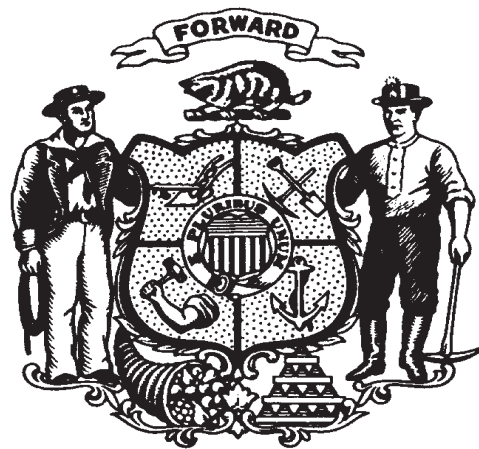


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Emergency Rules Now in Effect

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

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

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

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

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

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

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

Agriculture, Trade and Consumer Protection (2)

1. 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

2. EmR1413 (ATCP DOCKET # 14–R–09) — The Wisconsin Department of Agriculture, Trade and Consumer Protection adopts the following emergency rule to amend **chapter ATCP 127, subchapter V (Title) and section 127.82 (2)**; to repeal **sections ATCP 127.81 (3) (c), (d), (e) and (Note) and 127.82 (3), (4), (5), (6), and (7)**; to repeal and recreate **sections ATCP 127.80 (5), 127.81 (2) (j), 127.82 (Title) and (1) and 127.82 (8)**; and to create **section ATCP 127.80 (6r)**, relating to telephone solicitations and the state do-not-call registry.

This emergency rule was approved by the Governor on July 29, 2014.

The scope for this rule, SS 049–14, was approved by the Governor on May, 14, 2014, published in register No. 701 on May 31, 2014, and approved by the Board of Agriculture, Trade and Consumer Protection on June 12, 2014.

Finding of Emergency

(1) In Wisconsin, businesses wishing to solicit consumers by telephone must register with the department and pay an annual registration fee.

(2) A recent statutory change eliminated Wisconsin's separate no-call list and requires telephone solicitors to use the Wisconsin portion of the national do-not-call registry.

(3) The law also requires the department to create telephone solicitor registration requirements by rule that will show proof that the businesses have registered with the federal trade commission's do-not-call registry to obtain and use the Wisconsin portion of the national do-no-call registry.

(4) The statutory change takes effect August 1, 2014. However, the permanent rule-making establishing these registration requirements will not be effective until mid-2015.

(5) The department must adopt registration requirements by emergency rule by August 1, 2014 so telephone solicitors can register with the department and comply with the law before the permanent rule is completed.

(6) This temporary emergency rule is necessary to protect the welfare of businesses that wish to register as telephone solicitors in Wisconsin. Without this emergency rule, telephone solicitors would not be able to register with the department and would not be able to comply with the no-call law.

Filed with LRB: July 29, 2014
Publication Date: August 1, 2014
Effective Dates: August 1, 2014 through December 28, 2014

Children and Families

Safety and Permanence, Chs. DCF 35—59

EmR1414 — The Wisconsin Department of Children and Families orders the renumbering of **sections DCF 50.06 (2), 57.515 (1), and 58.04 (4) (a) and (b)**; the renumbering and amendment of **section DCF 57.515**; the amendment of **sections DCF 50.06 (3) (b) 1., 52.02 (2) (a) and (note), 52.03 (23), 52.12 (8) (b) and (9) (c) (intro.) and 1., 52.21 (3) (d) 2. a. and (9), 52.22 (1) (d), 52.41 (1) (a) 3., 52.48 (1) (b), 52.56 (24) (a), 52.58 (4) (b) 1. and 2., 52.61 (7) (a) 2. c. to e., 52.62 (4) (b) 4., and (7) (a) (intro.) and 2. to 5., 55.10 (4) (a) (intro.), 1., and 2. a., 56.03 (12), (13), (34p), and (38), 57.02 (2) and (note), 57.05 (1) (c) (note), 57.13 (1) (j), 57.14 (2) and (4) (a) 1., 57.16 (4), 57.17 (2) (h), 57.23 (2) (a) (intro.), 57.25 (6) (b) and (c), 57.33 (2), 57.38 (2), and 58.03 (12) and (15)**; the repeal and recreation of **sections DCF 52.03 (22), 52.21 (3) (d) (title), 1., and 2.c., 52.62 (4) (b) 5., 54.01 (4) (b), 56.03 (5), 57.04 (6) and (34), 57.19 (6), 58.03 (3), and 58.04 (4) (title)**; and the creation of **Chapter DCF 21 and sections DCF 50.06 (2) (a) (title) and 11., (2) (b), and (3) (b) 1. c., 52.03 (27m), 52.21 (3) (d) (note), 52.62 (4) (d) and (note), 55.10 (4) (a) 3. and (am), 56.04 (39), 56.09 (1m) (cm), 57.14 (2) (c), 57.23 (2) (a) 13., 57.515 (2) and (note), 58.03 (20), and 58.04 (4) (b)**, relating to the extension of out-of-home care to children and youth 18 years of age or over, but under 21 years of age, and affecting small businesses.

This emergency rule was approved by the governor on July 25, 2014.

The statement of scope for this rule, SS 045-14, was approved by the governor on May 8, 2014, published in Register 701, on May 31, 2014, and approved by Secretary Eloise Anderson on June 20, 2014.

Finding of Emergency

Section 118 (1) (b) of 2013 Wisconsin Act 334 allows the department to promulgate an emergency rule to implement the extension of out-of-home care to children and youth 18 years of age or over, but under 21 years of age, under ss. 48.366 and 938.366, Stats., as an emergency rule without a finding of emergency.

Filed with LRB: July 29, 2014
Publication Date: August 1, 2014
Effective Dates: August 1, 2014 through December 28, 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
Hearing Date: August 15, 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.

Filed with LRB: June 13, 2014
Publication Date: June 18, 2014
Effective Dates: June 18, 2014 through November 14, 2014
Hearing Date: August 12, 2014

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. 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

5. 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

6. EmR1412 (DNR # ER–31–13(E)) — The Wisconsin Natural Resources Board proposes an order to create sections **NR 10.02 (11), 16.12 (3) (b) 12., 19.275 (4) (bm), 21.13 (4) (bm), and 22.13 (4) (bm)**, relating to the addition of the Blanding's turtle to the State's Protected Wild Animal list, possession exemptions, and turtle seasons and limits.

This emergency rule was approved by the Governor on June 25, 2014.

The statement of scope for this rule, SS 124–13, was approved by the governor on September 20, 2013, published in Register No. 694, on October 14, 2013, and approved by the Natural Resources Board on December 11, 2013.

Finding of Emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified to preserve the public welfare and interest in ensuring a sustainable population of Blanding's turtles. The Blanding's turtle is proposed for delisting from the State's Threatened Species list per administrative rule ER–27–11, which is expected to take effect as early as December 2013. Although the Blanding's turtle no longer meets the scientific criteria for listing, the Department feels that the population is nonetheless too vulnerable to survive the threat of harvest and collection, and believes emergency rules are needed to ensure a proper recovery before these activities are permitted.

All turtles not listed as threatened or endangered in ch. NR 27 or as otherwise specified have a 135-day open season (July 15–November 30) during which members of the public may capture and possess up to 5 individuals [s. NR 19.275 (4), 21.13 (4) and 22.13 (4)] per day. Permanent rule-making to protect Blanding's turtles from this harvest will not go into effect until after the 2014 open season for turtles is already underway. An emergency rule is therefore necessary to prevent the harvest and possession of Blanding's turtles during the 2014 open season until the permanent rule goes into effect.

The anticipated impact of collection and harvest to Blanding's turtle conservation and recovery in the state necessitates putting the emergency rule into effect during the 2014 open season for turtles while the agency complies with the permanent rule-making procedures.

