians and annual eye examinations by physicians who are board-certified ophthalmologists.
2. Annual screening for HIV, hepatitis B, and hepatitis C.
3. For female contestants, pregnancy tests before contests.

(c) Policies prohibiting contestants from using drugs, including anabolic steroids, and mandating drug testing of contestants.”

Section 444.19, Stats., reads: “Fee adjustments by rule. Notwithstanding ss. 444.02 (3), 444.03, 444.06, and 444.11, the department may by rule adjust the fees under this chapter to account for changes in the department’s costs in administering and enforcing this chapter.”

Related statute or rule

There are no other related statutes or administrative rules other than those listed herein.

Plain language analysis

The major changes in this proposed rule entail repealing chs. SPS 100 to 105, reorganizing ch. SPS 192 into the main chapter for mixed martial arts, and merging of provisions in chs. SPS 193 to 196 into ch. SPS 192.

SECTIONS 1 and 8. The first treatment section repeals the chapter series chs. SPS 100 to 105, pertaining to amateur boxing, which removed the department’s authority to regulate amateur boxing under 2003 Act 285. Later in this proposed rule, text incorporates those pertinent sections with mixed martial arts into chs. SPS 190 to 196, of which amateur boxing is a combative sport and is so collectively defined.

SECTION 2. A new chapter heading for the major chapter, SPS 192, deals with mixed martial arts and sporting events or fighting contests. The chapter now reflects the compilation of various licenses and event specifications into one chapter.

SECTIONS 3, 19, and 28. These sections detail the newly reorganized ch. SPS 192 with various subchapters and titles of subchapters.

SECTION 4. This renumbered section more clearly indicates the statutory authority given to the department for mixed martial arts and fighting contests, removing all references to amateur boxing.

SECTIONS 5, 26, and 48. These sections repeal current code text; specifically joints and compression locks, medical insurance coverage, and physical exams. Provisions relating to physicals and exams have been retained in another portion of the rule, as has medical insurance coverage.

SECTIONS 6 and 7. These sections are renumbered and amended to clarify that the rules are contained in one chapter, as are the definitions. Some new definitions are added.

SECTIONS 9 and 10. These sections are renumbered and any formatting or typographical errors are corrected.

SECTIONS 11, 13 to 14, 16 to 18, 20 to 24, 27, 29 to 33, 35 to 38, 40 to 44, 50, 51, and 57. In addition to renumbering, the new subchapters in ch. SPS 192, eligibility criteria and process requirements, are amended to reflect the accurate cross references. These sections are also renumbered and any formatting or typographical errors are corrected.

SECTION 12. An added requirement for eligibility and title is created.

SECTION 25. Notes are created to reference various statutory language.

SECTION 34. In addition to renumbering and correcting formatting or typographical errors, monetary allowances and compensation have been updated to include minimum and maximum mileage rates, when lodging is to be provided by the promoter, and the time frame an agreement is to be signed. This timeframe has been extended to 10 business days.

SECTION 39. Two additional fouls have been added for amateur contestants — spine attacks and dropping an opponent on one’s head or neck.

SECTION 45. A new section on equipment required in the corner has been added. These items relate to maintaining an antiseptic environment and responding to minor medical needs.

SECTION 46. This section has been amended to delineate the number of bouts or rounds. The minimum number of rounds has been reduced to eight.

SECTION 47. A newly created section specifies the combining of certain types of bouts and which are allowed or prohibited.

SECTION 49. Various text relating to medical examination and testing has been amended to reduce duplication.

SECTIONS 52 and 53. These sections relate to electrolyte–replacement beverages now reflecting current trade names; prohibited items are also listed along with energy stimulants and pills.

SECTIONS 54 and 55. Most of ch. SPS 196 has been incorporated into subch. V of ch. SPS 192. These provisions relate to suspension and discipline, as well as rest periods and drug testing. Major changes are correcting formatting errors and proving text with more clarity.

SECTION 56. A new section in administrative suspensions has been added, dealing mainly with suspension periods as reported by American Boxing Commission’s national database.

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

The federal law regulating boxing is U.S. Code Title 15, Chapter 89 Professional Boxing Safety, 6301–6313. The relationship to state law is stated in s. 6313, “nothing in this Act [15 USC 6301, et seq.] shall prohibit a State from adopting or enforcing supplemental or more stringent laws or regulations not inconsistent with this Act [15 USC 6301, et seq.], or criminal, civil, or administrative fines for violations of such laws or regulations.” Other federal requirements are: 15 USC 6305, which requires contestants to register with a state boxing commission and obtain a nationwide identification number form an entity certified by the Association of Boxing Commissions; 15 USC 6308, which bars conflict of interest in a prompters interest in a contestant and requires the reporting of receipts.

Comparison with rules in adjacent states

An Internet–based search revealed the following information.

Illinois: In Illinois, the statutes and rules for conducting mixed martial arts sporting events are found in the Illinois

Professional Boxing Act 225 ILCS 105 and the Illinois Administrative Code Title 68 Chapter VII Subchapter b Part 1371.

Iowa: In Iowa, the administrative rules are created under the authority of the Labor Commissioner to regulate chapter 177, mixed martial arts, these rules became effective February 2011.

Michigan: In Michigan, the statutes and rules for conducting mixed martial arts sporting events are found in the Michigan Unarmed Combat Regulatory Act 2004 PA 403, MCL 338.3601 to MCL 338.3633 and the Michigan Administrative Code R339.101 – R339.403. Licensure must be sought through the Department of Labor and Economic Growth, Bureau of Commercial Services. The Unarmed Combat Commission assists the Director of the Department of Labor and Economic Growth in regulating the sport.

Minnesota: In Minnesota, the statutes and rules for conducting mixed martial arts sporting events are found in the Minnesota Statutes §341.21–§341.37 and the Minnesota Register at Minn. Reg. §.2202.0010–§2202.1200. Licensure must be sought via the Combative Sports Commission, which regulates the manner in which mixed martial arts contests will be conducted.

Summary of factual data and analytical methodologies

Since the initial rules became effective in April 2011, the department has had experience in what is considered best practices. In addition, the proposed changes also reflect the improvement of various administrative elements and contemporary industry practices. More significantly, the rules were methodically combined into one major rule chapter, ch. SPS 192. Outreach was made to various stakeholders for input and comment.

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

The department posted for 14–days the notice of economic input and received no comment.

Fiscal Estimate and Economic Impact Analysis

The Fiscal Estimate and Economic Impact Analysis is attached.

Initial Regulatory Flexibility Analysis or Summary

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Tom.Engels@wisconsin.gov, or by calling (608) 266–8608.

Environmental Assessment/Statement [if required]

N/A

Agency Contact Person

Jean MacCubbin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708–8366; telephone 608–266–0955 or telecommunications at 711; email at jean.maccubbin@wisconsin.gov.

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R03/2012)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

SPS 192 to 196 and 100 to 105

3. Subject

Mixed martial arts, amateur boxing and, professional boxing

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

20.165 (1) (g)

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

With the exception of clarifying inconsistencies within the rules cited above, two Wisconsin Acts, (2003 Wisc. Act 285 and 2009 Wisc. Act 111), precipitated the enactment of these rules and the majority of the proposed changes. The 2003 Wisc. Act 285 addressed only the department's role in professional boxing; amateur boxing was then sanctioned by the U.S. Olympic Committee, [36 USC 220521]; this rule repeals all rules for amateur boxing. The 2009 Wisc. Act 111 amended the current rules on boxing and added mixed martial arts fighting under the authority of the department.

These administrative rules for amateur boxing and marital arts (chs. SPS 192 to 196 100 to 105 110 to 1160) were previously drafted in haste and are found to be duplicative and in need of clarity. This proposed rule will delete unneeded chapters, merge similar license and event specifications, and provide more organized rule provisions into fewer chapters. The one major chapter, ch. SPS 192, is now organized into subchapters to provide more clarity and a simpler chapter.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

Entities that may be affected by this proposed rule include those promoting and conducting mixed martial arts contests, such as promoters, clubs, matchmakers, contestants, judges, referees, ringside physicians, seconds, inspectors, and timekeepers.

11. Identify the local governmental units that participated in the development of this EIA.

None known.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

With the exception of revising the requirements for medical insurance coverage as specified under s. 444.18, Stats., there are no additional policies, regulations, or fees associated with the proposed rules.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The reorganization of ch. SPS 192 is expected to have the biggest benefit on those seeking various licenses or planning mixed martial arts fighting contests. The department, too, shall reap benefits with a clearer, more simplified rule for education and enforcement purposes.

14. Long Range Implications of Implementing the Rule

The department, as well as those regulated under this chapter, will benefit with a clearer, more simplified rule for planning and enforcement purposes.

15. Compare With Approaches Being Used by Federal Government

The federal law regulating boxing is U.S. Code Title 15, Chapter 89 Professional Boxing Safety, 6301– 6313. The relationship to state law is stated in s. 6313, “nothing in this Act [15 USC 6301, et seq.] shall prohibit a State from adopting or enforcing supplemental or more stringent laws or regulations not inconsistent with this Act [15 USC 6301, et seq.], or criminal, civil, or administrative fines for violations of such laws or regulations.” Other federal requirements are: 15 USC 6305, which requires contestants to register with a state boxing commission and obtain a nationwide identification number from an entity certified by the Association of Boxing Commissions; 15 USC 6308, which bars conflict of interest in a promoter's interest in a contestant and requires the reporting of receipts.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Most adjoining states have either a board or a division that oversees the licenses of the individuals regulated under mixed martial arts or the regulations for sporting events/fighting contests.

In Illinois, the statutes and rules for conducting mixed martial arts sporting events are found in the Illinois Professional Boxing Act 225 ILCS 105 and the Illinois Administrative Code Title 68 Chapter VII Subchapter b Part 1371.

In Iowa, the administrative rules are created under the authority of the Labor Commissioner to regulate chapter 177, mixed martial arts, these rules became effective February 2011.

In Michigan, the statutes and rules for conducting mixed martial arts sporting events are found in the Michigan Unarmed Combat Regulatory Act 2004 PA 403, MCL 338.3601 to MCL 338.3633 and the Michigan Administrative Code R339.101 – R339.403. Licensure must be sought through the Department of Labor and Economic Growth, Bureau of Commercial Services. The Unarmed Combat Commission assists the Director of the Department of Labor and Economic Growth in regulating the sport.

In Minnesota, the statutes and rules for conducting mixed martial arts sporting events are found in the Minnesota Statutes §341.21–§341.37 and the Minnesota Register at Minn. Reg. §.2202.0010–§2202.1200. Licensure must be sought via the Combative Sports Commission, which regulates the manner in which mixed martial arts contests will be conducted.

17. Contact Name

Jean MacCubbin

18. Contact Phone Number

608.266.0955

This document can be made available in alternate formats to individuals with disabilities upon request.

Notice of Hearing

Safety and Professional Services

Professional Services, Chs. 1—299

CR 14–014

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Department of Safety and Professional Services in ss. 227.11 (2) (a) and 440.26 (3m), Stats., and interpreting ss. 440.26 (3m) and (5r), Stats., the Department of Safety and Professional Services will hold a public hearing at the time and place indicated below to consider an order to repeal sections SPS 34.01 (1) (f) and (fm), 34.02 (2) (Note); renumber section SPS 34.01 (1) (g) to (i) as 34.01 (1) (f) to (h)

and sections SPS 34.06 and 34.07 as 34.11 and 34.12; renumber and amend section SPS 34.015 (6) as 34.015 (5) and section SPS 34.02 (2) (intro.), (a) and (b) as section SPS 34.02 (2) (a) and (b) 1. and 2., section SPS 34.05 as 34.10, and section SPS 34.08 as 34.13; amend sections SPS 34.01 (1) (intro.), (g), (2) and (3), 34.011 (intro.), 34.015 (title), (1), and (2), 34.02 (1) (Note) and (3), 34.03 (title) and (1), 34.04 (2) (a) 2. and 3., (4) to (6), (6) (Note) and (7); and create sections SPS 34.002, 34.01 (5) to (9), 34.015 (1) (Note), 34.04 (1) (Note) and (7) (Note) and 34.10 (1) (Note), relating to firearms and other dangerous weapons for private security personnel, private detectives, and private investigators or special investigators, and rule changes affected by 2011 Act 35.

Hearing Information

Date: Wednesday, March 12, 2014
Time: 1:30 p.m.
Location: 1400 East Washington Avenue
 (Enter at 55 North Dickinson St.)
 Room 121B
 Madison, Wisconsin

Appearances at the Hearing

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation or be urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366. Written comments must be received at or before the public hearing to be included in the record of rule-making proceedings.

Copies of Rule

Copies of this proposed rule are available upon request to Jean MacCubbin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708-8366, by email at jean.maccubbin@wisconsin.gov or on our website at <http://dsps.wi.gov/Default.aspx?Page=44e541e8-abdd-49d-a-8fde-046713617e9e>

Analysis Prepared by the Department of Safety and Professional Services**Statutes interpreted**

Sections 440.26 (3m) and 440.26 (5r), Stats.

Statutory authority

Sections 227.11 (2) (a) and 440.26 (3m), Stats.

Explanation of agency authority

Section 227.11 (2) (a), Stats., confers to the agency the powers to promulgate rules for the guidance of the profession and to interpret the provisions of statutes it enforces.

Section 440.26 (3m), Stats., confers to the agency the powers to promulgate rules for the carrying of dangerous weapons, set minimum requirements for allowing and individuals licensed under s. 175.60, Stats., to carry a dangerous weapon, and defines those individuals allowed to carry, concealed or otherwise, under this chapter.

Section 440.26 (3m), Stats., reads: (3m) RULES CONCERNING DANGEROUS WEAPONS. The department shall promulgate rules relating to the carrying of dangerous weapons by a person who holds a license or permit issued under this section or who is employed by a person licensed under this section. The rules shall meet the minimum requirements specified in 15 USC 5902 (b) and shall allow all of the following:

(a) A person who is employed in this state by a public agency as a law enforcement officer to carry a concealed firearm if s. 941.23 (1) (g) 2. to 5. and (2) (b) 1. to 3. applies.

