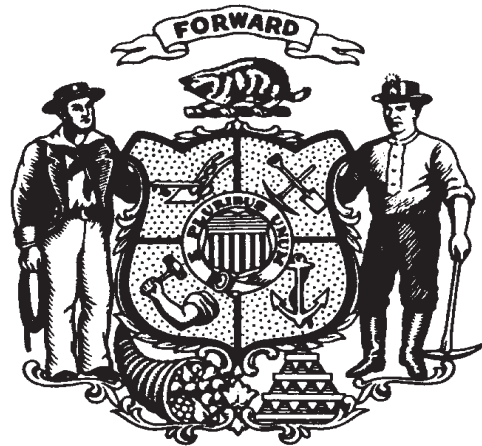


Wisconsin Administrative Register

No. 705



Publication Date: September 30, 2014

Effective Date: October 1, 2014



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

NOTICE TO SUBSCRIBERS

What is the Single Most Important Thing the Average Subscriber to the Printed Administrative Code Will Need to do When Printing Ends?

Quite Possibly, NOTHING

If you subscribe to the Administrative Code and Register for the sole purpose of having the current Administrative Code always available and you have access to the Internet, you will not need to do anything in order to be ready for the conversion of the Administrative Code to Internet-only publication.

As is already the case, the rules contained in the Administrative Code published on the Internet are always current. Changes to the Administrative Code take effect on the first day of the month and the new and changed code chapters on the Internet are automatically updated in the early morning hours of the first day of each month in order to be available for users.

All chapters can be accessed from the Wisconsin Administrative Code table of contents at <https://docs.legis.wisconsin.gov/code/prefaces/toc>. If you only subscribe to a specific agency's code, you may wish to bookmark the specific agency table of contents or even specific chapters, as the Internet addresses are permanent.

All chapters are published in both HTML and PDF formats. HTML files are best for searching and search results on the Administrative code site are to the HTML files. Currently, PDF files exactly reproduce the printed pages. Upon elimination of the print versions the PDF files will continue to be produced in exactly the same format as were the printed pages, and pagination will continue unchanged.

If you wish to maintain a printed copy of the administrative rules that you currently subscribe to you will want to print the PDF files as they are updated, it is important for you to know when changes to the Administrative Code are made, or if you are a user of the Notice section of the Register and follow proposed changes to the Administrative Code, please see Electronic Notification of Administrative Code and Register Publication at http://legis.wisconsin.gov/rsb/electronic_noti.pdf or in past printed editions of the Wisconsin Administrative Register.

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

Table of Contents

Emergency Rules Now in Effect.**Pages 5 to 12**

Agriculture, Trade and Consumer Protection:

Amends 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. **EmR1413**

Children and Families:

Safety and Permanence, Chs. DCF 35—59

Renumbers sections DCF 50.06 (2), 57.515 (1), and 58.04 (4) (a) and (b); renumbers and amends section DCF 57.515; amends 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); repeals and recreates 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 creates 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. **EmR1414**

Health Services:

Health, Chs. DHS 110—

Renumbers and amends section DHS 115.05 (3), amends sections 115.01, 115.02, and 115.04 (intro.), and creates section 115.04 (15) and (16), relating to screening newborns for congenital and metabolic disorders. **EmR1410**

Insurance:

Amends section Ins 17.01 (3) and repeals and recreates section Ins 17.28 (6), relating to the Injured Patients and Families Compensation Fund Annual Fund and mediation penal fees, for the fiscal year beginning July 1, 2014 and affecting small business. **EmR1408**

Natural Resources:

Fish, Game, etc., Chs. NR 1—

Revises Chapters NR 10, 12, and 19, relating to the wolf hunting and trapping season and regulations and a depredation program. **EmR1210**

Fish, Game, etc., Chs. NR 1—

Repeals and recreates section NR 10.01 (3) (h) 1., relating to the coyote hunting season. **EmR1215**

Fish, Game, etc., Chs. NR 1—

Creates 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. **EmR1320**

Fish, Game, etc., Chs. NR 1—

Revise Chapter NR 10, relating deer management, hunting, and implementation of the 2012 White-tailed Deer Trustee Report. **EmR1405**

Fish, Game, etc., Chs. NR 1—

Revises sections NR 20.36 and 23.055, relating to modifications in daily bag limits and minimum size limits in response to tribal harvest. **EmR1409**

Fish, Game, etc., Chs. NR 1—

Creates 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. **EmR1412**

Fish, Game, etc., Chs. NR 1—

Amends sections NR 10.01 (b) and 10.06 (5) and creates sections NR 10.01 (1) (a) and 10.06 (5) (a), related to establishing an early duck season for teal-only and the hunting regulations for teal and mourning doves. **EmR1418**

Fish, Game, etc., Chs. NR 1—

Amends section NR 10.01 (1) (b) and (1) (g) 1. d. and creates section NR 10.01 (1) (g) 1. dm., related to migratory bird hunting regulations. *[First Appearance]* **EmR1419**

Fish, Game, etc., Chs. NR 1—

Repeals section NR 10.001 (2e), 10.09 (1) (c) 1. e. and (Note); amends sections NR 10.06 (5), 10.06 (8) (a) and (b), 10.07 (1) (b) 3., 10.07 (2m) (g) 2., 10.09 (1) (c), 10.09 (3), 10.10 (2), 10.11 (5) (a), 10.103 (1), 10.104 (7), 10.104 (9r), 10.15 (1) (a), 10.15 (6), 10.16 (Intro.), 10.16 (2), 10.22 (1), 10.23 (2) (a), 10.24 (2), 10.25 (4) (a), 11.042 (intro.), 11.043 (intro.), 11.11 (intro.), 12.16 (4), 15.01 (intro.), 15.015 (intro.), 15.10 (1) (intro.) and 15.12 (intro.), 45.09 (1), and 45.13 (18), (21), and (24); and creates sections NR 10.01 (3) (em) (Note) and (3) (ep), 10.104 (7) (c), 10.15 (3m), and 10.16 (2m), related to establishing a season for hunting deer with crossbows-only. *[First Appearance]* **EmR1420**

Fish, Game, etc., Chs. NR 1—

Amends section NR 10.104 (8) (a) and creates sections NR 10.001 (7p) and (7w), 10.104 (9m) (a) and (b), 10.104 (5) (b) 8. and 10.104 (5) (c), related to implementation of the Deer Management Assistance Program and County Deer Management Advisory Committee. *[First Appearance]* **EmR1422**

Environmental Protection — General, Chs. NR 100—

Revises Chapter NR 150, relating to the department's environmental analysis and review procedures under the Wisconsin Environmental Policy Act. **EmR1417**

Public Instruction:

Creates Chapter PI 80, relating to community programs and services. **EmR1411**

Safety and Professional Services:	<p><i>General Part I, Chs. 301—319</i> Amends section SPS 305.40 (2) (b), (3) (b), (4) (a) 1., (b), (c), and (d) 1., and (5) and creates sections SPS Table 305.02 Row 24r, Table 305.06 Row 19r, 305.40 (1) (bm), and 305.437, relating to credentials for electricians. EmR1415</p>
Transportation:	<p>Creates section Trans 327.14, relating to motor carrier safety and affecting small businesses. EmR1404</p> <p>Amends Chapter Trans 102, relating to operator’s licenses and identification cards. EmR1421</p>
Veterans Affairs:	Creates section VA 2.07, relating to grants to non-profit organizations. EmR1416
Workforce Development:	<p><i>Apprenticeship, Chs. DWD 295—296</i> Creates section DWD 295.25, relating to apprenticeship completion awards. EmR1406</p>
Scope Statements.	Pages 13 to 18
Natural Resources:	<p><i>Fish, Game, etc., Chs. NR 1—</i> Revises section NR 25.13, relating to electronic fish harvest reporting system. SS 093—14</p> <p><i>Fish, Game, etc., Chs. NR 1—</i> Revises Chapter NR 20, relating to minor changes to fisheries administrative code (“housekeeping”). SS 094—14</p>
Transportation:	<p>Creates Chapter Trans 249, relating to discretion in enforcement of rule violations by small businesses. SS 091—14</p> <p>Revises Chapter Trans 300, relating to Transportation of school children. SS 092—14</p>
Submittal of Proposed Rules to Legislative Council Clearinghouse.	Page 19
Children and Families:	<p><i>Safety and Permanence, Chs. 35—59</i> Creates Chapter DCF 21 and revises Chapters DCF 50, 52, 54, 55, 56, 57, and 58, relating to the extension of out-of-home care to children and youth who are 18 years of age or over, but under 21 years of age. CR 14—054</p>
Employee Trust Funds:	Revises Chapters ETF 10, 20, 40, 50, 52, 60, 70, 52, making technical updates to existing ETF rules, deleting obsolete language in ETF rules, creating consistency with provisions in 2013 Wisconsin Act 20 related to rehired annuitants, and making other minor substantive changes. CR 14—055
Rule-Making Notices.	Pages 20 to 29
Children and Families:	<p><i>Safety and Permanence, Chs. 35—59</i> Creates Chapter DCF 21 and revises Chapters DCF 50, 52, 54, 55, 56, 57, and 58, relating to the extension of out-of-home care to children and youth who are 18 years of age or over, but under 21 years of age. CR 14—054, EmR1414</p>
Employee Trust Funds:	Revises Chapters ETF 10, 20, 40, 50, 52, 60, 70, 52, making technical updates to existing ETF rules, deleting obsolete language in ETF rules, creating consistency with provisions in 2013 Wisconsin Act 20 related to rehired annuitants, and making other minor substantive changes. CR 14—055

Rule Orders Filed with the Legislative Reference Bureau.

Page 30

Military Affairs:

Creates Chapter DMA 1, relating to payments of military family financial aid as required under s. 321.45, Stats. **CR 10–111**

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

Pages 31 to 33

Corrections:

Revises Chapters DOC 302, 308, 309, and 327 and 310 Appendix, relating to the discipline of inmates. **CR 11–022**

Natural Resources:

Environmental Protection — General, Chs. NR 100—
Revises Chapter NR 115, minimum standards for county shoreland ordinances. **CR 13–051**

Environmental Protection — General, Chs. NR 100—
Environmental Protection — Water Supply, Chs. NR 800—
Revises Chapters NR 146 and 812, relating to licensing criteria for heat exchange drillers and to standards for heat exchange drillholes that will be approved with notification rather than individual review. **CR 13–096**

Environmental Protection — General, Chs. NR 100—
Environmental Protection — Water Supply, Chs. NR 800—
Revises Chapters NR 146 and 812, relating to licensing criteria for water well drilling rig operators, property transfer well inspectors and well filling and sealing contractors, and criteria for citations and relating to standards for property transfer well inspections, well filling and sealing and criteria for citations. **CR 13–099**

Safety and Professional Services

Professional Services, Chs. SPS 1—299
Revises Chapters SPS 80 to 86, relating to the examination, education, and experience requirements of real estate appraisers. **CR 14–016**

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

Amends section MPSW 3.11 (5), relating to temporary credential. **CR 13–094**

Repeals sections MPSW 2.01 (14) and 10.01 (3m), relating to the definition of psychotherapy. **CR 13–118**

Safety and Professional Services — Occupational Therapists Affiliated Credentialing Board:

Revises Chapters OT 1 to 4, relating to occupational therapy practice standards. **CR 13–109**

Safety and Professional Services — Real Estate Examining Board:

Repeals Chapters REEB 22 and 26, and amends sections REEB 11.01, 11.02 (intro.) 12.04 (1) (intro.), 12.04(2) (intro.), and 25.065 (1) and (Note), relating to apprentices and inactive licenses. **CR 13–100**

Technical College System Board:

Revises Chapter TCS 5, relating to facility development procedures. **CR 13–050**

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

Pages 34 to 36

Executive Orders.

Page 37

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

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-not-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
Hearing Date: October 16, 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 (10)
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

7. EmR1418 (DNR # WM–11–14(E)) — The Wisconsin Natural Resources Board proposes an order to amend **sections NR 10.01 (b) and 10.06 (5)** and to create **sections NR 10.01 (1) (a) and 10.06 (5) (a)**, related to establishing an early duck season for teal-only and the hunting regulations for teal and mourning doves.

