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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

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
Extension Through:	August 23, 2014

Agriculture, Trade and Consumer Protection

EmR1407 — The Wisconsin Department of Agriculture, Trade and Consumer Protection hereby adopts the following emergency rule to amend **section ATCP 21.10 (1) (b)** and to create **section ATCP 21.10 (1) (c)**, relating to the quarantine of Iowa County for the gypsy moth.

This emergency rule was approved by the Governor on March 13, 2014.

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

Gypsy moth is an exotic, invasive pest that poses a serious risk to Wisconsin's forest, shade and commercial trees. The 2013 DATCP survey in Iowa County shows that current and projected GM populations in that county have reached the threshold level to trigger implementation of further regulatory measures. Since 2011, multiple trap sites in Iowa County have caught over 100 individual moths, with an average trap count of 28 in 2013 (a five-fold increase from 2011). The survey data indicate that reproducing populations of GM now exist at significant levels in Iowa County and that eradication

is not feasible. This evidence supports the need for a quarantine to limit movement from this infestation. When APHIS declares a quarantine, DATCP has regulatory authority for import controls and quarantine for GM under s. ATCP 21.10. It is anticipated that APHIS will declare a quarantine for Iowa 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 GM infested material out of this county to areas of Wisconsin or other states that are not infested with GM.

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: March 28, 2014
Publication Date: March 31, 2014
Effective Dates: March 31, 2014 through August 27, 2014
Hearing Date: April 29, 2014

Health Services

Health, Chs. DHS 110—

EmR1410 — The Wisconsin Department of Health Services hereby adopts emergency rules to renumber and amend **section DHS 115.05 (3)**; to amend **sections 115.01, 115.02, and 115.04 (intro.)**; and to create **section 115.04 (15) and (16)**, relating to screening newborns for congenital and metabolic disorders.

This emergency rule was approved by the Governor on June 27, 2014.

The statement of scope for this rule, SS 057–14, was approved by the Governor on June 5, 2014, published in Register 702, on June 14, 2014, and approved by Secretary Rhoades on June 25, 2014.

Finding of Emergency

The Department of Health Services finds that an emergency exists and that the adoption of an emergency rule is necessary for the immediate preservation of the public health, safety and welfare. The facts constituting the emergency are as follows:

1. Section 253.13 (1), Stats., requires attending physicians and nurses licensed under s. 441.15, Stats., to cause every infant born in each hospital or maternity home, prior to the infant's discharge to be subjected to tests for congenital and metabolic disorders, as specified in rules promulgated by the department. If the infant is born elsewhere than in a hospital or maternity home, the attending physician, nurse licensed under s. 441.15, Stats., or birth attendant who attended the birth shall cause the infant, within one week of birth, to be subjected to these tests.

2. Section DHS 115.04 lists the disorders for which newborns must be tested under s. 253.13 (1), Stats.

3. Critical congenital heart disease (CCHD) is described as those congenital cardiac malformations in which surgical or catheter-based therapy is necessary within the first months of life. There are 12 lesions commonly considered as CCHD. In some circumstances, infants with CCHD may be asymptomatic and have a normal physical examination prior to routine hospital discharge or completion of home birth care. Unrecognized CCHD can result in death or disability shortly after hospital discharge.

4. Death due to unrecognized CCHD from 2002 to 2006 occurred in 1:38,397 Wisconsin births and death or re-hospitalization occurred in 1:24,684 Wisconsin births before two weeks of age. The median age at death due to unrecognized CCHD was 4.5 days.

5. Pulse oximetry, a point of care testing, is the recognized screening method for CCHD.

6. Prior to 2013 Wisconsin Act 135, adding pulse oximetry screening for CCHD to the mandatory panel was not permitted because testing for congenital and metabolic disorders under s. 235.13 (1), Stats. (2011–12), was explicitly limited to blood testing. Section 253.13 (1), Stats., as amended by 2013 Wisconsin Act 135, now allows testing for congenital and metabolic disorders using other screening methods including blood testing.

7. The Wisconsin State Laboratory of Hygiene (WSLH) tests newborns for organic acidemias (OA), a group of inherited disorders that lead to an abnormal buildup of particular acids, known as organic acids, in the body.

8. Abnormal levels of organic acids in the blood (organic acidemia), urine (organic aciduria), and tissues can be toxic and can cause serious health problems. A baby affected with an OA is usually well at birth and for the first few days of life. The usual clinical presentation is that of toxic encephalopathy and includes vomiting, poor feeding, neurologic symptoms such as seizures and abnormal tone, and lethargy progressing to coma. Outcome is improved by diagnosis and treatment in the first ten days of life.

9. Propionic acidemia and methylmalonic acidemia are two types of organic acidemias. In propionic acidemia and methylmalonic acidemia, the body is unable to process certain parts of proteins and lipids (fats) properly. In most cases, the features of propionic acidemia become apparent within a few days after birth. Propionic acidemia affects about 1 in 100,000 people in the United States. The effects of methylmalonic acidemia, which usually appear in early infancy, vary from mild to life-threatening. Without treatment, this disorder can lead to coma and death in some cases. This condition occurs in an estimated 1 in 50,000 to 100,000 people.

10. Though OA was determined to have met the criteria under s. DHS 115.06 for being added to the list of congenital and metabolic disorders for which WSLH must test the blood samples of newborns, the conditions were inadvertently omitted from the list of conditions in s. DHS 115.04 during subsequent revisions.

11. The process for promulgating permanent rules may take 24 months to complete, or longer if the department is unable to submit the permanent rules to the legislature prior to its last general business floor period in 2016.

Filed with LRB: June 27, 2014
Publication Date: July 3, 2014
Effective Dates: July 3, 2014 through November 29, 2014

Insurance

EmR1408 — The Commissioner of Insurance proposes an order to amend section Ins 17.01 (3); and to repeal and recreate section. Ins 17.28 (6), Wis. Admin. Code, relating to the Injured Patients and Families Compensation Fund Annual Fund and mediation panel fees, for the fiscal year beginning July 1, 2014 and affecting small business.

This emergency rule was approved by the Governor on June 12, 2014.

The statement of scope for this rule, SS 147–13, was approved by the Governor on November 18, 2013, published

in Register No. 695, on November 30, 2013, and approved by the Commissioner on May 8, 2014.

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, 2014 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 18, 2013 and the mediation panel fees established by the Board of Governors at the meeting held on March 19, 2014.

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Natural Resources (6)

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. 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

4. 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. 227.24, 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
Extension Through: August 10, 2014

5. EmR1405 (DNR # WM-24-13(E)) — The Wisconsin Natural Resources Board proposes an order to repeal sections **NR 10.01 (3) (ed), (es) 3., and (et), 10.07 (3), 10.09 (2), 10.28 (3), and 45.09 (9)**, to amend sections **NR 1.15 (1) (a), (b), and (c) 1., (2) (a) (intro.) and (at), and (3), 10.001 (2e), (6p), and (19e), 10.01 (3) (es) 1. and 2. and (3) (ev), 10.02 (3), 10.06 (8) (b) and (note), 10.07 (2m) (b) 1., 10.102 (1) (e) 4., 10.105 (1), (2), (4), and (7), 10.106 (intro.) and (1), 12.06 (1), (2), and (4), 12.16 (4), 13.38 (2) (b) and (Note), and 19.60 (2) (b) 1.**, to repeal and recreate sections **NR 1.15 (2) (a) 8., 10.01 (3) (e) and (em), 10.104, 10.106 (2), 10.28 (1) and (2), 10.28 (4), and 10.41**, and to create **Chapter NR 10 (Title.) and sections NR 10.001(1k) and (23a) and (b), 10.01 (2) (b) (Note) and (4) (dm) (Note), and Subchapter II**, relating to deer management, hunting, and implementation of the 2012 White-tailed Deer Trustee Report.

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

The statement of scope for this rule, SS 098-13, was approved by the Governor on July 23, 2013, published in Register No. 692, on August 14, 2013, and approved by the Natural Resources Board on September 25, 2013.

Finding of Emergency

A non-statutory provision, SECTION 9132 of 2013 Act 20, establishes that the department may promulgate rules to implement the 2012 final deer management report and that the department is not required to make a finding of emergency.

Filed with LRB: February 25, 2014
Publication Date: March 7, 2014
Effective Dates: March 7, 2014 through June 30, 2015

6. EmR1409 (DNR # FH-03-14(E)) — The Wisconsin Natural Resources Board proposes an order to amend sections **NR 20.36 (2) and 23.055 (2)**, relating to modifications in daily bag limits and minimum size limits in response to tribal harvest.

This emergency rule was approved by the Natural Resources Board on May 28, 2014, and by the governor on June 6, 2014.

The statement of scope for this rule was approved by the governor on February 14, 2014, published in Register No. 698 on February 28, 2014, and approved by the Natural Resources Board on March 19, 2014.

Statement of Emergency

This 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.

Filed with LRB: June 16, 2014
Publication Date: June 14, 2014
Effective Dates: June 14, 2014 through November 10, 2014
Hearing Date: July 14, 2014 and July 16, 2014

Public Instruction (2)

1. 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
Extension Through: July 24, 2014

2. EmR1411 — The State Superintendent of Public Instruction hereby creates **Chapter PI 80**, relating to community programs and services.

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 043–14, was published in Register No. 701, on May 14, 2014, and approved by State Superintendent Tony Evers, on May 27, 2014.

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:

Unless an emergency rule is promulgated, school districts will not know which activities would be considered ineligible costs for the Community Programs and Services Fund for the 2014–15 school year. Not having this information could result in school districts unintentionally making expenditures from the Community Programs and Services Fund in 2014–15 that are deemed “ineligible costs” after the school board has made budget decisions and set a tax levy for the 2014–15 school fiscal year. Such a finding would then result in a negative adjustment to the district’s revenue limit authority for the following 2015–16 school year, per s. 121.91 (4) (r), Stats., as created by 2013 Wisconsin Act 306. A district’s revenue limit authority controls the amount of combined State General Aid and local property taxes revenues for a district. Thus, a district’s revenue limit authority for the 2015–16 school year could be negatively impacted based on a definition of “ineligible costs” that was not in place at the time the district made its 2014–15 budget decisions and set the 2014–15 tax levy (by November 2014) for the Community Programs and Services Fund.

Filed with LRB: June 27, 2014
Publication Date: July 1, 2014
Effective Dates: July 1, 2014 through November 27, 2014

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

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: June 25, 2014

Workforce Development
Apprenticeship, Chs. DWD 295–296

EmR1406 — The Wisconsin Department of Workforce

Development hereby adopts the following emergency rule to create **section DWD 295.25**, relating to apprenticeship completion awards.

The emergency rule was approved by the governor on March 21, 2014.

The statement of scope for this emergency rule was approved by the Governor on February 13, 2014, published in Register No. 698 on February 28, 2014, and approved by the Secretary of the Department of Workforce Development on March 11, 2014.