(b) A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1) (g), to carry a concealed firearm if s. 941.23 (2) (b) 1. to 3. applies.

(c) A former officer, as defined in s. 941.23 (1) (c), to carry a concealed firearm if s. 941.23 (2) (c) 1. to 7. applies.

(d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as defined in s. 175.60 (1) (g), to carry a concealed weapon as permitted under s. 175.60.

Related statute or rule

Chapters SPS 30 to 35 and Jus 17 and 18, and s. 175.60, Stats.

Plain language analysis

Within the 2011 Wisconsin Act 35 and the authority given to the Department of Safety and Professional Services, this legislation relates to owners or employees of private security agencies and the carrying of dangerous weapons about or near their person when holding a firearms permit granted by the department or a permit issued under s. 175.60, Stats.

The proposed rule exempts all of the requirements in ch. SPS 34 from applying to anyone who is licensed in Wisconsin to carry a concealed weapon in accordance with a permit issued under s. 175.60, Stats. In addition, the proposed rule provides for the recognition of permits to carry firearms, concealed or otherwise, issued by other states. These proposed rules are intended to respond to the legislative directives set forth in 2011 Act 35, Wisconsin's "concealed carry law".

Specific provisions contained in 2011 Act 35 allow a licensee under s. 175.60, Stats., to carry a weapon, concealed or otherwise, in the capacity of an owner or employee of a security agency under chs. SPS 30 to 35. In addition, these proposed provisions now recognize all the following: a licensee, as defined in s. 175.60 (1) (d), Stats., an out-of-state licensee, as defined in s. 175.60 (1) (g), Stats., an individual employed in this state by a public agency as a law enforcement officer, to whom s. 941.23 (1) (g) 2. to 5. and (2) (b) 1. to 3. applies, a qualified out-of-state law enforcement officer, as defined in s. 941.23 (1) (g), Stats., or a former officer, as defined in s. 941.23 (1) (c), Stats.

A number of Notes are being updated to reflect the most current information; several formatting and typographical corrections are also being made.

SECTION 1. Definitions not included in ch. SPS 30 are created in s. SPS 34.002 adding three terms defined in state statutes specific to carrying firearms: carry, dangerous weapon and weapon.

SECTIONS 2, 4, 8, 9, 12, 13 to 22, and 24. These treatment sections are rewritten for clarification purposes or adding current information in Notes, adding Notes either where needed, correcting typographical errors, or repealing Notes no longer pertinent.

SECTION 3. Two items from a listing specifying the carrying of a weapon when licensed are repealed in 2011 Act 35 — the requirement to be in uniform or on duty.

SECTIONS 5 and 6. A typographical error is corrected in addition to expanding the exceptions for carrying a concealed weapon, thus reflecting provisions in 2011 Act 35. Specifically recognizing the following: a licensee, as defined in s. 175.60 (1) (d), Stats., an out-of-state licensee, as defined in s. 175.60 (1) (g), Stats., an individual employed in this state by a public agency as a law enforcement officer, to whom s. 941.23 (1) (g) 2. to 5. and (2) (b) 1. to 3., Stats., applies, a qualified out-of-state law enforcement officer, as defined in s. 941.23 (1) (g), Stats., or a former officer, as defined in s. 941.23 (1) (c), Stats. In addition, a new section is created in s. SPS 34.01 to recognize the individuals allowed to carry a concealed weapon as in the listing above.

SECTION 7. This section recognizes the individuals listed above and the provisions regarding a firearm being transported in a vehicle, concealed or “within plain view”.

SECTION 23. Various sections are renumbered to reflect that the provisions do not relate to obtaining or the granting of a permit under this chapter.

SECTION 25. This treatment section is the effective date of the rule once adopted.

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

The minimum requirements for carrying a weapon as stated in s. 440.26 (3m), Stats., references U.S. Code 15 USC 5902 (b) [Title 15–Commerce and Trade Chapter 85–Armored Car Industry Reciprocity]. This federal rule relates to state reciprocity of weapons licenses issued to armored car company crew members. This specific federal rule is cited in 2011 Act 35 whereby rules of the department concerning the carrying of dangerous weapons shall meet the minimum requirements specified in this U.S. Code. When comparing ch. SPS 34, this rule at least meets the minimum standards of the cited U.S. Code.

No other federal rule or code was found specific to Wisconsin law.

Comparison with rules in adjacent states

An Internet–based search was conducted of the rules and laws of the four adjacent states relating to provisions contained in 2011 Act 35.

Illinois: In Illinois, the Division of Professional Regulation administers the licensing program for private security and investigators, structured under a sole proprietorship, partnership, or corporation. The license is for two–years and for applicants seeking renewal they must pass a re–qualifying test, which the passing grade is good for six years. In addition to various application, examination and training fees, fingerprints and background checks are required. When licensed, one may carry a firearm after 20 hours of basic training and 40 hours of field training. [Illinois Code: 225 ILCS 446/]. The State Police administer the Firearms Owner’s Identification Card system under 430 ILCS 65/8. The provisions of the Firearms Concealed Carry Act of 2013 are under the Concealed Carry Licensing Review Board. This Act, P.A. 76–1939, requires a license for a period of 5 years for the carrying of one loaded and one unloaded concealed firearm once licensed.

Iowa: In Iowa, a non–professional license to carry weapons is required for Private Investigators, Security Agents, and the sheriff of the county where the applicant resides issues such permit. The license is good for two years; there is no examination at application although continuing education is required. The license is attached to the private security agency; when working for more than one agency, a separate card is required. To carry a weapon while working, one must meet the requirements in Iowa administrative code 661 chapter 4 and 80A: submitting an affidavit of completion of course training, passing a course meeting statutory requirements and completing a firearms shooting competition. Iowa Code s. 724.7(1) provides that a concealed carry permit or license issued by another state to a nonresident of Iowa shall be considered a valid permit or license to carry weapons under Iowa law, [Iowa Code s. 724.11–A], thus recognizing reciprocity.

Michigan: in Michigan, the Michigan Professional Investigator Licensure Act, chapter 338, regulates licenses.

These requirements are: minimum of 25 years old, education (at least a GED or equivalent), a clear criminal record, demonstration of knowledge and 8 hours of training on safe use of the weapon, 3 hours at a firing range, and successful completion of safety training program. Instructors are certified by the state or a national organization. There are no exams or continuing education required. The license is valid for three years and cards/certificates are given to individuals and the sole proprietor, partners or corporate members. Photos and criminal history are required, but not fingerprints. Michigan provides by statute that any person who meets specified eligibility and training requirements and who files a proper application shall be issued a license to carry a concealed pistol. [Mich. Comp. Laws s. 28.425b(7)] No information was found regarding reciprocity.

Minnesota: In Minnesota, the private detective board oversees the requirements for private detectives and protective agents. An applicant must be at least 18 years old and free of felony convictions in addition to being employed in a protective/security capacity. Under Minnesota statutes ch. 3326, one must be trained in the proper use of the weapon, including 12 hours of on–the–job training and 6 hours of continuing education. Minnesota Administrative Rules 7506.0100–7506.2900 contain licensing and continuing education qualifications as well as minimum standards of training instructors. Minnesota statutes s. 624.714 provides for requirements to issue a permit to carry a concealed pistol; a certificate attesting to the completion of training on the safe use of a pistol within the past year and a clear background check are required. Minnesota also recognizes reciprocity via Minn. Stat. s. 624.714 (16) (a).

Summary of factual data and analytical methodologies

The methodology used in creating these rules was to bring the department’s rule, ch. SPS 34, into compliance with the Wisconsin concealed carry law.

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

Pursuant to s. 227.137, Stats., the department will notice for a 14–day period the proposed rule to gather input on the effect on small business.

Fiscal Estimate and Economic Impact Analysis

The Fiscal Estimate and Economic Impact Analysis is attached.

Initial Regulatory Flexibility Analysis or Summary

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Tom.Engels@wisconsin.gov, or by calling (608) 266–8608.

Environmental Assessment/Statement: [if required]

N/A.

Agency Contact Person

Jean MacCubbin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708–8366; telephone 608–266–0955; email at jean.maccubbin@wisconsin.gov.

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R03/2012)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

Ch. SPS 34, Firearms and Other Dangerous Weapons

3. Subject

Making this chapter consistent with the provisions in 2011 Act 35 (concealed carry), and specifically relating to firearms and other dangerous weapons for private security personnel, private detectives, and private investigators or special investigators.

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

Chapter SPS 34 currently does not address provisions in 2011 Act 35 with regard to persons holding a concealed carry certification issued by the state. The proposed rules address that license under this chapter to allow carry a weapon, concealed or otherwise without first obtaining a permit from the department.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

The department posted the rules for economic impact for 14-days and no comments were received from these sectors.

11. Identify the local governmental units that participated in the development of this EIA.

The department posted the proposed rules for 14-day period and will summarize any input from this group.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This proposed rules do not mandate any additional licenses, qualifications, or fees to any of these sectors.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Chapter SPS 34 will be in conformance with the provisions of 2011 Act 35.

14. Long Range Implications of Implementing the Rule

The department rules will be consistent with Wisconsin's concealed carry law, 2011 Act 35.

15. Compare With Approaches Being Used by Federal Government

Chapter SPS 34 currently as promulgated is consistent with the minimum requirements of U.S. Code, 15 USC 5902 (b).

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

While the requirements of concealed carry laws in these adjoining states are substantially similar to Wisconsin's in application, safety, training and reciprocity, not all recognize specific groups being allowed to carry weapons concealed or otherwise while an owner or employee of private security agencies. These specific groups, outlined in 2011 Act 35 include: qualified law enforcement officers (in-state, out-of state and former), when acting as a private detective or private security person without first obtaining a fire-arms permit.

17. Contact Name

Jean MacCubbin

18. Contact Phone Number

608.266.0955

This document can be made available in alternate formats to individuals with disabilities upon request.

Notice of Hearing**Safety and Professional Services*****Professional Services, Chs. 1—299*****CR 14-016**

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Department of Safety and Professional Services in ss. 227.11 (2) (a), 440.03 (1), 458.03 (1) (b), 458.085, 458.10 (3), Wis. Stats., and interpreting ss. 458.06, 458.10, 458.13, Wis. Stats., the Department of Safety and Professional Services will hold a public hearing at the time and place indicated below to consider an order to repeal sections SPS 80.03 (2), (8a) and (8d), 81.02 (5) (Note) and (8), 81.05 (intro.), 82.01 (6), 83.01 (3) (e), (3)(g) (Note), and (4) (c), 83.02 (7), 84.01 (4), 84.03 (1) (b) 1. to 6., 84.04 (1) (b) (intro.) (Note) and 1. to 9., and Chapter SPS 86 Appendix I; to renumber Chapters SPS 80 (title), 81 (title), and 82 (title) and sections SPS 81.03 (1) to (2) (d), 81.05 (1) to (3), 82.02, 82.03, 82.04, 83 (title), 83.01 (1), (1a), and (2), 84 (title), 84.02, 84.03 (1) (title) (intro) and (a), and (2) (a) to (c), 84.04 (1) (title) (intro.) and (a), (1) (b) (intro.), (1) (b) (intro.) (Note) and 1. to 9., (2), and (3); to renumber and amend sections SPS 80.01, 80.02, 80.03 (intro.), (1) to (8), (8ag) to (8c) and (9) to (18), 81.01, 81.02 (1) to (7) and (8) (Note), 81.03 (2) (d) (Note), 82.01 (1) to (5), 83.01 (title), (3) (intro.) (a) to (d) and (f), (3m), (4) (intro.), (b), and (c) (Note), 83.02 (title) (1) to (6), 84.001, 84.01, 84.03 (1) (b) (intro.), 84.04 (1) (b) (intro.), 85.01; to amend sections SPS 87.01 (2) and (3), 87.02 (1), (2) (intro.), (b) and (c), (3) (b) and (3) (c), 86.01 (1), (4), (9) and (11); to repeal and recreate Chapter SPS 85 (title); and to create sections SPS 85.100 (3m) and (19), 85.240, subch. III (title), 85.330, subch. IV (title), 85.410, 85.430, subch. V (title), 85.510 (title), 85.520 (8) and (9), 85.530, 85.600 (7), 85.700 (4) (a) to (f), 85.820, 85.830, 85.840, subch. IX (title), 85.900 (7), 85.910 (2) (n) to (p), and 85.810 (7) (a), related to the examination, education, and experience requirements of real estate appraisers.

Hearing Information

Date: Friday, March 14, 2014
Time: 9:00 a.m.
Location: 1400 East Washington Avenue
 (Enter at 55 North Dickinson Street)

Room 121B

Madison, Wisconsin

Appearances at the Hearing

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708. Written comments must be received at or before the public hearing to be included in the record of rule-making proceedings.

Place Where Comments are to be Submitted and Deadline for Submission

Comments may be submitted to Shawn Leatherwood, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to Shancethea.L Leatherwood@wisconsin.gov. Comments must be received on or before **March 14, 2014**, to be included in the record of rule-making proceedings.

Copies of Rule

Copies of this proposed rule are available upon request to Shawn Leatherwood, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708, by email at Shancethea.L Leatherwood@wisconsin.gov or on our website at <http://dps.wi.gov/Default.aspx?Page=44e541e8-abdd-49da-8fde-046713617e9e>.

Analysis Prepared by the Department of Safety and Professional Services***Statutes interpreted***

Sections 458.06, 458.08, 458.10, 458.13, Stats.

Statutory authority

Sections 227.11 (2) (a), 440.03 (1), 458.03 (1) (b), 458.085, 458.10 (3), Stats.