The rule was adopted by the Natural Resources Board on June 25, 2014, approved by the Governor on August 27, 2014, and signed by Policy Director Michael L. Bruhn for Secretary Cathy Stepp, also on August 27, 2014.

The statement of scope for this rule, SS 020–14, was approved by the Governor on March 10, 2014, published in Register No. 699, on March 31, 2014, and approved by the Natural Resources Board on May 27, 2014.

Statement of Emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public welfare. The federal government and state legislature have delegated to the appropriate agencies rule-making authority to control the hunting of migratory birds. The State of Wisconsin must comply with federal regulations in the establishment of migratory bird hunting seasons and conditions. Federal regulations are not made available to this state until late July of each year. This order is designed to bring the state hunting regulations into conformity with the federal regulations. Normal rule-making procedures will not allow the establishment of these changes by September 1. Failure to modify our rules will result in the failure to provide hunting opportunity and continuation of rules which conflict with federal regulations.

Filed with LRB: August 28, 2014
Publication Date: September 1, 2014
Effective Dates: September 1, 2014 through January 28, 2015

8. EmR1419 (DNR # WM-04-14(E)) — The Wisconsin Natural Resources Board proposes an order to amend **section NR 10.01 (1) (b) and (1) (g) 1. d.** and to create **section NR 10.01 (1) (g) 1. dm.**, related to migratory bird hunting regulations.

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

The statement of scope for this rule, SS 020-14, was approved by the Governor on March 10, 2014, published in Register No. 699, on March 31, 2014, and approved by the Natural Resources Board on May 27, 2014.

Finding of Emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public welfare. The federal government and state legislature have delegated to the appropriate agencies rule-making authority to control the hunting of migratory birds. The State of Wisconsin must comply with federal regulations in the establishment of migratory bird hunting seasons and conditions. Federal regulations are not made available to this state until late July of each year. This order is designed to bring the state hunting regulations into conformity with the federal regulations. Normal rule-making procedures will not allow the establishment of these changes by September 1. Failure to modify our rules will result in the failure to provide hunting opportunity and continuation of rules which conflict with federal regulations.

Filed with LRB: September 8, 2014
Publication Date: September 11, 2014
Effective Dates: September 11, 2014 through February 7, 2015

9. EmR1420 (DNR # WM-05-14(E)) — The Wisconsin Natural Resources Board proposes an order to repeal **section NR 10.001 (2e), 10.09 (1) (c) 1. e. and (Note);** to amend **sections NR 10.06 (5), 10.06 (8) (a) and (b), 10.07 (1) (b) 3., 10.07 (2m) (g) 2., 10.09 (1) (c), 10.09 (3), 10.10 (2), 10.11 (5) (a), 10.103 (1), 10.104 (7), 10.104 (9r), 10.15 (1) (a), 10.15 (6), 10.16 (Intro.), 10.16 (2), 10.22 (1), 10.23 (2) (a), 10.24 (2), 10.25 (4) (a), 11.042 (intro.), 11.043 (intro.), 11.11 (intro.), 12.16 (4), 15.01 (intro.), 15.015 (intro.), 15.10 (1) (intro.) and 15.12 (intro.), 45.09 (1), and 45.13 (18), (21), and (24);** and to create **sections NR 10.01 (3) (em) (Note) and (3) (ep), 10.104 (7) (c), 10.15 (3m), and 10.16 (2m),** related to establishing a season for hunting deer with crossbows-only.

This rule was approved by the governor on September 8, 2014.

The statement of scope for this rule, SS 018-14, was approved by the Governor on March 10, 2014, published in Register No. 699, on March 31, 2014, and approved by the Natural Resources Board on May 27, 2014.

Finding of Emergency

The department is not required to make a finding of emergency before promulgating these rules. The department is directed to promulgate these rules in 2013 Act 61 and is exempted from making a finding of emergency under non-statutory provisions of the ACT.

Filed with LRB: September 9, 2014
Publication Date: September 12, 2014
Effective Dates: September 12, 2014 through February 8, 2015

10. EmR1422 (DNR # WM-08-14(E)) — The Wisconsin Natural Resources Board proposes an order to amend **section NR 10.104 (8) (a)** and to create **sections NR 10.001 (7p) and (7w), 10.104 (9m) (a) and (b), 10.104 (5) (b) 8. and 10.104 (5) (c),** related to implementation of the Deer Management Assistance Program and County Deer Management Advisory Committee.

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

The statement of scope for this rule, SS 056-14, was published in Register No. 702, on June 14, 2014 and approved by the Natural Resources Board at its June 25, 2014 meeting.

Finding of Emergency

The department is not required to make a finding of emergency before promulgating these rules. The department is directed to promulgate these rules in s. 29.040 Stats., established by 2013 ACT 20 and is exempted from making a finding of emergency under non-statutory provisions in Section 9132 of the ACT.

Filed with LRB: September 15, 2014
Publication Date: September 19, 2014
Effective Dates: September 19, 2014 through February 15, 2015

Natural Resources

Environmental Protection — General, Chs. NR 100—

EmR1417 (DNR # OE-10-14(E)) — The Wisconsin Natural Resources Board proposes an order to repeal **sections NR 150.10 (1m) (b) and 150.20 (3) (a) 4. and 5.;** to amend **sections NR 150.03 (1), (15) (intro.), (19), (25), and (26), 150.10 (1) and (1m) (a), (c) (intro.), and (2) (a), 150.20 (1), (1m) (j), (k), and (L), (2) (a) (intro.), 4., 10., 11., and 16., (3) (a) (intro.), and (4) (b) (intro.), and 150.35;** and to create **section NR 150.20 (1) (Note), (1m) (k) (Note), (m) to (y), and (2) (a) 20. to 27.,** relating to the department's environmental analysis and review procedures under the Wisconsin Environmental Policy Act.

The emergency rule was adopted by the Natural Resources Board On August 13, 2014, approved by the Governor on August 27, 2014 and signed by Policy Director Michael L. Bruhn for Secretary Cathy Stepp, also on August 27, 2014.

The scope statement number is SS 051-14. The governor approved the scope statement on May 15, 2014, and the scope statement was published in register No. 701 on May 31, 2014.

Finding of Emergency

Significant revisions to ch. NR 150 became effective on April 1, 2014. The changes proposed are needed to clarify procedures for the review and analysis of new administrative rules and other actions and policies to assure that the intent of the recent revisions to ch. NR 150 is being met and potential procedural questions do not invalidate years of work and public engagement. Additionally, the changes will clarify the intent of the April 1, 2014 revisions for procedures for WEPA compliance determinations, publication requirements, and plan approvals for various actions and policies, to prevent any misunderstandings or resulting challenge or delay regarding that intent.

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary to allow timely processing and implementation of department rule proposals, actions, and policies. Preservation of the public welfare necessitates putting the forgoing rule into effect prior to the time that it would take if the Department complied with normal rule promulgation procedures.

Filed with LRB: August 28, 2014
Publication Date: August 31, 2014
Effective Dates: August 31, 2014 through January 27, 2015
Hearing Date: September 26, 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: September 12, 2014

Transportation (2)

1. 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

2. EmR1421 — The Wisconsin Department of Transportation proposes an order to amend **Chapter Trans 102**, relating to operator's licenses and Identification cards.

This emergency rule was approved by the Governor on September 11, 2014.

The scope statement for this rule, SS 080–14, was approved by the Governor on August 19, 2014, and published in Wisconsin Administrative Register No. 704, on August 31, 2014 and approved by the Secretary of Transportation on September 10, 2014.

Finding of Emergency

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 *NAACP v Walker*, should the federal injunction against that act be lifted.

Filed with LRB: September 15, 2014
Publication Date: September 17, 2014
Effective Dates: September 17, 2014 through February 13, 2015

Veterans Affairs

EmR1416 — The Department of Veterans Affairs hereby adopts an order to create **section VA 2.07**, relating to grants to non-profit organizations.

This emergency rule was reviewed by the Board of Veterans Affairs on July 15, 2014 and approved by the Governor on August 20, 2014.

The statement of scope for this rule, SS 038–14, was approved by the Governor on April 21, 2014, published in Register No. 701 on May 14, 2014, and approved by Secretary John A. Scocos on May 27, 2014.

Finding of Emergency

The Legislature by Section 9 of 2013 Act 190 provides an exemption from a finding of emergency for the adoption of this rule.

Filed with LRB: August 28, 2014
Publication Date: August 29, 2014
Effective Dates: August 29, 2014 through January 25, 2015

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

Natural Resources

Fish, Game, etc., Chs. 1—

SS 093-14

(DNR # FH-13-14)

The statement of scope was approved by the governor on August 27, 2014.

Rule No.

Section NR 25.13 (revise).

Relating to

Electronic fish harvest reporting system.

Rule Type

Permanent.

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

Not applicable.

2. Detailed Description of the Objective of the Rule

The department is seeking to amend s. NR 25.13, Wis. Adm. Code, in order to implement a web-based Electronic Fish Harvest Reporting System (EFHRS) for licensed commercial fishers of the Great Lakes.

The current s. NR 25.13 (5), Wis. Adm. Code, directs commercial fishers to use a discontinued, obsolete EFHRS and is not applicable to the next generation EFHRS under development. The revised rules will create the necessary procedures and direct the commercial fishers to use the new EFHRS for recording and reporting all elements of their commercial catch. Recognizing that a small percentage of the commercial fishers may not own computers or may not be comfortable with electronically submitting their daily fishing activity reports, the department will allow these commercial fishers to continue reporting with the current biweekly paper system until they decide to retire from the industry or become comfortable with use of the new technology.

Additional rule changes may be pursued which are related to implementation of a new EFHRS.

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

The development of an EFHRS was the cornerstone of June 2000 Commercial Fisheries Task Force recommendations and the subsequent revisions of Wisconsin's commercial fishing laws. The overall goal was to improve compliance with Wisconsin's commercial fishing regulations and enhance the management of the Great Lakes fisheries resources.

During the Task Force meetings, subsequent legislative hearings, and Natural Resource Board proceedings, the department made the commitment to create and implement an EFHRS with specific objectives to:

- 1) Enhance law enforcement: Provide DNR law enforcement staff with reported catch weights within 24 hours of harvest to facilitate monitoring of commercial fishers for compliance with fish harvest quotas and reporting requirements.
- 2) Streamline business processes: Streamline required reporting processes and reduce the paperwork burden for both the commercial fishers and the department (the commercial fishers would be entering, proofing and certifying all of their own daily commercial fishing activity data).

Section NR 25.13, Wis. Adm. Code, directed all commercial fishers to file their daily fishing activity reports electronically by July 1, 2010, at which time the paper reporting system was expected to be discontinued. However, the department was unable to develop the expected EFRHS, resulting in commercial fishers continuing to report their daily fishing activities via the biweekly paper reporting system described in s. NR 25.13 (2) and (3), Wis. Adm. Code.

At the beginning of the initial EFHRS project development, both Department of Administration (DOA) and Department of Natural Resources (DNR) information technology requirements prohibited non-DNR computers from connecting to and submitting data directly to the DNR network. This restriction coupled with severe budgetary constraints forced the department to attempt development of a stand-alone, non-state network connected computer system utilizing available, obsolete technology. It was evident during 2012 field tests with Lake Superior and Lake Michigan commercial fishers that this original EFHRS system did not streamline business processes, reduce paperwork or save either the commercial fishers or the department time in completing and processing the required daily fishing activity reports. In August 2012, the decision was made to discontinue the EFHRS project due to identified inefficiencies and obsolete technology (both hardware and software that were no longer supported). As a result, the commercial fishers have continued to use the biweekly paper reporting system for recording all elements of their Great Lakes commercial fish catch.

Multiple commercial fishers have indicated that they would prefer a web-based reporting system that would allow them to utilize their own computers and high speed internet connections for filing fishing reports. A federal grant has been obtained through the U.S. Fish and Wildlife Service to develop a new web-based EFHRS that will allow Great Lakes commercial fishers to electronically submit their daily fishing activity reports directly to the department via their own computers — and eventually smart phones — utilizing their high-speed Internet carriers. The department expects the new web-based EFHRS to be completed by November 30, 2014.

The proposed rule would implement commercial fishing reporting procedures for a web-based electronic fish harvest reporting system that utilizes current technology and meets recommendations requested by the commercial fishing industry in the June 2000 Commercial Fisheries Task Force.