Filed with LRB: July 10, 2014
Publication Date: July 13, 2014
Effective Dates: July 13, 2014 through December 9, 2014
Hearing Date: August 27, 2014

Public Instruction

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
Hearing Date: September 4, 2014

Safety and Professional Services

General Part I, Chs. 301—319

EmR1415 — An order of the Department of Safety and Professional Services to amend **section SPS 305.40 (2) (b), (3) (b), (4) (a) 1., (b), (c), and (d) 1., and (5)** and to create **sections SPS Table 305.02 Row 24r, Table 305.06 Row 19r, 305.40 (1) (bm), and 305.437**, relating to credentials for electricians.

This emergency rule was approved by the Governor on July 29, 2014.

The statement of scope for this rule, SS 041-14, was approved by the Governor on April 30, 2014, published in Register No. 701 on May 14, 2014, and approved by the Department on May 27, 2014.

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.

SECTION 15 of 2013 Wisconsin Act 143 exempts any electrician who was born on or before January 1, 1956, and who has at least 15 years of experience in installing, repairing, or maintaining electrical wiring, from the electrical licensure and supervision requirements in sections 101.862 (2) and (3) of the Statutes. SECTION 15 also requires the Department to promulgate rules establishing criteria and procedures for issuing a corresponding credential to these grandfathered electricians.

Because of Act 143, the statutory requirements are now out of step with the Department's administrative rules – and the stakeholders who are affected by these statutory changes are confused by the differences. For example, there has been substantial confusion on what these grandfathered electricians can or need to do and how local governmental units should treat them. Promulgating revisions to the rules through the emergency rule process is needed in order to minimize the confusion and any hardship as soon as possible.

Filed with LRB: August 1, 2014
Publication Date: August 6, 2014
Effective Dates: August 6, 2014 through January 2, 2015
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
Extension Through: September 13, 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
Extension Through: October 22, 2014

Scope Statements

Transportation

SS 080-14

This scope statement was approved by the governor on August 19, 2014.

Rule No.

Chapter Trans 102 (revise).

Relating to

Operator's licenses and identification cards.

Rule Type

Permanent and emergency rule.

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

On July 31, 2014, the Wisconsin Supreme Court upheld 2011 Wisconsin Act 23, which requires certain identification in order to vote at a polling place or obtain an absentee ballot. *NACCP v. Walker*, 2014 WI 98. The Department of Transportation's Division of Motor Vehicles ("DMV") is required by 2011 Wisconsin Act 23 to issue an identification ("ID") card free of charge to any U.S. citizen who will be at least 18 years of age on the date of the next election and who requests the ID card free of charge for voting purposes, provided they meet statutory requirements.

This emergency rule may be necessary to preserve public welfare by ensuring that DMV will implement the requirements of 2011 Wisconsin Act 23 in a manner consistent with the requirements of *NACCP v. Walker*, should the federal injunction against that act be lifted.

2. Detailed Description of the Objective of the Proposed Rule

The DMV is evaluating the holding in *NACCP v. Walker* and current statutes to determine whether rulemaking is necessary to harmonize those laws. This potential rulemaking is intended to ensure that DMV can issue ID cards to individuals requesting them free of charge for voting purposes consistent with the holding in *NACCP v. Walker* and current statutes.

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 current administrative rules, an individual who requests a free ID card for voting purposes must present satisfactory proof of name and date of birth, identity, Wisconsin residency, and U.S. citizenship. Many of the enumerated documents acceptable as proof are issued only by government agencies and are available only upon the payment of a fee to a government agency.

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

Wis. Stat. ss. 343.14 and 343.50 (4) specify the contents of applications for identification cards and authorizes the Department of Transportation to require such information as the Department considers appropriate to identify the applicant.

Wis. Stat. s. 343.50 requires the Department of Transportation to issue identification cards.

Wis. Stat. s. 343.50 (5) (a) 3. prohibits the Department of Transportation from charging a fee for an identification card requested by a qualified applicant who requests it free of charge for purposes of voting.

Wis. Stat. s. 343.02 (1) authorizes the Department of Transportation to promulgate such rules concerning ID cards that the Secretary considers necessary.

Wis. Stat. s. 85.16 (1) authorizes the Secretary of Transportation to make rules deemed necessary to the discharge of the powers, duties and functions vested in the department.

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

200 hours

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

This rulemaking will affect individuals who request an ID card free of charge for voting purposes but who lack supporting documents that can be obtained only upon payment of a fee to a government agency.

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 federal identification requirements to vote. In general, voting requirements are established by state law.

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

The Department anticipates that this rule may reduce the financial requirements upon any person who is interested in obtaining an ID card for purposes of voting and who lacks the necessary supporting documentation.

9. Contact Person

Patrick Fernan, Administrator
 Division of Motor Vehicles
 4802 Sheboygan Ave. Rm. 225
 Madison, WI 53707
 (608) 261-8605
Patrick.Fernan@dot.wi.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 14-050**

(DATCP DOCKET # 14-R-08)

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.

SUBJECT: Direct Marketing (No-call)
ADM. CODE REFERENCE: Chapter ATCP 127
DATCP DOCKET #: 14-R-08

Scope

The scope statement for this rule, SS 0048-14, was approved by the Governor on May 14, 2014, published in Register No. 701 on May 31, 2014, and approved by the Board of Agriculture, Trade and Consumer Protection as required by s. 227.135 (2), Stats., on July 23, 2014.

A related emergency rule, EmR1413, affecting similar ATCP 127 sections contained in this proposed rule and relating to the same purpose as this proposed rule has been published and is in effect.

Agency Procedure for Promulgation

The department will hold a public hearing on this rule on September 15, 2014.

Contact person

The department's Division of Trade and Consumer Protection is primarily responsible for this rule.

If you have questions, you may contact Michelle Reinen at (608) 224-5160.

Safety and Professional Services **General Part I, Chs. SPS 301-319** **CR 14-049**

On August 4, 2014, the Department of Safety and Professional Services submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

Statutory Authority: ss. 101.862 (5) and 227.11 (2) (a), Stats.

This proposed rulemaking order revises Chapter SPS 305, relating to registration of electricians who are exempt from passing an examination and from acquiring continuing-education credits.

Scope

The statement of scope for this rule, SS 041-14, was approved by the Governor on April 30, 2014, published in Register No. 701 on May 14, 2014, and approved by the Department on May 27, 2014.

Agency Procedure for Promulgation

A public hearing is required and will be held on September 12, 2014, at 1400 East Washington Avenue, Room 121A, Madison, Wisconsin.

Executive Order 50, Paragraph III.2. Statement

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

Contact Person

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

Rule–Making Notices

Notice of Hearings

Agriculture, Trade and Consumer Protection

CR 14–050, EmR1413

(DATCP DOCKET # 14–R–08)

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) announces that it will hold a public hearing on the emergency and proposed permanent rule revising Chapter ATCP 127, relating to direct marketing (no–call).

Hearing Information

Date: Monday, September 15, 2014
Time: 1:00 p.m. to 3:00 p.m.
Location: Board Room (1st Floor)
 Department of Agriculture, Trade and Consumer Protection
 2811 Agriculture Drive
 Madison, WI 53718–6777

Hearing impaired persons may request an interpreter for this hearing. Please make reservations for a hearing interpreter by September 11, 2014, by writing to Michelle Reinen, Division of Trade and Consumer Protection, P.O. Box 8911, Madison, WI 53708–8911; or by emailing Michelle.Reinen@wisconsin.gov; or by telephone at (608) 224–5160. 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 one public hearing at the time and place shown above. DATCP invites the public to attend the hearings and comment on the proposal. Following the public hearing, the hearing record will remain open until **September 29, 2014**, for additional written comments. Comments may be sent to the Division of Trade and Consumer Protection at the address below, or to Michelle.Reinen@wisconsin.gov, or to <http://adminrules.wisconsin.gov>.

You can obtain a free copy of the emergency rule and the hearing draft rule and related documents including the economic impact analysis by contacting the Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Trade and Consumer Protection, 2811 Agriculture Drive, P.O. Box 8911, Madison, WI 53708. You can also obtain a copy by calling (608) 224–5164 or by emailing Michelle.Reinen@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 implements s. 100.52, Stats., which directs the department of agriculture, trade and consumer protection (DATCP) to promulgate rules related to telephone solicitations and the do–not–call registry and s. 100.20, Stats., which regulates fair trade practices in business.