Explanation of agency authority

The Department of Safety and Professional Services (Department) may promulgate rules interpreting the provision of any statute it enforces or administers per s. 227.11 (2) (a), Stats. Pursuant to s. 440.03 (1), Stats., the Department may promulgate rules defining uniform procedures to be used by the Real Estate Appraisers Board. The Department is specifically granted rule-making authority, pursuant to s. 458.03 (1) (b), Stats., to promulgate rules regarding establishing the criteria for approval of educational courses and continuing educational programs. Section 458.085, Stats., grants the Department the authority to draft rules establishing educational, experience and continuing education requirements for licensed and certified appraisers. Lastly, s. 458.10 (03), Stats., states that the Department may establish rules specifying the requirements for certification or licensure that must be fulfilled before the applicant is eligible for examination. The subject of these proposed rules relate to uniform procedures with regard to education, experience, and examination requirements as well as other standard application procedures. Therefore the Department is both generally and specifically authorize the proposed rule

Related statute or rule

None.

Plain language analysis

The Financial Institutions Reform Recovery Act of 1989 (“FIRREA”) 12 U.S.C. 3331 et seq. gives authority to the Appraiser Qualifications Board (AQB) to set minimum qualification requirements for real estate appraisers. Those minimum requirements will change as of January 1, 2015. The changes include the following: education and experience must be completed prior to taking the National Uniform Licensing and Certification Examinations, applicants for the certified residential and certified general credentials must have a Bachelor’s degree or higher from an accredited college or university, applicants for the licensed residential credential must successfully complete 30 semester hours of college-level education from an accredited college, junior college, community college, or university, or have an Associate’s degree or higher from an accredited college, junior college, community college or university. All applicants for an initial credential must undergo a background check. Finally a prohibition against repetitive use of continuing education within the same continuing education cycle will be instituted. Clarification of the term “written examination” will be provided. The Department seeks to implement these changes via the proposed rules.

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

The Financial Institutions Reform Recovery Act of 1989, (“FIRREA”) 12 U.S.C 3331, et. seq. regulates real estate appraisers on the federal level. The purpose of FIRREA “is to provide that Federal financial and public policy interests in real estate related transactions will be protected by requiring that real estate appraisals utilized in connection with federally related transactions are performed in writing, in accordance with uniform standards, by individuals whose competency has been demonstrated and whose professional conduct will be subject to effective supervision.” 12 U.S.C. 3331. This federal mandate is accomplished via the Appraiser Qualification Board (AQB) and the Appraisal Subcommittee (ASC). The ASC monitors state regulation of certified and

licensed appraisers and reviews each state’s compliance with federal legislation.

The AQB sets the minimum qualifications for real estate appraisers. The minimum qualifications criteria established by the AQB are set forth in the *Real Property Appraiser Qualifications Criteria and Interpretations of the Criteria* (“Criteria”) The AQB Criteria includes the minimum experience, examination, qualifying education, and continuing education requirements that must be satisfied by an individual in order to obtain and maintain a real estate appraiser credential.

Comparison with rules in adjacent states

Illinois: Illinois issues certified general, certified residential and associate real estate trainee appraiser credentials. The licensure, educational, experience and continuing education requirements set forth in 68 Il. Admin. Code 1455.10 et. seq. (2013) meets the minimum requirements set by the AQB.

Iowa: Iowa credentials certified residential, certified general and associate real property appraisers. The associate real property appraiser is substantially equivalent to the federal category of trainee real property appraisers. Unlike Iowa, Wisconsin does not credential trainee real property appraisers. The education, experience, and examination requirements promulgated by Iowa Admin Code 193F-4.1, 193F-5.1 (1) and 193F-6.1 (2013), meet the minimum requirements set forth by the AQB.

Michigan: Michigan credentials limited real estate appraisers, state licensed real estate appraisers, certified residential real estate appraisers, and certified general real estate appraisers. The state licensed real estate appraiser is similar to Wisconsin’s licensed appraiser. The certified general and certified residential requirements are consistent with the AQB’s minimum requirements. The limited real estate appraiser is equivalent to the trainee real property appraiser. MCLS § 339.2601 (2013).

Minnesota: Minnesota regulates trainee real property appraisers, licensed residential real property appraisers, certified residential real property appraisers, and certified general real property appraisers. The Licensed residential real property appraiser credential is similar to Wisconsin’s licensed appraiser credential. The education, examination, and experience requirements for all classes of credentials for real estate appraisers is set forth in Minn. Stat. §§82B.11, 82B.12, 82B.13, 82B.14 (2013), and are consistent with the minimum requirements established by the AQB.

Summary of factual data and analytical methodologies

The AQB minimum qualification requirements for real estate appraisers will change as of January 1, 2015. The Department has reviewed the changes in order to determine how the changes will impact the current rules. The Department has determined that the current rules need to be aligned with the new AQB minimum criteria for licensure of real estate appraisers. The Department has considered the suggestions of the Appraisal Subcommittee in making the necessary changes to the current rules.

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

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Fiscal Estimate and Economic Impact Analysis

The Fiscal Estimate and Economic Impact Analysis are attached.

Initial Regulatory Flexibility Analysis or Summary

None.

Environmental Assessment/Statement: [if required]

None.

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R03/2012)

Agency Contact Person

Shawn Leatherwood, Administrative Rules Coordinator,
Department of Safety and Professional Services, Division of
Policy Development, 1400 East Washington Avenue, Room
151, P.O. Box 8366, Madison, Wisconsin 53708-8366;
telephone 608-261-4438; email at
Shancethea.Leachwood@wisconsin.gov.

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

SPS 80- 87

3. Subject

Examination, Education and experience requirements for real estate appraisers

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

20.165 (1)(g)

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

Real estate appraisers are regulated by state and federal legislation. On the state level real estate appraisers are regulated by ch. 458, Stats. and Wis. Admin. Code SPS 80-87. On the federal level real estate appraisers are regulated by the Financial Institutions Reform Recovery Act of 1989 ("FIRREA") 12 U.S.C. 3331 et seq. Implementation of the federal standards are overseen by the Appraisal Subcommittee (ASC). The ASC monitors state regulations of certified and licensed appraisers and reviews each state's compliance with federal legislation. The ASC also monitors the Appraiser Qualifications Board (AQB) which establishes the minimum education, experience and examination requirements for real property appraisers to obtain state credentials. The minimum education, experience and examination requirements, as set by the AQB, will change as of January 1, 2015. Consequently, the state regulations must be amended to bring them into conformity with the federal mandate.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

The proposed rule will primarily affect current real estate appraisers credential holders and applicants for real estate appraiser credentials. The rule was posted on the Department of Safety and Professional Service's website for 14 days in order to solicit comments from businesses, associations representing businesses, local governmental units and individuals that may be affected by the rule. No comments were received.

11. Identify the local governmental units that participated in the development of this EIA.

No local governmental units participated in the development of this EIA.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units or the state's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The main benefit of implementing the proposed rule is bringing relevant Wis. Admin. Code into conformity with the federally mandated minimum education, experience and examination requirements established by the AQB.

14. Long Range Implications of Implementing the Rule

The proposed rule will provide greater guidance to applicants seeking licensure within the real estate appraiser profession.

15. Compare With Approaches Being Used by Federal Government

The Financial Institutions Reform Recovery Act of 1989, ("FIRREA") 12 U.S.C 3331, et. seq. regulates real estate appraisers on the federal level. The purpose of FIRREA "is to provide that Federal financial and public policy interests in real estate related transactions will be protected by requiring that real estate appraisals utilized in connection with federally related transactions are performed in writing, in accordance with uniform standards, by individuals whose competency has been demonstrated and whose professional conduct will be subject to effective supervision." 12 U.S.C. 3331. This federal mandate is accomplished via the Appraiser Qualification Board (AQB) and the Appraisal Subcommittee (ASC). The ASC monitors state regulation of certified and licensed appraisers and reviews each state's compliance with federal legislation.

The AQB sets the minimum qualifications of real estate appraisers. The minimum qualifications criteria established by the AQB are set forth in the *Real Property Appraiser Qualifications Criteria and Interpretations of the Criteria* ("Criteria") The AQB Criteria includes the minimum experience, examination, qualifying education, and continuing education requirements that must be satisfied by an individual in order to obtain and maintain an appraiser credential.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

All states must be in compliance with the federal minimum criteria established by the AQB by January 1, 2015.

Illinois: Illinois issues certified general, certified residential and associate real estate trainee appraiser credentials. The licensure, educational, experience and continuing education requirements set forth in 68 Il. Admin. Code 1455.10 et. seq. (2013) meets the minimum requirements set by the AQB.

Iowa: Iowa credentials certified residential, certified general and associate real property appraisers. The associate real property appraiser is substantially equivalent to the federal category of trainee real property appraisers. Unlike Iowa, Wisconsin does not credential trainee real property appraisers. The education, experience, and examination requirements promulgated by Iowa Admin Code 193F-4.1, 193F-5.1 (1) and 193F-6.1 (2013), meet the minimum requirements set forth by the AQB.

Michigan: Michigan credentials limited real estate appraisers, state licensed real estate appraisers, certified residential real estate appraisers, and certified general real estate appraisers. The state licensed real estate appraiser is similar to Wisconsin's licensed appraiser. The certified general and certified residential requirements are consistent with the AQB's minimum requirements. The limited real estate appraiser is equivalent to the trainee real property appraiser. MCLS § 339.2601 (2013).

Minnesota: Minnesota regulates trainee real property appraisers, licensed residential real property appraisers, certified residential real property appraisers, and certified general real property appraisers. The Licensed residential real property appraiser credential is similar to Wisconsin's licensed appraiser credential. The education, examination, and experience requirements for all classes of credentials for real estate appraisers is set forth in Minn. Stat. §§82B.11, 82B.12, 82B.13, 82B.14 (2013), and are consistent with the minimum requirements established by the AQB.

17. Contact Name
Shawn Leatherwood

18. Contact Phone Number
608-261-4438

This document can be made available in alternate formats to individuals with disabilities upon request.

Notice of Hearing

Safety and Professional Services

Professional Services, Chs. 1—299

General, Part IV, Chs. 388—

CR 14-019

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Department of Safety and Professional Services in ss. 227.11 (2) (a), 227.04 (2) (b), and 440.03 (1) and (13) (am), Wis. Stats., and interpreting ss. 227.11 (2) (a), 227.46 (1), and 440.205, Wis. Stats., the Department of Safety and Professional Services will hold a public hearing at the time and place indicated below to consider an order to repeal Chapters SPS 1 Appendices I and II, SPS 2 Appendix I, SPS 3 Appendix I, and SPS 8 Appendix I, and sections SPS 4.07 (30) and (59), 4.08 (2), 8.02 (5) (a), (b), and (c), and 500.10 (2) (a); to renumber section SPS 500.10 (2) (b); to amend sections SPS 1.03 (4) and (6), 2.03 (6), 2.08 (2), 2.15 (5), 2.18 (4), 3.03 (4), 4.01, 4.04 (1), 6.03 (7), 6.08, 6.09 (2), (3), and (5), 6.11 (1) (intro.), (a) and (b) and (2), 7.02 (4), and 8.02 (4) and (5) (intro.); and to create sections SPS 6.11 (1) (c), 500.03 (3), and 500.04, relating to administrative procedures and small business discretion.

Hearing Information

Date: Monday, March 17, 2014
Time: 10:00 a.m.
Location: 1400 East Washington Avenue
 (Enter at 55 North Dickinson Street)
 Room 121A
 Madison, Wisconsin

Appearances at the Hearing

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance. All submittals must be directed to Katie Paff, Program and Policy Analyst, at Kathleen.Paff@wisconsin.gov; or by mail addressed to the Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708. Written comments must be received at or before the public hearing to be included in the record of rule-making proceedings.

Place Where Comments are to be Submitted And Deadline For Submission

Comments may be submitted to Katie Paff, Program and Policy Analyst, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to Kathleen.Paff@wisconsin.gov. Comments must be received on or before the public hearing to be held on **March 17, 2014**, at 11 a.m. to be included in the record of rule-making proceedings.

Copies of Rule

Copies of this proposed rule are available upon request to Katie Paff, Program and Policy Analyst, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708, by email at

Kathleen.Paff@wisconsin.gov or on our website at <http://dsps.wi.gov/Default.aspx?Page=44e541e8-abdd-49da-8fde-046713617e9e>

Analysis Prepared by the Department of Safety and Professional Services

Statutes interpreted

Sections 227.11 (2) (a), 227.46 (1), 440.205, Stats.

Statutory authority

Sections 227.04 (2) (b), 227.11 (2) (a), 440.03 (1) and (13) (am), Stats.

Explanation of agency authority

Section 227.04 (2) (b), Wis. Stats. Consistent with the requirements under s. 895.59 and, to the extent possible, each agency shall do all of the following: Establish, by rule, reduced fines and alternative enforcement mechanisms for minor violations of administrative rules made by small businesses. The rules promulgated under this paragraph shall include a definition of “minor violation”.

Section 227.11 (2) (a), Wis. Stats. Rule-making authority is expressly conferred as follows: (a) Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation. All of the following apply to the promulgation of a rule interpreting the provisions of a statute enforced or administered by an agency: 1. A statutory or nonstatutory provision containing a statement or declaration of legislative intent, purpose, findings, or policy does not confer rule-making authority on the agency or augment the agency’s rule-making authority beyond the rule-making authority that is explicitly conferred on the agency by the legislature. 2. A statutory provision describing the agency’s general powers or duties does not confer rule-making authority on the agency or augment the agency’s rule-making authority beyond the rule-making authority that is explicitly conferred on the agency by the legislature. 3. A statutory provision containing a specific standard, requirement, or threshold does not confer on the agency the authority to promulgate, enforce, or administer a rule that contains a standard, requirement, or threshold that is more restrictive than the standard, requirement, or threshold contained in the statutory provision.