The alternative is to repeal s. NR 25.13 (5), Stats., and continue to only use the inefficient biweekly paper reporting system of ss. NR 25.13 (2) and (3), Wis. Adm. Code.

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

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

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

Section 29.519 (5) (b), Stats., requires each commercial fisher to maintain and submit records to the department on their daily fishing activities in the form and manner required by 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

Approximately 150 hours.

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

The rule would affect licensed commercial fishers on Lake Michigan (65 licenses) and Lake Superior (10 licenses).

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

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

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

No economic impact is anticipated as a result of this rule change. If a commercial fisher does not own or have ready access to an Internet connected computer, they will be allowed to continue reporting via the existing biweekly paper reporting system. The proposal will update rule language on how commercial fishing electronic harvest reports may be made. No harvest quota or fishing effort changes will be included in the rule.

No economic impact is expected for small businesses as a result of these rule changes. During rule development, the proposed rule will be available for review and comment at <https://health.wisconsin.gov/admrules/public/Search>.

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

The department anticipates holding two public hearings in early 2015. The hearings will be held in Green Bay and Bayfield.

The department will hold the hearings in these locations to gather potential comments from Great Lakes commercial fishers who fish Wisconsin waters of Lake Michigan and Lake Superior.

Contact Person

Kate Strom Hiorns, (608) 266-0828 or Tom Hansen, (920) 662-5438

Natural Resources

Fish, Game, etc., Chs. 1—

SS 094-14

(DNR # FH-12-14)

The statement of scope was approved by the governor on August 27, 2014.

Rule No.

Chapter NR 20 (revise).

Relating to

Minor changes to fisheries administrative code ("housekeeping").

Rule Type

Permanent.

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

Proposed as permanent rule.

2. Detailed Description of the Objective of the Proposed Rule

The proposed rule addresses minor changes to administrative code relating to the regulation of fishing. The rule is being pursued to ensure the rule language that governs fishing in inland, outlying, and boundary waters is accurate and properly reflects the desired management of Wisconsin waters. The objectives are to:

- remove sections of code that are outdated or have been replaced by other statute or code changes,
- correct errors that occurred during the drafting of rules, and
- add or repeal language to clarify intent of original rules.

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

The following table lists the expected changes in the proposed rule at the time that this scope statement is written. Additional rule changes that arise before the drafting of the rule may be considered that are related to the objectives above.

County	Proposal
Columbia	Remove the current harvest regulations (18" minimum length limit and 3 fish daily bag limit) for walleye on Silver Lake. The lake has not been stocked with walleye since 2000 and there is no longer a population of walleye in the lake. Therefore, the special regulation is no longer necessary and can be removed from the lake and from listing in the regulations booklet.
Columbia	Change Columbia Lake 18" minimum length limit and 3 daily bag limit on hybrid striped bass to no minimum length, no bag limit. Hybrid striped bass are considered an invasive species and therefore no longer imported and stocked in any WI waters. The department would like to continue to allow catch and harvest of the existing striped bass in Columbia Lake, therefore, a no minimum length–no bag limit regulation is proposed. If striped bass are removed from listing in administrative code, there would be no open season and none could be harvested.
Douglas	Allow night fishing on the Brule River downstream from Hwy 2 only during the <i>regular</i> open season for all species (first Saturday in May — September 30); Prohibit night fishing during the <i>early</i> open season (last Saturday in March to May 4) and <i>extended</i> open season (October 1 to November 15). The current regulation prohibits anglers from fishing at night, which reduces the overall number of harvest and catch–and–release opportunities, particularly for brown trout, which are most active during the night. The current regulation is an interpretive error that occurred when the administrative code was revised in 1992, and subsequently re–formatted and further misinterpreted in 1999. Although the unintended error was codified in 1999, it was not published as such in the Trout Regulations Guide until the 2012–2013 fishing season, causing confusion among anglers and law enforcement. Making this change will return the regulations to what is commonly understood and enforced.
LaCrosse, Vernon	Change trout stream names in code to accurately reflect common names and reduce angler confusion of where regulations begin and end. La Crosse County: change code language to say "Coon creek (Bohemian Valley Creek)" instead of Bohemian Valley Creek [20.20(32)(f)1.]; Vernon County: change code language to say "Coon creek from CTH P upstream to the confluence with Timber Coulee creek and Timber Coulee creek upstream to Olstad Road" instead of Timber Coulee Creek [20.20(63)(c)2. and 3.]
Marathon	Extend the boundary of Wisconsin River regulations (year–round open season on bass, pike, walleye) on a 100 foot stretch of the connecting Eau Claire River. The regulations currently apply from the WI River up to the first bridge on the Eau Claire River. This proposal extends the regulations another 100 feet to the Schofield Dam, which is a prominent boundary that boaters cannot travel past. This is currently how the regulations booklet lists the rules and how Law Enforcement treats the area. The bridge vs. dam boundary has historically caused confusion among anglers. This extension will also provide additional fishing opportunity to that small area of the river without any biological concerns.
Vilas/Oneida	Change the regulations boundary between the Three Lakes Chain (Oneida) and Eagle Chain (Vilas) from the county border to the Long Lake (Burnt Rollways) Dam in Oneida County. The dam has been used locally as a border and is a more obvious boundary to anglers rather than a county line.
Winnebago, etc.	Clarify the boundaries around the Winnebago System that a spearer can possess an unregistered sturgeon (NR 20.10(8),(9),(10)). Updates are needed due to roadway construction and naming changes over time.
Winnebago, etc.	Make set pole/bank pole/setline open seasons for catfish and rough fish the same on the stretch of water between Lake Butte des Morts and Eureka Dam. Currently all set pole/bank pole/setline regulations for rough fish and catfish in Lake Winnebago System waters are the same except for that stretch of water, where a season is open for catfish and closed for rough fish. This was a result of inadvertent wording of code language and there is no biological or management reason for applying the differing regulations for these methods of fishing.
Winnebago	Change Neenah–Menasha dam to "dams" in 20.20(71). There are two waterways and two dams that should be clarified in code.
Statewide	Remove all notations of NR 20.35 from the 20.20 table. NR 20.20 does not have a full list of waters that have size or bag limit exemptions allowed by NR 20.35 procedures. A separate list is kept by the department that is available upon request.

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

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

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

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

Approximately 150 hours.

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

The proposed rule will have minimal impact on members of the public. As with any change in regulations, there will be a requirement for anglers to learn the new rules. However, a majority of this rule change clarifies code to reflect existing policies for which anglers must already comply. The Fisheries Management Bureau works to notify the public of new regulations via press releases, the internet, and fishing regulations pamphlets.

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

Authority to promulgate fishing regulations is granted to states. None of the proposed changes violate or conflict with federal regulations.

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

It is not expected that there will be any economic impact directly related to these rule changes. The Department will conduct an economic impact analysis to determine if any individuals, businesses, local governments, or other entities expect to be adversely affected economically. The proposed rule does not impose any compliance or reporting requirements on small businesses nor are any design or operational standards contained in the rule.

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

The Department anticipates holding one public hearing in the month of January, 2015, in Madison.

The rule includes minor changes to fishing regulations and is not expected to be controversial.

Contact Person

Kate Strom Hiorns, Fisheries Policy Specialist,
608-266-0828.

Transportation

SS 091-14

The statement of scope was approved by the governor on September 4, 2014.

Rule No.

Chapter Trans 249 (create).

Relating to

Discretion in enforcement of rule violations by small businesses.

Rule Type

Permanent.

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

N/A

2. Detailed Description of the Objective of the Proposed rule

This rule will comply with the requirements of s. 227.04, Stats., as affected by 2013 Wisconsin Act 296, which requires each state agency to "promulgate a rule that requires the agency to disclose in advance the discretion that the agency will follow in the enforcement of rules and guidelines against a small business that has committed a minor violation."

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

2013 Wisconsin Act 296 requires state agencies to promulgate a rule that discloses in advance, the discretion that the state agency will follow in the enforcement of rules against a small business that commits a minor violation of a rule. Under the Act, "small business" means a business entity, including its affiliates, which is independently owned and operated and not dominant in its field, and which employs 25 or fewer full-time employees or which has gross annual sales of less than \$5,000,000. "Minor violation" means a rule violation that does not cause serious harm to the public, is committed by a small business, and the violation is not willful, the violation is not likely to be repeated, there is a history of compliance by the violator, or the small business has voluntarily disclosed the violation.

A rule promulgated under the Act must specify the situations in which discretion in enforcement will be allowed. In promulgating the rule, the state agency must consider a number of criteria for allowing discretion in the enforcement of a rule or assessment of a penalty for a minor violation, including the following:

- The difficulty and cost to a small business of complying with a rule.
- The financial capacity of the small business, including the ability of the small business to pay the amount of the possible penalty.
- The compliance options available.
- The level of public interest and concern.
- The opportunities available to the small business to understand and comply with a rule.
- Fairness to the small business and to others, including competitors and the public. Under the Act, each state agency must document every instance that it utilizes discretion in penalizing a business for a minor rule violation. Furthermore, each state agency must maintain records of those instances for at least five years.

The Act also specifies that a state agency may not exercise discretion in enforcing the following types of rule violations:

- Minor violations involving a small business that has violated the same rule more than three times in the past five years.
- Minor violations that result in a substantial economic advantage for the small business.
- Minor violations that may result in an imminent endangerment to public health or safety.

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

Sections 227.04 (2m) (a), Stats., directs the department to promulgate a rule by which the agency discloses in advance the discretion the agency will follow in the enforcement of rules against a small business that has committed a minor violation, including the reduction or waiver of penalties for a voluntary disclosure of actual or potential violations of rules by a small business.

Section 227.04 (2m) (b), Stats., directs the department to specify the situations in which the agency will allow discretion in the enforcement of a rule against a small business that has committed a minor violations, and the criteria to be used for allowing discretion in the enforcement of the rule and the assessment of a penalty, including a forfeiture, fine or interest.

Section 227.04 (3), Stats., requires the department to provide assistance to small businesses to help small businesses comply with the rules promulgated by the agency, including the establishment of methods to encourage the participation of small businesses in rulemaking under s. 227.114 (4), Stats. Section 227.04 (3), Stats., also requires the department to consider the appropriateness of written warnings, reduced fines, or alternative penalties if the small business has made a good faith effort to comply with the rule, and the violation does not pose a threat to health, safety, or welfare.

Section 227.04 (4), Stats., requires the department to fully document every instance in which it utilized discretion in penalizing small businesses, including the reasons for its decision. The department is required to keep records of those instances on file for no fewer than 5 years.

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

The Department of Transportation (“DOT”) estimates that it will use approximately 500 hours (0.25 FTE staff) to develop this rule. This includes time required for investigation and analysis, rule drafting, preparing related documents, coordinating advisory committee meetings, holding public hearings and communicating with affected persons and groups. DOT will use existing staff to develop this rule.

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

DOT administers approximately 125 chapters of administrative rules on a variety of disparate topics, making it difficult to exhaustively list all of the entities that might be affected by this rule. In general, the rule may produce an economic benefit for small businesses that commit minor violations of DOT regulations when discretion is exercised to forego formal sanctions or to seek reduced sanctions. Small businesses that comply with administrative rules, large businesses, and individuals, are not directly affected by the rule, but as a result of the rule may be comparatively disadvantaged to small business violators to the extent that

those other parties continue to incur costs for regulatory compliance efforts, or suffer competitive disadvantages as result of the small business violations.

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 is no known existing or proposed federal regulation that is intended to address the activities to be regulated by this rule. This rule is required by 2013 Wisconsin Act 296.

8. Anticipated Economic Impact

This rule will not increase any costs for businesses. The rule may produce an economic benefit for small businesses that commit minor violations of DOT regulations when discretion is exercised to forego formal sanctions or to seek reduced sanctions. The rule may have a corresponding disadvantage for small businesses that comply with administrative rules, to the extent that the non-violating business incurs compliance costs or suffers competitive disadvantage as result of the excused violation. This rule could create a modest disincentive to comply with regulations, or allow small businesses to realize a market share gain as a result of an unenforced rule violation. DOT will attempt to structure the rule in a manner that does not create an economical disadvantage for those businesses that comply with administrative rules.