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 facts constituting an emergency include:

(1) Wisconsin currently has more than 2,100 employers participating in, and training individuals, under the apprenticeship program.

(2) During 2013, Wisconsin had 9,723 valid apprenticeship contracts.

(3) Over the past ten years, the completion rate of the apprenticeship program averaged between 55–60%.

(4) 2013 Wisconsin Act 57 creates an apprenticeship completion award program to be administered by the department of workforce development to partially reimburse tuition costs incurred by an apprentice who has successfully completed part or all of the requirements of their apprenticeship contract, and is employed in the trade, occupation, or business under the apprenticeship contract, or the sponsor of the apprentice.

(5) The department of workforce development has received general purpose revenue (GPR) funds of \$225,000 in fiscal year 2013–14 and 2014–15, to distribute up to 25%, or \$1,000, whichever is less, of the tuition costs incurred by the apprentice and sponsor of the apprentice. The amount of the first payment upon successful completion by the apprentice of the first year of the contract may not exceed \$250.

(6) The department of workforce development is adopting this emergency rule to prevent a potential hardship to Wisconsin's apprenticeship program participants. Adoption of this emergency rule will ensure those participating in an eligible apprenticeship contract may begin receiving apprenticeship completion awards as soon as possible. Because a permanent rule cannot be adopted in time, GPR funds for fiscal year 2013–14 would be lost if the emergency rule is not adopted.

Filed with LRB: March 26, 2014

Publication Date: March 27, 2014

Effective Dates: March 27, 2014 through August 23, 2014

Hearing Date: May 15, 2014

Scope Statements

Health Services

Family and Economic Security, Chs. DHS 101—153

SS 062–14

The Governor approved this statement of scope for permanent rules on June 12, 2014.

Rule No.

Chapter DHS 150 (create).

Relating to

Grants for workplace wellness programs.

Rule Type

Permanent.

Type of Statement of Scope

Original (revised).

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

N/A.

2. Detailed Description of the Objective of the Proposed Rule

The objective of the proposed rules is to create a process for providing grants under s. 250.21, Stats., as created by 2013 Wisconsin Act 137, to businesses with 50 or fewer employees that provide workplace wellness programs for their employees.

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

Section 250.21, Stats., requires the department to award to businesses with 50 or fewer employees, one time grants for up to 30% of the costs, excluding amounts paid to acquire, construct, rehabilitate, remodel, or repair real property, paid during the year, to provide for its employees, a workplace wellness program defined under s. 250.21 (1) (c), Stats., as a health or fitness program that includes health risk assessments and one or more of the following programs or services:

- Chronic disease prevention.
- Weight management.
- Stress management.
- Worker injury prevention programs.
- Health screenings.
- Nutrition education.
- Health or fitness incentive programs.
- Vaccinations.
- Employee physical examinations.

The legislature under s. 250.21 (3), Stats., provides that the maximum amount that the department award to all applicants in any fiscal year is \$3,000,000. Section 250.21 (3), Stats., further provides that the department may not award grants for

workplace wellness programs in existence before March 15, 2014, and sunsets grant disbursements on December 31, 2018.

The department is required under s. 250.21 (4), Stats., to establish rules to administer workplace wellness program grants. The department proposes to establish, by rule, an application process, application review criteria, and an appeal process for applications that are not approved.

There are no reasonable alternatives to the proposed rulemaking. Section 250.21, Stats., requires the department to promulgate rules to administer the workplace wellness program grants.

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

Section 250.21 (2), (3), and (4), Stats. reads:

(2) WORKPLACE WELLNESS PROGRAM GRANTS. Subject to the limitations provided under sub. (3) and after the department's approval of the application, from the appropriation account under s. 20.435 (1) (bn), the department shall award a grant to each applicant who provides a workplace wellness program to any of the applicant's employees who are employed at a small business in this state in an amount not to exceed 30 percent of the amount that the applicant paid during the year to provide such a program, not including any amount paid to acquire, construct, rehabilitate, remodel, or repair real property.

(3) LIMITATIONS. The maximum amount of the grants that may be awarded to all applicants in any fiscal year is \$3,000,000. No applicant may be awarded a grant under this section for a workplace wellness program in existence before March 15, 2014. No applicant may be awarded more than one grant under this section. No grants may be awarded under this section after December 31, 2018.

(4) ADMINISTRATION. A person wishing to receive a grant under this section shall apply for a grant in the manner prescribed by the department. An applicant shall include with the application an itemized list of the applicant's expenditures for providing a workplace wellness program. The department shall promulgate rules to administer this section.

Section 227.11 (2) (a), Stats. reads: Rule-making authority is expressly conferred on an agency 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.

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 take approximately 80 hours to develop the proposed rules. This includes the time required for research and analysis, coordinating advisory committee meetings, rule drafting, preparing any related documents, holding a public hearing, and communicating with affected persons and groups.

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

The proposed rules will impact businesses with 50 or fewer employees that choose to establish a workplace wellness program and apply for a grant, and the employees of such businesses.

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

8. Anticipated Economic Impact of Implementing the Rule

The proposed rules are anticipated to have little or no economic impact if promulgated.

Contact Person

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Public Service Commission

SS 061-14

(PSC Docket # 1-AC-247)

This statement of scope was approved by the governor on June 23, 2014.

Rule No.

Chapters PSC 113, 134, and 185 (revise).

Relating to

Changes to Chapters PSC 113, 134, and 185 to conform with 2013 Wisconsin Act 274, regarding municipal utility collection practices.

Rule Type

Permanent.

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

Not applicable

2. Description of the Objective of the Rule and Expected Financial Impact

This rulemaking will bring PSC administrative rules into conformance with 2013 Wisconsin Act 274 (Act 274). Any financial impact occurred when the statute was enacted. The rulemaking only conforms the rules where necessary, thus it should not have a financial impact.

3. Description of Existing Policies Relevant to the Rule and New Policies Proposed to be Included in The Rule and Analysis of Policy Alternatives; the History, Background and Justification for the Proposed Rule

Currently, when a customer has an arrearage with a municipal utility, the utility has authority to transfer the arrears to the property tax roll for the property where service is provided. This can result in a tenant's arrears becoming the responsibility of the property owner. Section 66.0809, Stats., as amended by Act 274, provides a way in which a landlord can ensure that the responsibility for a tenant's arrears remains with the tenant, by creating a lien against the tenant's assets. The statute also:

- Allows a landlord to tell a municipal electric utility to disconnect a tenant's electric service if past-due charges remain unpaid.
- Requires a municipal utility to, upon request, disclose to a rental unit owner whether a new or prospective tenant has arrears with that utility at a different address.
- Provides that municipal utilities are not required to offer a tenant a deferred payment agreement.
- Allows a municipal utility to adopt application, deposit, disconnection or collection rules that distinguish between customers who own or who rent property.

Currently, disconnection, deposit, deferred payment agreement, and collection rules generally apply the same to all customers, regardless of whether they rent or own a residential dwelling.

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

This rule is authorized under ss. 196.02 (1) and (3) and 227.11, Stats.

Section 227.11, Stats., authorizes agencies to promulgate administrative rules. Section 196.02 (1), Stats., authorizes the commission to do all things necessary and convenient to its jurisdiction. Section 196.02 (3), Stats., grants the commission specific authority to promulgate rules.

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

The Commission estimates that less than 150 hours will be spent developing this rule. No other resources should be necessary.

6. Description of all Entities that may be Impacted by the Rule

Municipal gas, electric and water utilities, tenants, and landlords.

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

None.

Contact Person

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**Safety and Professional Services —
Marriage and Family Therapy, Professional
Counseling and Social Work Examining Board**

SS 060–14

This statement of scope was approved by the governor on June 23, 2014.

Rule No.

Chapters MPSW 3 and 5 (revise).

Relating to

Social worker credential requirements.

Rule Type

Permanent.

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

N/A

2. Detailed Description of the Objective of the Proposed Rule

The objective is the correct rules which place a burden on the applicants by going beyond statutory requirements.

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 current rule contains a requirement that an applicant for a clinical social worker license must complete their 3,000 hours supervised clinical social work practice in no less than 2 years. The legislature removed the 2 year requirement when it inserted the 3,000 hours requirement. The current rule also requires the 1,000 hours of face-to-face client contact to include DSM diagnosis and treatment of individuals. This requirement is not in the statutes. Therefore, these two requirements put a higher burden on the applicant than the statutory requirements. The policy proposed is to remove these two requirements.

Wis. 2013 Act 114 created a provision that a credentialing board may not require a person to complete any postsecondary education or other program before the person is eligible to take an examination for a credential the credentialing board grants or issues. Section MPSW 5.01 states the examination for social worker or advanced practice

social worker may be taken prior to the completion of the required degree upon confirmation from the applicant's school that the applicant is in good standing and is within 6 months of graduation. The current rule goes beyond the statutes by requiring the school to indicate the person is in good standing and limiting the ability of the applicant to decide when to take the test.

The alternative to the proposed policy is to continue with rules which place the threshold above the statutory requirements.

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

15.08 (5) (b) Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

457.03 (1) Upon the advice of the social worker section, marriage and family therapist section, and professional counselor section, promulgate rules establishing minimum standards for educational programs that must be completed for certification or licensure under this chapter and for supervised clinical training that must be completed for licensure as a clinical social worker, marriage and family therapist, or professional counselor under this chapter and approve educational programs and supervised clinical training programs in accordance with those standards.

457.03 (3) Upon the advice of the social worker section, promulgate rules establishing levels of social work practice for individuals with master's or doctoral degrees in social work, in addition to the levels of practice for which certificates are granted under s. 457.08 (2) and (3), and establishing appropriate educational, training, experience, examination, and continuing education requirements for certification and renewal of a certificate at each level of practice established in rules promulgated under this subsection.

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

35 hours.

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

Social worker, advanced social worker, and clinical social worker applicants.

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

None.

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

None to minimal. This rule is not likely to have a significant economic impact on small businesses.

Contact Person

Sharon Henes, Administrative Rules Coordinator, (608) 261–2377

Transportation

SS 064-14

The statement of scope for a permanent and an emergency rule was approved by the governor on July 1, 2014.

Rule No.

Chapter Trans 319 (create).

Relating to

Towing of vehicles.

Rule Type

Permanent and emergency rule.

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

Not required under Section 59 (2) of 2013 Wisconsin Act 76.

2. Detailed description of the objective of the proposed rule

This rule will create uniform requirements related to the towing of vehicles from certain property, as authorized by 2013 Wisconsin Act 76. A standard notice will be required to mark areas where parking is prohibited. A uniform charge for removal and storage of vehicles will be created, and there will be a uniform process for towing services to follow to alert law enforcement that a vehicle has been towed.