Section 440.03 (1), Wis. Stats. The department may promulgate rules defining uniform procedures to be used by the department, the real estate appraisers board, and all examining boards and affiliated credentialing boards, attached to the department or an examining board, for receiving, filing and investigating complaints, for commencing disciplinary proceedings and for conducting hearings.

Section 440.03 (13) (am), Wis. Stats. A person holding a credential under chs. 440 to 480 who is convicted of a felony or misdemeanor anywhere shall send a notice of the conviction by 1st class mail to the department within 48 hours after the entry of the judgment of conviction. The department shall by rule determine what information and documentation the person holding the credential shall include with the written notice.

Related statute or rule

Sections 227.51, 440.205, and 895.59, Wis. Stats.

Plain language analysis

The rulemaking project updates the Department's administrative procedures through a number of modifications to chs. SPS 1 to 9. Modifications include:

1. Clarifying procedures for summary judgment motions.
2. Eliminating references to former Division titles.
3. Modifying deadlines associated with the assessment of costs in s. SPS 2.18, Wis. Adm. Code.
4. Repealing outdated appendices.
5. Improving the efficiency of the procedures for the Department's filing of papers with disciplinary authorities.
6. Adding pertinent rule authority references to ch. SPS 4, Wis. Adm. Code.
7. Amending s. SPS 6.11, Wis. Adm. Code, to allow an administrative law judge from the Department of Administration to preside over show cause hearings.
8. Revising the definition of "first occurrence" in SPS 8, Wis. Adm. Code, to more closely align with s. 440.205, Wis. Stats.

The rule project incorporates rule changes to ch. SPS 500, Wis. Adm. Code, including a definition of minor violation, as affected by the enactment of 2011 Wisconsin Act 46.

The rule project also incorporates rule changes to ch. SPS 4, Wis. Adm. Code, as affected by the enactment of 2011 Wisconsin Act 255.

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

None.

Comparison with rules in adjacent states

Illinois: The Illinois Administrative Procedure Act states that the agency head, one or more members of the agency head, or any other person meeting the qualifications set forth by rule under Section 10–20 may be the administrative law judge. The agency must provide by rule for disqualification of an administrative law judge for bias or conflict of interest. An adverse ruling, in and of itself, shall not constitute bias or conflict of interest (5 ILCS 100/10–30).

Section 10–20 requires that all agencies adopt rules concerning the minimum qualifications of administrative law judges for contested case hearings. The agency head or an attorney licensed to practice law in Illinois may act as an administrative law judge or panel for an agency without adopting any rules under this Section.

All papers filed or submitted to the Department or Committee in a contested case shall be typewritten, on 8 ½ by 11 inch white paper (1110 Ill. Adm. Code 50). Service of any document may be by mail or personal delivery. Proof of service should be attached to the original of any document served. In the absence of evidence to the contrary, the date shown on the proof of service shall be deemed the date of service (1110 Ill. Adm. Code 60).

The Illinois Department of Professional Regulation administrative rules are silent with regards to the deadlines associated with the assessment of costs in contested case hearings.

Iowa: Iowa Code section 17A.11 states that if the agency or an officer of the agency under whose authority the contested case is to take place is named a party to that proceeding or a real party in interest to that proceeding the

presiding officer may be, in the discretion of the agency, the agency, one or more members of a multimember agency, or one or more administrative law judges assigned by the Division of Administrative Hearings in accordance with the provisions of section 10A.801. However, a party may, within a time period specified by rule, request that the presiding officer be an administrative law judge assigned by the Division of Administrative Hearings. The agency must grant a request by a party for an administrative law judge unless otherwise provided by statute or one of a list of conditions exists.

If the agency or an officer of the agency under whose authority the contested case is to take place is not named party to that proceeding or a real party in interest to that proceeding the presiding officer may be, in the discretion of the agency, either the agency, one or more members of a multimember agency, an administrative law judge assigned by the Division of Administrative Hearings in accordance with the provision of section 10A.801, or any other qualified person designated as a presiding officer by the agency. Any other person designated as a presiding officer by the agency may be employed by and officed in the agency for which that person acts as a presiding officer, but such a person shall not perform duties inconsistent with that person's duties and responsibilities as a presiding officer.

A document is deemed to be filed at the time it is delivered (in person) to the department and date-stamped received, delivered to an established courier service for immediate delivery, mailed by first-class mail or by state interoffice mail so long as there is adequate proof of mailing, or sent by facsimile transmission (Iowa Adm. Code r. 11–7.12).

Parties in a contested case have the right to participate or to be represented in all hearings or prehearing conferences related to their case. Any party may be represented by an attorney or another person authorized by law. The cost of representation is the responsibility of the party (Iowa Adm. Code r. 11–7.12).

Michigan: The Michigan Administrative Procedures Act of 1969 states that the presiding officer of a contested case may be an agency, 1 or more members of the agency, a person designated by statute or 1 or more hearing officers designated and authorized by the agency to handle contested cases (Michigan Statutes Section 24.279).

Michigan Executive Order 2011–4 created the Michigan Administrative Hearing System (MAHS), an independent and autonomous agency within the Michigan Department of Licensing and Regulatory Affairs. Administrative law judges from MAHS preside over professional licensure disciplinary and denial hearings.

Minnesota: Minnesota Statutes Chapter 214, Section 10, subd. 2. states that examining and licensing boards schedule disciplinary hearings in accordance with Chapter 14 which specifies that hearings are required to be conducted by an administrative law judge employed by the Office of Administrative Hearings (OAH). The Chief Administrative Law Judge of the OAH must assign a judge to hear the case (Minnesota Code Section 1400.5010 to 1400.8400). The OAH is an independent tribunal within the executive branch.

All documents must be submitted to the office on standard size 8 ½ inch by 11 inch paper. A person may file any document with the office using facsimile transmission. Filing a facsimile is equivalent to filing the original document, and is effective when the office receives it. A transmission

commenced before 4:30pm on the last day of filing is timely filed (Minn. R. 1400.2030).

A party seeking an award of expenses an attorney’s fees must submit an application to the judge. The state agency or any other party may respond or object to all or any part of the application for expenses and fees within 14 days following the service of the application. Within 30 days following the close of the record in the proceeding for the award of expenses and attorney’s fees, the administrative law judge must issue a written order including the amounts awarded for fees and other expenses (if any) (Minn. R. 1400.8401).

Summary of factual data and analytical methodologies

The Department conducted a review of SPS chapters relating to procedures. Many existing rules for Department administrative procedures are unclear and inefficient. Proposed modifications would update the rules to create greater efficiencies, align rules more closely with statute, and incorporate technological changes. Adjacent states’ rules were also reviewed.

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

The rule was posted for public comment on the economic

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R03/2012)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

**ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis**

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

SPS 1, 1 Appendix I, 1 Appendix II, 2, 2 Appendix I, 3, 3 Appendix I, 4, 6, 7, 8, 8 Appendix I, and 500.

3. Subject

Relating to administrative procedures and small business discretion

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

20.165 (1) (g)

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency’s Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State’s Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

The Department conducted a review of SPS chapters relating to procedures. Many existing rules for Department administrative procedures are unclear and reflect previously used practices and policies.

impact of the proposed rule, including how this proposed rule may affect businesses, local government units, and individuals, for a period of 14 days. No comments were received relating to the economic impact of the rule.

Fiscal Estimate and Economic Impact Analysis

The Fiscal Estimate and Economic Impact Analysis is attached.

Initial Regulatory Flexibility Analysis or Summary

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Agency Contact Person

Katie Paff, Program and Policy Analyst, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone (608) 261-4472; email at Kathleen.Paff@wisconsin.gov.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

This rule was posted for 14 days for economic impact comments and none were received.

11. Identify the local governmental units that participated in the development of this EIA.

None. This rule does not affect local government units.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This rule will not have an economic or fiscal impact on specific businesses, business sectors, public utility rate payers, local governmental units or the state's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Proposed modifications would update the rules to reflect current practices, align rules more closely with statute, incorporate technological efficiencies, and create more transparent processes. The proposed rule would also incorporate rule changes as affected by the enactments of 2011 Wisconsin Act 46 and 200 Wisconsin Act 255.

14. Long Range Implications of Implementing the Rule

Implementing the rule would align the rules with current practices and titles and create more transparent processes.

15. Compare With Approaches Being Used by Federal Government

None.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Michigan, Minnesota, and Iowa have central agencies that employ administrative law judges to preside over administrative hearings.

In Illinois, all papers filed or submitted to the Department or Committee in a contested case shall be typewritten, on 8 ½ by 11 inch white paper. Service of any document may be by mail or personal delivery. Proof of service should be attached to the original of any document served. In the absence of evidence to the contrary, the date shown on the proof of service shall be deemed the date of service. In Iowa, a document is deemed to be filed at the time it is delivered (in person) to the department and date-stamped received, delivered to an established courier service for immediate delivery, mailed by first-class mail or by state interoffice mail so long as there is adequate proof of mailing, or sent by facsimile transmission. In Minnesota, all documents must be submitted to the office on standard size 8 ½ inch y 11 inch paper. A person may file any document with the office using facsimile transmission. Filing a facsimile is equivalent to filing the original document, and is effective when the office receives it. A transmission commenced before 4:30pm on the last day of filing is timely filed.

The Illinois Department of Professional Regulation administrative rules are silent with regards to the deadlines associated with the assessment of costs in contested case hearings. In Iowa, parties in a contested case have the right to participate or to be represented in all hearings or prehearing conferences related to their case. Any party may be represented by an attorney or another person authorized by law. The cost of representation is the responsibility of the party. In Minnesota, the administrative law judge must issue a written order including the amounts awarded for fees and other expenses within 30 days following the close of the record in the proceeding for the award of expenses and attorney's fees.

17. Contact Name
Katie Paff

18. Contact Phone Number
608-261-4472

This document can be made available in alternate formats to individuals with disabilities upon request.

Notice of Hearing

Safety and Professional Services General Part I, Chs. 301—319 Commercial Building Code, Chs. 361—366 CR 14-020

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Department of Safety and Professional Services by sections 101.02 (15) (h) to (j), 101.63 (1), 101.981 (2),

101.982, and 227.11 (2) (a) of the Wisconsin Statutes, and interpreting sections 101.02 (15) (h) to (j), 101.17, 101.63 (1), 101.981 (2), 101.982, 101.983, and 101.988 of the Wisconsin Statutes, the Department will hold a public hearing at the time and place indicated below to consider a proposed order to revise Chapters SPS 318, 362, and 366 relating to elevators, escalators, and lift devices.

Hearing Information

Date: Monday, March 17, 2014
Time: Commencing at 10:00 a.m.

Location: 1400 East Washington Avenue
(Enter at 55 North Dickinson Street)
Room 121C
Madison, Wisconsin

Appearance at the Hearing

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions, and arguments in writing as well. Facts, opinions, and arguments may also be submitted in writing without a personal appearance, by e-mail to sam.rockweiler@wi.gov or by mail addressed to the Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708–8366. Written comments must be received at or before the public hearing to be included in the record of rulemaking proceedings.

Copies of Rule

Copies of this proposed rule are available upon request to Sam Rockweiler, Rules Coordinator, at the Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708–8366; or by email at sam.rockweiler@wi.gov; or on the following website: <http://dsps.wi.gov/Default.aspx?Page=44e541e8-abdd-49da-8fde-046713617e9e>

Proposed Order

An order of the Department of Safety and Professional Services to repeal SPS 362.3006 (3);

to renumber SPS 362.3004 (2) and 362.3006 (1), (2), and (4);

to repeal and recreate SPS 318, 362.3002 (3) and 362.3006 (1) (Note);

and to create SPS 362.1009, 362.1109, 362.3004 (2) and (3) (b) 2. d., 362.3006 (1) and (3) and (Note), 366.0604, and 366.0605 relating to elevators, escalators, and lift devices, and affecting small business.

Analysis Prepared by the Department of Safety and Professional Services

Statutes interpreted

Sections 101.02 (15) (h) to (j), 101.17, 101.63 (1), 101.981 (2), 101.982, 101.983, and 101.988, Stats.

Statutory authority

Sections 101.02 (15) (h) to (j), 101.63 (1), 101.981 (2), 101.982, and 227.11 (2) (a), Stats.

Explanation of agency authority

Under sections 101.63 (1), 101.981 (2), and 101.982 of the Statutes, the Department has authority to promulgate rules for the safe installation, operation, testing, and inspection of conveyances, which include elevators, escalators, and lift devices. Under section 101.982, Stats., the Department also has authority to promulgate rules for enforcement of the technical standards for these conveyances.

Sections 101.02 (15) (h) to (j) of the Statutes require the Department to promulgate rules for the construction, repair, and maintenance of safe public buildings and places of employment — and to prescribe the safety devices and standards that are needed to protect the life, health, safety and welfare of the employees and frequenters therein.

Section 227.11 (2) (a) of the Statutes authorizes the Department to promulgate rules interpreting any statute that is enforced or administered by the Department, if the rule is considered necessary to effectuate the purpose of the statute.

Related statute or rule

The *Wisconsin Commercial Building Code*, which consists of chs. SPS 361 to 366.

The *Wisconsin Uniform Dwelling Code*, which consists of chs. SPS 320 to 325.

Plain language analysis

Currently, the Department's standards for conveyances are contained in ch. SPS 318, Elevators, Escalators and Lift Devices. The chapter currently adopts and references the following two national standards promulgated by the American Society of Mechanical Engineers (ASME®), as the basis of the chapter's technical standards:

- ASME A17.1–2007, Safety Code for Elevators and Escalators.
- ASME A18.1–2005, Safety Standard for Platform Lifts and Stairway Chairlifts.

Chapter SPS 318 currently includes modifications made to these two standards.

The proposed revisions to ch. SPS 318 would adopt the current editions of the ASME A17.1 and A18.1 standards, which are the 2013 and 2011 editions, respectively. The proposed rule revisions also contain a number of modifications to the technical requirements within these standards, such as refining how various inspections are to occur, and include reorganizing the current requirements and applying various editorial improvements — all of which are intended to better reflect contemporary industry and regulatory best practices.