Contact Person

Paul E. Nilsen, Assistant General Counsel, Department of Transportation, Office of General Counsel; Phone (608) 266-8810

Transportation

SS 092-14

The statement of scope was approved by the governor on September 4, 2014.

Rule No.

Chapter Trans 300 (revise).

Relating to

Transportation of school children.

Rule Type

Permanent.

Description of the Objective of the Rule

The stated purpose of this rule is to promote the safe transportation of pupils and other authorized persons in school buses, as defined in s. 340.01 (56) Stats. In addition, ch. Trans 300 provides specific safety-related standards regarding the design, construction, inspection, and operation of school buses and provides for differing standards for vehicles of varying size and configuration

2013 Wisconsin Act 96 authorized the use of flashing amber lights on school buses before stopping to load or unload students, in addition to flashing red lights. Existing administrative rules do not recognize the use of flashing amber lights, and require the use of only flashing red lights.

Current rules set standards for flashing light assemblies that conflict with national industry standards for new flashing light systems. This rulemaking will update administrative

rules to reflect the best practices and manufacturing standards established by industry regarding this lighting system. It appears that several updates to existing rules are necessary to allow the use of technological improvements and equipment requirements that have become accepted practices in the school bus industry. Enhancements to the employer and driver pre-trip reporting requirements will require documentation to include electronic reporting, a system which will improve efficiency.

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

Some of the proposed revisions relate to:

- Trans 300.81 Authorized Optional Equipment — Mounting of video and audio recorders
- Trans 300.81 Authorized Optional Equipment — Authorized optional equipment (e.g. navigation and passenger detection devices; laptop computers; theft detection devices; storage containers, AED's, blood born pathogen kits, hand sanitizer)
- Trans 300.39 Emergency Exits and Trans 300.61 Signs and Lettering — Interior and exterior lettering, adding optional and required lettering
- Trans 300.40 Exhaust System and 49 CFR 393.83 Exhaust System — Additions to the exhaust system requirements to better define acceptable locations of exhaust discharge and maintenance.
- Trans 300.54 Lights, Lamps and Reflectors and SAE Standard J 887 — Changes to lighting, lamps and reflector requirements. We intend to develop regulations regarding the eight-light warning system, establish a time frame for implementation, clarify flash rate of a strobe warning light and develop language for background color of an eight-light warning system.
- Trans 300.34 Color — Changes in color and trim color requirements. We intend to remove paint requirements for rub rails and stop arm brackets, and intend to include a black background for back-up lamps. Intend to allow white roof tops as an optional feature.
- Trans 300.16 (8) and (9) referencing loading stations, Wis. Stat. ss. 348 referencing vehicle requirement to stop for school bus flashing lights, Wis. Stat. ss 349.21 authority to regulate school bus warning lights — changes in warning light activation to an eight-light system.

- Trans 300.15 Employer Requirements and Trans 300.16 Employee Requirements — Clarify pre-trip inspection and add responsibility requirements for employer and driver, also clarify reporting requirements.
- Trans 300.59 Seating and Federal Motor Vehicle Safety Standards 222 — Safety belt installation, require compliance with FMVS222 for voluntary safety belt installation.
- Trans 300.30 Book Racks — Specify location of book racks.

Each of these items has been improved by the school bus equipment industry since the promulgation of Trans 300. Many of these improvements do not conform to the code requirements. Policy alternatives are to disregard these equipment and practice changes, or to modernize the code to allow the use of improved equipment or practices.

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

Wis Stats., ss. 85.16 (1), 227.11 (2), 110.06(2), 110.064 (1) (b), 346.48, 346.51 (1) (a), 347.25 (2), 347.40 (2), 347.44, 347.445, 347.447.

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

The changes being proposed will conform to any federal regulations that exist in Title 49, Code of Federal Regulations, and to satisfy the Department's safety compliance review completed by FMCSA, as well as applicable industry standards in the Society of Automotive Engineers reference manual.

Description of all of the Entities that may be Affected by the Rule

Wisconsin-based school buses, school districts, school bus operators, school bus manufacturers, general motoring public, pupils and law enforcement will be affected by these changes.

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

200 hours.

Contact Person

Captain Brian Ausloos, 608-267-3622.

Submittal of Proposed Rules to Legislative Council Clearinghouse

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

Children and Families *Safety and Permanence, Chs. 35—59* **CR 14-054**

On September 11, 2014, the Department of Children and Families submitted proposed rules to the Legislative Council Rules Clearinghouse.

The statement of scope for this rule, SS 045-14, was approved by the Governor on May 18, 2014, published in Register No. 701 on May 31, 2014, and approved by Secretary Eloise Anderson on June 20, 2014.

A related emergency rule, EmR1414, affecting the same rules contained in this proposed rule and relating to the same purpose has been published and is in effect.

Analysis

The proposed rules affect Chapters DCF 21, 50, 52, 54, 55, 56, 57, and 58, relating to the extension of out-of-home care to children and youth who are 18 years of age or over, but under 21 years of age.

Agency Procedure for Promulgation

A public hearing is required and will be held in Madison on October 16, 2014.

The organizational unit responsible for the promulgation of the proposed rules is the Division of Safety and Permanence.

Contact Information

Elaine Pridgen
Telephone: (608) 267-9403
Email: elaine.pridgen@wisconsin.gov

Employee Trust Funds **CR 14-055**

On September 16, 2014, the Department of Employee Trust Funds submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

The statement of scope for this rule, SS 016-14, was approved by the Governor on February 26, 2014, published in Register No. 699, on March 14, 2014, and approved by ETF Secretary Robert Conlin on March 28, 2014.

Analysis

The objective of this technical rule is to make technical updates to existing ETF rules, delete obsolete language in ETF rules, create consistency with provisions in 2013 Wisconsin Act 20 related to rehired annuitants, and make other minor substantive changes.

Agency Procedure for Promulgation

A public hearing is required and will be held on October 27, 2014, at 1:00 p.m. in the downstairs Conference Room Mendota/GB at the offices of the Department of Employee Trust Funds, 801 West Badger Road, Madison, Wisconsin.

The Department's General Counsel is primarily responsible for this rule.

Contact Information

David H. Nispel, General Counsel
Email: david.nispel@etf.wi.gov
Telephone: (608) 264-6936

Rule–Making Notices

Notice of Hearings

Children and Families Safety and Permanence, Chs. 35—59 CR 14–054, EmR1414

NOTICE IS HEREBY GIVEN that pursuant to ss. 48.366 (4) (b) and 938.366 (4) (b), Stats., as affected by 2013 Wisconsin Act 334; Sections 48.67 (intro.) and 227.11 (2) (a), Stats., the Department of Children and Families proposes to hold a public hearing to consider emergency and proposed permanent rules creating Chapter DCF 21 and revising Chapters 50, 52, 54, 55, 56, 57, and 58, 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.

Hearing Information

Date: Thursday, October 16, 2014
Time: 2:00 p.m.
Location: GEF 1 Building, Room H206
 201 E. Washington Avenue
 Madison, WI

Interested persons are invited to appear at the hearing and will be afforded the opportunity to make an oral presentation of their positions. Persons making oral presentations are requested to submit their facts, views, and suggested rewording in writing.

If you have special needs or circumstances regarding communication or accessibility at a hearing, please call (608) 267–9403 at least 10 days prior to the hearing date. Accommodations such as ASL interpreters, English translators, or materials in audio format will be made available on request to the fullest extent possible.

Copies of the Rule

A copy of the rules is available at <http://adminrules.wisconsin.gov>. This site allows you to view documents associated with this rule’s promulgation, register to receive email notification whenever the department posts new information about this rulemaking order, and submit comments and view comments by others during the public comment period. You may receive a paper copy of the rules or fiscal estimate by contacting:

Elaine Pridgen
 Department of Children and Families
 201 E. Washington Avenue
 Madison, WI 53707
 (608) 267–9403
dcfpublichearing@wisconsin.gov

Place Where Comments are to be Submitted and Deadline for Submission

Written comments on the rules received at the above address, email, or through the <http://adminrules.wisconsin.gov> website no later than

October 17, 2014, will be given the same consideration as testimony presented at the hearing.

Analysis Prepared by the Department of Children and Families

Statutory authority

Sections 48.366 (4) (b) and 938.366 (4) (b), Stats., as affected by 2013 Wisconsin Act 334 Sections 48.67 (intro.), and 227.11 (2) (a), Stats.

Statutes interpreted

Sections 48.366, 48.57, 938.366, and 938.57, Stats., as affected 2013 Wisconsin Act 334; Sections 48.623, 48.66 (1) (c), and 48.975, Stats.

Related statute or rule

Sections 48.355 (4) (b) 4., 48.357 (6) (a) 4., 48.365 (5) (b) 4., 48.38 (5) (c) 9., 48.645, 938.355 (4) (b) 4., 939.357 (6) (a) 4., and 938.365 (5) (b) 4., Stats., as affected by 2013 Wisconsin Act 334.

Explanation of agency authority

Sections 48.366 and 938.366, Stats., as created by 2013 Wisconsin Act 334, permit a child placed in out–of–home care who is a full–time student at a secondary school or its vocational or technical equivalent and for whom an individualized education program (IEP) is in effect to continue in out–of–home care until the child is granted a high school or high school equivalency diploma or reaches 21 years of age, whichever occurs first under either an extended dispositional order of the juvenile court or a voluntary transition–to–independent–living agreement between the child, or the child’s guardian on behalf of the child, and the agency primarily responsible for providing services to the child under the dispositional order.

Sections 48.366 (4) and 938.366 (4), Stats., as created by 2013 Wisconsin Act 334, provide that the department shall promulgate rules to implement the extended out–of–home care program that include all of the following:

- Rules permitting a foster home, group home, or residential care center for children and youth to provide care for persons who agree to continue in out–of–home care under an extension of an order described in ss. 48.366 (1) and 938.366 (1), Stats., or a voluntary agreement under ss. 48.366 (3) and 938.366 (3), Stats.
- Rules setting forth the conditions under which a person who has terminated a voluntary agreement under ss. 48.366 (3) and 938.366 (3), Stats., and the agency primarily responsible for providing services under the agreement may enter into a new voluntary agreement under ss. 48.366 (3) (c) and 938.366 (3) (c), Stats.

The department administers the kinship care program under ss. 48.57 (3m) and (3n), Stats.

Section 48.975 (3m), Stats., provides that adoption assistance may be provided after the adoptee reaches the age of 18 if the adoptee is a full–time high school student.

The department administers the subsidized guardianship program under s. 48.623, Stats., and s. 48.62 (5), 2009 Stats.

Section 48.66 (1) (c), Stats., prohibits the transfer of a license issued to a child welfare entity under s. 48.66 (1) (a) and (b), Stats.

Section 48.67 (intro.), Stats., provides that the department shall promulgate rules establishing minimum requirements for the issuance of licenses to, and establishing standards for the operation of, child welfare agencies, child care centers, foster homes, group homes, shelter care facilities, and county departments.

Section 227.11 (2) (a), Stats., expressly confers rule-making authority on each agency to promulgate rules interpreting the provisions of any statute enforced or administered by the agency.

Summary of the rule

Chapter DCF 21, Re-entry into Out-of-Home Care For Youth 18 Years of Age or Over, but under 21 Years of Age

The emergency and proposed DCF 21 provide conditions and procedures for youth to apply to re-enter out-of-home care and agencies to determine eligibility and supervise the youth's placement. The rules also provide appeal procedures to the agency, department, and the division of hearings and appeals if the youth's application is denied or eligibility is terminated.

Chapter DCF 50, Adoption Assistance

42 USC 675 (8) (B) (i) requires that any extension of foster care to children over 18 years of age also apply to adoption assistance agreements that became effective after a child attained 16 years of age. The proposed rule provides that adoption assistance may continue if the adopted person turned 18 years of age or over on or after 8/1/14, but is under 21 years of age; the adopted person is a full-time student at a secondary school or its vocational or technical equivalent; there is an individualized education program under s. 115.787, Stats., in effect for the adopted person; and the adoption assistance agreement for the adopted person became effective after the adopted person attained 16 years of age. An adoptive parent is required to provide a copy of the adopted person's individualized education program under s. 115.787, Stats., before the department may determine that the adopted person is eligible for assistance. Adoption assistance may be reinstated following termination of assistance by adoptive parents when the adopted person was 18 years of age or over if the adopted person meets the requirements above.