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

Under existing law, towing a vehicle requires that law enforcement first issue a citation. Under 2013 Wisconsin Act 76, if a vehicle illegally parked in a “properly posted” area, it is unnecessary for law enforcement to issue a citation prior to removal of the vehicle. Per 2013 Wisconsin Act 76, this rule will establish what type of display is necessary to qualify as “properly posted.” Chapter Trans 319 will establish reasonable charges for removal and storage of a vehicle, and create guidelines for towing services to follow to alert law enforcement that a vehicle has been towed.

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

These rules are required to be promulgated by 2013 Wisconsin Act 76; Wis. Stats. 349.13 (3m) (e). The department shall promulgate rules establishing all of the following:

1. Reasonable charges for removal and storage of vehicles under this subsection.
2. The form and manner of display of notice necessary to qualify as “properly posted” under par. (a) 2.
3. Guidelines for towing services to notify law enforcement under par. (d) upon removal of a vehicle.

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 of Transportation (“DOT”) estimates that it will take approximately 500 hours, or 0.25 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. DOT will use existing staff to develop this rule.

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

This rule has potential impact on any private property owner who chooses to “properly post” a notice of illegal parking on their property; any member of the motoring public who parks in violation of such a posting; and all towing and recovery services who remove a vehicle under the authority created by 2013 Wisconsin Act 76.

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 intended to address the activities of the proposed rule.

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

Under existing law, the charge for removal and storage of vehicles is not uniform. This rule would establish reasonable charges for storage and removal of vehicles under 2013 Wisconsin Act 76. The specific impact of this change will vary by business.

Contact Person

Zachary Wyatt, Division of State Patrol, Bureau of Transportation Safety, (608) 266-0403.

Workforce Development

Worker’s Compensation, Chs. DWD 80—81

SS 063-14

This statement of scope was approved by the governor on July 1, 2014.

Rule No.

Chapter DWD 80 (revise).

Relating to

Minor and technical changes to the worker’s compensation program.

Rule Type

Permanent.

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

Not applicable

2. Detailed Description of the Objective of the Proposed Rule

The proposed rule will make changes to ch. DWD 80, relating to reports by insurance carriers and self-insured employers, vocational rehabilitation training for injured employees, wrap-up insurance, uninsured employer’s fund, notice of cancellation, termination and nonrenewal of insurance coverage, and necessity of treatment disputes.

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

Reports by Insurance Companies and Self–insured Employers

Section DWD 80.02 (2) identifies the reports that self–insured employers and insurance companies are required to submit to the department for injuries if there is a disability beyond the 3rd day after the employee leaves work as a result of the accident or disease.

Under the proposed rule, the following amendments will clarify that a self–insured employer or insurance company is required to report to the department when:

- Salary continuation payments to the employee are paid to an employee during the employee’s healing period for injuries with disabilities that continue for more than three (3) days.
- Salary continuation payments to the employee are changed to payments for permanent disability.
- Salary continuation payments are reinstated during the employee’s healing period.
- The final payment of salary continuation is made during the hearing period.

The proposed rule will also require a self–insured employer or insurance company to submit a final report of the employee’s treating practitioner if the employee sustains an eye injury that requires medical treatment on three or more occasions off the employer’s premises.

The proposed rule will create guidelines that require a self–insured employer or insurance company to file an update with the department, on form prescribed by the department, and to the newly retained claims handling office or third party administrator, for any open claim with more than 26 weeks of temporary disability, or permanent total disability. The proposed rule will also establish guidelines when the department may require submission of this information for any open claims with less than 26 weeks of temporary disability, or permanent total disability.

In addition, the proposed rule will require a self–insured employer or insurance company to submit to the department, on a form prescribed by the department, on an annual basis within six months of the beginning of a new calendar year any payments for permanent total disability and supplemental benefits made during the previous year.

Vocational Rehabilitation Benefits

Section DWD 80.49 references outdated terminology related to vocational specialists and retraining plans developed for injured employees pursuing vocational rehabilitation training. The proposed rule will repeal the obsolete terminology and use current terminology to define retraining plans developed for injured employees pursuing vocational rehabilitation training and describe vocational specialists.

Wrap–up Insurance

Section DWD 80.61 requires the use of department forms WKCA–19.4 W–U and WKCA–19.5 W–U, which are no longer utilized by the department. The proposed rule will repeal the requirement to file forms WKCA–19.4 W–U and WKCA–19.5 W–U which are obsolete and create language to authorize the use of forms prescribed by the department.

Uninsured Employers Fund

Section DWD 80.62 requires the department to submit to the Governor, and presiding officer of each house of the

legislature, a report on the Uninsured Employers Fund on a quarterly basis. Under 1989 Wisconsin Act 64, this requirement sunset on April 15, 1992 and will be repealed.

Notice of Cancellation and Termination of Insurance Coverage

Section DWD 80.65 identifies specific methods of delivery to the Wisconsin Compensation Rating Bureau when a worker’s compensation insurance company gives notice of a cancellation or terminates a policy. The proposed rule will allow methods of delivery which are approved by the department.

The proposed rule will also amend the section title to include nonrenewal of insurance coverage and create statutory cross–references for cancellations, terminations, and non–renewals of insurance policies issued to professional employer organizations and employee leasing companies.

Necessity of Treatment Disputes

Section DWD 80.73 requires an insurer or self–insured employer to give written notice to a health care provider when the insurer or self–insured employer refuses to pay for treatment costs determined to be unnecessary. The insurer or self–insured employer is required to identify why it believes the treatment was unnecessary, including the organization and credentials of any person who provides supporting medical documentation. The proposed rule will require an insurer or self–insured employer to also include all supporting medical documentation used to determine the treatment unnecessary.

The department did not prepare an analysis of policy alternatives since the proposed rulemaking is only intended to simplify, reduce, or increase the efficiency of certain requirements, or is of a clarifying nature.

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

The following statutory provisions provide authority for the proposed rulemaking:

Section 102.13 (2) (c), Stats.:

“...if the injured employee sustained an eye injury requiring medical treatment on 3 or more occasions off the employer’s premises, the department may by rule require the insurer or self–insured employer to submit to the department a final report of the employee’s treating practitioner...”

Section 102.15 (1), Stats.:

“(1) Subject to this chapter, the department may adopt its own rules of procedure and may change the same from time to time.”

Section 102.16, (2m) (g), Stats.:

“The department shall promulgate rules establishing procedures and requirements for the necessity of treatment dispute resolution process under this subsection, including rules setting the fees under par. (f) and rules establishing standards for determining the necessity of treatment provided to an injured employee....”

Section 102.31 (2) (a), Stats.:

“...The department may provide by rule that the notice of cancellation or termination be given to the Wisconsin compensation rating bureau rather than to the department in a medium approved by the department after consultation with the Wisconsin compensation rating bureau....”

Section 102.38, Stats.:

“Every insurance company that transacts the business of compensation insurance, and every employer who is subject to this chapter, but whose liability is not insured, shall keep a record of all payments made under this chapter and of the time

and manner of making the payments and shall furnish reports based upon these records and any other information to the department as the department may require by rule or general order, in a format approved by the department.”

Section 102.61 (1m) (f), Stats:

“The department shall promulgate rules establishing procedures and requirements for the private rehabilitation counseling and rehabilitative training process under this subsection. Those rules shall include rules specifying the procedure and requirements for certification of private rehabilitation counselors.”

5. 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 120 hours.

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

Injured employees with worker’s compensation claims, worker’s compensation insurance companies, self-insured

employers, worker’s compensation claims handling offices, third party administrators, health care providers and Wisconsin Compensation Rating Bureau.

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 related to the proposed rules.

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

The proposed rule will have no economic impact locally or statewide. The proposed rule is primarily procedural in nature and will have no economic impact on small businesses.

9. Contact Person

James T. O’Malley, Director, Worker’s Compensation Bureau of Legal Affairs, (608) 267-6704, Jim.OMalley@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.*

Agriculture, Trade and Consumer Protection **CR 14–042**

The Wisconsin Department of Agriculture, Trade and Consumer Protection has referred the following proposed rule to the Wisconsin Legislative Council Rules Clearinghouse, pursuant to s. 227.15, Stats., on June 12, 2014.

Subject: Cranberry marketing order
Adm. Code Reference: Chapter ATPC 142
DATCP Docket # 13–R–15

Scope

The scope statement for this rule, SS 130–13, was approved by the Governor on October 11, 2014, published in Register No. 694 on November 1, 2013, and approved by the Board of Agriculture, Trade and Consumer Protection as required by s. 227.135 (2), Stats., on February 19, 2014.

Agency Procedure for Promulgation

The department will hold public hearings on this rule. The date for public hearings is July 29, 2014. The department's Division of Agricultural Development is primarily responsible for this rule.

Contact Person

If you have questions, you may contact Stacie Ashby (608) 224–5116.

Natural Resources **Environmental Protection — General, Chs. NR 100—** **CR 14–043** (DNR # CF–13–13)

Date Submitted to the Rules Clearinghouse: July 2, 2014
Subject: Clean Water Fund Program fund
Administrative Codes: Chapter NR 162

Date of Public Hearing: July 29, 2014

Scope

The statement of scope for this rule, SS 039–13, was approved by the governor on April 3, 2013, published in Register No. 688, on April 30, 2014, and approved by the Natural Resources Board on June 26, 2013.

Name and Organizational Unit of Agency Contact

Linda Haddix
Department Rules Officer
DNR Bureau of Legal Services
(608) 266–1959
Linda.haddix@wisconsin.gov

Natural Resources **Environmental Protection — General, Chs. NR 100—** **CR 14–044** (DNR # CF–12–13)

Date Submitted to the Rules Clearinghouse: July 2, 2014
Subject: Safe Drinking Water Loan Program
Administrative Codes: Chapter NR 166
Date of Public Hearing: July 29, 2014

Scope

The statement of scope for this rule, SS 040–13, was approved by the governor on April 3, 2013, published in Register No. 688, on April 30, 2014, and approved by the Natural Resources Board on June 26, 2013.

Name and Organizational Unit of Agency Contact

Linda Haddix
Department Rules Officer
DNR Bureau of Legal Services
(608) 266–1959
Linda.haddix@wisconsin.gov

Rule-Making Notices

Notice of Hearings

Agriculture, Trade and Consumer Protection CR 14-042

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) announces that it will hold public hearings on a proposed rule to revise Chapter ATCP 142, relating to the cranberry marketing order.

Hearing Information

Date: Tuesday, July 29, 2014
Time: 10:30 a.m. to 12:30 p.m.
Location: Wood County Court House
 Auditorium
 400 Market Street
 Wisconsin Rapids, WI 54495

Date: Tuesday, July 29, 2014
Time: 2:00 to 4:00 p.m.
Location: Cranberry Country Lodge
 Harvest Room #401
 319 Wittig Road
 Tomah, WI 54660

Hearing impaired persons may request an interpreter for this hearing. Please make reservations for a hearing interpreter by July 11, 2014, by writing to Stacie Ashby, Division of Agricultural Development, P.O. Box 8911, Madison, WI 53708-8911; or by emailing stacie.ashby@wisconsin.gov; or by telephone at (608) 224-5116. Alternatively, you may contact the DATCP TDD at (608) 224-5058. The hearing facility is handicap accessible.