Statutes interpreted

Sections 100.20 (1) and 100.52, Stats.

Statutory authority

Sections 93.07 (1), 100.20 (2), and 100.52, Stats.

Explanation of statutory authority

DATCP has broad general authority, under s. 93.07 (1), Stats., to interpret laws under its jurisdiction. DATCP has authority under s. 100.20 (2), Stats., to promulgate rules forbidding trade practices which DATCP determines to be unfair, and to prescribe fair trade practices. Section 100.52, Stats., directs DATCP to establish by rule a registration system for telephone solicitors that provides DATCP with proof that the telephone solicitor has complied with federal law in obtaining the state do–not–call registry.

Related statutes and rules

Section 100.20 (1), Stats., requires trade practices in business to be fair. Unfair trade practices are prohibited. DATCP has rulemaking authority under s. 100.20 (2), Stats., to regulate unfair trade practices through administrative rules.

Section 100.52, Stats., governs telephone solicitations. It directs DATCP to establish a registration system for telephone solicitors that provides DATCP with proof that the telephone solicitor has complied with federal law in obtaining the state do–not–call registry.

Chapter ATCP 127, Subchapter II, Telephone Solicitations, was promulgated under DATCP's authority to regulate unfair trade practices. Among other things, this subchapter requires telephone solicitors to disclose their name and prohibits them from using fictitious names or misrepresenting their identity, affiliation, location, or characteristics.

The existing Chapter ATCP 127, Subchapter V, Telephone Solicitations; No–Call List, implements s. 100.52, Stats. This subchapter establishes mechanisms for telephone customers to enter their numbers onto the no–call list that is compiled by the state and for telephone solicitors to register with DATCP to obtain the list.

Plain language analysis

Background

Section 100.52, Stats., established the Wisconsin no call program in 2001. DATCP promulgated chapter ATCP 127, subchapter V in 2002. This law required the department to create a no–call list and prohibited telephone solicitors from calling residential customers on the list. Residential customers who did not want to receive unsolicited commercial calls provided their telephone number and zip code to DATCP every two years to remain on the non–solicitation list.

The law also required the department to enact a rule that requires solicitors to register with DATCP and pay an annual fee to obtain the no call list and to solicit residential customers located in Wisconsin.

The no call law provides exceptions to the prohibition against calls made to Wisconsin residents by an unregistered solicitor. For example, calls made to current clients, calls made to persons who have consented to receive the call, and calls made on behalf of non-profit and political organizations, may be made by solicitors who have not registered with the department.

The law also prohibits telephone solicitors from making pre-recorded telephone solicitations to either residential or business customers, and from making telephone calls to business customers who ask them in writing to not make the calls.

The law was amended in 2008 to prohibit telephone solicitors from calling cell phones on the state No Call list. The law was amended in 2012 to prohibit telephone solicitors from sending text messages to residential customers on the state no-call list.

The Federal Trade Commission (FTC) maintains a federal do-not-call registry. Under the federal do-not-call program, Wisconsin residents have been able to register their numbers on that list permanently.

The Wisconsin no call law was most recently amended by 2013 Act 234 which has eliminated the separate, DATCP-maintained Wisconsin no-call list. As of August 1, 2014, Wisconsin residents who do not want to receive unsolicited telephone calls or texts from telemarketers will now only sign up on the FTC do-not-call registry without any need to re-register, and all telephone numbers on the existing Wisconsin no-call list will be transferred to that registry. Under the new state law, telephone solicitors must register with the FTC to obtain and follow Wisconsin's portion of the federal do-not-call registry (state do-not-call registry). Solicitors must also continue to register with DATCP and DATCP will continue to administer and enforce the Wisconsin no call law.

Rule Content

GENERAL

The emergency and permanent rule does all of the following:

- Establishes updated registration requirements for telephone solicitors.
- Repeals portions of the rule made obsolete under the statute change.

The proposed permanent rule also:

- Updates recordkeeping requirements.
- Interprets Wisconsin's consent requirement to harmonize with federal requirements.
- Makes other minor updates and changes including corrections to mistaken citations.

REGISTRATION REQUIREMENTS

The emergency rule and proposed permanent rule updates registration requirements for telephone solicitors. This rule requires telephone solicitors to provide DATCP with proof of registration with the FTC and the ability to obtain updated do-not-call registry information. The federal Subscription Account Number (SAN) will serve as proof of registration.

OBSOLETE RULE PROVISIONS

The emergency rule and proposed permanent rule repeals sections of the existing rule that became obsolete as a result of the statutory change. Sections of the rule that are repealed include those requiring consumers to register for the no-call list with DATCP and DATCP to provide the no-call list to telephone solicitors on a quarterly basis.

RECORDKEEPING REQUIREMENTS

The proposed permanent rule extends recordkeeping requirements from two to three years and adds requirements for telephone solicitors to keep records of the numbers called and proof of consent from consumers on the state do-not-call registry to receive calls or texts. These changes will make the rule more consistent with the statute of limitations and enhance investigations of complaints and enforcement of violations of the rule. *These requirements are not included in the emergency rule.*

CONSENT REQUIREMENT

The FTC requires express written consent for telephone solicitors to "robocall" (or "robotext") numbers registered on the federal do-not-call registry. The proposed permanent rule harmonizes Wisconsin's rule with the federal standard. *These requirements are not included in the emergency rule.*

OTHER CHANGES

The proposed rule makes other minor clarifying and corrective changes to the rule. *These changes are not included in the emergency rule.*

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

Federal programs

The Federal Trade Commission (FTC) and Federal Communications Commission (FCC) administer the Telephone Consumer Protection Act (TCPA). This act established the national do-not-call registry. Residential customers can permanently register their telephone numbers on the federal do-not-call registry.

Surrounding state programs

Many states have do-not-call programs. Several states maintain their own do-not-call list. Others, including Illinois, Michigan, and Minnesota, have laws allowing for state enforcement of do-not-call provisions, but rely on the FTC's consumer do-not-call registry rather than maintaining their own. Iowa encourages its residents to sign up on the federal do-not-call registry.

Summary of factual data and analytical methodologies

To develop this rule, DATCP reviewed federal and state laws related to telephone solicitations, data related to telephone solicitor registration, past enforcement actions, and consumer complaints.

Analysis and supporting documents used to determine effect on small business

The effect on small business was determined by reviewing estimates of costs to comply with the law.

Effect on Small Business

This rule will, generally, have minimal impact on business. This rule might affect the following businesses in the following ways (many of these businesses are "small businesses"):

Telephone solicitors that are currently registered with DATCP but not with the FTC.

Under s. 100.52, Stats., and this rule, telephone solicitors will be required to register with DATCP and also with the FTC. Most telephone solicitors have been registered with both DATCP and the FTC and will not be impacted by this requirement. The few solicitors who have only registered with DATCP will incur an additional registration fee with the FTC. The first five area codes in a national do-no-call registry subscription are free, so this annual access fee would be \$59 for the 6th Wisconsin area code.

Offsetting this added fee, telephone solicitors will no longer be required to pay the following fees:

- \$25 for each additional email address to receive a compact disc containing the no-call list.
- \$25 for each mailing address to receive a compact disc containing the no-call list.
- \$1,000 for each mailing address to receive the no-call list in a hard-copy printed form.

Recordkeeping requirements

Currently, persons making telephone solicitations, regardless of whether they may be required to register under the Wisconsin no call law, are required under ch. ATCP 127, subchapter II, to keep certain records necessary to enforce the general direct marketing rules. The recordkeeping requirements in this proposed rule may increase the number of records businesses keep and store, which may have some financial cost associated with it. *These requirements and potential costs are not part of the emergency rule.*

This rule and DATCP's administrative efforts related to the rule benefit large and small businesses alike. For example:

- DATCP publishes a fact-sheet for solicitors, clearly explaining the requirements and prohibitions contained in the rule.
- DATCP administers and enforces violations of the rule which ensures a level playing field for all businesses.

Many of the businesses affected by this rule are "small businesses." However, given the subject matter, there are very few accommodations or special exceptions that can be made for small businesses.