Chapter DCF 52, Residential Care Centers

- The emergency and proposed rules repeal and recreate the definition of "resident" to clarify the existing definition of "resident" and add 2 new provisions related to the extension of out-of-home care. The first new provision in the definition of "resident" is the person turned 18 years of age on or after August 1, 2014, but is under 21 years of age; the person is a full-time student at a secondary school or its vocational or technical equivalent; and there is an individualized education program under s. 115.787, Stats., in effect for the person. The other new provision incorporates into the definition children placed in a Wisconsin residential care centers who are under the placement and care responsibility of a state that has extended out-of-home care to children 18 years of age or over, but under 21 years of age, and elected different options than Wisconsin under 42 USC 675 (8) (B) (iv).

- The provision on information required to be in a center's treatment program and policies regarding the population served by the center is amended to include "transitioning to independence."
- A request to amend a license to serve a resident population that is 18 years of age or over, but under 21 years of age, and is transitioning to independence, shall be on a form prescribed by the department.
- The emergency and proposed rules repeal existing provisions on amendment to a license that appear to violate s. 48.66 (1) (c), Stats. Section 48.66 (1) (c), Stats., prohibits the transfer of a license to operate a residential care center. The emergency and proposed rules repeal provisions allowing a license amendment if there is a change in the ownership of a center or a change in the address of the center. A new license application will be required in these circumstances.
- Throughout the rules, the undefined term "child" is replaced with the defined term "resident" when appropriate.
- The phrases "young adults ages 18, 19, or 20" and "young adult" are repealed throughout the rules and replaced with "children and youth under 21 years of age" or similar language.
- The provision on requesting an exception to a rule is amended to require the use of a form prescribed by the department.

Chapter DCF 54, Child-Placing Agencies

The definition of "child" is repealed and recreated to be the same as the new definition of "child" in the foster home and group home rules. Child-placing agencies license foster homes and place children in foster homes and group homes.

Chapter DCF 55, Subsidized Guardianship

- 42 USC 675 (8) (B) (i) requires that any extension of foster care to children over 18 years of age also apply to subsidized guardianship agreements that became effective after the child attained 16 years of age. The emergency and proposed rules provide that subsidized guardianship payments may continue if the child turned 18 years of age on or after August 1, 2014, but is under 21 years of age; the child is a full-time student at a secondary school or its vocational or technical equivalent; there is an individualized education program under s. 115.787, Stats., in effect for the child; and the subsidized guardianship agreement for the child became effective after the child attained 16 years of age. A guardian or interim caretaker is required to provide a copy of the child's individualized education program under s. 115.787, Stats., before the agency may determine that the child is eligible for subsidized guardianship payments. Subsidized guardianship payments may be reinstated if a guardian or interim caretaker terminated the subsidized guardianship agreement when the child was 18 years of age or over and the child meets the requirements above.
- The rule clarify an existing provision on eligibility for a child who is 18 years of age or over by adding "or the equivalent" to a requirement that the child is enrolled in and attending a secondary education program leading to a high school diploma.

Chapter DCF 56, Foster Homes

- The emergency and proposed rules repeal and recreates the definition of "child" to clarify the existing definition of "child" and to add 2 new provisions regarding the extension of out-of-home

care in specified circumstances. The first new provision in the definition of “child” is the person turned 18 years of age on or after August 1, 2014, but is under 21 years of age; the person is a full-time student at a secondary school or its vocational or technical equivalent; and there is an individualized education program under s. 115.787, Stats., in effect for the person. The other new provision covers children placed in a Wisconsin residential care centers who are under the placement and care responsibility of a state that has extended out-of-home care to children 18 years of age or over, but under 21 years of age, and elected different options than Wisconsin under 42 USC 675 (8) (B) (iv).

- The definition of “residential care center” is amended to remove the term “young adult” to correspond with the removal of the term from ch. DCF 52.
- In general, care and maintenance may be provided for no more than 4 children in a foster home. The emergency and proposed rules create a new exception for the purpose of maintaining previous existing connections. A licensing agency may grant an exception to allow 7 or fewer foster children in a foster home. A licensing agency shall apply to the department exceptions panel to place 8 or more children in a foster home if necessary to allow a child or youth who was previously placed in the foster home and was on a trial reunification or a youth who is under a voluntary transition-to-independent living agreement to return to the foster home.

Chapter DCF 57, Group Homes

- The emergency and proposed rules repeal and recreate the definition of “child” to clarify the existing definition of “child” and to add 2 new provisions regarding the extension of out-of-home care in specified circumstances. The first new provision in the definition of “child” is the person turned 18 years of age on or after August 1, 2014, but is under 21 years of age; the person is a full-time student at a secondary school or its vocational or technical equivalent; and there is an individualized education program under s. 115.787, Stats., in effect for the person. The other new provision incorporates into the definition children placed in Wisconsin foster homes who are under the placement and care responsibility of a state that has extended out-of-home care to children 18 years of age or over, but under 21 years of age, and elected different options than Wisconsin under 42 USC 675 (8) (B) (iv).
- The current permanent rule provides that a group home must have a program statement that includes a description of the type of resident population the group home will serve. A note following this requirement lists various types of resident populations. The emergency and proposed rules add “transitioning to independence” to that list.
- The current permanent rule provides that a staff member in a group home must be at least 21 years old, unless the staff member is a student who is 19 or 20 years old and majoring in a human services field. The emergency and proposed rules add the requirement that staff members other than the program director must also be at least 2 years older than the oldest resident. A staff member who is 21 years of age or over may retain employment or contract if the staff member is hired or contracted before a new resident who is 18 years of age or over is admitted to the group home.

- The emergency and proposed rules provide that a group home may admit a child 18 years of age or over, but under 21 years of age if the group home will not have more than 2 children 18 years of age or over, the group home has a license to serve a resident population that is 18 or over but under 21 and is transitioning to independence, or the group home has been granted an exception by the department to provide care and maintenance for more than 2 children who are 18 years of age or over.
- The current permanent rule requires the development of a treatment plan for each resident and lists issues that must be included in the plan. The emergency and proposed rules add to the list the consideration of additional requirements for the care of children who are 18 years of age or over, but under 21 years of age; full-time students at a secondary school or its vocational or technical equivalent; and have an individualized education program under s. 115.787, Stats., in effect. The emergency and proposed rules also add children who are 18 years of age or over, but under 21 years of age, and under the placement and care responsibility of another state.
- The current permanent rule provides that a resident who is 18 years of age or older may not share a bedroom with a resident who is under 18 years of age. The emergency and proposed rules add the exception “unless the resident who is 18 years of age or older is continuing to share a bedroom with a resident he or she had already been sharing the bedroom with before turning 18 years of age.”
- The current permanent rule requires that resident records be maintained by the licensee until the resident reaches the age of 19 or 7 years after the resident is discharged from the group home, whichever is later. The emergency and proposed rules change the “age of 19” to the “age of 21.”
- The provision on requesting an exception to a rule is amended to require the use of a form prescribed by the department.
- Throughout the rule, the term “child” is replaced with the term “resident” when appropriate.

Chapter DCF 58, Kinship Care

The kinship care rule is amended to provide extended out-of-home care to a person who turned 18 years of age on or after August 1, 2014, but is under 21 years of age, and is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent if there is an individualized education program under s. 115.787, Stats., in effect for the person.

Summary of factual data and analytical methodologies

The rule was developed with the assistance of the department’s Out-of-Home Care Committee and the Wisconsin Youth Advisory Council.

Summary of related federal requirements

In general, a state can be eligible for federal funding under Title IV-E of the Social Security Act for foster care assistance if all of the following apply:

- The child was removed and placed in foster care in accordance with either of the following:
 - A voluntary placement agreement between the state agency, or any other agency acting on behalf of the state, and the parents or guardians. If the child has remained in voluntary placement for a

period in excess of 180 days, a judicial determination must be made.

- A judicial determination that:
 - The placement is in the best interests of the child.
 - Continuation in the home from which removed would be contrary to the welfare of the child and that reasonable or, in the case of an Indian child, active efforts have been made to preserve and unify the family, with the child's health and safety as the paramount concern.
- The child's placement and care are the responsibility of the state agency or any other public agency with which the state has made an agreement.
- The child has been placed in a foster home, group home, shelter care, or residential care center for children and youth.
- The child, while in the home, would have met the eligibility criteria for Aid to Families with Dependent Children as the program existed on July 16, 1996.

Under 42 USC 675 (8), the definition of "child" that applies to assistance under Title IV-E is the following:

- A. Subject to subparagraph B, an individual who has not attained 18 years of age.
- B. At the option of a State, the term shall include an individual for whom the following applies:
 - (i)
 - (I) The individual is in foster care under the responsibility of the State.
 - (II) There is an adoption assistance agreement under 42 USC 673 in effect for the individual, and the individual attained 16 years of age before the agreement became effective.
 - (III) There is a kinship guardianship assistance agreement under 42 USC 673 (d) in effect for the individual, and the individual attained 16 years of age before the agreement became effective.
 - (ii) The individual has attained 18 years of age.
 - (iii) The individual has not attained 19, 20, or 21 years of age, as the State may elect.
 - (iv) The individual is any of the following as the state may elect:
 - (I) Completing secondary education or a program leading to an equivalent credential.
 - (II) Enrolled in an institution which provides post-secondary or vocational education.

(III) Participating in a program or activity designed to promote, or remove barriers to, employment.

(IV) Employed for at least 80 hours per month.

(V) Incapable of doing any of the activities described in subclauses (I) through (IV) due to a medical condition, which incapability is supported by regularly updated information in the case plan of the child.

42 USC 675 (8) (B) (i) requires that any extension of foster care to children over 18 years of age also apply to adoption assistance and subsidized guardianship agreements that became effective after the child attained 16 years of age. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, Program Instruction, *Guidance on the Fostering Connections to Success and Increasing Adoptions Act of 2008*, ACYF-CB-PI-10-II, July 9, 2010.

Comparison to rules in adjacent states

Illinois, Minnesota, and Michigan elected to extend foster care to all youth allowed under 42 USC 675 (8) (B).

Iowa elected to extend foster care to age 20 for youth attending high school or obtaining their GED.

Effect on Small Business

The rule will affect small businesses as defined in s. 227.114 (1), Stats.

Analysis Used to Determine Effect on Small Business or in Preparation of Economic Impact Analysis

Residential care centers, group homes, and licensed child-placing agencies will be affected by the rule changes, but the effect will be minimal.

Agency Contact Person

For foster care, kinship care, adoption assistance, and subsidized guardianship:

Jonelle Brom
Section Chief, Out-of-Home Care Section
Division of Safety and Permanence
jonelle.brom@wisconsin.gov
(608) 264-6933

For group homes, residential care centers, and child-placing agencies:

Mary Morse
Child Welfare Program Specialist
Licensing Section
Division of Safety and Permanence
mary.morse@wisconsin.gov
(262) 548-8694

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

DCF 21, Re-entry into out-of-home care for youth 18 years of age or over, but under 21 years of age
DCF 50, Facilitating the adoption of children with special needs
DCF 52, Residential care centers for children and youth
DCF 54, Child-placing agencies
DCF 55, Subsidized guardianship
DCF 56, Foster home care for children
DCF 57, Group homes
DCF 58, Eligibility for kinship care and long-term kinship care program

3. Subject

Extension of out-of-home care to children and youth 18 years of age or over, but under 21 years of age

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

(1)(b), (1)(dd), (1)(cx), (1)(mx), (1)(o), and (1)(pd)

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

Implementing 2013 Wisconsin Act 334

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 solicited comments from county departments of social services and county departments of human services; licensees of foster homes, group homes, residential care centers, and child-placing agencies; and others who have requested to be on the numbered memo and child welfare listservs.