Appearances at the Hearing, Copies of Proposed Rule, and Submittal of Written Comments

DATCP will hold two public hearings at the time and place shown above. DATCP invites the public to attend the hearings and comment on the proposed rule. Following the public hearings, the hearing record will remain open until August 12, 2014, for additional written comments. Comments may be sent to the Division of Agricultural Development at the address below, or to stacie.ashby@wisconsin.gov or to <http://adminrules.wisconsin.gov>.

You can obtain a free copy of this hearing draft rule and related documents including the economic impact analysis by contacting the Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Agricultural Development, 2811 Agriculture Drive, P.O. Box 8911, Madison, WI 53708. You can also obtain a copy by calling (608) 224-5116 or by emailing stacie.ashby@wisconsin.gov. Copies will also be available at the hearing. To view the hearing draft rule online, go to: <http://adminrules.wisconsin.gov>.

Comments or concerns relating to small business may also be addressed to DATCP's small business regulatory coordinator Keeley Moll at the address above, or by email to keeley.moll@wisconsin.gov, or by telephone at (608) 224-5039.

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

This rule increases the maximum assessment the cranberry marketing board may charge to cranberry producers under Chapter ATCP 142, the cranberry marketing order as follow:

- The maximum assessment the cranberry marketing board may charge increases from ten cents per barrel to a maximum of 15 cents per barrel beginning the year this amendment to the marketing order becomes effective, to a maximum of 20 cents per barrel beginning in 2017 and to a maximum of 25 cents per barrel beginning in 2019.

Statutory authority and statutes interpreted

Statutory authority: Sections 93.07 (1) and 96.15, Stats.
 Statutes interpreted: Chapter 96, Stats.

The Wisconsin Department of Agriculture, Trade and Consumer Protection ("DATCP") has general authority to adopt rules interpreting statutes under its jurisdiction under s. 93.07 (1), Stats. DATCP is specifically authorized to adopt rules under s. 96.15, Stats., to facilitate the administration and enforcement of ch. 96, Stats (the Agricultural Marketing Act).

Related rules or statutes

Chapter ATCP 140 is the overarching rule applicable to each of the individual marketing orders. Chapters ATCP 141 through 148 are the marketing orders with ch. ATCP 142 being the marketing order for cranberries.

Plain Language Analysis

Background

DATCP administers Wisconsin's agricultural marketing law which authorizes the creation of marketing orders for agricultural commodities. Each marketing order board collects assessments from producers of the applicable commodity. The assessments may be expended by the board for promotion, research or consumer education of the commodity. The provisions of ch. 96, Stats., and ch. ATCP 140, Wis. Adm. Code, and the applicable marketing order (chs. ATCP 141 to 148) govern the organization of each of the seven marketing order boards, the election of marketing board members, the assessment of producers, and the use of assessments.

Wisconsin produces more cranberries than any other state in the nation. In 2012 Wisconsin growers produced 4,830,000 barrels of cranberries. Cranberry is the state's No. 1 fruit crop in both value and acreage. The cranberry industry currently provides nearly \$300 million annually to the state's economy and supports approximately 3,400 jobs across the state.

Cranberry assessments have been used effectively to expand the market for cranberries dramatically from a time when cranberries were thought of primarily for a relish at the Thanksgiving dinner to today when cranberries have become part of the everyday diet and are used in a wide range of dishes. Assessments also support crop and environmental research including sustainable production practices, nutrient management, water conservation and water quality protection. The current maximum rate of assessment of ten cents per barrel has existed since 1983. To continue the successful marketing and research, the Cranberry Board believes increased funding is required.

In order to make any change to a marketing order, in addition to conducting the traditional rulemaking process, the change must be approved at a referendum of the producers of the affected commodity.

Rule Contents

The proposed rule increases maximum assessment the cranberry marketing board may charge from ten cents per barrel to a maximum of 15 cents per barrel beginning the year this amendment to the marketing order becomes effective, to a maximum of 20 cents per barrel beginning in 2017 and to a maximum of 25 cents per barrel beginning in 2019.

Federal and surrounding state programs

Federal programs

There is a federal marketing order for cranberries under which assessments are collected in a manner similar to the state cranberry marketing order. The state and federal marketing orders are operated cooperatively to effectively use the assessments for the benefit of cranberry growers.

Surrounding state programs

There are very few cranberry producers in the surrounding states and none of the surrounding states have a cranberry marketing order.

Data and analytical methodologies

DATCP worked with representatives of the Wisconsin cranberry industry to determine the assessment changes proposed in this rule.

Analysis and supporting documents used to determine effect on small business

DATCP worked with representatives of the Wisconsin cranberry industry determine the effect of the proposed rule on small businesses.

Business Impact

Cranberry growers are all small businesses. In 2012 the growers collectively produced a total crop of 4,830,000 barrels valued at approximately \$231 million. The price per barrel in 2012 was \$47.80. At the assessment rate of 10 cents per barrel the assessment in 2012 equaled approximately .02 percent of the crop value. If the Cranberry Board assess at the maximum rates, the assessment, based on 2012 price per barrel, will equal .031% of the crop value in 2015 and 2016, .042% in 2017 and 2018 and .052% thereafter. The result is a modest cost increase for each grower. However, if the use of assessments produces the kind of market share increase that the industry has seen in recent years the increased assessment cost will be more than made up for by increased sales.

DATCP Contact

Stacie Ashby
Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Agricultural Development
2811 Agriculture Drive
P.O. Box 8911
Madison, WI 53708

(608) 224–5116

stacie.ashby@wisconsin.gov

Initial Regulatory Flexibility Analysis

Rule Subject: Cranberry Marketing Order

Adm. Code Reference: Chapter ATCP 142

Rules Clearinghouse #: CR 14–042

DATCP Docket #: 13–R–15

Rule Summary

This rule increases the maximum assessment the cranberry marketing board may charge to cranberry producers under ch. ATCP 142, the cranberry marketing order as follow:

The maximum assessment the cranberry marketing board may charge increases from ten cents per barrel to a maximum of 15 cents per barrel beginning the year this amendment to the marketing order becomes effective, to a maximum of 20 cents per barrel beginning in 2017 and to a maximum of 25 cents per barrel beginning in 2019.

Small business affected

This rule affects cranberry growers. Cranberry growers are all small businesses. In 2012 the growers collectively produced a total crop of 4,830,000 barrels valued at approximately \$231 million. The price per barrel in 2012 was \$47.80. At the assessment rate of 10 cents per barrel the assessment in 2012 equaled approximately .02 percent of the crop value. If the Cranberry Board assess at the maximum rates, the assessment, based on the 2012 price per barrel, will equal .031% of the crop value in 2015 and 2016, .042% in 2017 and 2018 and .052% thereafter. The result is a modest cost increase for each grower. However, if the use of assessments produces the kind of market share increase that the industry has seen in recent years the increased assessment cost will be more than made up for by increased sales.

Reporting, bookkeeping, and other procedures

The proposed rule creates no reporting, bookkeeping or other procedures for small businesses.

Professional skills required

The proposed rule does not require any professional skills for small businesses.

Accommodation for small business

All of the businesses affected by this rule are “small businesses.” This rule does not make special exceptions for small businesses because the purpose of the marketing order program is to have all members of the producer group share in the cost of joint promotion, research and education that will increase productivity and sales of the commodity.

Conclusion

The result of the proposed rule is a modest cost increase for each grower. However, if the use of assessments produces the kind of market share increase that the industry has seen in recent years the increased assessment cost will be more than made up for by increased sales. This rule will not have a significant adverse effect on “small business,” and is not subject to the delayed “small business” effective date provided in s. 227.22 (2) (e), Stats.

**ADMINISTRATIVE RULES
FISCAL ESTIMATE
AND ECONOMIC IMPACT ANALYSIS**

Type of Estimate and Analysis

Original Updated Corrected

Administrative Rule Chapter, Title and Number

Ch. ATCP 142, Cranberry Marketing Order

Subject

Pesticide Use and Control

Fund Sources Affected

Chapter 20 , Stats. Appropriations Affected

GPR FED PRO PRS SEG SEG-S

None

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 Costs

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

State's Economy
 Local Government Units

Specific Businesses/Sectors
 Public Utility Rate Payers

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

Yes No

Policy Problem Addressed by the Rule

This rule increases the maximum assessment the cranberry marketing board may charge to cranberry producers under Chapter ATCP 142, the cranberry marketing order as follow:

- The maximum assessment the cranberry marketing board may charge increases from ten cents per barrel to a maximum of 15 cents per barrel beginning the year this amendment to the marketing order becomes effective, to a maximum of 20 cents per barrel beginning in 2017 and to a maximum of 25 cents per barrel beginning in 2019.

DATCP administers Wisconsin's agricultural marketing law which authorizes the creation of marketing orders for agricultural commodities. Each marketing order board collects assessments from producers of the applicable commodity. The assessments may be expended by the board for promotion, research or consumer education of the commodity. The provisions of Ch. 96, Stats., and Ch. ATCP 140 Wis. Adm. Code and the applicable marketing order (Chs. ATCP 141 to 148) govern the organization of each of the seven marketing order boards, the election of marketing board members, the assessment of producers and the use of assessments.

Wisconsin produces more cranberries than any other state in the nation. In 2012 Wisconsin growers produced 4,830,000 barrels of cranberries. Cranberry is the state's No. 1 fruit crop in both value and acreage. The cranberry industry currently provides nearly \$300 million annually to the state's economy and supports approximately 3,400 jobs across the state. Cranberry assessments have been used effectively to expand the market for cranberries dramatically from a time when cranberries were thought of primarily for a relish at the Thanksgiving dinner to today when cranberries have become part of the everyday diet and are used in a wide range of dishes. Assessments also support crop and environmental research including sustainable production practices, nutrient management, water conservation and water quality protection. The current maximum rate of assessment of ten cents per barrel has existed since 1983. To continue the successful marketing and research, the Cranberry Board believes increased funding is required.

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 Governments

This rule will not impact local governments.

Cranberry Growers

In 2012 cranberry growers collectively produced a total crop of 4,830,000 barrels valued at approximately \$231 million. The price per barrel in 2012 was \$47.80. At the assessment rate of 10 cents per barrel the assessment in 2012 equaled approximately .02 percent of the crop value. If the Cranberry Board assess at the maximum rates, the assessment, based on 2012 price per barrel, will equal .031 % of the crop value in 2015 and 2016, .042% in 2017 and 2018 and .052% thereafter. The result is a modest cost increase for each grower. However, if the use of assessments produces the kind of market share increase that the industry has seen in recent years the increased assessment cost will be more than made up for by increased sales.

Utility Rate Payers

The rule will have no impact on utility rate payers.

General Public

This rule indirectly affects the general public by increasing the ability of an important segment of the Wisconsin economy to maintain the impressive growth it has experienced in recent years.