Contact Person

Michelle Reinen, Michelle.Reinen@wisconsin.gov.

Initial Regulatory Flexibility Analysis

Rule Subject: Direct Marketing; Telephone Solicitations; No-Call List

Adm. Code Reference: ATCP 127
Rules Clearinghouse #: CR 14-050
DATCP Docket #: 14-R-08

Rule summary

This rule interprets the no-call law administered by the Department of Agriculture, Trade and Consumer Protection ("DATCP"). Among other things, this rule does all of the following:

- Establishes updated registration requirements for telephone solicitors.
- Repeals portions of the rule made obsolete under the statute change.
- Updates recordkeeping requirements.
- Interprets Wisconsin's consent requirement to harmonize with federal requirements.

- Makes other minor updates and changes including corrections to mistaken citations.

Registration requirements

This rule updates registration requirements for telephone solicitors. This rule requires telephone solicitors to provide DATCP with proof of registration with the FTC and the ability to obtain updated do-not-call registry information. The federal Subscription Account Number (SAN) will serve as proof of registration.

Obsolete rule provisions

This rule repeals sections of the existing rule that became obsolete as a result of the statutory change. Sections of the rule that are repealed include those requiring consumers to register for the no-call list with DATCP and DATCP to provide the no-call list to telephone solicitors on a quarterly basis.

Recordkeeping requirements

The proposed rule extends recordkeeping requirements from two to three years and adds requirements for telephone solicitors to keep records of the numbers called and proof of consent from consumers on the state do-not-call registry to receive calls or texts. These changes will make the rule more consistent with the statute of limitations and enhance investigations of complaints and enforcement of violations of the rule.

Consent requirement

The FTC requires express written consent for telephone solicitors to call or text numbers registered on the federal do-not-call registry. The proposed rule harmonizes Wisconsin's rule with the federal standard.

Other changes

The proposed rule makes other minor clarifying and corrective changes to the rule.

Small business affected

This rule affects businesses in the following ways:

Telephone solicitors that are currently registered with DATCP but not with the FTC.

Under s. 100.52, Stats., and this rule, telephone solicitors will be required to register with DATCP and also with the FTC. Most telephone solicitors have been registered with both DATCP and the FTC and will not be impacted by this requirement. The few solicitors who have only registered with DATCP will incur an additional registration fee with the FTC. The first five area codes in a national do-no-call registry subscription are free, so this annual access fee would be \$59 for the 6th Wisconsin area code.

Offsetting this added fee, telephone solicitors will no longer be required to pay the following fees:

- \$25 for each additional email address to receive a compact disc containing the no-call list.
- \$25 for each mailing address to receive a compact disc containing the no-call list.
- \$1,000 for each mailing address to receive the no-call list in a hard-copy printed form.

Recordkeeping requirements

Currently, persons making telephone solicitations, regardless of whether they may be required to register under the Wisconsin no call law, are required under ATCP 127, subchapter II, to keep certain records necessary to enforce the general direct marketing rules. The recordkeeping requirements in this proposed rule may increase the number

of records businesses keep and store, which may have some financial cost associated with it.

Accommodation for Small Business

Many of the businesses affected by this rule are “small businesses.” However, given the subject matter, there are very few accommodations or special exceptions that can be made for small businesses.

This rule and DATCP’s administrative efforts related to the rule benefit large and small businesses alike. For example:

- DATCP publishes a fact–sheet for solicitors, clearly

explaining the requirements and prohibitions contained in the rule.

- DATCP administers and enforces violations of the rule which ensures a level playing field for all businesses.

Conclusion

This rule will have minimal impact affected businesses, including “small businesses.” Negative effects , if any, will be few and limited. 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		
<input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected		
Administrative Rule Chapter, Title and Number		
Ch. ATCP 127, Direct Marketing		
Subject		
Telephone Solicitations; No–Call List		
Fund Sources Affected		Chapter 20, Stats. Appropriations Affected
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG–S		20.115 (8) (jm)
Fiscal Effect of Implementing the Rule		
<input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Indeterminate	<input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Increase Costs <input type="checkbox"/> Could Absorb Within Agency’s Budget <input type="checkbox"/> Decrease Costs
The Rule Will Impact the Following (Check All That Apply)		
<input type="checkbox"/> State’s Economy <input type="checkbox"/> Local Government Units	<input checked="" type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Public Utility Rate Payers	
Would Implementation and Compliance Costs Be Greater Than \$20 million?		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

Policy Problem Addressed by the Rule

Section 100.52, Stats., established the Wisconsin no call program in 2001. DATCP promulgated chapter ATCP 127, subchapter V., in 2002. This law required the department to create a no-call list and prohibited telephone solicitors from calling residential customers on the list. Residential customers who did not want to receive unsolicited commercial calls provided their telephone number and zip code to DATCP every two years to remain on the non-solicitation list.

The law also requires the department to enact a rule that requires solicitors to register with DATCP and pay an annual or quarterly fee to obtain the no-call list and to solicit residential customers located in Wisconsin.

The no call law provides exceptions to the prohibition against calls made to Wisconsin residents by an unregistered solicitor. For example, calls made to current clients, calls made to persons who have consented to receive the call, and calls made on behalf of non-profit and political organizations, may be made by solicitors who have not registered with the department.

The law also prohibits telephone solicitors from making pre-recorded telephone solicitations to either residential or business customers, and from making telephone calls to business customers who ask them in writing to not make the calls.

The law was amended in 2008 to prohibit telephone solicitors from calling cell phones on the state no call list. The law was amended in 2012 to prohibit telephone solicitors from sending text messages to texting residential customers on the state no call list.

The Federal Trade Commission (FTC) maintains a federal do-not-call registry. Under the federal do-not-call program, Wisconsin residents have been able to register their numbers on that list permanently.

The Wisconsin no call law was most recently amended by 2013 Act 234 which has eliminated the separate, DATCP-maintained Wisconsin no-call list. As of August 1, 2014, Wisconsin residents who do not want to receive unsolicited telephone calls or texts from telemarketers will now only sign up on the FTC do-not-call registry without any need to reapply, and all telephone numbers on the existing Wisconsin no-call list will be transferred to that registry. Under the new state law, telephone solicitors must register with the FTC and obtain and follow the Wisconsin portion of the federal do-not-call registry ("state do-not-call registry"). Solicitors must also continue to register with DATCP and DATCP will continue to administer and enforce the Wisconsin no call law. ATCP 127 must be updated to reflect the recent statutory changes and to make other minor changes.

This rule revision does all of the following:

- Establishes updated registration requirements for telephone solicitors.
- Repeals portions of the rule made obsolete under the statute change.
- Updates recordkeeping requirements.
- Interprets Wisconsin's consent requirement to harmonize with federal requirements.
- Makes other minor updates and changes including corrections to mistaken citations.

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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This rule updates current rules related to direct marketing and telephone solicitations. This rule modifies and clarifies existing rule language to facilitate consistency, understanding, compliance, and efficiency with other state and federal regulations.

Local Governments

This rule will not impact local governments. Local governments will not have any implementation or compliance costs.

Telephone Solicitors

Under s. 100.52, Stats., and this rule, telephone solicitors will be required to register with DATCP and also with the FTC. Most telephone solicitors have been registered with both DATCP and the FTC and will not be impacted by this requirement. The few solicitors who have only registered with DATCP will incur an additional registration fee with the FTC. The first five area codes in a national do-no-call registry subscription are free, so this annual access fee would be \$59 for the 6th Wisconsin area code.

Offsetting this added fee, telephone solicitors will no longer be required to pay the following fees:

- \$25 for each additional email address to receive a compact disc containing the no-call list.
- \$25 for each mailing address to receive a compact disc containing the no-call list.
- \$1,000 for each mailing address to receive the no-call list in a hard-copy printed form.

Currently, persons making telephone solicitations, regardless of whether they may be required to register under the Wisconsin No Call law, are required under ATCP 127, subchapter II, to keep certain records necessary to enforce the general direct marketing rules. The recordkeeping requirements in this proposed rule may increase the number of records businesses keep and store, which may have some financial cost associated with it.