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

Oconto County and Taylor County

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)

Several assumptions were made in calculating the cost of this expansion. First, it was assumed that the total caseload of children aging out of out-of-home care is 438. This represents an average of the number of children who aged out of out-of-home care in CY 2011 (462) and CY 2012 (413). Second, based on analysis done by DCF of Wisconsin K-12 data, this bill assumes that 43% of these children have an IEP in effect. Third, the bill assumes that the average out-of-home care payment is \$2,461 per month. The cost of an out-of-home care placement was calculated using a weighted average of the placement settings for the children who aged out of care in CY 2012. Fourth, based on data from the Wisconsin Department of Public Instruction, it was assumed that 40% of students with an IEP in effect at age 18 remain in school until age 19, 60% of students with an IEP in effect at age 19 remain in school until age 20, and 10% of students with an IEP at age 20 remain in school until age 21. The expansion was assumed to begin on July 1, 2014. Under these assumptions, the program would cost \$1,205,000 all funds (\$907,100 GPR) in the first year of implementation (SFY 2015). The emergency rule became effective August 1, 2014.

County representatives commented on the potential of a significant financial burden for small counties. Youth who have an IEP often require special care in expensive placements, such as treatment foster homes, group homes, or residential care centers. They request that the state provide additional funding to counties for youth that meet the criteria for out-of-home care beyond their 18th birthday.

2013 Wisconsin Act 334 provided funding in the amount of \$1,205,000 for the extension of out-of-home care program. Of this amount, \$688,500 will be added to the children and family aids allocations in SFY 2015 to supplement both the CY 2014 and CY 2015 contracts to account for the estimated increase in caseloads for counties. The department is responsible for meeting the cost of a placement of a child 18 years of age or over in a residential care center for children and youth under the extension program.

A social worker and former foster child commented on the importance of supporting these youth while they obtain their education to save costs in the long run.

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

2013 Wisconsin Act 334 directed the department 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 effective August 1, 2014.

14. Long Range Implications of Implementing the Rule

The program will be phased-in over a four-year period. Costs will increase in SFY 2016, SFY 2017, and SFY 2018.

15. Compare With Approaches Being Used by Federal Government

42 USC 675 allows states to elect the activities in which a child who has attained 18 years of age but has not attained 19, 20, or 21 years of age is required to be participating to be eligible for assistance under Title IV-E of the Social Security Act. 2013 Wisconsin Act 334 elects eligibility for a child who is a full-time student at a secondary school or its vocational or technical equivalent and for whom an individualized education program (IEP) is in effect until the child is granted a high school or high school equivalency diploma or reaches 21 years of age, whichever occurs first.

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

Illinois, Minnesota, and Michigan elected to extend foster care to all youth allowed under 42 USC 675 (8) (B).

Iowa elected to extend foster care to age 20 for youth attending high school or obtaining their GED.

17. Contact Name DCF/Kim Swissdorf	18. Contact Phone Number 261-0616
---------------------------------------	--------------------------------------

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

ATTACHMENT A

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

The proposed rule amends child welfare licensing rules that affect small businesses to allow placements of youth who are eligible for an extension under ss. 48.366 and 938.366, Stats. Allowing youth to be in out-of-home care longer will have a positive economic impact on child welfare providers.

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

not applicable

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

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

not applicable

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

not applicable

5. Describe the Rule's Enforcement Provisions

There are a wide range of enforcement mechanisms in s. 48.715, Stats.

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

Yes No

Notice of Hearings

Employee Trust Funds CR 14-055

The Wisconsin department of employee trust funds proposes an order to repeal sections ETF 10.01 (3i) (Note), 20.01, 20.17 (2) (d), 20.35 (9), 20.37 (2) (e), 41, 70.02 (2), (3), (12), and (14), 70.03 (5) to (7), 70.04 (5) (c), 70.05 (4), 70.06, 70.09 (2) and (5), 70.10 (2) (c), and (3) to (5); to amend sections ETF 10.01 (3i), 10.03 (1), 10.08 (2) (a) and (c) 2. and 3., 10.60 (2), 10.633 (1) (a) to (c), 11.04 (5) (e), 20.02 (2) (b) and (c), 20.02 (3) (c), 20.025 (2), 20.17 (2) (f) 1. (intro.), (4) (b) 3. b., (c) 7. (intro.), a. and e., 20.35 (3) (d) 4., 40.01 (1) (b) and (2m) (a) and (b), 50.48 (1), (2) (Note), (3) (a), (b) 5., (4) (b) 3., and (c), 50.50 (1) (c) 2. and (5) (b), 50.52 (1) (b) 3., 60.60 (5) (c) and (f), 70.01, 70.02 (1), (11) and (13), 70.03 (3), (4) and (8) to (10), 70.04 (4), (5) (intro.) and (6), 70.05 (title), (1) (intro.), (a) 1., and (d), 70.07 (title), (1) (a), (b), (d), (e), (g), (i), and (2), 70.08 (1), (3) (intro.), (a) 1. and 2., (b), and (b) 1., 70.09 (1), and 70.10 (2) (intro.) and (d), 70.12 and 70.15; to repeal and recreate sections ETF 20.02 (3) (a) and 20.17 (4) (c) 6.; and to create sections ETF 10.01 (3e), 20.02 (3) (d), 20.17 (4) (c) 8., and 52.16 (5) (c); relating to technical and minor substantive changes in existing ETF administrative rules.

Hearing Information

Date: Monday, October 27, 2014
Time: 1:00 p.m.
Location: Department of Employee Trust Funds
 801 West Badger Road
 Madison, WI

Persons wishing to attend should come to the reception desk up the stairs (or by elevator) from the main entrance to the building. The public hearing sites are accessible to people with disabilities. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please contact David Nispel, General Counsel, Department of Employee Trust Funds, P.O. Box 7931, Madison, WI 53707. The e-mail address:

david.nispel@etf.wi.gov. The telephone number is: (608) 264-6936.

Place Where Comments are to be Submitted and Deadline For Submissions

Written comments on the proposed rule may be submitted to David Nispel, General Counsel, Department of Employee Trust Funds, P.O. Box 7931, Madison, WI 53707. Written comments must be received at the Department of Employee Trust Funds no later than 4:30 p.m. on **October 27, 2014**.

Free Copies of Proposed Rule

Copies of the proposed rule are available without cost by contacting the General Counsel, Department of Employee Trust Funds, P. O. Box 7931, Madison, WI 53707-7931. You can also obtain a copy by calling (608) 264-6936 or by emailing david.nispel@etf.wi.gov.

Analysis Prepared by the Department of Employee Trust Funds

Statutes interpreted

Sections 40.01 (1) and (2), 40.05 (4) (b), 40.23 (2m) (er) and (3) (b), 40.26, 40.285 (2) (b), 40.55, and 40.80, Stats.

Statutory authority

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

Explanation of agency authority

By statute, the ETF Secretary is expressly authorized, with appropriate board approval, to promulgate rules required for the efficient administration of any benefit plan established in ch. 40 of the Wisconsin statutes.

In addition, each state agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency if the agency considers it necessary to effectuate the purpose of the statute.

Related statutes or rules

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

Plain language analysis

The objective of this technical rule is to make technical updates to existing ETF rules, delete obsolete language in

ETF rules, create consistency with provisions in 2013 Wisconsin Act 20 related to rehired annuitants, and make other minor substantive changes.

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

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

Comparison with rules in adjacent states

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

Summary of factual data and analytical methodologies

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

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

This rule does not have an effect on small businesses

because private employers and their employees do not participate in, and are not covered by, the Wisconsin Retirement System. Please see economic impact analysis below.

Effect on Small Business

The rule has no effect on small businesses.

Regulatory Flexibility Analysis

The proposed rule has no effect on small businesses because only governmental employers and their employees may participate in the benefit programs under ch. 40 of the statutes administered by the Department of Employee Trust Funds.

Fiscal Estimate

Please see the fiscal estimate below.

Agency Contact Person

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

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

ETF 10, 11, 20, 40, 41, 52, 55, 60, and 70

3. Subject

Technical and minor substantive changes in existing ETF administrative rules

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

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

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

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

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

Yes No

9. Policy Problem Addressed by the Rule

The objective of this technical rule is to make technical updates to existing ETF rules, delete obsolete language in ETF rules, create consistency with provisions in 2013 Wisconsin Act 20 related to rehired annuitants, and make other minor substantive changes.

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.

Information, including the proposed rule language, will be made available by posting on the ETF website and the Wisconsin administrative rules website and by submitting the information to the Governor's Office of Regulatory Compliance.

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

None

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 substantive impact is anticipated.

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

Implementation of the Rule will update ETF administrative code provisions to be consistent with recent statutory changes. This will enhance clarity and minimize confusion for the general public and public employers. The Rule deletes obsolete language from ETF administrative code provisions, such as multiple references throughout ETF Chapter 70 to "primary and alternative" plans within the Wisconsin Deferred Compensation Program. Such changes modernize the code and bring it into conformance with present-day realities. The Rule also makes minor changes to reflect current ETF administrative practices and to correct minor technical inaccuracies in the existing code.

The alternative would be to fail to comply with recent legislative changes, and allow obsolete language to continue to exist.

14. Long Range Implications of Implementing the Rule

Implementation will bring the affected ETF rules into compliance with recent legislative changes, update affected ETF rules to reflect current administrative practices and delete obsolete language from ETF rules.

15. Compare With Approaches Being Used by Federal Government

Not applicable

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

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

17. Contact Name

David H. Nispel, General Counsel

18. Contact Phone Number

608-264-6936

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

ATTACHMENT A

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

Not applicable

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

Not applicable

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

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

Small business analysis is not applicable.

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

Not applicable

5. Describe the Rule's Enforcement Provisions

Not applicable

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

Yes No

Rule Orders Filed with the Legislative Reference Bureau

The following administrative rule orders have been filed with the Legislative Reference Bureau and are in the process of being published. The date assigned to each rule is the projected effective date. It is possible that the publication date of these rules could be changed. Contact the Legislative Reference Bureau at bruce.hoesly@legis.wisconsin.gov or (608) 266-7590 for updated information on the effective dates for the listed rule orders.

Military Affairs

CR 10-111

An order to create Chapter DMA 1, relating to payments of military family financial aid as required under s. 321.45, Stats. Effective 11-1-14.

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

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

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

Administrative Rules Published

Corrections

CR 11-022

The Wisconsin Department of Corrections proposes an order to repeal and recreate Chapter DOC 303, to repeal Chapter DOC 303 Appendix and sections DOC 308.03 (6) and (8), 309.02 (13), 309.55 (4) (e) 4., 5., and 6., 327.09 (2) (g), (j), and (n), to amend ss. DOC 302.17 (11) (c), 302.21 (3) (b) 1., 302.33 (1) (b), 302.34 (1) (a), 302.35 (1) (a), 304.04 (2), 306.05 (4) (a), 308.03 (4) (intro.), (b), and (d), 308.04 (4) (e) 5., (5) (a) 2., and (10), 308.04 Note to sub. (4), 309.02 (5), 309.04 (4) (e) 2. and (6), 309.20 (4) (a) 5., (4) (c) 3., (4) (d) 2., and (7), 309.365 (5) (c) 2., 310.08 (3), 310.10 (7), 310 Appendix DOC 310.16 para. 3, 311.07 (2) (f) 3., 313.08 (10), 324.12 (1) (j), 324.13 (6), 327.09 (1) (a), (2) (intro.), (a), (b), (c), (d) (intro.), (e) (intro.), (f), (h), (i), (m) 1., (q) (intro.), (r), (s), (t), (u), (v), (w), (x) (intro.), (y), (z) (intro.), and (3), 327.13 (intro.), (2), (3), (4), (5), (6), (7), (8), (9), and (10), 327.16 (6) (c) 4. and (d), and to create sections DOC 308.03 (8m), 309.55 (4) (e) 4. and 5., relating to the discipline of inmates.

Effective 1-1-15.

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

No comments were reported.

Natural Resources

Environmental Protection — General, Chs. NR 100— CR 13-051

(DNR # WT-06-12)

An order to repeal and recreate section NR 115.05 (1) (e), amend sections NR 115.05 (1) (g) 4., 5. (intro), a., and c., and 6a., repeal section NR 115.05 (1) (c) 2. d., (g) 6. f. and 7., and amend sections NR 115.05 (4) (h) and (hm) and 115.06 (2) (b) 1. a., relating to minimum standards for county shoreland ordinances.

Effective 10-1-14.