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

Benefits

This rule will benefit cranberry growers by providing funding through increased assessments needed to produce the kind of market share increase that the industry has seen in recent years

General Public

The general public will benefit from this rule as a result of continued growth of an important segment of the Wisconsin economy.

Alternatives

The alternative is to leave cranberry assessments at the current level which has existed since 1983. To continue the successful marketing and research, the Cranberry Board believes increased funding is required.

Long Range Implications of Implementing the Rule

Long-term, implementing the rule will benefit business, the general public, and the Wisconsin economy as increased assessment funding will help to continue the impressive growth of the cranberry industry in Wisconsin.

Compare With Approaches Being Used by Federal Government

There is a federal marketing order for cranberries under which assessments are collected in a manner similar to the state cranberry marketing order. The state and federal marketing orders are operated cooperatively to effectively use the assessments for the benefit of cranberry growers.

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

There are very few cranberry producers in the surrounding states and none of the surrounding states have a cranberry marketing order.

Comments Received in Response to Web Posting and DATCP Response

No comments were received in response either to the posting on the DATCP external website or the statewide administrative rules website.

Notice of Hearings

Natural Resources

Environmental Protection — General, Chs. NR 100— CR 14-043

(DNR # CF-13-13)

NOTICE IS HEREBY GIVEN THAT pursuant to ss. 227.16 and 227.17, Stats, the Department of Natural Resources, hereinafter the Department, will hold a public hearing on the repeal and recreation of Chapter NR 162, relating to the implementation of the Clean Water Fund Program on the date(s) and at the time(s) and location(s) listed below.

Hearing Information

Date: Tuesday, July 29, 2014
Time: 9:00 a.m. to 10:30 a.m.
Location: UWEX Pyle Center
 702 Langdon St.
 Madison, WI

Date: Tuesday, July 29, 2014
Time: 9:00 a.m. to 10:30 a.m.
Location: UW Green Bay
 2420 Nicolet Drive
 Room IS1034
 Green Bay, WI

Date: Tuesday, July 29, 2014
Time: 9:00 a.m. to 10:30 a.m.
Location: UW Eau Claire Schofield Hall
 105 Garfield St.
 Room 1132
 Eau Claire, WI

Date: Tuesday, July 29, 2014
Time: 9:00 a.m. to 10:30 a.m.
Location: UW Milwaukee School of Continuing
 Education
 161 W. Wisconsin Ave.
 Milwaukee, WI

Date: Tuesday, July 29, 2014
Time: 9:00 a.m. to 10:30 a.m.
Location: UW—Marathon County
 518 S. 7th Ave.
 Room 218
 Wausau, WI

Reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Contact Cindy Wheeler, Environmental Loans Program, 101 South Webster Street, P.O. Box 7921, Madison, WI 53707; by E-mail to cynthia.wheeler@wisconsin.gov or by calling (608) 266-9955. A request must include specific information and be received at least 10 days before the date of the scheduled hearing.

Availability of the Proposed Rules and Fiscal Estimate

The proposed rule and supporting documents, including the fiscal estimate, may be viewed and downloaded from the Administrative Rules System Web site which can be accessed through the link <https://health.wisconsin.gov/admrules/public/Home>. If you do not have Internet access, a printed copy of the proposed rule and supporting documents, including the fiscal estimate, may be obtained free of charge

by contacting Cindy Wheeler, Environmental Loans Program, 101 South Webster Street, P.O. Box 7921, Madison, WI 53707; by E-mail to cynthia.wheeler@wisconsin.gov or by calling (608) 266-9955.

Submitting Comments

Comments on the proposed rule must be received on or before August 5, 2014. Written comments may be submitted by U.S. mail, fax, E-mail, or through the Internet and will have the same weight and effect as oral statements presented at the public hearing. Written comments and any questions on the proposed rules should be submitted to:

Robin Schmidt
 Department of Natural Resources
 Bureau of Community Financial Assistance
 101 S Webster St, Madison, WI 53703
 Phone: 608-266-3915
 Fax: 608-267-1496
 E-mail: robin.schmidt@wisconsin.gov
 Internet: Use the Administrative Rules System Web site accessible through the link provided.

Analysis Prepared by the Department of Natural Resources

Statute interpreted, statutory authority and explanation

Section 281.58 (2), Stats., authorizes the department to promulgate rules necessary for the execution of its responsibilities under the Clean Water Fund program. This program provides financial assistance to municipalities for water infrastructure projects including wastewater treatment plants, collection systems and stormwater systems.

Related statutes or rules

Concurrent with this effort, the department is also repealing and recreating ch. NR 166, relating to the Safe Drinking Water Loan Program. The Clean Water Fund Program and the Safe Drinking Water Loan Program are part of the Environmental Improvement Fund.

Plain language analysis

Revisions to ch. NR 162, Wis. Adm. Code, relating to the Clean Water Fund Program, clarify eligibility criteria, streamline processes, revise the scoring system, and update implementation issues since the rule was last revised. No new significant changes to the program result from the rule revisions. The main topics for revision include:

- Eligible projects/activities — updates language to incorporate current practices
- Dates for ITA/PERF submittals — changed to Oct 31st and allows for on-line submittals
- PERF scoring system — revised system to incorporate permit limits, automate the scoring process, and require on-line, annual submittals
- Interim financing costs — increased from \$7500 to up to \$15,000
- Refinancing — clarifies that a municipality cannot already have “long-term affordable debt” outstanding for its completed or substantially completed project”; any project that has been substantially completed for more than 3 years is not eligible for financing.
- Disadvantaged Business Enterprise — updated requirements to refer to federal requirements
- Median Household Income — clarifies the source of this data as the American Community Survey (as part

of the US Census Bureau) and provides options for sanitary districts.

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

All state programs must comply with the federal requirements for the program, as outlined in 33 USC 1251 to 1376 and 33 USC 1381 to 1387. This rule complies with the requirements of the Federal Clean Water Act.

Comparison with similar rules in adjacent states

Each state implements the Clean Water Act consistently with the associated state statutes and federal requirements. Each state loan program has unique features, but all of the programs are designed to meet federal Clean Water Act requirements. Each state has a unique priority scoring system based on state priorities but consistent with federal priorities. The EPA reviews program implementation to ensure consistency with the federal requirements.

Summary of factual data and analytical methodologies used and how any related findings support the regulatory approach chosen

The implementation of the Clean Water Fund Program does not include regulatory activities. Refinements to the program were established with both internal and external advisory groups with the intent of streamlining processes and clarifying criteria for program implementation.

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

Rule revisions are expected to have minimal impact on small businesses, in that it streamlines existing processes and clarifies implementation criteria. Rule revisions to not contain any new requirements for small businesses.

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

Effect on Small Business (Initial Regulatory Flexibility Analysis)

Minimal.

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

Environmental Analysis

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

Fiscal Estimate Summary

The rule will have minimal economic or fiscal impacts on businesses or municipalities seeking funding from the Clean Water Fund Program. General eligibility criteria are prescribed by the federal Clean Water Act and the costs for obtaining funding is prescribed by State Statute. The rule revisions simplify and clarify protocols and streamline processes but don’t affect overall ability of municipalities to seek and obtain financing or the rates of that financing.

Agency Contact

Robin Schmidt
Department of Natural Resources
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101 S Webster St, Madison, WI 53703
Phone: 608–266–3915
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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 NR 162 – Clean Water Fund Program

3. Subject

Rules governing the implementation of the Clean Water Fund Program

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG–S

5. Chapter 20, Stats. Appropriations Affected

n/a

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
 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

Anticipated rule changes will help streamline processes for awarding funding under the Clean Water Fund Program. Deadlines may be adjusted to better assist municipalities in submitting applications for funding, and language will be clarified with respect to eligible activities, projects and costs.

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.

Changes to ch. NR 162 may affect municipalities and their consultants who seek funding for water infrastructure projects from the Clean Water Fund Program.

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

None up to now; local governments will be part of a future advisory group to identify rule changes.

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)

The rule will have minimal economic or fiscal impacts on businesses or municipalities seeking funding from the Clean Water Fund Program. Eligible costs and municipalities are prescribed by the federal government and won't be affected by the rule revisions.

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

By streamlining processes and clarifying criteria for the program, there will be fewer questions and process times may be shortened for both the applicants as well as DNR staff. Without the rule revisions, the program will continue to interpret clumsy or outdated language to ensure we are implementing the program consistent with federal policies and guidelines.

14. Long Range Implications of Implementing the Rule

Implementing the rule revisions will enable the Department to be more timely in our administration of the Clean Water Fund Program.

15. Compare With Approaches Being Used by Federal Government

The anticipated rule revisions will be consistent with the Federal Clean Water Fund Act.

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

Each of the neighboring states implements the Clean Water Fund Program with minor differences, adjusted to meet state-specific needs. Many of the states have more sophisticated programs; Wisconsin's implementation of the Clean Water Fund Program has historically been relatively basic. All programs must be in compliance with the Federal Clean Water Fund Act.

17. Contact Name

Robin Schmidt

18. Contact Phone Number

608-266-3915

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

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

The rule does not modify the requirement that recipients of the Federal Clean Water Fund Program funds must be in compliance with DBE requirements. This rule will have no fiscal or economic effect on Small Businesses.

2. Summary of the data sources used to measure the Rule’s impact on Small Businesses

n/a

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

n/a

5. Describe the Rule’s Enforcement Provisions

There are no enforcement provisions with respect to environmental regulations associated with this rule. There are provisions in the rule that recipients of funds must have approved plans of operation from the Department, and municipalities must have the financial means to repay loans associated with this program.

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

 Yes No**Notice of Hearings****Natural Resources**

*Environmental Protection — General, Chs. NR 100—
CR 14–044*
(DNR # CF–12–13)

NOTICE IS HEREBY GIVEN THAT pursuant to ss. 227.16 and 227.17, Stats, the Department of Natural Resources, hereinafter the Department, will hold a public hearing on the repeal and recreation of Chapter NR 166, relating to the implementation of the Safe Drinking Water Loan Program on the date(s) and at the time(s) and location(s) listed below.

Hearing Information

Date: Tuesday, July 29, 2014
Time: 9:00 a.m. to 10:30 a.m.
Location: UWEX Pyle Center
 702 Langdon St.
 Madison, WI

Date: Tuesday, July 29, 2014
Time: 9:00 a.m. to 10:30 a.m.
Location: UW Green Bay
 2420 Nicolet Drive
 Room IS1034
 Green Bay, WI

Date: Tuesday, July 29, 2014
Time: 9:00 a.m. to 10:30 a.m.
Location: UW Eau Claire Schofield Hall
 105 Garfield St.
 Room 1132
 Eau Claire, WI

Date: Tuesday, July 29, 2014
Time: 9:00 a.m. to 10:30 a.m.
Location: UW Milwaukee School of Continuing

Education
 161 W. Wisconsin Ave.
 Milwaukee, WI

Date: Tuesday, July 29, 2014
Time: 9:00 a.m. to 10:30 a.m.
Location: UW—Marathon County
 518 S. 7th Ave.
 Room 218
 Wausau, WI

Reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Contact Cindy Wheeler, Environmental Loans Program, 101 South Webster Street, P.O. Box 7921, Madison, WI 53707; by E–mail to cynthia.wheeler@wisconsin.gov or by calling (608) 266–9955. A request must include specific information and be received at least 10 days before the date of the scheduled hearing.