Summary of, and comparison with, existing or proposed federal regulations

No existing or proposed federal regulations were found to address or impact the activities to be regulated by these rule revisions.

Comparison with rules in adjacent states

An Internet-based search found that all of the adjacent states adopt by reference certain editions of the ASME A17.1 and A18.1 standards. The adjacent states also create amendments to the adopted standards, similar to Wisconsin's administrative rules relating to elevators, escalators, and lift devices.

The following are the adjacent states and the editions of the ASME standards that they adopt and enforce:

- (a) The Illinois Office of the State Fire Marshal, Division of Elevator Safety is responsible for implementing the Elevator Safety and Regulation Acts. The 2010 edition of the ASME A17.1 standard, *Safety Code for Elevators and Escalators*; the 2005 edition of the ASME A17.3 standard, *Safety Code for Existing Elevators and Escalators*; and the 2008 edition of the ASME A18.1 standard, *Safety Standard for Platform Lifts and Stairway Chairlifts* are each adopted by reference.
- (b) The Iowa Department of Workforce Development, Division of Labor Services, Elevator and Escalators oversees all elevators, escalators, dumbwaiters, and related equipment to ensure they comply with all applicable rules and statutes. The 2010 edition of the ASME A17.1 standard and the 2011 edition of the ASME A18.1 standard are both adopted by reference.

- (c) The Minnesota Department of Labor and Industry is responsible for enforcing minimum requirements relating to building codes, including elevators and related devices. The requirements address the design, construction, installation, alteration, repair, removal, operation, and maintenance of passenger elevators. The 2004 edition of the ASME A17.1 standard and its A17.1A addenda and 2005 supplement are adopted by reference, as is the 2005 edition of the ASME A18.1 standard.
- (d) The Michigan Department of Labor and Economic Growth is responsible for issuing permits; examination and licensing of elevator journeypersons and contractors; inspecting elevators, escalators, and dumbwaiters; investigating complaints; and reporting elevator accidents. The state rules establish, for the protection of the general public, minimum safety requirements for inspection, construction, installation, alteration, maintenance, repair, and operation of elevators. The 2007 edition of the ASME A17.1 standard and the 2008 edition of the ASME A18.1 standard are both adopted by reference.

Summary of factual data and analytical methodologies

The primary methodology for this updating of ch. SPS 318 consisted of comprehensively reviewing and assessing the latest editions of the national technical standards for the design and construction of conveyances, which serve as the basis for ch. SPS 318. Staff prepared a comprehensive comparison of the changes in the latest editions of the ASME standards to the editions currently adopted under ch. SPS 318. The Department’s review and assessment process included the participation of the Conveyance Safety Code Council, as established under ch. 15 of the Statutes. The members of that Council represent many stakeholders involved in the conveyance industry, including manufacturers, designers, contractors, inspectors, and the general public as users of the conveyances.

The Department believes that the national model codes reflect current societal values with respect to protecting public health, safety, and welfare in the design, construction, use, operation, and maintenance of conveyances in commercial and residential buildings. The

ASME—standard—setting committees use a process open to all parties in the development of their codes. More information on the development of these standards may be obtained from the ASME website at www.asme.org.

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

The Department used the Conveyance Safety Code Council to gather and analyze information on potential impacts of complying with both the technical and administrative requirements of the proposed rule revisions.

By posting rule development and council activities on the Department’s website, small businesses can follow the development of proposed code changes.

Adopting the current editions of the ASME A17.1 and A18.1 standards are not expected to impose a significant impact on small businesses selling conveyances or providing services for conveyances.

It is anticipated these rule revisions will not have a significant impact on small businesses installing elevators and dumbwaiters.

Fiscal Estimate and Economic Impact Analysis

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on Small Business

The Department believes the proposed rule revisions will not increase the effect on small businesses beyond what the current rules impose on them.

The Department’s Regulatory Review Coordinator may be contacted by e-mail at Tom.Engels@wi.gov; or by calling (608) 266–8608.

Agency Contact Person

Sam Rockweiler, Rules Coordinator, at the Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI, 53708–8366; or at telephone (608) 266–0797; or by e-mail at sam.rockweiler@wi.gov; or by telecommunications relay services at 711.

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA–2049 (R03/2012)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707–7864
FAX: (608) 267–0372

**ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis**

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

SPS 318, 362, and 366 – Elevators, Escalators, and Lift Devices

3. Subject

Elevators, Escalators, and Lift Devices

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

20.165 (2) (j)

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

The proposed rule revisions would primarily adopt the most current edition of the American Society of Mechanical Engineers (ASME) A17.1 and A18.1 standards for conveyances, which are the 2013 and 2011 editions, respectively. The revisions contain a number of modifications to the technical requirements within these standards, primarily relating to how inspections occur, and include reorganizing the current requirements and applying various editorial changes – all of which are intended to better reflect contemporary industry and regulatory best practices.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

Representatives of manufacturers, designers, contractors, inspectors, and the general public as users of the conveyances

11. Identify the local governmental units that participated in the development of this EIA.

City of Madison

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

Some additional cost may be incurred because of additional testing of below-grade hydraulic components of some existing hydraulic elevators, as required by the ASME A17.1 standard, but this requirement is not expected to have a significant adverse effect.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Installation, operation, inspection, and testing of elevators, escalators, and lift devices would be guided by more up-to-date standards and information; and public safety would be increased. The alternatives include continuing to apply the current, outdated standards.

14. Long Range Implications of Implementing the Rule

Clarity and ease of use of the regulations, and public safety, would be improved.

15. Compare With Approaches Being Used by Federal Government

See comparison in the rule analysis that accompanies the proposed rule revisions.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

See comparison in the rule analysis that accompanies the proposed rule revisions.

17. Contact Name

Sam Rockweiler

18. Contact Phone Number

608-266-0797

This document can be made available in alternate formats to individuals with disabilities upon request.

Notice of Hearing

Safety and Professional Services Uniform Dwelling Code, Chs. 320—325 CR 14–015, EmR1403

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Department of Safety and Professional Services in sections 101.63 (intro.) and (1) (intro.) and 227.11 (2) (a) of the Wisconsin Statutes, the Department of Safety and Professional Services will hold a public hearing at the time and place shown below to consider an order to amend sections SPS 321.02 (1) (c), 321.23, Table 321.25–A, 321.25 (7) (d) and (8) (a) (Note), and Chapters SPS 320 to 325 Appendix — Minimum Fastener Schedule Table; and to repeal and recreate s. SPS 321.25 (8) (b) to (h) and (9), relating to wall bracing for one- and two-family dwellings. As provided in section 227.24 (4) of the Statutes, this hearing will also be for emergency rules that identically address these SPS sections.

Hearing Information

Date: Tuesday, March 11, 2014
Time: Commencing at 10:00 a.m.
Location: 1400 East Washington Avenue
 (Enter at 55 North Dickinson Street)
 Room 121C
 Madison, Wisconsin

Appearance at the Hearing

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions, and arguments in writing as well. Facts, opinions, and arguments may also be submitted in writing without a personal appearance, by e-mail to sam.rockweiler@wi.gov or by mail addressed to the Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708–8366. Written comments must be received at or before the public hearing to be included in the record of rulemaking proceedings.

Copies of Rule

Copies of this proposed rule are available upon request to Sam Rockweiler, Rules Coordinator Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708–8366, by email at sam.rockweiler@wi.gov or on our website at <http://dsps.wi.gov/Default.aspx?Page=44e541e8-abdd-49da-8fde-046713617e9e>.

Copies of the emergency rule are available upon request to the Rules Coordinator shown above, or on the Department's website at <http://dsps.wi.gov/Default.aspx?Page=44e541e8-abdd-49da-8fde-046713617e9e>

Analysis Prepared by the Department of Safety and Professional Services

Statutes interpreted

Sections 101.63 (intro.) and (1) (intro.) and (5), Stats.

Statutory authority

Sections 227.11 (2) (a) and 101.63 (intro.) and (1) (intro.), Stats.

Explanation of agency authority

Section 227.11 (2) (a) of the Statutes authorizes the Department to promulgate rules interpreting any statute that is enforced or administered by the Department, if the rule is considered necessary to effectuate the purpose of the statute.

Sections 101.63 (intro.) and (1) (intro.) require the Department to adopt rules which establish standards for the construction and inspection of one- and two-family dwellings and components thereof. No set of rules may be adopted that has not taken into account the costs of specific code provisions to home buyers in relationship to the benefits derived from the provisions.

Related statute or rule

Various other statutes and rules promulgated by the Department address construction and inspection of public buildings and places of employment, and some of those rules likewise address designing those structures to withstand wind loads.

Plain language analysis

These rule revisions would clarify and simplify the prescriptive methods in ch. SPS 321 for designing wall bracing for one- and two-family homes, to adequately withstand wind loads.

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

An Internet-based search of the *Code of Federal Regulations* (CFR) and the *Federal Register* did not find any federal regulations relating to the rule revisions herein for one- and two-family dwellings — other than the preemptive construction, installation, and safety standards for manufactured homes in 24 CFR Parts 3280 and 3285.

Comparison with rules in adjacent states

Illinois: An Internet-based search did not reveal the existence of a statewide one- and two-family dwelling code. Dwelling regulation appears to be left up to the individual local units of government.

Iowa: An Internet-based search did not reveal the existence of a statewide one- and two-family dwelling code. Dwelling regulation appears to be left up to the individual local units of government.

Michigan: An Internet-based search revealed a mandatory, statewide one- and two-family dwelling code. The Residential Construction Code under the Construction Code Commission's General Rules, in section 408.305, contains the state amendments to the 2009 International Residential Code (IRC) developed by the International Code Council, and includes wall-bracing requirements that are similar to the requirements which would be replaced by the rule revisions contained herein.

Minnesota: An Internet-based search revealed a mandatory, statewide one- and two-family dwelling code. The Minnesota Department of Labor and Industry, in Chapter 1309, adopts the 2006 IRC, chapters 2–10 and 43. Chapters 2–10 contain the general construction provisions of the IRC, which include wall-bracing requirements that are similar to the requirements which would be replaced by the rule revisions contained herein.

Summary of factual data and analytical methodologies

The Department received input during several meetings with the Dwelling Code Council. The makeup of this Council is established under section 15.407 (10) of the Statutes and consists of members who are appointed by the Governor. The

Council includes representatives of several types of small businesses. Through this Council, the Department was able to gather information on the potential impacts of the rule revisions contained herein.

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

The rule revisions are not expected to significantly impact small business because they would clarify and simplify current requirements rather than impose new restrictions.

Fiscal Estimate and Economic Impact Analysis

The Fiscal Estimate and Economic Impact Analysis is attached.

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R03/2012)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

**ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis**

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

SPS 321, and 320 to 325 Appendix — Uniform Dwelling Code

3. Subject

Wall Bracing for One- and Two-Family Dwellings

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

20.165 (2) (j)

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

The proposed rule revisions primarily would clarify and simplify the prescriptive methods in chapter SPS 321 for designing wall bracing for one- and two-family homes, to adequately withstand wind loads.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

Representatives of each of the following: building–trade labor organizations; certified building inspectors employed by local units of government; building contractors actively engaged in on–site construction of one– and two–family housing; manufacturers, retailers, or installers of manufactured or modular one– and 2–family housing; architects, engineers, or designers who are registered under chapter 443 of the Statutes and who are actively engaged in the design or evaluation of one– and two–family housing; the construction material supply industry; remodeling contractors actively engaged in the remodeling of one– and two–family housing; persons with disabilities, as defined in section 106.50 (1m) (g) of the Statutes; and fire prevention professionals.

11. Identify the local governmental units that participated in the development of this EIA.

City of Wausau

12. Summary of Rule’s Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State’s Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

No significant negative economic or fiscal impact is expected.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Design, construction, and inspection of wall bracing would be clarified and simplified – which should reduce costs and delays. The current costs and delays would continue if the rule is not implemented.

14. Long Range Implications of Implementing the Rule

Clarity and ease of use of the requirements would be improved.

15. Compare With Approaches Being Used by Federal Government

See comparison in the rule analysis that accompanies the proposed rule revisions.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

See comparison in the rule analysis that accompanies the proposed rule revisions.

17. Contact Name

Sam Rockweiler

18. Contact Phone Number

608–266–0797

This document can be made available in alternate formats to individuals with disabilities upon request.

Notice of Hearing

Safety and Professional Services *Uniform Dwelling Code, Chs. 320–325* *General Part II, Chs. 326–360* **CR 14–017**

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Department of Safety and Professional Services by sections 101.935 (3), 101.937 (1), 101.96 (1) (a) and (b), and 227.11 (2) (a) of the Wisconsin Statutes, and interpreting sections 101.935 (3), 101.937 (1), and 101.96 (1) (a) and (b) of the Wisconsin Statutes, the Department will hold a public hearing at the time and place indicated below to consider the proposed order to revise Chapters SPS 320, 321, and 326, relating to manufactured homes and manufactured home communities.

Hearing Information

Date: Friday, March 14, 2014
Time: Commencing at 9:30 a.m.
Location: 1400 East Washington Avenue
(Enter at 55 North Dickinson Street)
Room 121C
Madison, Wisconsin

Appearance at the Hearing

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions, and arguments in writing as well. Facts, opinions, and arguments may also be submitted in writing without a personal appearance, by e–mail to sam.rockweiler@wi.gov or by mail addressed to the Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708–8366. Written comments must be received at or before the public hearing to be included in the record of rulemaking proceedings.

Place Where Comments are to be Submitted and Deadline for Submission

Comments may be submitted to Sam Rockweiler, Rules Coordinator, at the Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI, 53708–8366; or by e–mail to sam.rockweiler@wi.gov. Comments must be received on or before **March 14, 2014**, to be included in the record of rulemaking proceedings.