Summary of Final Regulatory Flexibility Analysis

Wisconsin's shoreland protection standards under ch. NR 115, Wis. Adm. Code, do not distinguish or contain different standards for businesses within the shoreland zone. Therefore, businesses or business sectors are either not directly impacted by the proposed rule, or businesses located within the shoreland zone must meet the same requirements as any other property owner in the shoreland zone. If a business is located in the shoreland zone and the structure is non-conforming or the property exceeds the impervious surface limits, the business may keep what they have and repair or maintain those structures.

Specific businesses and business sectors may be indirectly impacted by the proposed rule depending upon the type of business and location of the business. Given that a primary purpose of the proposed revisions is to ease the administrative burden on counties, some businesses including builders, contractors, building centers, landscapers, nurseries and garden centers may experience some positive economic impacts, because the proposed rule language will provide shoreland property owners with increased flexibility for development of their property.

Legislative Comments

No comments were reported.

Natural Resources

Environmental Protection — General, Chs. NR 100— Environmental Protection — Water Supply, Chs. NR 800— CR 13-096

(DNR # DG-02-13)

An order to amend Chapter NR 146 (title) and sections 146.01(1) and (2), 146.02 (3) and (4), 146.03 (1) and (2) (intro.), (2), and (3), 146.04 (1) (a) and (d), 146.05 (title), (1) and (2), 146.07 (1) (a), (b), and (e), (2), (3), and (4), 146.08, 146.08 (1), 146.09, 146.09 (2), 812.01 (2), 812.03, 812.04 (1), 812.08 (intro.) and (4), 812.09 (4) (intro.), (a) 5., (q), (5), and (6), 812.10 (title), (2) to (6), (8), 812.11 (title), (2) (intro.), (g), 812.12 (intro.), (15), 812.17 (title), (2)(b) and (2) (d) 4., 812.20 (2) (c), (2) (j), (3) (a), (b), and (7), 812.22 (7) (b), 812.26 (2) (b) 2., (c)1, (7)(b) and (8), and 812.43; to repeal and

recreate sections NR 146.03 (2) (a) and (b); to create sections NR 146.01 (1) (note) and (note), 146.02(1m), (4d), (4h), (4p), (4t), and (11), 146.03 (2) (e) and (2) (f), 146.04 (1) (a) (note) and (note), (5), (6), and (7), 146.065, 146.07 (1) (f), (g), and (h), (2) (b), (c), and (d), 146.08(8), (9), (10), (11), (12), and (13), 812.03 (5), 812.07 (50p) and (50s), 812.08 (5), 812.09 (4) (x), 812.10 (12), 812.20 (1) (a) 7., (e) to (h), 812.22 (9), and 812.26 (7) (a) 7., relating to licensing criteria for heat exchange drillers and to standards for heat exchange drillholes that will be approved with notification rather than individual review.

Effective 10-1-14.

Final Regulatory Flexibility Analysis

Economic impacts of this rule are minimal. Actual costs to drillers are small and unlikely to affect decisions to offer a service or enter a business sector. The current water well drilling license is \$50.00 per year for an individual drilling license and/or \$50.00 for the drilling firm business license. The cost is anticipated to be similar to add certification for heat exchange drilling. Administration of the driller license exam is currently done at no cost to the driller.

As a result, actual costs to consumers to use geothermal energy are unlikely to be affected by the licensing and construction permits.

Overall economic impacts are uncertain. Additional protection of groundwater through consistent, high quality drilling practices should reduce future costs of drinking water treatment or groundwater clean-up. Consistent high quality heat exchange drilling practices should help contain the costs of this alternative source of energy for heating and cooling.

No public comments were received on the draft economic analysis and no impacts to small business are anticipated.

Legislative Comments

No comments were reported.

Natural Resources

Environmental Protection — General, Chs. NR 100— Environmental Protection — Water Supply, Chs. NR 800— CR 13-099

(DNR # DG-03-13)

An order to repeal sections NR 812.03 (2), 812.08 (4) (a) 3., 4., 5., 6., 8., 13., (b) 9., 10., and 13., 812.26 (4), 812.26 (5) (e), 812.43 (1) (d); to renumber sections NR 146.02 (1), 812.07 (51) to 812.07 (52), 812.07 (52) to 812.07 (51), 812.07 (112g) to 812.07 (111m); to renumber and amend sections NR 146.04 (2) (c) and (note) to 146.04 (2) (i) and (note), 146.04 (3) (a) and (note) to 146.04 (3) (c) and (note); to amend Chapter NR 146 (title) and sections 146.01 (1) and (2) and (note), 146.02 (3), (4), (7), (9), and (10), 146.03 (1) and (3), 146.04 (title), (1) (a) and (note), (b), and (d), 146.04 (2) (title), (intro), (a), (b), and (d), 146.04 (3) (title) and (intro), and (3) (b) 146.05 (title), (1) and (note), and (2), 146.06, 146.07 (1) (a), (b) and (e), 146.08, 146.09, 812.01 (2), 812.02 (1) (b) and (2), 812.03 (1), 812.05 (2) (b), 812.07 (3), (4), (6), (10), (23), (24), (35), (38), (42), (49), (53) (54), (57m), (60), (64), (67), (72), (74) (b), (80) (intro.), (a), (b), (84), (86), (90), (91), (93) (intro), (93) (a), (94), (104), (105), (106), (107), (108), (122), 812.08 (1) (intro.), (b), and (d), (2) (a), (b), (c), (4)(intro.), (a) 1., and 2., 11., 14. and 15., (4) 2., 3., 4., 7., 12., and 15., (4) (c) 1., 2., 4. and 10., (4) (d) 1., 4., and 6., (4) (f) 2., 7. and 8., (4) Table A, 812.09(4)(a)5. (4)(L), and (4)(r), 812 subchapter II (title), 812.10 (2) and (8), 812.11 (1), 812.12 (16) 812.13

(3) (b) 7., 812.22 (7) (b), 812.26 (title) and (1), (2) (a) (intro.), 1., 2. and 4., (2) (b), (2) (c) (intro.) and (2) (d), (3), (5)(intro.), (6), (7), and (8), 812.27 (5), 812.27 (8) and (9), 812.28, 812.29, 812.30 (3), 812.31 (2) (a) and (b), (4) (e), 812.32 (1) (a) (intro.), (2) (b), (5) (b) 3. b., (6) (b) and (9) (c) 3., 812.33 (1) (a) 1., (1) (b), (2) (intro.), and (3), 812.34 (title), and (intro.), 812.35, 812.37 (4) (a), 812.42 (1) (title), (intro.), (a) and (b), (1) (c), (2) (intro), (a), (c) and (d), (3), (4) (f), (6) (intro.), (6) (a) 2., (6) (b) 4., (7), (8), (9) (a) and (b), 812.43 (1); to repeal and recreate sections NR 146.02 (5), 146.03 (2), 146.04 (4), 146.07 (2), 812.07 (82) and (124), 812.10 (11), Figures 5 (b) 1., 6 (b) 1., 7 (b) 1., 8 (b) 1., 9 (b) 1. and 10 (b) 1., 812.22 (6), 812.27 (6), 812.30 (5), 812.32 (2) (a)5. Figures 36b. and 36c., 812.41 (3); to create sections NR 146.01 (note), 146.02 (1e), (1m), (3m) and (note), (4b), (4d), (4f), (4h), (4j), (4L), (4n) and (note), (4p), (4r), (4t), (4v), (5) (note), (7g), (7r), (9)(note), (9g), and (9r), 146.03 (4), 146.04 (2) (cm), (e), (f), (g), (h), (j), (k), (L) and (2m), 146.04 (3) (a), (d), and (3m), 146.04 (4m), (5), (5m), (6), (7) and (8), 146.07 (1) (f), (g), (h), and (i), 146.08 (8) to (19), 146.09 (3) (c) and (d), 146.10, 146.11, 146.12, 812.01 (1) (c), 812.07 (1d), (1h), (1p), (1t), (10m), (17m), (19m), (27t), (29m), (35e), (41m), (47m), (54g), (54r), (55m), (57s), (61g), (74)(c), (74)(d), (74)(e), (75c), (75g), (75L), (75p), (75t), (75x), (79e), (79p) and (note), (79t), (80m), (85m), (94g), (94r), (96g), (108r), (110s), (112m), (112v), (119g), (124m) and (note), 812.08 (1) (f), (2) (c) (note) and (note), (d), (e), (f), and (g), (4) (a) and (note) 16., 17. and 18., (4) (b) 16. and (note) and 17., (4) (c) 16., 17., 18., 19., 20., and (21), (4) (d) 10., 11. and 12., (4) (fm), 812.10 (12) and (13), 812.12 (2) (e), 812.22 (9) and (10), 812.26 (2) (a) 5. and 6., (6) (h) and (6) (i), (7) (b) 1. Table VI, (9), 812.27 (10) and (11), 812.30 (6), 812.32 (1) (e) and (f), (4) (c) and (d), (9) (d), 812.33 (1) (a) 2. d., and (2) (b) 5. 812.36 (3), Figures 45A and 45B, 812.41 (4), 812.42 (1) (b) 2., 3., 4., and 5., (4) (g) and (h), (10), (11), (12), (13), and subchs. VI and VII of ch. 812, relating to licensing criteria for water well drilling rig operators, property transfer well inspectors and well filling and sealing contractors, and criteria for citations and relating to standards for property transfer well inspections, well filling and sealing and criteria for citations.

Effective 10-1-14.

Final Regulatory Flexibility Analysis

There is not expected to be an economic impact on small business. The inspection of properties and water systems for real estate transfer is expected to find unused wells and non-compliant wells that will need to be upgraded to become compliant with code, or filled and sealed. This may result in additional work for licensed persons and help avoid costly well contamination for property owners.

Legislative Comments

No comments were reported.

Safety and Professional Services

Professional Services, Chs. SPS 1—299 CR 14-016

An order of the Department of Safety and Professional Services to repeal sections SPS 80.03 (2), (8a) and (8d), 81.02 (5) (Note), 81.02 (8), 81.02 (5) (Note), 81.05 (intro.), 82.01 (6), 83.01 (3) (e), (3)(g) (Note), 83.01 (4) (c), 83.02 (7), 84.01 (4), 84.03 (1) (b) 1. to 6., 86.01 (2) (Note, 84.04 (1) (b) (intro.) (Note) and 1. to 9., and 86 Appendix I; to renumber sections SPS 80 (title), 80.03 (3) to (8), 80.03 (8ag) to (8c), 80.03 (9) to (18), 81 (title), 81.03 (1) to (2) (d), 81.05 (1), 81.05 (2), 81.05 (3), 82 (title), 82.02, 82.03, 82.04, 83 (title), 83.01 (1), 83.01 (1a), 83.01 (2), 84 (title), 84.01 (1) and (3), 84.02, 84.03

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

Effective 1–1–15.

Effect on Small Business

These proposed rules do have an economic impact on small businesses, as defined in s. 227.114 (1), Stats.

Legislative Comments

No comments were reported.

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

CR 13–094

An order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to amend section MPSW 3.11 (5), relating to temporary credential.

Effective 10–1–14.

Effect on Small Business

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats.

Legislative Comments

No comments were reported.

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

CR 13–118

An order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to repeal sections MPSW 2.01 (14) and 10.01 (3m), relating to the definition of psychotherapy.

Effective 10–1–14.

Effect on Small Business

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats.

Legislative Comments

No comments were reported.

Safety and Professional Services — Occupational Therapists Affiliated Credentialing Board

CR 13–109

An order of the Occupational Therapists Affiliated Credentialing Board to repeal sections OT 2.07 (5) and 3.06 (b) (Note); to amend sections OT 2.03 (2) (e), 2.03 (2) (j), 2.07 (4) and (6), 3.02, 3.05, 4.02 (2) (intro.), 4.02 (2) (a) and (b), 4.03 (1) (a), 4.03 (2) (title), 4.03 (2) (c), (d), and (e), 4.03 (3) (a), (b), and (f), 4.03 (5) (b) and (c), 4.03 (6) (b) and (c), 4.05 (6) and (7) (a); to repeal and recreate section OT 1.02; and to create sections OT 3.06 (r), 4.02 (2) (j) to (r), and 4.02 (2) (intro.) (Note), relating to occupational therapy practice standards.

Effective 10–1–14.

Effect on Small Business

These proposed rules will not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats.

Legislative Comments

No comments were reported.