Availability of the Proposed Rules and Fiscal Estimate

The proposed rule and supporting documents, including the fiscal estimate, may be viewed and downloaded from the Administrative Rules System Web site which can be accessed through the link <https://health.wisconsin.gov/admrules/public/Home>. If you do not have Internet access, a printed copy of the proposed rule and supporting documents, including the fiscal estimate, may be obtained free of charge by contacting Cindy Wheeler, Environmental Loans Program, 101 South Webster Street, P.O. Box 7921, Madison, WI 53707; by E–mail to cynthia.wheeler@wisconsin.gov or by calling (608) 266–9955.

Submitting Comments

Comments on the proposed rule must be received on or before August 15, 2014. Written comments may be submitted by U.S. mail, fax, E–mail, or through the Internet and will have the same weight and effect as oral statements presented

at the public hearing. Written comments and any questions on the proposed rules should be submitted to:

Robin Schmidt
 Department of Natural Resources
 Bureau of Community Financial Assistance
 101 S Webster St, Madison, WI 53703
 Phone: 608-266-3915
 Fax: 608-267-1496
 E-mail: robin.schmidt@wisconsin.gov
 Internet: Use the Administrative Rules System Web site accessible through the link provided.

Analysis Prepared by the Department of Natural Resources

Statute interpreted, statutory authority and explanation

Section 281.60 (12), Wis. Stats., authorizes the department to promulgate rules establishing eligibility criteria for applicants and projects and that are necessary for the execution of its responsibilities under the Safe Drinking Water Loan Program. The Safe Drinking Water Loan Program provides financial assistance to municipalities for their drinking water systems.

Related statutes or rules

Concurrent with this effort, the department is also repealing and recreating ch. NR 162, relating to the Clean Water Fund Program. Both the Safe Drinking Water Loan Program and the Clean Water Fund Program are part of the Environmental Improvement Fund.

Plain language analysis

Revisions to ch. NR 166, Wis. Adm. Code, relating to the Safe Drinking Water Loan Program, clarify eligibility criteria, streamline processes, and update implementation issues since the rule was last revised. No new significant changes to the program result from the rule revisions. The main topics for revision include:

- Eligible projects/activities — updates language to incorporate current practices
- Dates for ITA/PERF submittals — changed to Oct 31st and allows for on-line submittals
- PERF scoring system — minor changes and on-line, annual submittal required
- Interim financing costs — increased from \$7500 to up to \$15,000
- Refinancing — clarifies that a municipality cannot already have “long-term affordable debt” outstanding for its completed or substantially completed project”; any project that has been substantially completed for more than 3 years is not eligible for financing.
- Disadvantaged Business Enterprise — updated requirements to refer to federal requirements
- Median Household Income — clarifies the source of this data as the American Community Survey (as part of the US Census Bureau) and provides options for sanitary districts.

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

All state programs must comply with the federal requirements for the program, as outlined in 42 USC 300g-1. This rule complies with the requirements of the Federal Safe Drinking Water Act, 42 USC 300f to 300j-26.

Comparison with similar rules in adjacent states

Each state implements the federal Safe Drinking Water Act consistently with the associated state statutes and federal requirements. Each state loan program has unique features, but all of the programs are designed to meet federal Safe Drinking Water Act requirements. Each state has a unique priority scoring system based on state priorities but consistent with federal priorities. The EPA reviews program implementation to ensure consistency with the federal requirements.

Summary of factual data and analytical methodologies used and how any related findings support the regulatory approach chosen

The implementation of the Safe Drinking Water Loan Program does not include regulatory activities. Refinements to the program were established with both internal and external advisory groups with the intent of streamlining processes and clarifying criteria for program implementation.

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

Rule revisions are expected to have minimal impact on small businesses, in that it streamlines existing processes and clarifies implementation criteria. Rule revisions do not contain any new requirements for small businesses.

Effect on Small Business (Initial Regulatory Flexibility Analysis)

Minimal.

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

Environmental Analysis

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

Fiscal Estimate Summary

The rule will have minimal economic or fiscal impacts on businesses or municipalities seeking funding from the Safe Drinking Water Loan Program. General eligibility criteria are prescribed by the federal Safe Drinking Water Act and the costs for obtaining funding is prescribed by State Statute. The rule revisions simplify and clarify protocols and streamline processes but don’t affect overall ability of municipalities to seek and obtain financing or the rates of that financing.

Agency Contact

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

DIVISION OF EXECUTIVE BUDGET AND FINANCE
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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 NR 166 – Safe Drinking Water Loan Program

3. Subject

Rules governing the implementation of the Safe Drinking Water Loan Program

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

n/a

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

Anticipated rule changes will help streamline processes for awarding funding under the Safe Drinking Water Loan Program. Deadlines may be adjusted to better assist municipalities in submitting applications for funding, and language will be clarified with respect to eligible activities, projects and costs.

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.

Changes to ch. NR 166 may affect municipalities and their consultants who seek funding for water infrastructure projects from the Safe Drinking Water Loan Program.

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

None up to now; local governments will be part of a future advisory group to identify rule changes.

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)

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14. Long Range Implications of Implementing the Rule

Implementing the rule revisions will enable the Department to be more timely in our administration of the Safe Drinking Water Loan Program.

15. Compare With Approaches Being Used by Federal Government

The anticipated rule revisions will be consistent with the Federal Safe Drinking Water Act.

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

Each of the neighboring states implements the Safe Drinking Water Loan Program with minor differences, adjusted to meet state-specific needs. Many of the states have more sophisticated programs; all programs must be in compliance with the Federal Safe Drinking Water Act.

17. Contact Name

Robin Schmidt

18. Contact Phone Number

608-266-3915

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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

The rule does not modify the requirement that recipients of the Federal Clean Water Fund Program funds must be in compliance with DBE requirements. This rule will have no fiscal or economic effect on Small Businesses.

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

n/a

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

n/a

5. Describe the Rule's Enforcement Provisions

There are no enforcement provisions with respect to environmental regulations associated with this rule. There are provisions in the rule that recipients of funds must have approved plans of operation from the Department, and municipalities must have the financial means to repay loans associated with this program.

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

Yes No

Submittal of Proposed Rules to Legislature

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

Natural Resources

*Environmental Protection — General, Chs. NR 100—
Environmental Protection — WPDES, Chs. NR 200 —*

CR 13-112

(DNR # SS-14-12)

On June 23, 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 Chapters NR 157, 219, and 233, related to analytical test methods and procedures for the analysis of wastewater and bio-solids.

This rule was approved by the Governor on June 16, 2014, pursuant to s. 227.185, Stats.

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.

Administration

CR 14-001

An order to repeal section Adm 2.14 (2) (v) 9.c.; to renumber section Adm 2.14 (2) (v) 1. to 4. and 6. to 9. (intro.); to renumber and amend section Adm 2.14 (2) (v) 5. and 9. a. and b.; to amend sections Adm 2.02 (1) (a), 2.04 (1) (intro), (2), (3), (5), and (7), 2.07 (2), 2.08 (1) (intro.) and (d), 2.11, and 2.14 (2) (intro.), (e), and (v) (intro.); and to create sections Adm 2.03 (3m), (3r), and (6m), 2.04 (1m), (2m), (2r), (2z), (9), and (10), and 2.14 (2) (fm) and (vm) (intro.), relating to the use of state buildings and facilities.
Effective 8-1-14.

Corrections

CR 11-022

An order to repeal and recreate Chapter DOC 303, to repeal Chapter DOC 303 APPENDIX, sections DOC 308.03 (6) and (8), 309.02 (13), 309.55 (4) (e) 4., 5., and 6., 327.09 (2) (g), (j), and (n); to amend sections DOC 302.17 (11) (c), 302.21 (3) (b) 1., 302.33 (1) (b), 302.34 (1) (a), 302.35 (1) (a), 304.04 (2), 306.05 (4) (a), 308.03 (4) (intro.), (b), and (d), 308.04 (4) (e) 5., (5) (a) 2., and (10), 308.04 Note to sub. (4), 309.02 (5), 309.04 (4) (e) 2. and (6), 309.20 (4) (a) 5., (4) (c) 3., (4) (d) 2., and (7), 309.365 (5) (c) 2., 310.08 (3), 310.10 (7), 310 Appendix doc 310.16, para. 3, 311.07 (2) (f) 3., 313.08 (10), 324.12 (1) (j), 324.13 (6), 327.09 (1) (a), (2) (intro.), (a), (b), (c), (d) (intro.), (e) (intro.), (f), (h), (i), (m) 1., (q) (intro.), (r), (s), (t), (u), (v), (w), (x) (intro.), (y), (z) (intro.), and (3), 327.13 (intro.), (2) to (10), 327.16 (6) (c) 4. and (d); and to create sections DOC 308.03 (8m), 309.55 (4) (e) 4. and 5., relating to the discipline of inmates.
Effective 1-1-15; expected publication 8-31-14.

Insurance

CR 13-113

An order to create sections Ins 6.91 to 6.99, relating to navigators, nonnavigator assisters, and related entities and affecting small business.
Effective 9-1-14.

Insurance

CR 14-008

An order to repeal section Ins 2.80 (4) (b) 3. b. and c. and Chapter Ins 2 (table); to amend sections Ins 2.80 (4) (b) 3. g. and i. and 50.79 (3) (a) 4.; and to create section Ins 50.79 (1) (f), relating to reserve and reporting requirements for life and fraternal insurers and affecting small business.
Effective 9-1-14.

Natural Resources

Fish, Game, etc., Chs. NR 1—

CR 13-021

(DNR # WM-33-13)

An order to repeal and recreate section NR 10.01 (4) (a) and (e), related to muskrat and mink trapping seasons.
Effective 9-1-14.

Natural Resources

CR 13-067

Fish, Game, etc., Chs. NR 1—

(DNR # WM-05-13)

An order to repeal section NR 10.01 (3) (d) 2.; to amend sections NR 10.01 (3) (d) 1., 10.111 (3) (c) and (5) (b), and 10.145 (1) (b); to repeal and recreate sections NR 10.01 (3) (i), 10.111 (3) (a), and 10.37; and to create section NR 10.34, relating to bobcat hunting and trapping and elk management.
Effective 9-1-14.