Copies of Rule

Copies of this proposed rule are available upon request to Sam Rockweiler, Rules Coordinator, at the Department of

Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708-8366; or by email at sam.rockweiler@wi.gov; or on the following website: <http://dsps.wi.gov/Default.aspx?Page=44e541e8-abdd-49da-8fde-046713617e9e>

Proposed Order

An order of the Department of Safety and Professional Services to repeal SPS 326.10 (4); 326.32 (3) (b), (7), and (8); 326.34 (1) (a) (Note) and (6); 326.36 (1) (b) 2.; 326.37; and 326.38 (1) (c);

to renumber SPS 326.10 (5) to (20), 326.16, 326.32 (3) (c) to (e), 326.34 (7) and (8), and 326.36 (1) (b) 3. and 4.;

to renumber and amend SPS 326.33 (1) (a);

to amend SPS 321.40 (2) (b) 8.; 326.12 (1) (c) (intro.), 1., and 2.; 326.16 (Note); 326.19 (intro.) and (1); 326.28; 326.30 (1) (a), (b), and (2) (Note); 326.34 (1) (a) and (2); 326.36 (1) (intro.), (c), and (i), and (2); 326.38 (1) (intro.); 326.44 (intro.); and 326.49 (1) (intro.);

to repeal and recreate SPS 321.40 (1) and (Note [1]);

and to create SPS 320.07 (52m) (Note [2]), 321.40 (2) (title), 326.16 (2) and (3), and SPS 326.20 relating to manufactured homes and manufactured home communities.

Analysis Prepared by the Department of Safety and Professional Services

Statutes interpreted

Sections 101.935 (3), 101.937 (1), and 101.96 (1) (a) and (b), Stats.

Statutory authority

Sections 101.935 (3), 101.937 (1), 101.96 (1) (a) and (b), and 227.11 (2) (a), Stats.

Explanation of agency authority

Section 101.935 (3), Stats., authorizes the Department to promulgate rules for administering and enforcing the permit process that the section requires for manufactured home communities.

Section 101.937 (1), Stats., requires the Department to promulgate rules establishing prescribed standards for providing water or sewer service to a manufactured home community occupant.

Sections 101.96 (1) (a) and (b), Stats., require the Department to promulgate rules establishing standards for safe installation of manufactured homes, and for ensuring compliance with the standards.

Section 227.11 (2) (a), Stats., authorizes the Department to promulgate rules interpreting any statute that is enforced or administered by the Department, if the rule is considered necessary to effectuate the purpose of the statute.

Related statute or rule

The Department has related rules elsewhere in chs. SPS 320 to 325 addressing (1) building permits for manufactured homes, (2) construction of footings and foundations, and (3) other structures that are attached to these homes.

The Department of Agriculture, Trade and Consumer Protection has rules in ch. ATPC 125 relating to mobile home parks, and covering such items as rental agreements, transfer of tenancy, and termination of tenancy.

Plain language analysis

The proposed rule revisions primarily would update the installation standards for manufactured homes by incorporating the current, federal model standards in Title 24, Part 3285 of the *Code of Federal Regulations* — after approval for incorporating these standards is received from the Attorney General.

In addition to including several minor clarifications and updates, the proposed rule revisions would also (1) codify the Department's current modifications of the federal installation standards, and (2) update the Department's rules in chapter SPS 326 for manufactured home communities to reflect current administrative and regulatory practices. For example, the current provisions for deferred payment agreements for water and sewer service in a community would be repealed because they are better addressed in lease agreements between landlords and tenants. Also, where a community-wide soil test does not exist and a soil test is required, such as for a proposed frost-free-foundation design, the test would need to determine the soils in the entire community rather than at an individual site.

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

Federal construction requirements that preempt state or local requirements for constructing manufactured homes are addressed in Title 42 of the *United States Code* under sections 5401 to 5425, and in Title 24 of the *Code of Federal Regulations* under Part 3280. Federal minimum, model installation requirements for manufactured homes are addressed in 24 CFR Part 3285.

Under 24 CFR 3285.1(a)(1), "States that choose to operate an installation program for manufactured homes in lieu of the federal program must implement installation standards that provide protection to its residents that equals or exceeds the protection provided by these Model Installation Standards." Wisconsin has exercised this choice, through subchapter V of chapter 101 of the Statutes.

The rule revisions proposed in this order will not infringe on the federal construction requirements in 24 CFR Part 3280, and will not provide less protection than the federal minimum installation requirements in 24 CFR Part 3285.

No current federal regulations were found relating to construction or operation of manufactured-home communities.

No proposed federal regulations were found relating to either manufactured homes or manufactured home communities.

Comparison with rules in adjacent states

An Internet-based search of Web sites from the four adjacent states and telephone contact with program staff there produced the following results relating to these proposed rule changes.

Illinois: Manufactured homes must be installed under the on-site supervision of a licensed manufactured home installer, in compliance with either the manufacturers instructions, or, where no such instructions are available, in compliance with prescribed standards relating to such items as site location, support systems, electrical connections, and perimeter enclosures. Statewide requirements also address anchoring of the home, the water and sewer connections, and licensing of plumbers and roofers. Licensure of manufactured home communities is comprehensive, covering

such items as streets, parking, water and sewer service, fire safety, and waste disposal.

Iowa: The federal installation standards are applied without any state-level modifications, and the credentialing for installers is similar to Wisconsin's. The only statewide regulations that were found relating to manufactured home communities essentially address only the rental agreements.

Michigan: The federal installation standards are applied, and the credentialing for installers is similar to Wisconsin's. Regulation of manufactured home communities is comprehensive, covering such items as plan approval, inspections, recreational areas, streets, utilities, fire safety, and business practices.

Minnesota: The federal installation standards are applied, and the credentialing for installers is similar to Wisconsin's. The regulations for manufactured home communities cover such items as home spacing, water and sewer service, garbage and refuse disposal, fire protection, inspections, and storm shelters.

Summary of factual data and analytical methodologies

The data and methodology for developing these rule revisions were derived from and consisted primarily of comparing the current edition of 24 CFR Part 3285 to the 2007 draft final rule of that Part, which the Department has applied since April 1, 2007. The Department's review and assessment process included evaluating the modifications to those federal standards that the Department has likewise applied since April 1, 2007. This comparison and evaluation was performed with the Manufactured Housing Code Council, as created under section 15.407 (13) of the Statutes. The members of the Council include representatives of the major stakeholders, including manufacturers of manufactured homes, dealers, installers, owners and residents of manufactured home communities, inspectors, labor representatives, industry suppliers, and an association of the manufactured housing industry. The Department utilized the

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R03/2012)

Council to obtain information on any potential impacts of both the technical and administrative elements of the rule revisions. A responsibility of Council members is to bring forth concerns their respective organizations may have with the requirements, including concerns regarding economic impacts.

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

The primary document that was used to determine the effect of the proposed rule revisions on small businesses, and to prepare an economic impact analysis was 24 CFR Part 3285, along with the installation instructions the Department has posted on its Web site since April 2007.

Fiscal Estimate and Economic Impact Analysis

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on Small Business

The proposed rule revisions are not expected to have an effect on small businesses because the current edition of 24 CFR Part 3285, as it would be modified by these rule revisions, is not expected to impose costs that would substantially exceed the costs imposed by the currently applied requirements.

The Department's Regulatory Review Coordinator may be contacted by e-mail at Tom.Engels@wi.gov, or by calling (608) 266-8608.

Agency Contact Person

Sam Rockweiler, Rules Coordinator, at the Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI, 53708-8366; or at telephone (608) 266-0797; or by e-mail at sam.rockweiler@wi.gov.

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

SPS 321 and 326, Manufactured Homes, and Manufactured Home Communities

3. Subject

Manufactured Homes And Manufactured Home Communities

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

- No Fiscal Effect
- Indeterminate
- Increase Existing Revenues
- Decrease Existing Revenues
- Increase Costs
- Could Absorb Within Agency’s Budget
- Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

- State’s Economy
- Local Government Units
- Specific Businesses/Sectors
- Public Utility Rate Payers
- Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

- Yes
- No

9. Policy Problem Addressed by the Rule

The proposed rule revisions primarily would update the installation standards for manufactured homes by incorporating the current, federal model standards in Title 24, Part 3285 of the *Code of Federal Regulations*. The proposed rule revisions would also (1) codify the Department’s current modifications of the federal installation standards, and (2) update the Department’s rules in chapter SPS 326 for manufactured home communities to reflect current administrative and regulatory practices.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

Representatives of manufacturers of manufactured homes, dealers, installers, owners and residents of manufactured home communities, inspectors, labor representatives, industry suppliers, and an association of the manufactured housing industry.

11. Identify the local governmental units that participated in the development of this EIA.

City of Superior

12. Summary of Rule’s Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State’s Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

No significant negative economic or fiscal impact is expected.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Installation of manufactured homes and operation of manufactured home communities would be guided by more up-to-date standards and information.

14. Long Range Implications of Implementing the Rule

Clarity and ease of use of the regulations would be improved.

15. Compare With Approaches Being Used by Federal Government

See comparison in the rule analysis that accompanies the proposed rule revisions.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

See comparison in the rule analysis that accompanies the proposed rule revisions.

17. Contact Name
Sam Rockweiler

18. Contact Phone Number
608-266-0797

This document can be made available in alternate formats to individuals with disabilities upon request.

Submittal of Proposed Rules to Legislature

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

Natural Resources
Fish, Game, etc., Chs. 1—
CR 13-080

(DNR # FR-20-12)

On February 18, 2014, the Department of Natural Resources submitted a proposed rule in final draft form to the chief clerk of the Senate and Assembly pursuant to s. 227.19 (2), Stats. The rule revises section NR 45.045 (2) (a) and (b), relating to decreasing the distance from which firewood may be brought onto state lands from 25 miles to 10 miles.

This rule was approved by the Governor on February 12, 2014, pursuant to s. 227.185, Stats.

Natural Resources
Environmental Protection — Air Pollution, Chs. 400—
CR 13-070

(DNR # AM-21-12)

On February 6, 2014, the Department of Natural Resources submitted a proposed rule in final draft form to the chief clerk of the Senate and Assembly pursuant to s. 227.19 (2), Stats. The rule repeals provisions of air pollution control rules in Chapters NR 400 and 410, relating to the former indirect source permit program, and revises provisions in Chapters NR 405 and 408, relating to consistency with federal new stationary source permit program requirement.

This rule was approved by the Governor on February 5, 2014, pursuant to s. 227.185, Wis. Stats.

Natural Resources
Environmental Protection — Air Pollution, Chs. 400—
CR 13-089

(DNR # AM-19-13)

On February 7, 2014, the Department of Natural Resources submitted a proposed rule in final draft form to the chief clerk of the Senate and Assembly pursuant to s. 227.19 (2), Stats. The proposed rule revises Chapter NR 446, relating to the control of mercury emitted into the air by coal-fired electric generating units.

This rule was approved by the Governor on February 7, 2014, pursuant to s. 227.185, Stats.

Public Service Commission
CR 13-101

(PSC DOCKET No. 1-AC-242)

The Public Service Commission of Wisconsin has submitted a final draft of proposed rules to the presiding officer of each house of the Legislature for standing committee review, pursuant to Wis. Stat. s. 227.19 (2). The proposed rule modifies Chapter PSC 111, regarding the electronic delivery of applications for a Certificate of Public Convenience and Necessity.

This rule was approved by the Governor on February 12, 2014.

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.

Natural Resources

Fish, Game, etc., Chs. 1—

Environmental Protection — General, Chs. 100—

Environmental Protection — Water, Chs. 300 —

Environmental Protection — Air Pollution, Chs. 400—

Environmental Protection — Solid Waste, Chs. 500—

Environmental Protection — Hazardous Waste, Chs. 600 —

Environmental Protection — Water Supply, Chs. 800 —

CR 13-022

(DNR # OE-46-10)

An order to repeal sections NR 2.085 (4), 2.14 (7), 300.03 (5), 300.05 (4), 305.03 (5), 305.06 (3m), 345.04 (2) (e) 6, and 345.04 (2) (g) 2.; to amend sections NR 2.085 (3), 2.157 (title), 2.157 (intro), 2.157 (1), 19.01 (5), 44.04 (8) (b), 51.002 (1), 51.85 (4), 108.04 (3) (b), 110.09 (3), 110.10 (1) (L), 110.11 (1) (g), 126.07 (2) (j), 134.09 (2), 166.07 (1) (a) 3.,

191.05 (5), 310.14 (4) (b), 327.04 (4), 410.02 (3), 410.03 (2) (i) and (3) (a) 2., 512.16, 670.409 (1) (c), 820.29 (1), 820.29 (2), 820.30 (2) (a), (3) (a), and (4) (b) and (c), 820.31 (4) (b) and (c), and 820.32 (2), and (3); and to repeal and recreate Chapter NR 150, relating to the department's environmental analysis and review procedures under the Wisconsin Environmental Policy Act.
Effective 4-1-14.

Safety and Professional Services —

Podiatry Affiliated Credentialing Board

CR 12-047

An order of the Podiatry Affiliated Credentialing Board to amend section Pod 1.08 (5) and to create sections Pod 3.02 (4) and 3.03 (3), relating to temporary educational license and continuing education.
Effective 4-1-14.

Rules Published with this Register and Final Regulatory Flexibility Analyses and Repeals and Modifications of Rules by Legislative Acts

The following administrative rule orders and legislative acts that repeal or modify rule have been adopted or enacted and the changes, additions, and deletions to the Wisconsin Administrative Code contained in these rules and acts have been incorporated into the affected chapters of the Administrative Code. The affected chapters are published in this edition of the Wisconsin Administrative Register. (see sections 35.93 and 227.265, Wis. Stats.)

For subscription information, contact Document Sales at (608) 266-3358. (Paper publication of and subscriptions to the Wisconsin Administrative Code and the subscription service will cease January 1, 2015. The administrative code will be published on the Internet at <http://legis.wisconsin.gov/rsb/code.htm>. See that site or <http://legis.wisconsin.gov/rsb/codenews.pdf> for details.)