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

Benefits

This rule will benefit telephone solicitors and the general public.

Telephone Solicitors

This rule and DATCP’s administrative efforts related to the rule benefit large and small businesses alike. For example:

- DATCP publishes a fact-sheet for solicitors, clearly explaining the requirements and prohibitions contained in the rule.
- DATCP administers and enforces violations of the rule which ensures a level playing field for all businesses.

General Public

The general public will benefit from this rule. The changes to the do-not-call program will enable consumers to sign-up on the national do-no-call registry permanently, rather than having to renew their registration every two years. In addition, the rule specifies what constitutes consumer consent to receive calls if a number is on the state do-not-call registry. The rule also creates recordkeeping requirements for businesses that will enable the department to investigate complaints about do-not-call registry violations more easily.

Alternatives

This rule is designed to harmonize the existing rule with recent changes to s. 100.52, stats. DATCP is required, by statute, to establish registration requirements for telephone solicitors by rule. In addition, changes being proposed to clarify and correct existing regulations should be adopted or outdated and incorrect rule language will remain.

Provisions being established to create standards for written consent and recordkeeping requirements will better protect consumers and aid in the investigation of complaints. The department could not adopt those proposed rules, which would result in continued consumer frustration related to receiving unwanted telephone calls. In addition, the department would continue its current enforcement procedures to obtain telephone solicitor records, which can be time consuming and difficult.

Long Range Implications of Implementing the Rule

Implementing the rule will increase consumer satisfaction with the do-not-call registry as it will allow consumers to register their phone numbers permanently, rather than having to renew registration every two years. The rule will also enhance DATCP’s ability to investigate complaints and enforce the law.

Compare With Approaches Being Used by Federal Government

The Federal Trade Commission (FTC) and Federal Communications Commission (FCC) administer the Telephone Consumer Protection Act (TCPA). This act established the national do-not-call registry. Residential customers can permanently register their telephone numbers on the federal do-not-call registry.

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

Many states have do-not-call programs. Several states, like Wisconsin, maintain their own do-not-call list. Others, including Illinois, Michigan, and Minnesota, have laws allowing for state enforcement of do-not-call provisions, but rely on the FTC's registry rather than maintaining their own. Iowa encourages its residents to sign up on the federal do-not-call registry.

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

Safety and Professional Services

General Part I, Chs. SPS 301—319

CR 14-049

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Department of Safety and Professional Services in sections 101.862 (5) and 227.11 (2) (a) of the Wisconsin Statutes, and interpreting sections 101.82 (1r) and 101.862 (3) and (5) of the Statutes, the Department will hold a public hearing at the time and place shown below to consider an order to amend section SPS 305.40 (2) (b), (3) (b), (4) (a) 1., (b), (c), and (d) 1., and (5), and to create sections SPS Table 305.02 Row 24r, Table 305.06 Row 19r, 305.40 (1) (bm), and 305.437, relating to registration of electricians who are exempt from passing an examination and from acquiring continuing-education credits. As provided in s. 227.24 (4) of the Statutes, this hearing will also be for emergency rules that identically address this chapter SPS 305 criteria.

Hearing Information

Date: Friday, September 12, 2014
Time: Commencing at 10:00 a.m.
Location: 1400 East Washington Avenue
 (Enter at 55 North Dickinson street)
 Room 121A
 Madison, WI

Appearance at the Hearing and Copies of Proposed Rule

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

The proposed rulemaking order and permanent rules and an analysis of the rules follow. Copies of the emergency rules and the proposed permanent rules are also available upon request to the Rules Coordinator shown above, or on the Department's website at <http://dsps.wi.gov/Default.aspx?Page=44e541e8-abdd-49da-8fde-046713617e9e>, through links to SPS 305: Licensing electricians.

Place Where Comments are to be Submitted and Deadline for Submission

Comments may be submitted to the agency contact person as listed immediately below. Comments must be received on or before **September 12, 2014**, to be included in the record of rulemaking proceedings.

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

Proposed Order

An order of the Department of Safety and Professional Services to amend section SPS 305.40 (2) (b), (3) (b), (4) (a) 1., (b), (c), and (d) 1., and (5), and to create sections SPS Table 305.02 Row 24r, Table 305.06 Row 19r, 305.40 (1) (bm), and 305.437, relating to registration of electricians who are exempt from passing an examination and from acquiring continuing-education credits.

Analysis Prepared by the Department of Safety and Professional Services

Statutes interpreted

Sections 101.82 (1r) and 101.862 (3) and (5), Stats.

Statutory authority

Sections 101.862 (5) and 227.11 (2) (a), Stats.

Explanation of agency authority

Section 101.862 (5) (b), Stats., requires the Department to promulgate rules establishing criteria and procedures for issuing licenses to electricians who were born on or before January 1, 1956, and who have at least 15 years of experience in installing, repairing, or maintaining electrical wiring. Under section 101.862 (5) (a), Stats., these criteria are not to include any of the following licensing requirements that the Department applies to other electricians: initial examination, continuing education, credential renewal, being supervised, and having someone else be responsible for any of the electrical work.

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

Related statute or rule

Chapter SPS 316 contains Wisconsin's statewide requirements for installing electrical and communication conductors and equipment for public or private buildings and places of employment.

Plain language analysis

These rule revisions establish a registration process for electricians who were born on or before January 1, 1956, and who have at least 15 years of experience in installing, repairing, or maintaining electrical wiring.

This registration process includes submitting proof of meeting the age and experience requirements — and includes exemption from the following licensing requirements that the Department applies to other electricians: initial examination, continuing education, credential renewal, being supervised, and having someone else be responsible for some of the electrical work.

This registration process also includes allowing these registered electricians to do any electrical work that is otherwise limited to master electricians, such as supervising other electricians or being responsible for the work of other electricians.

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

An Internet search of U.S. federal regulations and the U.S. *Federal Register* yielded no results regarding licensure of electricians.

Comparison with rules in adjacent states

An Internet search of state-level rules for electrical licensure in the adjacent states yielded the following results:

Illinois: Illinois does not license or certify electricians or electrical contractors at the state level. Electrical licensing and certification is at the discretion of the local municipality.

Iowa: As of January 1, 2008, Iowa requires electrical contractors and electricians to be state-licensed. License types for electricians include Class A and Class B master, Class A and Class B journeyman, apprentice, unclassified, and special. Examination is required for Class A licenses. No exemption was found relating to age and experience.

Michigan: Michigan law requires licensing of electrical contractors and electricians. Examinations and state residency are required. Michigan also provides a number of licensing exemptions similar to those addressed under section

101.862 (4) of the Statutes, but no exemption was found relating to age and experience.

Minnesota: Minnesota law dictates that electrical work be performed by state-licensed electrical contractors and electricians or under the direct supervision of licensed electricians. Examinations and prerequisite experience are required, but no exemption was found relating to age and experience.

Summary of factual data and analytical methodologies

The proposed rules were developed by reviewing the corresponding provisions of 2013 Wisconsin Act 143 in conjunction with the current electrical credential rules in chapter SPS 305.

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

The proposed rules implement the mandates imposed by 2013 Wisconsin Act 143. The Department does not believe that the proposed rules will increase the effect on small businesses over that imposed by the Act.

Fiscal Estimate and Economic Impact Analysis

The Fiscal Estimate and Economic Impact Analysis is below.

Effect on Small Business

These rule revisions are not expected to have an economic impact on small businesses as defined in section 227.114 (1) of the Statutes. The Department’s Regulatory Review Coordinator may be contacted by e-mail at Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Agency Contact Person

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

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

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

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

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

SPS 305 Licenses, Certifications and Registrations

3. Subject

Registration of Master Electricians

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats., Appropriations Affected

20.165 (2) (j)

6. Fiscal Effect of Implementing the Rule

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

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

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

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

- Yes No

9. Policy Problem Addressed by the Rule

As required by 2013 Wisconsin Act 143, these rule revisions establish a registration process for electricians who were born on or before January 1, 1956; and who have at least 15 years of experience in installing, repairing, or maintaining electrical wiring. This process includes submitting proof of having this age and experience – and includes exemption from the following licensing requirements that the Department applies to other electricians: initial examination, continuing education, credential renewal, being supervised, and having someone else be responsible for some of the electrical work. The process also includes allowing these registered electricians to do any electrical work that is otherwise limited to master electricians, such as supervising other electricians and being responsible for the work of other electricians.