Natural Resources

Fish, Game, etc., Chs. 1—

CR 13-108

(DNR # WM-21-13)

An order to repeal sections NR 10.01 (2) (f) 3., 10.275 (2) (a), 10.275 (3) and (4), 10.40 (4), and 45.09 (4); to amend sections NR 1.29 (7) (b) 5., 10.01 (2) (g) 2., 10.275 (intro.), 10.275 (1) (b) 1., 10.275 (2) (b) 1. and 2., 10.275 (2) (c), 19.025, and 45.09 (1); to repeal and recreate section NR 10.29; and to create sections NR 10.13 (Note) and 10.275 (5), relating to hunting and trapping in state parks.
Effective 9-1-14.

Natural Resources

Fish, Game, etc., Chs. 1—

CR 13-111

(DNR # FH-26-12)

An order to amend sections NR 20.20 (73) (n) 4. and 25.06 (1) (a), relating to lake trout harvest limits in Lake Superior.
Effective 9-1-14.

Public Instruction

CR 14-018

An order to repeal section PI 34.34 (1), (2), and (2m); amend section PI 34.33 (intro); and create sections PI 34.241, 34.242, and 34.243, relating to charter school teaching licenses.
Effective 9-1-14.

Public Instruction

CR 14-021

An order to renumber Chapter PI 36 Subchapter III and sections PI 36.06 to PI 36.09; repeal and recreate Chapter PI 36 Subchapters I, II, and IV; and create Chapter PI 36 Subchapter III, relating to the Full-Time Open Enrollment Program.
Effective 9-1-14.

Revenue
CR 14–005

An order to repeal sections Tax 2.32 (2) (e) to (h) and (3) (Note 1) and 2.985; renumber section Tax 2.957 (7); amend sections Tax 2.32 (1) (Note), 2.88 (3) (a) and (4), 2.957 (7) (title), 3.01 (4) (c) 8. (Note) and (e) 4.b., and 3.05 (6); and create sections Tax 2.88 (5) (Note), 2.957 (7) (b), 2.986, 2.99 (1) (Note), and 3.095 (2) (e) and (4) (a) 21, relating to income and franchise tax provisions.
Effective 9–1–14.

Revenue
CR 14–006

An order to repeal section Tax 11.26 (3) (b) and (Example 1) to (Example 7); renumber and amend section Tax 11.19 (2) (a); amend sections Tax 11.04 (1), 11.05 (4) (a), 11.08 (4) (a) and (6) (Note 2), 11.11 (2m) (b) (Note), 11.12 (2) (b) and (7) (d) (Note 1) and (Note 2), 11.19 (6) (Note 1) and (Note 2), 11.20 (1) (h), (2) (b), (Example 2), (Example 3), (c), (d) (Example 1) to (Example 5), and (e) 2. L. (Example), and (3) (a) 2. and (b), 11.26 (title), (1) (a) and (b), (2) (title), (intro.), (c), and (h), and (3) (title), (intro.), and (c) (Note 2), 11.33 (4) (f) (Example 1), 11.39 (1) (b), 11.45 (3) (a) and (6) (Note 2), 11.48 (3) (c) (Note 1) and (Note 2), 11.49 (2) (b), 11.52 (5) (a) and (7) (c) (Note 2), 11.56 (7) (bm) and (8) (Note 1) and (Note 2), 11.61 (2) (c) (Note 1), 11.66 (1) (x) and (6) (Note 3), 11.67 (3) (m) (Note 1) and (Note 2), 11.68 (13) (e) (Note 1) and (Note 2), and 11.70 (2) (e) and (7) (b) (Note 2) and (Note 3); repeal and recreate sections Tax 11.20 (2) (a), 11.66 (1) (u), and 11.68 (7) (b); and create sections Tax 11.19 (2) (a) 1. to 3., 11.20 (1) (cg) and (cr) and (4) (e) 2. (Note 1) and (Note 2), 11.26 (2) (i) to (s) and (3) (ac) to (ax) and (d) to (h), and 11.56 (9), relating to sales and use tax provisions.
Effective 9–1–14.

Safety and Professional Services
Professional Services, Chs. SPS 1–299
CR 13–056

An order to amend section SPS 128.04 (6) (a) and to create section SPS 128.04 (6) (d), relating to auctioneer continuing education course instructors.
Effective 9–1–14.

Safety and Professional Services
Professional Services, Chs. SPS 1–299
CR 14–013

An order to repeal Chapters SPS 100 to 105 and sections SPS 192.02 (6) and (15), 192.403 (3) and (8), 194.01 (9) to (11) and (14), 195.11 (1) (a), (c) and (d); to renumber sections SPS 193.11 as 192.21, 194.02 as 192.302, and 195.13 as 192.414; to renumber and amend sections SPS 192.01 as 192.101; 192.02 (title), (intro.) and (1) to (19) as 192.102 (title), (intro.) and (2) to (18), and 192.102 (intro.), (2), (4), (8), (10), and (14); Chapter SPS 193 (title) and section SPS 193.01 as subchapter II (title) and 192.201; 193.02 as 192.202, and 192.202 (2) (a) (intro.), 2. and 3. and (c); 193.03 as 192.203, and 192.203 (2) (a) and (b); 193.04 (title), (1) and (2) (a) and (b) to (d) 3. and 4. to 6. and (e) as 192.204 (title), (1) and (2) (intro.) and (a) to (c) 3. and (d) to (f) and (3), and 192.204 (1) and (2) (intro.), (b), (c) (intro.), 2. and 3. and (d) to (f) and (3); 193.05 (title) and (1) to (3) (d) and (e) as 192.205 (title) and (1) to (3) (d) 1. and 2., and 192.205 (2) (a) and (b) and (3) (intro.), (a) and (d) 1.; 193.06 (title) and (1) to (3) (d)

and (e) as 192.206 (title) and (1) to (3) (d) 1. and 2., and 192.206 (2) (a) and (b) and (3) (intro.), (a) and (d) 1.; 193.07 as 192.207, and 192.207 (2); 193.08 as 192.208, and 192.208 (2); 193.09 as 192.209, and 192.209 (2); 193.10 as 192.210; 193.06 (title) and (1) to (3) (d) and (e) as 192.206 (title) and (1) to (3) (d) 1. and 2., and 192.206 (2) (a) and (b) and (3) (intro.), (a) and (d) 1.; 193.12 (2) (c) 6. and (3) to (5) as 192.212 (3) to (6), and 192.212 (3) and (4); 193.13 as 192.213, and 192.213 (1) (intro.), (c) and (d) and (4); 193.14 as 192.214, and 192.214 (1) (a), (2) and (3); 194 (title) and 194.01 (title), (intro.) to (5), (6), (7) (intro.) to (c), (d) and (8) as subchapter III (title) and 192.301 (title), (intro.) to (5), (14), (6) (intro.) to (c), (7) and (8), and 192.301 (1), (4), (5), (7), (8) and (14); 194.01 (12) to (17) and (18) to (28) as 192.301 (9) to (13) and (15) to (25), and 192.301 (9), (10), (13), (16), (18) to (22) and (25); 194.03 as 192.303, and 192.303 (1) (c) and (2) (intro.) and (a); 194.04 as 192.304, and 192.304 (1) (intro.), (a), (d) and (f) and (3) (intro.) and (a); 194.05 as 192.305, and 192.305 (intro.), (4), (6) and (8); 194.06 as 192.306, and 192.306 (1), (3) and (4); 194.07 as 192.307, and 192.307 (intro.) and (2); 194.08 as 192.308, and 192.308 (1) (c), (d) 1. and 2., (2), (3) (intro.) and (e) and (4); 195 (title) and 195.01 as subchapter IV (title) and 192.401, and 192.401 (2), (4), (6) and (7); 195.02 as 192.402, and 192.402 (1), (5) to (12), (14) and (15); 195.03 as 192.403, and 192.403 (2), (3) and (8); 195.04 as 192.404, and 192.404 (1), (9), (16) (g), (t) and (v), (17) and (18) (intro.), (a) and (c) to (e); 195.05 as 192.405; 195.06 as 192.406, and 192.406 (1), (7), (8), (10), (11) and (13) to (16); 195.07 as 192.407, and 192.407 (1) and (5); 195.08 as 192.408, and 192.408 (1); 195.09 as 192.409, and 192.409 (1) to (9); 195.10 as 192.411, and 192.411 (title) and (4); 195.11 (title), (1) (intro.) and (b) and (2) to (6) as 192.412 (title), (1) (a) and (b) and (2) to (6), and 192.412 (1) (a) and (b) and (2) (intro.), (3) and (5); 195.12 as 192.413, and 192.413 (1) to (3) (a) and (4) to (10); 195.14 as 192.415, and 192.415 (1), (2) and (4); 196 (title) and 196.01 (title) and (1) (intro.) to (3) (g), (h) and (i) to (n) as subchapter V (title) and 192.501 (title) and (1) (intro.) to (3) (g), (4) and (3) (h) to (m), and subchapter V (title) and 192.501 (1) (intro.), (f) to (h), (3) (intro.), (d) to (j), (L) and (m) and (4); 196.02 as 192.502, and 192.502 (1), (2) and (4) to (7); 196.03 as 192.504, and 192.504 (1) to (4), (6) (intro.) and (11); to amend Chapter SPS 192 (title); and to create Chapter SPS 192 subchapter I (title), 192.102 (1), (18m), (note), and (19), 192.204 (2) (g) and (3) (title), 192.213 (1) (f) and (g), 192.301 (8) Note, 192.404 (18) (g) and (h), 192.410, 192.411 (5), 192.413 (3) (d), 192.415 (8), and 192.503, relating to amateur boxing and mixed martial arts.
Effective 9–1–14.

Safety and Professional Services
Professional Services, Chs. SPS 1–299
CR 14–014

An order to repeal sections SPS 34.01 (1) (f) and (fm) and (4) and 34.02 (2) (b) (Note); to renumber and amend sections SPS 34.02 (2) (intro.), (a), and (b) and 34.08; to amend sections SPS 34.01 (1) (intro.) and (h), (2), and (3); 34.011 (intro.), 34.015 (title), (1), (2), and (6), 34.02 (1) (Note) and (3), 34.03 (title) and (1) (intro.) and (b) (Note), 34.04 (2) (a) 2. and 3., (4) to (6), (6) (Note), and (7); and 34.05; and to create sections SPS 34.002, 34.01 (5) to (8), 34.015 (1) (Note), 34.04 (1) (Note) and (7) (Note), and 34.05 (1) (Note), relating to firearms and other dangerous weapons for private security

personnel, private detectives, and private investigators or special investigators.

Effective 9-1-14.