Administrative Rules Published

Agriculture, Trade and Consumer Protection

CR 13-016

(DATCP DOCKET # 11-R-01)

An order of the Department of Agriculture, Trade and Consumer Protection to revise Chapter ATCP 50, relating to relating to soil and water resource management and affecting small business.

Effective 5-1-14.

Summary of Effects on Small Business

Most impacts of this rule will be on farmers, a great majority of whom qualify as “small businesses.” These are the key factors affecting the impacts on farms:

- This rule does not add performance standards for farms, but focuses on implementation of standards previously developed by Department of Natural Resources (DNR) in 2011.
- In its implementation of the 2011 DNR standards, this rule includes measures intended to minimize the financial impacts on farmers, including accommodations to limit the burdens of nutrient management planning for pastures, and limitations on increasing the tillable setback over 5 feet.
- Most farmers will be insulated from the costs of implementation by the state’s cost-share requirement and the limited state funding available to provide cost-sharing.
- For farmers receiving farmland preservation program tax credits, this rule provides farmers flexibility to minimize the financial impacts related to compliance (which range from \$8 to \$12 million state-wide), including a delay in the effective date for compliance with the 2011 DNR standards, the use of performance schedules, pursuit of cost-sharing for which they are eligible, use of a tax credit to offset some implementation costs, or if needed, withdrawal from the farmland preservation program to avoid unmanageable costs.

The rule changes will have small, but positive impacts on businesses other than farmers. Those businesses include nutrient management planners, soil testing laboratories, farm

supply organizations, conservation engineering practitioners, and contractors installing farm conservation practices.

Summary of Comments from Legislative Committees

On October 24, 2013, the Legislature officially received the above-referenced rule which the DATCP Secretary previously signed and submitted on October 21, 2013, pursuant to s. 227.19, Stats. The rule was approved by the Governor on September 24, 2013.

The rule was assigned to the Assembly Committee on Agriculture and the Senate Committee on Agriculture, Small Business, and Tourism. Neither committee took action. The Assembly referred the rule to the Joint Committee for Review of Administrative Rules (JCRAR) on December 10, 2013 and the Senate referred it to JCRAR on December 13, 2013. JCRAR took no action on the rule.

Agriculture, Trade and Consumer Protection

CR 13-043

(DATCP DOCKET # 12-R-11)

An order of the Department of Agriculture, Trade and Consumer Protection to repeal section ATCP 113.02; to amend sections ATCP 90.01 (26), 91.01 (4) and (Note), 91.03 (3) (k) and (L), the prefatory note to Ch. ATCP 92, 92.01 (15), 92.02 (1) and (Note), 92.06 (1) (a) and (b) and (2), 92.20 (2) (d) (Note), 92.21 (2) (b) (Note) and (4) (Note), 92.22 (1) (b) and (Note), 92.30 (1) (c) and (d) (Note), (3) (e) 2., and (6) (title) and (c) (Note), 92.31 (2) (d) (Note), 92.43 (2) (Note), 92.50 (2) (b) (Note) and (3) (d), 113.01 (1) and (3), 136.10 (1), 136.12 (3) (e); to repeal and recreate sections ATCP 136.02 (4) (Note), 136.08 (7) (Note); and to create sections ATCP 136.01 (11m), 136.12 (3) (f) and (g), and 136.14 (1) (c); relating to fair packaging and labeling; selling commodities by weight, measure or count; weights and measures; gasoline advertising; and mobile air conditioners, reclaiming or recycling refrigerant; various minor and technical rule changes; and affecting small business.

Effective 5-1-13.

Business Impact Analysis (Summary)

This rule updates references to technical standards to the most recent editions of those standards without significant changes. This rule simply continues policies already in place

in current rules or updates rules to conform to recent changes in the statutes. Except as noted below, this rule does not have an effect on small businesses.

Chapter ATCP 113 — Gasoline Advertising, updating references to most recent standards may increase the enforceability of the rule. Chapter ATCP 113 relies on nationally recognized standards for octane rating published by ASTM. However, the current rule relies on standards that are outdated and is, therefore, difficult to enforce. Updating the standards, as proposed in this rule, will improve the enforceability. By making it easier to punish any business that might mislead consumers about the octane rating or value, this rule should benefit honest sellers of gasoline.

This rule will benefit businesses that service mobile air conditioners. Under this rule, these businesses can service units that require the new refrigerant HFO-1234yf. This product was only recently approved by EPA.

Comments from Legislative Committees (Summary)

On January October 24, 2013, DATCP transmitted the above rule for legislative committee review. The rule was assigned to the Assembly Committee on Consumer Protection and the Senate Committee on Agriculture, Small Business, and Tourism. Neither committee took action. The Assembly referred the rule to the Joint Committee for Review of Administrative Rules (JCRAR) on December 5, 2013 and the Assembly referred it to JCRAR on December 13, 2013. JCRAR took no action on the rule.

Revenue CR 13-037

An order of the Department of Revenue to repeal sections Tax 15.03 (2) (a) to (c) and 15.05 (5), renumber and amend section Tax 15.03 (2) (intro.), and amend sections Tax 6.02, 6.40 (2) (a) and (b), and 6.50 (4) (b), relating to public utility taxation and real estate transfer fee.

Effective 3-1-14.

Effect on Small Business

This rule order does not affect small business.

Comments from Legislative Committees

No comments were reported.

Safety and Professional Services Professional Services, Chs. 1-299 CR 13-047

An order of the Department of Safety and Professional Services to create section SPS 34.04 (2) (a) 4. and 5., relating to training of firearms instructors for private security personnel, private detectives, and private investigators or special investigators.

Effective 3-1-14.

Effect on Small Business

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats.

Comments from Legislative Committees

No comments were reported.

Safety and Professional Services Professional Services, Chs. 1-299 CR 13-053

An order of the Department of Safety and Professional Services to repeal section SPS 81.04 (1) (c) 3. and 4., and to amend section SPS 81.04 (2), relating to reciprocity for real estate appraisers.

Effective 3-1-14.

Effect on Small Business

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats.

Comments from Legislative Committees

No comments were reported.

Safety and Professional Services Plumbing, Chs. 381-387 CR 13-062

An order of the Department of Safety and Professional Services to amend sections SPS 381.01 (141), 381.20 Table 381.20-11 (partial) line 6., 384.20 (2) (b) (Note), 384.30 (4) (intro.), and 384.40 (8) (a) and (d); and create sections SPS 381.01 (141) (c) (Note), 381.20 Table 381.20-11 (partial) line 7., relating to U.S. EPA lead reduction rule, Safe Drinking Water Act amendments of 2011.

Effective 3-1-14.

Effect on Small Business

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats.

Comments from Legislative Committees

No Comments were reported.

Safety and Professional Services — Medical Examining Board CR 12-005

An order to repeal section Med 8.08; to renumber section Med 8.01; to amend sections Med 8.05 (2) (b) 7. and (c), 8.07 (1), (2) (a), (e), and (i); to repeal and recreate section Med 8.10; and to create sections Med 8.01 (2), 8.05 (2) (e), and 8.07 (3), relating to physician assistant employment requirements and supervising physician responsibilities.

Effective 3-1-14.

Effect on Small Business

The department finds that this rule will have no effect on small business as small business as defined in s. 227.114 (1), Stats.

Comments from Legislative Committees

No Comments were reported.

Safety and Professional Services — Pharmacy Examining Board CR 13-065

An order of the Pharmacy Examining Board to repeal sections Phar 18.02 (22), 18.06 (4) to (6) and (9), 18.06 (4) to (6) and (9); renumber section Phar 18.06 (7) and (8) to 18.06 (4) and (5); amend sections Phar 18.02 (7), (16), and (17), 18.03 (intro.), 18.04 (1) (b) and (e), and (3) (b), (d), (i), and (k), 18.05 (2), 18.06 (1) to (3) (intro.), 18.06 (4); and create section Phar 18.02 (3m) and (13e), relating to the prescription drug monitoring program (PDMP) and the exclusion of veterinarians from reporting.

Effective 3-1-14.

Effect on Small Business

This rule change will not have an effect on small business.

Comments from Legislative Committees

No Comments were reported.

Legislative Acts Modifying or Repealing Rules

Public Service Commission

2013 Wisconsin Act 125

2013 Wisconsin Act 125, section 33, repeals Chapter PSC

171, relating to cable television telecommunications service providers.

Effective 3-1-14.

Administrative Code Sections Affected by Rule Revisions, Legislative Acts, and Corrections

*The following administrative code provisions were revised by rule orders, modified or repealed by legislative act, or corrected by the Legislative Reference Bureau in **February 2014**. Revised, modified, and corrected administrative code chapters are published in this Register. Repealed chapters of the administrative code are removed from the code on the first day of the first month following publication of this Register. For additional information, contact the Legislative Reference Bureau at (608) 266-3651.*

Revisions by Rule Order

Agriculture, Trade and Consumer Protection

Ch. ATCP 50

ATCP 50.01 (2m), (Note), (11), (15m), (Note), (17), (18) (a) to (c), (20), (27) (Note), (29m), (31) (a), (b), (33)

ATCP 50.04 (1), (Note), (2), (Note), (3) (a), (Note), (b), (Note), (3) (d), (de), (dm) 1. (Note), (e) (Note), (f) (intro.), 4. (Note), (gm), (h) (intro.), (4), (Note)

ATCP 50.08 (1) (intro.), (a) (Note), (2) (Note), (5) (a) (Note)

ATCP 50.10 (1) (b), (Note)

ATCP 50.12 (2) (a), (b) (Note), (c), (f) (Note), (g), (i), (j), (jm), (3) (c)

ATCP 50.16 (title), (1) to (5), (6) (a) 1., 2., 5., (Note), (b) 1., 3. (Note), (c) (intro.), 2., (d), (Note)

ATCP 50.18 (1) (b), (Note)

ATCP 22 (5), (Note)

ATCP 50.26 (2) (a), (Note)

ATCP 50.28 (1) (e), (Note), (5) (a) 1. to 3., 5., (b) (intro.), ((5) (b) 1. (Note), (c)

ATCP 50.30 (1), (2) (intro.), (b) to (f), (Note), (3) (b), (g), (h), (m), (o), (p), (r)

ATCP 50.32 (3) (a) (Note), (b), (3m), (5) (a) (Note), (b), (Note), (7) (a) (Note), (b), (c) 4., (Note), (8) (b), (c) 2. to 4.

ATCP 50.34 (1) (b), (Note), (d), (3) (a), (Note), (c) (Note), (d), (5m), (Note), (6) (a) 3., (Note), (b)

ATCP 50.35

ATCP 50.36 (1), (Note), (2) (a)

ATCP 50.40 (2) (d), (Note), (3) (a) (Note), (b) 12. to 14., (4), (7) (b), (9) (c), (d), (j) (Note), (L), (n), (10) (b), (Note), (11) (b) (intro.), 2., 3., (14) (a) to (d), (17)

ATCP 50.42 (1) (a) (Note), (bm), (dg), (dr), (Note), (4) (intro.)

ATCP 50.46 (title), (1), (2), (2m), (Note), (3) (title), (a), (b), (Note), (4) (a), (5) (a), (Note), (6) (b), (7) (a), (9) (c) 2., (10), (11) (a), (b), (12)

ATCP 50.48 (2) (a) 4. (Note)

ATCP 50.50 (2) (intro.), (d), (Note), (g) (Note 2), (4) (intro.), (c) (Note), (8) (b) (Note), (c) (Note)

ATCP 50.52 (1) (g), (Note), (2) (d), (e)

ATCP 50.54 (1) (Note), (2) (b)

ATCP 50.56 (2) (e), (f), (3), (4) (title), (intro.), (a), (Note), (b), (c), (Note), (6)

ATCP 50.60 (1) (a) (Note)

ATCP Subchapter VII (Note)

ATCP 50.61 (title), (1), (3), (4), (Note)

ATCP 50.62 (1) (b) 6., (e) 1., 3., 5., (3) (d), (Note), (5) (e) 1. to 9., (em), (f), (Note)

ATCP 50.63 (5), (Note)

ATCP 50.64 (1) (a), (b), (e), (v) (Note), (5) (a) to (c), (Note 2)

ATCP 50.65 (title), (1), (2), (Note), (2m), (3) (intro.), (a), (Note), (b)

ATCP 50.66 (title), (1), (2), (3) (intro.), (a), 3. (Note), 4., (b)

ATCP 50.67 (3) (a) to (c), (Note)

ATCP 50.68 (4) (a), (Note)

ATCP 50.69 (1), (4) (a) 1. to 7., (b)

ATCP 50.70 (4) (b) 1. to 9., (Note)

ATCP 50.705

ATCP 50.71 (1), (3) (b) 1. to 3., (Note), 4.

ATCP 50.72 (3) (a) 1. to 3., 5. to 7., (Note)

ATCP 50.73 (3) (d) 1. to 12., (Note)

ATCP 50.74

ATCP 50.75 (4) (a) 1., 2., (Note)

ATCP 50.76 (5) (a) 2. to 4., 5. (Note), 6., 7.

ATCP 50.77 (4) (a) 1., (Note), 2. to 4., 5. (Note), 6., 7.

ATCP 50.78 (3) (a) (Note)

ATCP 50.79 (2) (intro.), (3) (a) 1., (b)

ATCP 50.80 (3) (a) 1. to 6., 7. (Note), 8., 9. (Note)

ATCP 50.82 (4) (c) 1. to 3.

ATCP 50.82 (4) (c) 3. (Note), 4.