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

The Department posted the proposed rule revisions on the Internet for 14 days along with a notice to provide any comments within that period about any potential economic impacts. No resulting comments were received from these parties.

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

Same as number 10.

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

No significant negative economic or fiscal impact is expected.

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

The electricians who meet the age and experience requirements should no longer be unsure of how to become registered and of what they can or need to do after becoming registered – and local governments should no longer be unsure of how to treat them.

14. Long Range Implications of Implementing the Rule

Same as number 13.

15. Compare With Approaches Being Used by Federal Government

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

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

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

17. Contact Name
Sam Rockweiler

18. Contact Phone Number
608-266-0797

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

Submittal of Proposed Rules to Legislature

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

Natural Resources
Fish, Game, etc., Chs. NR 1—
CR 14-025

(DNR # ER-30-13)

On August 13, 2014, the Department of Natural Resources submitted a proposed rule in final draft form to the chief clerk

of the Senate and Assembly pursuant to s. 227.19 (2), Stats. The rule revises Chapters NR 10 and 27, relating to the addition of the Blanding's Turtle to the state protected wild animal list.

This rule was approved by the Governor on June 25, 2014, pursuant to s. 227.185, Stats.

Rules Published with this Register and Final Regulatory Flexibility Analyses and Repeals and Modifications of Rules by Legislative Acts

The following administrative rule orders and legislative acts that repeal or modify rule have been adopted or enacted and the changes, additions, and deletions to the Wisconsin Administrative Code contained in these rules and acts have been incorporated into the affected chapters of the Administrative Code. The affected chapters are published in this edition of the Wisconsin Administrative Register. (see sections 35.93 and 227.265, Wis. Stats.)

For subscription information, contact Document Sales at (608) 266-3358. (Paper publication of and subscriptions to the Wisconsin Administrative Code and the subscription service will cease January 1, 2015. The administrative code will be published on the Internet at <http://legis.wisconsin.gov/rsb/code.htm>. See that site or <http://legis.wisconsin.gov/rsb/codenews.pdf> for details.)

Administrative Rules Published

Corrections

CR 13-038

An order of the Wisconsin Department of Corrections to repeal and recreate Chapter DOC 350, relating to jails.

Effective 9-1-14.

Final Regulatory Flexibility Analysis

The department of corrections has determined that the rule will not have a significant economic impact on a substantial number of small businesses since the rule does not regulate small businesses as that term is defined in s. 227.1145, Stats.

Legislative Comments

The department of corrections made germane modifications during the review by the Legislature. The standing committees accepted the germane modifications and took no action. The Joint Committee of Review of Administrative Rules took no action.

Insurance

CR 13-113

An order of the Commissioner of Insurance 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.

Summary of Final Regulatory Flexibility Analysis

The Office of the Commissioner of Insurance has determined that this rule will not have a significant economic impact on a substantial number of small businesses and therefore a final regulatory flexibility analysis is not required.

Legislative Comments

The legislative standing committees had no comments on this rule.

Insurance

CR 14-008

An order of the Commissioner of Insurance to repeal section Ins 2.80 (4) (b) 3. b. and c. and ch. Ins 2 (table); amend sections Ins 2.80 (4) (b) 3. g. and i. and 50.79 (3) (a) 4.; and 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.

Summary of Final Regulatory Flexibility Analysis

The Office of the Commissioner of Insurance has determined that this rule will not have a significant economic impact on a substantial number of small businesses and therefore a final regulatory flexibility analysis is not required.

Legislative Comments

The legislative standing committees had no comments on this rule.

Natural Resources

Fish, Game, etc., Chs. NR 1—

CR 13-108

(DNR # WM-21-13)

An order of the Wisconsin Natural Resources Board to repeal sections NR 10.01 (2) (f) 3., 10.275 (2) (a), (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.), (1) (b) 1., and (2) (b) 1. and 2 and (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.

Final Regulatory Flexibility Analysis

This rule and the legislation which grants the department rule making authority, does not have a fiscal effect on the private sector or small businesses. The rule is applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, nor are any design or operational standards contained in the rule. Therefore, under s. 227.19 (3m), Stats., a final regulatory flexibility analysis is not required.

Legislative Comments

No comments were reported.

Natural Resources

Fish, Game, etc., Chs. NR 1—

CR 13–021

(DNR # WM–33–13)

An order of the Wisconsin Natural Resources Board to repeal and recreate section NR 10.01 (4) (a) and (e), related to muskrat and mink trapping seasons.

Effective 9–1–14.

This rule as originally filed with the Legislative Council Rules Clearinghouse was bifurcated by the Department of Natural Resources. The remainder of the rule has been promulgated and was published in Register October 2013 No. 694, effective 11–1–13.

Final Regulatory Flexibility Analysis

This rule and the legislation which grants the department rule making authority, does not have a fiscal effect on the private sector or small businesses. The rule is applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, nor are any design or operational standards contained in the rule. Therefore, under s. 227.19 (3m), Stats., a final regulatory flexibility analysis is not required.

Legislative Comments

No comments were reported.

Natural Resources

CR 13–067

Fish, Game, etc., Chs. NR 1—

(DNR # WM–05–13)

An order of the Wisconsin Natural Resources Board to repeal section NR 10.01 (3) (d) 2., to amend section 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.

Final Regulatory Flexibility Analysis

This rule and the legislation which grants the department rule making authority, does not have a fiscal effect on the private sector or small businesses. The rule is applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, nor are any design or operational standards contained in the rule. Therefore, under s. 227.19 (3m) Stats., a final regulatory flexibility analysis is not required.

Legislative Comments

No comments were reported.

Natural Resources

Fish, Game, etc., Chs. NR 1—

CR 13–111

(DNR # FH–26–12)

An order of the Wisconsin Natural Resources Board to amend section NR 20.20 (73) (n) 4. and 25.06 (1) (a), relating to lake trout harvest limits in Lake Superior.

Effective 9–1–14.

Final regulatory flexibility analysis

Minimal economic impact is expected for businesses, business associations, public utility rate payers, or local governmental units. The proposed rule would not adversely affect in a material way the economy, a sector of the economy, productivity, jobs or the overall economic competitiveness of the state.

The rule change would impact commercial and recreational fishers. No compliance or reporting requirements will be imposed on small business as a result of these rule changes.

If no action is taken, the continued decline and potential collapse of the lake trout fishery in Lake Superior would result in income losses to both state and tribal fishers, as well as businesses that support recreational lake trout fishing.

Legislative Comments

No comments were reported.

Public Instruction

CR 14–018

An order of the State Superintendent of Public Instruction to repeal section PI 34.34 (1), (2), and (2m), to amend section PI 34.33 (intro), and to create sections PI 34.241, 34.242, and 34.243, relating to charter school teaching licenses.

Effective 9–1–14.

Effect on Small Business

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

Legislative Comments

No comments were reported.

Public Instruction

CR 14–021

An order of the State Superintendent of Public Instruction to renumber Chapter PI 36 Subchapter III and sections PI 36.06 to 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.

Effect on Small Business

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

Legislative Comments

No comments were reported.

Revenue

CR 14–005

An order of the Wisconsin Department of Revenue 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.

Effect on Small Business

This rule order does not affect small business.

Legislative Comments

No comments were reported.

Revenue

CR 14–006

An order of the Wisconsin Department of Revenue 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.

Effect on Small Business

This rule does not affect small business.

Legislative Comments

No comments were reported.

Safety and Professional Services

Professional Services, Chs. SPS 1–299

CR 13–056

An order of the Department of Safety and Professional Services 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.

Effect on Small Business

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

Legislative Comments

No comments were reported.

Safety and Professional Services

Professional Services, Chs. SPS 1–299

CR 14–013

An order of the Department of Safety and Professional Services 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), and 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 193 (title) and 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.