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

CR 14-016

An order to repeal sections SPS 80.03 (2), (8a) and (8d), 81.02 (5) (Note), 81.02 (8), 81.02 (5) (Note), 81.05 (intro.), 82.01 (6), 83.01 (3) (e), (3)(g) (Note), 83.01 (4) (c), 83.02 (7), 84.01 (4), 84.03 (1) (b) 1. to 6., 86.01 (2) (Note), 84.04 (1) (b) (intro.) (Note) and 1. to 9., and 86 Appendix I; to renumber Chapter SPS 80 (title) and sections SPS 80.03 (3) to (8), 80.03 (8a) to (8c), 80.03 (9) to (18), 81 (title), 81.03 (1) to (2) (d), 81.05 (1), 81.05 (2), 81.05 (3), 82 (title), 82.02, 82.03, 82.04, 83 (title), 83.01 (1), 83.01 (1a), 83.01 (2), 84 (title), 84.01 (1) and (3), 84.02, 84.03 (1) (title) (intro) and (a), 84.03 (2) (intro.) (a) to (c), 84.04 (title) and (1) (intro.) and (a), 84.04 (2) and (3); to renumber and amend SPS 80.01, 80.02, 80.03 (intro.), 80.03 (9) to (18), 81.01, 81.02 (intro.) (1) to (7), 81.02 (8) (Note), 81.03 (2) (d) (Note), 81.04, 82.01 (1) to (5), 83.01 (title), 83.01 (3) (intro.) (a) to (d) and (f) and (g), 83.01 (3m), 83.01 (4) (intro.) and (4) (b), 83.01 (4) (c) (Note), 83.02 (title) (intro.) (1) to (6), 84.001, 84.01 (6) to (14), 84.03 (1) (b) (intro.), 84.04 (1) (b) (intro.), 85.01, 85.02; to amend sections SPS 87.01 (2) and (3), 87.02 (1), (2) (intro.), (b) and (c), 86.01 (1), (4), (9) and (11); to repeal and recreate Chapter SPS 85 (title); and to create sections SPS 85.120 (3) (Note) and (27), 85.230 (1) (c) 3., 85.240, 85.330, 85.410 (title), 85.430, 85.500 (title) 85.510, 85.520 (8) and (9), 85.530, 85.600 (7), 85.700 (3) (a) to (f), 85.820, 85.830, 85.840, 85.900 (title), 85.900 (7), 85.910 (7) (a), related to the examination, education, and experience requirements of real estate appraisers.

Effective 1-1-15; expected publication 8-31-14.

Safety and Professional Services
Professional Services, Chs. SPS 1—299
General Part IV, Chs. SPS 388—

CR 14-019

An order to repeal Chapter SPS 1 Appendix I, 1 Appendix II, 2 Appendix I, 3 Appendix I, and sections SPS 4.07 (30), 4.07 (59), 4.08 (2), 8.02 (5) (a), 8.02 (5) (b), 8.02 (5) (c), 8 Appendix I, 500.03 (2) (Note 1), 500.03 (2) (Note 3), and 500.03 (2) (Note 4); to amend sections SPS 1.03 (6), 1.03 (4), 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), 6.09 (3), 6.09 (5), 6.11 (1) (intro.), 6.11 (1) (a), 6.11 (1) (b), 6.11 (2), 7.02 (4), 8.02 (4), 8.02 (5) (intro.), 500.02, and 500.03 (2); to repeal and recreate section SPS 500.10; and to create sections SPS 6.11 (1) (c), 500.03 (3), 500.03 (3) (Note), and 500.04, relating to administrative procedures and small business discretion.

Effective 9-1-14.

Safety and Professional Services
General Part I, Chs. SPS 301—319

CR 13-105

An order to repeal sections SPS 314.01 (1) (c) 5., (2) (b) 4., and (13) (b) 7. c. and 314.34; to renumber sections SPS 314.01 (1) (c) 6. to 9. and (2) (a) 3. a., 314.11 and (title), 314.13 (3) and (4), and A-314.01 (2) (b) 4.; to renumber and amend section SPS 314.01 (2) (a) 3. b. and (b) 4. (Note), and

A-314.10 (2); to amend sections SPS 314.001 (1) (a) and Note and (2), 314.01 (1) (a), (c) 1., 2. and 4., (f), and (g) 1. (intro.) and (Note) [4], (2) (a) 1. and (b) 2., (9) (a), (14) (a) 1. a., (b) 1. and 3. a. and b., (c) 1. to 3., and (f) 1. (Note) and 2. and (Note), 314.03 (1) (a) 2., (f), and (i) (Note) and (2), 314.10 (2), 314.27 (Note), and 314.65 (2) (intro.) and (3); and to create sections SPS 314.001 (2) (Note), 314.01 (2) (a) 3. a. and b., (6) (a) (Note), (7m), (11m), and (14) (d) 1. (Note), 314.03 (1) (bm) and (dm) and (Note), 314.10 (2m) and (2r), 314.11 (title), (1), and (3), 314.13 (3) and (4), 314.15, A-314.10 (4) (intro.), and 362.1509, relating to fire prevention.

Effective 9-1-14.

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

An order to repeal section SPS 362.3006 (3); to renumber sections SPS 316.620, 362.3004 (2), and 362.3006 (1), (2), and (4); to amend section SPS 305.003 (15); to repeal and recreate Chapter SPS 318, 362.3002 (3), and 362.3006 (1) (Note); and to create sections SPS 316.620 (1), 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.

Effective 9-1-14.

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

An order to repeal section SPS 321.25 (8) (d) to (f), (g) 4., (h), and (9); Tables 321.25-K and 321.25-L, and Figures 321.25-D to 321.25-K; to renumber section SPS 321.25 (8) (g) (title), (intro.), and 1. to 3.; to amend section SPS 320.09 (5) (b) 2. d., 321.02 (1) (c), Table 321.25-A, 321.25 (7) (d) and (8) (a) (Note), and 320 to 325 Appendix — Minimum Fastener Schedule Table; to repeal and recreate section SPS 321.25 (8) (b) and (c), Tables 321.25-G to 321.25-J, and Figures 321.25-A to 321.25-C; and to create section SPS 321.02 (1) (c) (Note), relating to wall bracing for one- and two-family dwellings.

Effective 9-1-14.

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

An order to repeal sections SPS 326.10 (4); 326.32 (3) (b), (7), and (8), 326.33 (1) (b), 326.34 (1) (a) (Note) and (6), 326.36 (1) (b) 2., 326.37, and 326.38 (1) (c); to renumber sections 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 section SPS 326.33 (1) (a); to amend sections 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 section SPS 321.40 (1) and (Note [1]); and to create sections SPS 320.07 (52m) (Note [2]), 321.40 (2) (title), 326.16 (2) and (3), and 326.20, relating to manufactured homes and manufactured home communities.

Effective 9-1-14.

**Safety and Professional Services —
Controlled Substances Board
CR 14–009**

An order to create section CSB 3.045, relating to granting a limited special use authorization and denial of a special use authorization.
Effective 8–1–14.

**Safety and Professional Services —
Dentistry Examining Board
CR 14–011**

An order to create Chapter DE 8, relating to patient dental records
Effective 9–1–14.

**Safety and Professional Services —
Board of Nursing
CR 13–097**

An order to repeal section N 7.04, amend section N 7.01 (2), repeal and recreate section N 7.03, and create section N 7.02 (1m), relating to code of conduct.
Effective 8–1–14.

**Safety and Professional Services —
Board of Nursing
CR 13–098**

An order to create Chapter N 9, relating to the nurse licensure compact.
Effective 8–1–14.

**Safety and Professional Services —
Board of Nursing
CR 14–002**

An order to repeal and recreate Chapters N 2 and 3, relating to nurse licensure and examining councils.
Effective 8–1–14.

**Safety and Professional Services —
Board of Nursing
CR 14–004**

An order to repeal and recreate Chapter N 1, relating to school approval.
Effective 8–1–14.

**Safety and Professional Services —
Pharmacy Examining Board
CR 13–075**

An order to repeal section Phar 7.08 (1) (note) and amend sections Phar 8.05 (4), 8.07 (2), and 8.09 (1), (2), (3), and (4), relating to electronic prescriptions.
Effective 9–1–14.

**Safety and Professional Services —
Pharmacy Examining Board
CR 13–076**

An order to repeal section Phar 7.04 (1) (e) 2 .(note) and amend section Phar 7.04 (1) (e) 2., relating to return or exchange of health items.
Effective 9–1–14.

**Safety and Professional Services —
Pharmacy Examining Board
CR 14–003**

An order to repeal sections Phar 18.04 (3) (intro) and (k) and 18.11 (3), (4), (9) (a), (b), and (c); to renumber section Phar 18.04 (3) (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), and (o); to renumber and amend section Phar 18.04 (2) and (3) (L), (m), and (n); to amend sections Phar 18.02 (8) (a), (9), (15) (intro), and (17), 18.04 (title) and (4), 18.05 (1) and (1) (note), (2) (note), (3) (b) (note), and (4), 18.06 (2), (3) (b) (note), (6) (b) (note), and (8), 18.07, 18.08 (1) (a) and (b) (note), 18.09, 18.10 (1) (intro), (2) (intro) and (b), (3), (6), and (7), 18.11 (6) (intro), (9) (intro), and (10) (c) (note), 18.12 (4), and 18.14 (1) (intro); and to create sections Phar 18.02 (11g), (11r), (15g), and (15r), 18.04(2) (ge), (gm), and (gs) and 18.08 (3), relating to the prescription drug monitoring program.
Effective 9–1–14.

**Safety and Professional Services —
Pharmacy Examining Board
CR 14–023**

An order to amend sections Phar 1.02 (7), 7.10 (1), and 16.03, relating to council and exam names.
Effective 9–1–14.

**Safety and Professional Services —
Podiatry Affiliated Credentialing Board
CR 13–110**

An order to amend section Pod 1.02 (intro) and create sections Pod 1.02 (2m) and (6m) and 7.01, relating to podiatric x-ray assistants.
Effective 9–1–14.

**Safety and Professional Services —
Real Estate Examining Board
CR 13–100**

An order to repeal Chapters REEB 22 and 26 and amend sections REEB 11.01, 11.02 (intro.) 12.04 (1) (intro.), 12.04 (2) (intro.), and 25.065 (1) and (Note), relating to apprentices and inactive licenses.
Effective 10–1–14.

**Transportation
CR 13–093**

An order to repeal sections Trans 254.10 (5) and 255.10 (5); to amend sections Trans 254.03 (2) (a), 254.11 (1), (2) (intro.), (3) (intro.) and (b), and (4) (intro.), 254.12 (2), 254.16 (1) and (2), 255.03 (2) (a), 255.11 (1), (2) (intro.), and (3) (intro.) and (b), and 255.12 (2); to create sections Trans 254.02 (2) (c) and (note), 254.03 (1m), 254.11 (4) (c) and (4a) (note), 255.02 (2) (c) and (note), 255.03 (1m), (2) (c) and (note), and 255.11 (4) (c) and (4a) (note); to repeal and recreate sections Trans 254.03 (2) (c) and (3) (note) and 254.11(2) (a), (b), (c) and (d), and (4) (a) and (b); and to renumber and amend section Trans 255.11 (4); relating to: single and multiple trip permits for oversize or overweight vehicles or loads and affecting small businesses.
Effective 8–1–14.

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