ATCP 50.83 (3) (a) 1. to 3., 5. to 7., 9., (Note)

ATCP 50.84 (5) (a), (Note)

ATCP 50.85 (4) (a) 1., 2., (Note)

ATCP 50.86 (4) (b) 1. to 8., (Notes)

ATCP 50.87 (4) (a) 1. to 3., (Note)

ATCP 50.88 (title), (1) (intro.), (a) to (h), (2) (intro.), (a) to (f), (2m), (3) (a) 1. to 5., (Note), (b), (c)

ATCP 50.885

ATCP 50.89 (3) (b) 1. to 4., (Note)

ATCP 50.90 (3) (b) 1., 2., (Note)

ATCP 50.91 (3) (b) 1. to 8., (Note)

ATCP 50.92 (3) (b) 1., 2., (Note)

ATCP 50.93 (4) (a) 1., 2., (Note)

ATCP 50.94 (3) (a) 1. to 5., (Note)

ATCP 50.95 (3) (a) 1. to 4., (Note)

ATCP 50.96 (3) (b) 1. to 7., (Note), 8.

ATCP 50.97 (3) (a), (b) (Note)

ATCP 50.98 (3) (a) (Note)
 ATCP Appendices A to G (Repealed)

Ch. ATCP 90

ATCP 90.01 (26)

Ch. ATCP 91

ATCP 91.01 (4), (Note)
 ATCP 91.03 (3) (k), (L)

Ch. ATCP 92

ATCP 92 (Note 2)
 ATCP 92.01 (15)
 ATCP 92.02 (1), (Note)
 ATCP 92.06 (1) (a), (b), (2)
 ATCP 92.20 (2) (d) (Note)
 ATCP 92.21 (2) (b) (Note), (4) (Note)
 ATCP 92.22 (1) (b), (Note)
 ATCP 92.30 (1) (c), (d) (Note), (3) (e) 2., (6) (title), (c) (Note)
 ATCP 92.31 (2) (d) (Note)
 ATCP 92.43 (2) (Note)
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Ch. ATCP 113

ATCP 113.01 (1), (3)
 ATCP 113.02

Ch. ATCP 136

ATCP 136.01 (11m)
 ATCP 136.02 (4) (Note)
 ATCP 136.08 (7) (Note)
 ATCP 136.10 (1)
 ATCP 136.12 (3) (e) to (g)
 ATCP 136.14 (1) (c)

Medical Examining Board**Ch. Med 8**

Med 8.01 (1), (2)
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Med 8.07 (1), (2) (a), (e), (i), (3)
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Pharmacy Examining Board**Ch. Phar 18**

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 Phar 18.04 (1) (b), (e), (3) (b), (d), (i), (k)
 Phar 18.05 (2)
 Phar 18.06 (1), (2), (3) (intro.), (4) to (9)

Revenue**Ch. Tax 6**

Tax 6.02
 Tax 6.40 (2) (a), (b)
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Ch. Tax 15

Tax 15.03 (2)
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Safety and Professional Services**Ch. SPS 34**

SPS 34.04 (2) (a) 4., 5.

Ch. SPS 81

SPS 81.04 (1) (c) 3., 4., (2)

Ch. SPS 381

SPS 381.01 (141), (Note)
 SPS 381.20 Table 381.20–11

Ch. SPS 384

SPS 384.20 (2) (b) (Note)
 SPS 384.30 (4) (intro.)
 SPS 384.40 (8) (a), (d)

Repeals and Modifications of Rules by Legislative Act

Repeals and modifications by legislative act under authority of s. 227.265, Stats.

Ch. PSC 171

Entire chapter (Repealed)

Editorial Corrections

Corrections by the Legislative Reference Bureau under the authority of ss. 13.92 (4) (b) or 35.17 (2), Stats.

Agriculture, Trade and Consumer Protection**Ch. ATCP 113**

ATCP 113.01 (1), (3)

Ch. DCF 150

DCF 150 Appendix C
 DCF 150 Appendix D

Ch. DCF 251

DCF 251.05 (1) (i) (Note)

Children and Families**Ch. DCF 39**

DCF 39.09 (2) (Note)
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DCF 120.05 (3) (b) 1. (Note), (4) (d) (Note)

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DHS 35.03 (16)
 DHS 35.17 (1) (b) 2. (Note)

Ch. DHS 36

DHS 36.03 (15)
 DHS 36.10 (2) (g) 16., (Note)

Ch. DHS 62

DHS 62.04 (5) (c) 4. (Note)
DHS 62.07 (1) (c) (Note), (4) (b) 5. (Note)
DHS 62.08 (1) (Note)
DHS 62.09 (1) (Note)

Ch. DHS 85

DHS 85.05 (5)

Ch. DHS 107

DHS 107.10 (1)

Ch. DHS 109

DHS 109.31 (1)
DHS 109.52 (5) (b) (Note), (1) (a) 1. (Note)

Ch. DHS 124

DHS 124.38 (5) (Note)

Ch. DHS 148

DHS 148.08 (Note)

Ch. DHS 159

DHS 159.12 (1) (Note)

Ch. DHS 251

DHS 251.05 (1) (i) (Note)

Justice

Ch. Jus 14

Jus 14 (Note)

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Ch. Med 8

Med 8.05 (1) (a) (Note)

Natural Resources

Ch. NR 113

NR 113.06 (3) (c) (Note)

Ch. NR328

NR 328.25 (4) (e), (5) (j)

Ch. NR 406

NR 406.03 (1m) (Note)

NR 406.17 (3) (a)

Ch. NR 407

NR 407.03 (1m) (a) 2.

NR 407.05 (1) (Note)

NR 407.105 (3) (a)

Ch. NR 469

NR 469.01 (b)

NR 469.085 (2) Table 8 (Footnote a)

Pharmacy Examining Board

Ch. Phar 18

Phar 18.02 (13e), (14e), (17)

Phar 18.03 (intro.)

Phar 18.10 (1) (b)

Revenue

Ch. Tax 15

Tax 15.05 (6) (Note)

Tax 15.06 (Note)

Executive Orders

The following are recent Executive Orders issued by the Governor.

Executive Order 129. Relating to a Special Session of the Legislature. **(January 23, 2014)**

Executive Order 130. Relating to a Proclamation Declaring a State of Emergency in Response to Severe Winter Weather and a Propane Shortage. **(January 25, 2014)**

Public Notices

Children and Families Bureau of Child Support

DCF 150, Child Support Percentage of Income Standards Appendices C and D Adjusted for Federal Poverty Guidelines Effective March 1, 2014

A court may determine the child support obligation of a low-income payer based on s. DCF 150.04 (4) and Appendix C. Appendix C is a schedule of child support obligations for low-income payers at 75% to 150% of the federal poverty guidelines. DCF 150.04 (4) (b) provides that “the department shall revise the schedule in Appendix C every year based on changes in the federal poverty guidelines since the schedule was last revised. The department shall publish revisions to the schedule in the Wisconsin Administrative Register.” The revisions to Appendix C based on the 2014 federal poverty guidelines will be effective March 1, 2014.

A court may determine the amount of a birth cost judgment based on s. DCF 150.05 (2) and Appendix D. A birth cost judgment is an order establishing the amount of the father’s obligation to pay or contribute to the reasonable expenses of the mother’s pregnancy and the child’s birth under s. 767.89 (3) (e), Stats. Appendix D is a schedule of maximum birth cost judgment amounts for low-income payers at 75% to 150% of the federal poverty guidelines. DCF 150.05 (2) (c) provides that “the department shall revise the schedule in Appendix D every year based on changes in the federal poverty guidelines. The department shall publish revisions to the schedule in the Wisconsin Administrative Register.” The revisions to Appendix D based on the 2014 federal poverty guidelines will be effective March 1, 2014.

Chapter DCF 150

Appendix C

Child Support Obligation of Low-Income Payers at 75% to 150% of the 2014 Federal Poverty Guidelines

1 Person with	One Child		Two Children		Three Children		Four Children		Five Children	
	Percent	Child Support Amount	Percent	Child Support Amount	Percent	Child Support Amount	Percent	Child Support Amount	Percent	Child Support Amount
\$729.00	11.22%	\$82	16.50%	\$120	19.14%	\$140	20.46%	\$149	22.44%	\$164
\$755.00	11.43%	\$86	16.80%	\$127	19.49%	\$147	20.84%	\$157	22.85%	\$173
\$781.00	11.63%	\$91	17.11%	\$134	19.84%	\$155	21.21%	\$166	23.27%	\$182
\$807.00	11.84%	\$96	17.41%	\$141	20.20%	\$163	21.59%	\$174	23.68%	\$191
\$833.00	12.05%	\$100	17.71%	\$148	20.55%	\$171	21.97%	\$183	24.09%	\$201
\$859.00	12.25%	\$105	18.02%	\$155	20.90%	\$180	22.34%	\$192	24.50%	\$210
\$885.00	12.46%	\$110	18.32%	\$162	21.25%	\$188	22.72%	\$201	24.92%	\$221
\$911.00	12.66%	\$115	18.63%	\$170	21.61%	\$197	23.10%	\$210	25.33%	\$231
\$937.00	12.87%	\$121	18.93%	\$177	21.96%	\$206	23.47%	\$220	25.74%	\$241
\$963.00	13.08%	\$126	19.23%	\$185	22.31%	\$215	23.85%	\$230	26.16%	\$252
\$989.00	13.28%	\$131	19.54%	\$193	22.66%	\$224	24.22%	\$240	26.57%	\$263
\$1,015.00	13.49%	\$137	19.84%	\$201	23.01%	\$234	24.60%	\$250	26.98%	\$274
\$1,041.00	13.70%	\$143	20.14%	\$210	23.37%	\$243	24.98%	\$260	27.39%	\$285
\$1,067.00	13.90%	\$148	20.45%	\$218	23.72%	\$253	25.35%	\$271	27.81%	\$297
\$1,093.00	14.11%	\$154	20.75%	\$227	24.07%	\$263	25.73%	\$281	28.22%	\$308
\$1,119.00	14.31%	\$160	21.05%	\$236	24.42%	\$273	26.11%	\$292	28.63%	\$320
\$1,145.00	14.52%	\$166	21.36%	\$245	24.77%	\$284	26.48%	\$303	29.05%	\$333
\$1,171.00	14.73%	\$172	21.66%	\$254	25.13%	\$294	26.86%	\$315	29.46%	\$345
\$1,197.00	14.93%	\$179	21.96%	\$263	25.48%	\$305	27.24%	\$326	29.87%	\$358
\$1,223.00	15.14%	\$185	22.27%	\$272	25.83%	\$316	27.61%	\$338	30.28%	\$370
\$1,249.00	15.35%	\$192	22.57%	\$282	26.18%	\$327	27.99%	\$350	30.70%	\$383
\$1,275.00	15.55%	\$198	22.88%	\$292	26.54%	\$338	28.37%	\$362	31.11%	\$397
\$1,301.00	15.76%	\$205	23.18%	\$302	26.89%	\$350	28.74%	\$374	31.52%	\$410
\$1,327.00	15.97%	\$212	23.48%	\$312	27.24%	\$361	29.12%	\$386	31.94%	\$424
\$1,353.00	16.17%	\$219	23.79%	\$322	27.59%	\$373	29.49%	\$399	32.35%	\$438

\$1,379.00	16.38%	\$226	24.09%	\$332	27.94%	\$385	29.87%	\$412	32.76%	\$452
\$1,405.00	16.58%	\$233	24.39%	\$343	28.30%	\$398	30.25%	\$425	33.17%	\$466
\$1,432.00	16.79%	\$240	24.70%	\$354	28.65%	\$410	30.62%	\$439	33.59%	\$481
\$1,459.00	17.00%	\$248	25.00%	\$365	29.00%	\$423	31.00%	\$452	34.00%	\$496

Effective March 1, 2014

Appendix C will be adjusted based on the 2015 federal poverty guidelines effective March 1, 2015.

Note: DCF 150.04 (4) (b) provides:

The department shall revise the schedule in Appendix C every year based on changes in the federal poverty guidelines since the schedule was last revised. The department shall publish revisions to the schedule in the Wisconsin Administrative Register.

Chapter DCF 150

APPENDIX D

Maximum Birth Cost Judgment Amounts for Low-Income Payers at 75% to 150% of the 2014 Federal Poverty Guidelines

Monthly Income Up To:	Percent	Number of Months	Maximum Birth Cost Judgment Amount*
\$729	3.30%	36	\$866
\$755	3.36%	36	\$913
\$781	3.42%	36	\$962
\$807	3.48%	36	\$1,012
\$833	3.54%	36	\$1,062
\$859	3.60%	36	\$1,114
\$885	3.66%	36	\$1,167
\$911	3.73%	36	\$1,222
\$937	3.79%	36	\$1,277
\$963	3.85%	36	\$1,333
\$989	3.91%	36	\$1,391
\$1,015	3.97%	36	\$1,450
\$1,041	4.03%	36	\$1,510
\$1,067	4.09%	36	\$1,571
\$1,093	4.15%	36	\$1,633
\$1,119	4.21%	36	\$1,696
\$1,145	4.27%	36	\$1,761
\$1,171	4.33%	36	\$1,826
\$1,197	4.39%	36	\$1,893
\$1,223	4.45%	36	\$1,961
\$1,249	4.51%	36	\$2,030
\$1,275	4.58%	36	\$2,100
\$1,301	4.64%	36	\$2,171
\$1,327	4.70%	36	\$2,244
\$1,353	4.76%	36	\$2,317
\$1,379	4.82%	36	\$2,392
\$1,405	4.88%	36	\$2,468
\$1,432	4.94%	36	\$2,546
\$1,459	5.00%	36	\$2,626

Effective March 1, 2014

Appendix D will be adjusted based on the 2015 federal poverty guidelines effective March 1, 2015.

The maximum birth cost judgment amount may not exceed the identified percentage of the father's current monthly income available for child support multiplied by 36 months.

Note: DCF 150.05 (2) (c) provides:

The department shall revise the schedule in Appendix D every year based on changes in the federal poverty guidelines. The department shall publish revisions to the schedule in the Wisconsin Administrative Register.

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