Effect on Small Business

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

Legislative Comments

No comments were reported.

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

An order of the Department of Safety and Professional Services 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.

Effect on Small Business

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

Legislative Comments

No comments were reported.

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

An order of the Wisconsin Department of Safety and Professional Services to repeal Chapter SPS 1 Appendix I, 1 Appendix II, 2 Appendix I, 3 Appendix I, and sections SPS 4.07 (30) and (59), 4.08 (2), 8.02 (5) (a) to (c), 8 Appendix I, 500.03 (2) (Note 1), (Note 3), and (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), (5), 6.11 (1) (intro.), (a), (b), and (2), 7.02 (4), 8.02 (4) and (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.

Effect on Small Business

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

Legislative Comments

No comments were reported.

Safety and Professional Services
Professional Services, Chs. SPS 1—299
General Part I, Chs. SPS 301—319
General Part II, Chs. SPS 326—360
CR 14—010

An order of the Department of Safety and Professional Services to repeal Chapter SPS 132 (title), sections SPS 132.01, 132.02, 132.025, 132.04, Chapter 133 (title), 133.01

(2), Chapter 134 (title), 134.01, Chapter 135, 305.01 (4) (i), 305.01 (4) (i) (Note), Table 305.02 row 8m., Table 305.02 (Note), Table 305.06 row 8m., Table 305.06 column (5), Table 305.06 (Note), 305.08 (3) (b), 305.125 (3) (a) 1., 305.125 (3) (a) 1. (Note), 305.30, 305.30 (Note), 305.90 (4) (d), 305.91 (1) (a), 305.91 (1) (b), 305.91 (1) (Note), 305.91 (5) (b) 1., 305.91 (5) (b) 2., 305.92 (1) (a), 305.92 (1) (b), 305.92 (1) (Note), 305.92 (5) (b) 1., 305.92 (5) (b) 2., 305.92 (6) (b), 305.93 (1) (b) 1., 305.93 (1) (b) 2., 305.93 (1) (b) (Note), 305.93 (5) (b) 1., 305.93 (5) (b) 2., 305.94 (1) (a) 2., 305.94 (1) (b) 1., 305.94 (1) (b) 2., 305.94 (1) (b) (Note), 305.94 (3) (b), 305.94 (5) (b) 1., 305.94 (5) (b) 2., 323.16 (2) (a), 323.16 (4), and 361.295 (2); to renumber sections SPS 132.05 (1) (a), 132.05 (1) (c), 132.06, 133.01 (1), 133.01 (3), 133.02, 133.03, 133.04, 134.03, 305.315 (3) (a) 1., 305.94 (1) (a) 1., 305.94 (3) (a) 2., 305.315 (3) (b) 2., 323.16 (2) (b), and 323.16 (2) (c); to renumber and amend sections SPS 132.03, 132.05 (title), 132.05 (1), 132.05 (1) (b), 132.05 (2), 132.05 (2) (b), 132.05 (3), 134.02, 134.04, 305.315 (3) (b) 1., 305.90 (4) (a), 305.90 (4) (b), 305.90 (4) (c), 305.94 (3) (a), 305.94 (3) (a) 1.; to amend SPS Chapter 131 (title), sections SPS 131.01, 305.07 (2) (b) 1. b., 305.08 (1) (e) 1., 305.08 (3) (a), 305.09 (title), 305.327 (5) (b) 1., 305.33 (7) (b) 1., 305.36 (4) (b) 1., 305.43 (7) (b) 1., 305.435 (7) (b) 1., 305.44 (6) (b) 1., 305.443 (6) (b) 1., 305.447 (6) (b) 1., 305.45 (2) (c) 2., 305.51 (7) (c) 1. a., 305.51 (7) (c) 1. b., 305.52 (6) (c) 1. a., 305.52 (6) (c) 1. b., 305.54 (5) (c) 1. a., 305.54 (5) (c) 1. b., 305.56 (6) (c) 1., 305.60 (5) (c) 1., 305.61 (6) (b) 1., 305.62 (7) (b) 1., 305.625 (6) (b) 1., 305.63 (7) (b) 1., 305.64 (2) (b), 305.64 (3) (d), 305.64 (4) (c) 1., 305.64 (4) (d), 305.66 (6) (b) 1., 305.68 (7) (b) 1., 305.84 (6) (b) 1., 305.85 (6) (b) 1., 305.90 (4) (intro.), 305.91 (1) (intro.), 305.91 (5) (b) (intro.), 305.91 (8) (b) 1., 305.92 (1) (intro.), 305.92 (5) (b) (intro.), 305.92 (8) (b) 1., 305.93 (1) (b) (intro.), 305.93 (5) (b) (intro.), 305.93 (6) (b) 1., 305.94 (title), 305.94 (1) (b), 305.94 (2) (intro.), 305.94 (4), 305.94 (5) (b) (intro.), 305.94 (6) (a) 1., 305.94 (6) (a) 2., 305.94 (6) (b) 1., 305.94 (6) (b) 2., 305.97 (7) (c) 1., 305.99 (5) (c) 1., 305.992 (6) (b) 1., 305.993 (6) (b) 1., 305.997 (6) (b) 1., 334.36, and 334.45 (4) (b); to repeal and recreate section SPS 305.003 (15); and to create Chapter SPS 131 Subchapter I (title), 131.02 (4e), 131.02 (4m), 131.02 (4s), 131.02 (25m), 131 Subchapter II (title), 131 Subchapter III (title), 131 Subchapter IV (title), 131 Subchapter V, 305.09 (note), 305.315 (3) (c), 305.315 (3) (d), 305.315 (4), 305.64 (2) (b) (Note), 305.945, 323.16 (2) (b) (Note), 323.16 (20) (Note), 334.36 (Note), and 334.45 (4) (b) (Note); relating to licenses, certifications, and registrations of trades credentials; continuing education requirements of home inspectors; and rule changes affected by 2013 Wisconsin Act 20.

Effective 9–1–14.

Effect on Small Business

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

Legislative Comments

No comments were reported.

Safety and Professional Services
General Part I, Chs. SPS 301—319
CR 13—105

An order of the Department of Safety and Professional Services to repeal section 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 section 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.

Effect on Small Business

The rule revisions are not expected to have an effect on small businesses because the 2012 edition of NFPA 1, as it is modified by chapter SPS 314, is not expected to impose costs that would substantially exceed the costs imposed by the currently adopted 2009 edition.

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

Legislative Comments

No comments were reported.

Safety and Professional Services

General Part I, Chs. SPS 301—319 ***Commercial Building Code, Chs. SPS 361—366*** **CR 14-020**

An order of the Department of Safety and Professional Services 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.

Effect on Small Business

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

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

Legislative Comments

No comments were reported.

Safety and Professional Services

Uniform Dwelling Code, Chs. SPS 320—325 **CR 14-015**

An order of the Department of Safety and Professional Services 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 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.

Effect on small business

These rule revisions are not expected to have an economic impact on small businesses, as defined in section 227.114 (1) of the Statutes. The Department's Regulatory Review Coordinator may be contacted by e-mail at Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Legislative Comments

No comments were reported.

Safety and Professional Services

Uniform Dwelling Code, Chs. SPS 320—325 ***General Part II, Chs. SPS 326—360*** **CR 14-017**

An order of the Department of Safety and Professional Services 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 SPS 326.20, relating to manufactured homes and manufactured home communities.

Effective 9-1-14.

Effect on Small Business

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

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

Legislative Comments

No comments were reported.

Safety and Professional Services — Dentistry Examining Board

CR 14-011

An order of the Dentistry Examining Board to create Chapter DE 8, relating to patient dental records.

Effective 9-1-14.

Effect on Small Business

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

Legislative Comments

No comments were reported.

**Safety and Professional Services —
Pharmacy Examining Board**

CR 13-075

An order of the Pharmacy Examining Board to repeal section Phar 7.08 (1) (note) and amend section Phar 8.05 (4), 8.07 (2), 8.09 (1), (2), (3), and (4), relating to electronic prescriptions.

Effective 9-1-14.