Safety and Professional Services — Real Estate Examining Board

CR 13–100

An order of the Real Estate Examining Board to repeal Chapters REEB 22 and 26, and amend sections REEB 11.01, 11.02 (intro.) 12.04 (1) (intro.), 12.04 (2) (intro.), and 25.065 (1) and (Note), relating to apprentices and inactive licenses.

Effective 10–1–14.

Effect on Small Business

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats.

Legislative Comments

No comments were reported.

Technical College System Board

CR 13–050

An order to repeal sections TCS 5.04 (1) (b) and (e) 2., (2) (b), (d) 3., (j), and (k), (3) (b) and (d) 2., and (4) (b), (d) 2., and (j) and 5.05 (3); and to amend sections TCS 5.04 (1) (e) 4., (2) (d) 5., (3) (d) 4., and (4) (d) 4. and (i), 5.06, and 5.09 (1) and (2), relating to facility development procedures.

Effective 10–1–14.

Effect on small business

None

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 **September 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

Corrections

Ch. DOC 302

DOC 302.17 (11)
 DOC 302.21 (3) (b) 1.
 DOC 302.33 (1) (b)
 DOC 302.34 (1) (a)
 DOC 302.35 (1) (a)

Ch. DOC 303

Entire Chapter (Repealed and recreated)
 Appendix

Ch. DOC 304

DOC 304.04 (2)

Ch. DOC 306

DOC 306.05 (4) (a)

Ch. DOC 308

DOC 308.03 (4) (intro.), (b), (d), (e) 5., (Note), (5) (a) 2., (6), (8), (8m), (10)

Ch. DOC 309

DOC 309.02 (5)
 DOC 309.04 (4) (e) 2., (6)
 DOC 309.20 (4) (a) 5., (c) 3., (d) 2., (7)
 DOC 309.365 (5) (c) 2.
 DOC 309.55 (4) (e) 4. to 6.

Ch. DOC 310

DOC 310.08 (3)
 DOC 310.10 (7)
 Appendix DOC 310.16 para. 3

Ch. DOC 311

DOC 311.07 (2) (f)

Ch. DOC 313

DOC 313.08 (10)

Ch. DOC 324

DOC 324.12 (1) (j)
 DOC 324.13 (6)

Ch. DOC 327

DOC 327.09 (a) (a), (2) (intro.), (a), (c), (d) (intro.), (e) (intro.), (f), (h), (i), (m) 1., (q) (intro.), (r) to (z), (3)
 DOC 327.13 (intro.), (2) to (10)
 DOC 327.16 (6) (c) 4., (d)

Marriage and Family Therapy, Counseling and Social Work

Ch. MPSW 2

MPSW 2.01 (14)

Ch. MPSW 3

MPSW 3.11 (5)

Ch. MPSW 10

MPSW 10.01 (3m)

Natural Resources

Ch. NR 115

NR 115.05 (1) (c) 2., (e), (g) 4. to 7., (h), (hm)
 NR 115.06 (2) (b) 1.

Ch. NR 146

NR 146 (title)
 NR 146.01 (1), (Note), (2), (Note)
 NR 146.02 (1e), (1g), (1m), (1s), (3m), (Note), (4), (4b) to (4h), (4j), (4k), (4L), (4) (n), (note), (4p), (4r), (4t), (4v), (5), (Note), (7), (7g), (7r), (9), (Note), (9g), (9r), (10)
 NR 146.03 (title), (1) to (4)
 NR 146.04 (title), (1) (a), (b), (d), (2) (title), (intro.), (a) to (c), (Note), (cm), (cm), (d) to (L), (2m), (4m), (5) to (11)
 NR 146.05 (title), (1), (Note)
 NR 146.06
 NR 146.065
 NR 146.07 (1) (a) to (c), (e), (f) to (i), (2)
 NR 146.08 (1) to (19)
 NR 146.09 (1) to (3)
 NR 146.10
 NR 146.11
 NR 146.12
Ch. NR 812
 NR 812.01 (1) (c), (2)
 NR 812.02 (1) (b), (2)
 NR 812.03 (1) to (4)
 NR 812.05 (2) (b)
 NR 812.07 (1d), (1h), (1p), (1t), (3), (4), (6), (10), (10m), (17m), (19m), (23), (24), (27t), (29m), (33) (a), (35), (35e), (38), (41m), (42), (47m), (49), (51) to (54), (54g), (54r), (55m), (57m), (57s), (60), (61g), (64), (967), (72), (74) (b) to (e), (75c), (75g),

(75L), (75p), (75t), (75x), (79e), (79p), (Note), (79t), (80) (intro.), (a), (b), (80m), (82), (84), (85m), (86), (90), (91), (93) (intro.), (a), (94), (94g), (94r), (96g), (104) to (108), (108r), (110s), (111m), (112g), (112m), (119), (112v), (122), (124), (124m), (Note)
 NR 812.08 (title), (1) (intro.), (b), (d), (f), (2) (a) to (c), (Notes), (d) to (g), (4) (intro.), (a) to (d), (f) 2., 7., 8., (fm), Table A, (5)
 NR 812.09 (4) (intro.), (a) 5., (L), (q), (r)
 NR 812 Subchapter II (title)
 NR 812.10 (1), (2), (8), (11) to (13)
 NR 812.11 (1), (2) (e), (16)
 NR 812.12 (10m), (15)
 NR 812.13 (3) (b) 7., Figures 5 (b) 1., (6) (b) 1, 7 (b) 2., (8) (b) 2., (9) (L) 1, 10 (c) 2.
 NR 812.17 (title), (1), (2) (b), (c) (intro.), (3) (a) 4.
 NR 812.18 (3)
 NR 812.20 (1) (a) 7., (c), (d) to (i), (2) (c), (j), (3) (a), (b)
 NR 812.22 (6), (7), (9), (10)
 NR 812.26 (title), (1), (2) (a), (b), (c) (intro.), (d), (3), (4), (5) (intro.), (e), (6) (title), (a), (b), (c) (intro.), 3., (d) to (i), (7), Table VI., Table C, (8), (9)
 NR 812.27 (5), (6), (8) to (11)
 NR 812.28
 NR 812.29
 NR 812.30 (3), (5), (6)
 NR 812.31 (2), (4) (e)
 NR 812.32 (1) (a) (intro.), (e), (f), (2) (b), (4) (c), (d), (5) (b) 3., (6) (b), (9) (c) 3., (9) (d)
 NR 812.33 (1) (a) 1., 2., Figures 36b, 36c, (1) (b), (2) (intro.), (b) 5., (3)
 NR 812.34 (title), (intro.)
 NR 812.35 (intro.), (1) to (3)
 NR 812.36 (3), Figures 45A, 45B,
 NR 812.37 (4) (a)
 NR 812.41 (3)
 NR 812.42 (1) (title), (intro.), (a), (b), (Note), (c), (2) (title), (intro.), (a), (c), (d), (3), (4) (f) to (h), (6) (intro.), (a) 2., (b) 4., (7), (8), (9) (a), (b), (10) to (13)
 NR 812.43 (1), (d)
 NR 812 Subchapter VI (title)
 NR 812.44
 NR 812 Subchapter VII (title)
 NR 812.45

Occupational Therapists Affiliated Credentialing Board

Ch. OT 1

OT 1.02

Ch. OT 2

OT 2.03 (2) (e), (j)

OT 2.07 (4) to (6)

Ch. OT 3

OT 3.02

OT 3.05 (intro.)

OT 3.06 (b) (Note), (r) Table

Ch. OT 4

OT 4.02 (intro.), (a), (b), (2) (intro.) (Note), (j) to (r)

OT 4.03 (1) (a), (2) (title), (a), (c) to (e), (3) (a), (b), (f), (4) (d), (5) (b), (c), (6) (b), (c)

OT 4.05 (6) (intro.), (7) (a)

Real Estate Examining Board

Ch. REEB 11

REEB 11.01

REEB 11.02 (intro.)

Ch. REEB 12

REEB 12.04 (1), (2)

Ch. REEB 22

Entire Chapter (Repealed)

Ch. REEB 25

REEB 25.065 (1), (Note)

Ch. REEB 26

Entire Chapter (Repealed)

Safety and Professional Services

Ch. SPS 80

Entire Chapter (renumbered into SPS 85)

Ch. SPS 81

Entire Chapter (renumbered into SPS 85)

Ch. SPS 82

Entire Chapter (renumbered into SPS 85)

Ch. SPS 83

Entire Chapter (renumbered into SPS 85)

Ch. SPS 84

Entire Chapter (renumbered into SPS 85)

Ch. SPS 85

Entire Chapter

Ch. SPS 86

SPS 86.01 (1), (2) (Note), (4), (9), (11)

SPS 86 Appendix I (Repealed)

Ch. SPS 87

SPS 87.01 (2), (3)

SPS 87.02 (1), (2) (intro.), (b), (c)

Technical College System

Ch. TCS 5

TCS 5.04 (1) (b), (e) 2., 4., (2) (b), (d) 3., 5., (j), (k), (3) (b), (d) 2., 4., (4) (b), (d) 2., 4., (i), (j)

TCS 5.05 (3)

TCS 5.06

TCS 5.09 (1), (2)

Repeals and Modifications of Rules by Legislative Act

Repeals and modifications by legislative act under authority of s. 227.265, Stats.

Editorial Corrections

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

Corrections

Ch. DOC 303

DOC 303.76 (2) (c)
 DOC 303.81 (4) (title)
 DOC 303.83 (title)
 DOC 303.49
 DOC 303.73
 DOC 303.80
 DOC 303.81 (4) (title)
 DOC 303.83 (4)

Natural Resources

Ch. NR 115

NR 115.05 (1) (e)

Ch. NR 146

NR 146.02
 NR 146.04 (2) (dm), (4) (e), (2m) (title), (3m) (title),
 (4m) (title), (6) (title), (7) (title), (9) to (11)
 NR 146.06 (3)
 NR 146.065
 NR 146.07 (2)
 NR 146.08 (8m), (16m), (18), (18m)
 NR 146.12 (1g), (1r)

Ch. NR 812

NR 812.07 (67)
 NR 812.08 (4)
 NR 812.10 (10m), (11m), (15)
 NR 812.18 (1) to (3)
 NR 812.20 (1) (a) 7.
 NR 812.22 (7), (8m)
 NR 812.26 (2) (a) 5m.
 NR 812.36 (3) (a) (title), (b) (title)
 NR 812.42 (2) (d) 1. b., (11) (c) to (f)
 NR 812.45
 NR 812.46 (3)

Occupational Therapy

Ch. OT 1

OT 1.02 (intro.)

Ch. OT 3

OT 3.05 (intro.)

Safety and Professional Services

Ch. SPS 80

SPS 80 (Note)

Ch. SPS 81

SPS 81 (Note)

Ch. SPS 82

SPS 82 (Note)

Ch. SPS 83

SPS 83 (Note)

Ch. SPS 84

SPS 84 (Note)

Ch. SPS 85

SPS 85 (Note)
 SPS 85.120 (17)
 SPS 85.210 (7)
 SPS 85.220 (title)
 SPS 85.700 (title)
 SPS 85.600 (title)
 SPS 85.710 (4)
 SPS 85.800 (1), (10), (11)
 SPS 85.840 (2)
 SPS 85.910 (7)

Ch. SPS 86

SPS 86.01 (11)

Ch. SPS 192

SPS 192.102 (17m), (18) (Notes)

Ch. SPS 321

Figure 321.25–A (reprinted to correct editing error)

Ch. SPS 341

SPS 341.55 (3) (Note)
 SPS 341.56 (Note)

Ch. SPS 362

SPS 362.902 (3) (Note), (4) (intro.), (5), (6)

Ch. SPS 367

SPS 367.03 (Note)

Executive Orders

The following are recent Executive Orders issued by the Governor.

Executive Order 140. 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 to Honor the Victims of the Terrorist Attacks on September 11, 2001 and the Men and Women in Uniform Who Have Served to Defend Our Freedoms at Home and Abroad. **(September 10, 2014)**

The State of Wisconsin
Department of Administration
Bureau of Document Services
Document Sales and Distribution Section
4622 University Avenue
Madison, Wisconsin 53705-2156

First Class

U.S. POSTAGE PAID

Madison, Wisconsin

Permit Number 1369

First Class Mail

Dated Material. Please Do Not Delay!