Effect on Small Business

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

Legislative Comments

No comments were reported.

**Safety and Professional Services —
Pharmacy Examining Board**

CR 13-076

An order of the Pharmacy Examining Board 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.

Effect on Small Business

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

Legislative Comments

No comments were reported.

**Safety and Professional Services —
Pharmacy Examining Board**

CR 14-003

An order of the Pharmacy Examining Board 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.

Effect on Small Business

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

Legislative Comments

No comments were reported.

**Safety and Professional Services —
Pharmacy Examining Board**

CR 14-023

An order of the Pharmacy Examining Board to amend sections Phar 1.02 (7), 7.10 (1), and 16.03, relating to council and exam names.

Effective 9-1-14.

Effect on Small Business

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

Legislative Comments

No comments were reported.

**Safety and Professional Services —
Podiatry Affiliated Credentialing Board**

CR 13-110

An order of the Podiatry Affiliated Credentialing Board to amend section Pod 1.02 (intro) and create sections Pod 1.02 (2m), (6m) and 7.01, relating to podiatric x-ray assistants.

Effective 9-1-14.

Effect on Small Business

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

Legislative Comments

No comments were reported.

Administrative Code Sections Affected by Rule Revisions, Legislative Acts, and Corrections

*The following administrative code provisions were revised by rule orders, modified or repealed by legislative act, or corrected by the Legislative Reference Bureau in **August 2014**. Revised, modified, and corrected administrative code chapters are published in this Register. Repealed chapters of the administrative code are removed from the code on the first day of the first month following publication of this Register. For additional information, contact the Legislative Reference Bureau at (608) 266-3651.*

Revisions by Rule Order

Controlled Substances Board

Ch. CSB 2
CSB 2.36

Ch. NR 25

NR 25.06 (1) (a) 1. to 3.

Ch. NR 45

NR 45.09 (1)

Corrections

Ch. DOC 350
Entire Chapter (Repealed and Recreated)

Pharmacy Examining Board

Ch. Phar 1

Phar 1.02 (7)

Ch. Phar 7

Phar 7.04 (1) (e) 2., (Note)

Phar 7.08 (10) (Note)

Phar 7.10 (1)

Ch. Phar 8

Phar 8.05 (4)

Phar 8.07 (2)

Phar 8.09 (1) (intro.), (2) (intro.), (3), (4)

Ch. Phar 16

Phar 16.03

Ch. Phar 18

Phar 18.02 (8) (a), (9), (11g), (11r), (15) (intro.), (15g), (15r), (17)

Phar 18.04 (title), (2) to (4)

Phar 18.05 (1), (Note), (2) (Note), (3) (b) (Note), (4)

Phar 18.06 (2), (3) (b) (Note), (5)

Phar 18.07

Phar 18.08 (1) (a), (1) (b) (Note), (3)

Phar 18.09

Phar 18.10 (1) (intro.), (2) (intro.), (b), (3), (6), (7)

Phar 18.11 (3), (4), (6) (intro.), (9), (10) (c) (Note)

Phar 18.12 (4)

Phar 18.14 (1) (intro.)

Dentistry Examining Board

Ch. DE 8
Entire Chapter (Created)

Insurance

Ch. Ins 2

Ins 2.80 (4) (b) 3.

Ins 2 (table)

Ch. Ins 6

Ins 6.91

Ins 6.92

Ins 6.93

Ins 6.95

Ins 6.96

Ins 6.97

Ins 6.98

Ins 6.99

Ch. Ins 50

Ins 50.79 (1) (f), (3) (a) 4.

Natural Resources

Ch. NR 1

NR 1.29 (7) (b) 5.

Ch. NR 10

NR 10.01 (2) (f), (g), (3) (d), (2), (i), (4) (a), (e)

NR 10.111 (3) (a), (c), (5) (b)

NR 10.13 (Note)

NR 10.145 (1) (b)

NR 10.275 (title), (intro.), (1) (b) 1., (2) to (5)

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NR 19.025

Ch. NR 20

NR 20.20 (73) (n) 4.

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Pod 1.02 (intro.), (2m), (6m)

Ch. Pod 7

Pod 7.01

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PI 34.241

PI 34.242

PI 34.243
 PI 34.33 (intro.)
 PI 34.34 (1), (2), (2m)
Ch. PI 36
 Entire Chapter

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 Tax 2.957 (7) (title), (7)
 Tax 2.985
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 Tax 2.99 (1) (Note)

Ch. Tax 3

Tax 3.01 (4) (c) 8. (Note), (e) 4. b.
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 Tax 11.19 (2) (a), (6) (Note 1), (Note 2)
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 Tax 11.39 (1) (b)
 Tax 11.45 (3) (a), (6) (Note 2)
 Tax 11.48 (3) (c) (Note 1), (Note 2)
 Tax 11.49
 Tax 11.52 (5) (a), (7) (c) (Note 2)
 Tax 11.56 (7) (bm), (8) (Note 1), (Note 2), (9)
 Tax 11.61 (2) (c) (Note 1)
 Tax 11.66 (1) (u), (x), (6) (Note 3)
 Tax 11.67 (3) (m) (Note 1), (Note 2)
 Tax 11.68 (7) (b), (13) (e) (Note 1), (Note 2)
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SPS 3.03 (4)

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 SPS 34.04 (1) (Note), (2) (a) 2., 3., (4) to (7)
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Ch. SPS 133

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Ch. SPS 192

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SPS 305.08 (1) (e) 1., (3) (a), (b)

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SPS 305.91 (1), (5), (8) (b) 1.

SPS 305.92 (1), (5) (b), (6) (b), (8) (b) 1.

SPS 305.93 (1), (5), (6) (b) 1.

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Repeals and Modifications of Rules by Legislative Act

Repeals and modifications by legislative act under authority of s. 186.118, Stats.

Editorial Corrections

Corrections by the Legislative Reference Bureau under the authority of ss. 13.92 (4) (b) or 35.17 (2), Stats.

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 Tax 11.47 (3) (bm), (c) (Note [1])
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 Tax 11.57 (4) (a), (6) (Note [1])
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Tax 11.70 (3) (j) (Example [2]), (7) (b) (Note [2])
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 SPS 305.62 (1)
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SPS 362.3006 (1) (title), (3) (title)

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SPS 500.03 (1m)

Executive Orders

The following are recent Executive Orders issued by the Governor.

Executive Order 139. Relating to a Proclamation that the Flag of the United States and the Flag of the State of Wisconsin be Flown at Half-Staff as a Mark of Respect for Private First Class Donnell A. Hamilton, Jr. of the United States Army, Who Lost His Life While Serving His Country. **(August 2, 2014)**

Public Notices

STATE OF WISCONSIN CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULE-MAKING	:	AFFIRMATIVE ACTION
PROCEEDINGS BEFORE THE	:	ORDER OF THE
CONTROLLED SUBSTANCES BOARD	:	CONTROLLED SUBSTANCES BOARD

FINDINGS

1. On July 2, 2014, the United States Food and Drug Administration, Drug Enforcement Administration published its final rule in the Federal Register placing tramadol (2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol) into schedule IV of the federal Controlled Substances Act. The scheduling action is effective August 18, 2014.
2. The Controlled Substances Board did not receive an objection to similarly treating tramadol as a schedule IV under ch. 961, Stats. within 30 days of the date of publication in the federal register of the final order designating tramadol as a controlled substance.
3. The Controlled Substances Board will promulgate a final rule, without making the determinations or findings required by ss. 961.11(1), (1m), (1r) and (2) or s. 961.19 and omitting the notice of proposed rule making, designating tramadol as a schedule IV controlled substance.

ORDER

Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats tramadol under chapter 961, Stats. by creating the following:

CSB 2.36 Addition of tramadol to schedule IV. Section 961.20(4)(e), Stats., is created to read:

961.20(4)(e) Tramadol, including any of its isomers and salts of isomers.

This order shall take effect on September 1, 2014 to allow for publication in the Administrative Register. The order expires upon promulgation of a final rule.

Dated August 14, 2014

/s/
Doug Englebert, Chair
Controlled Substances Board

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