Wisconsin Department of Safety and Professional Services
Division of Policy Development
1400 E. Washington Ave
PO Box 8366
Madison WI 53708-8366

Phone: 608-266-2112
Web: http://dsps.wi.gov
Email: dsps@wisconsin.gov

Scott Walker, Governor
Dave Ross, Secretary

LANDSCAPE ARCHITECT SECTION MEETING
Room 121A, 1400 E Washington Avenue, Madison
Contact: Brittany Lewin (608) 266-2112
March 11, 2014

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions of the Board.

AGENDA

9:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda (1-2)

B. Approval of Minutes of September 26, 2013 (3-6)

C. Administrative Matters
1) Staff Updates
2) July 18 Board Member Training
3) Election of Officers, Appointment of Liaisons and Delegations of Authority **(7-10)**

D. Legislative and Rules Matters – Discussion and Consideration
1) 2013 Wisconsin Act 114 and A-E 9.05 (2) **(11-14)**
2) Executive Order #50 **(15-24)**
3) Executive Order #60 **(25-26)**

E. Items Added After Preparation of Agenda
1) Introductions, Announcements and Recognition
2) Presentations of Petition(s) for Summary Suspension
3) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
4) Presentation of Final Decisions
5) Disciplinary Matters
6) Executive Director Matters
7) Education and Examination Matters
8) Credentialing Matters
9) Class 1 Hearing(s)
10) Practice Matters
11) Legislation/Administrative Rule Matters
12) Liaison Report(s)
13) Informational Item(s)

14) Speaking Engagement(s), Travel, or Public Relation Request(s)

F. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85 (1) (a), Stats; consider closing disciplinary investigation with administrative warning (s. 19.85 (1) (b), Stats. and 440.205, Stats, to consider individual histories or disciplinary data (s. 19.85 (1) (f), Stats; and, to confer with legal counsel (s. 19.85 (1) (g), Stats.)

G. Application Review

H. Division of Legal Services and Compliance Matters

1) Case Closures **(27-30)**
2) Case Status Report

I. Deliberation of Items Received After Printing of the Agenda

1) Disciplinary Matters
2) Education and Examination Matters
3) Credentialing Matters
4) Class 1 Hearings
5) Monitoring Matters
6) Professional Assistance Procedure (PAP) Matters
7) Petition(s) for Summary Suspensions
8) Petition(s) for Extension of Time
9) Proposed Stipulations, Final Decisions and Orders
10) Administrative Warnings
11) Proposed Decisions
12) Matters Relating to Costs
13) Motions
14) Application Matters
15) Petitions for Rehearing
16) Formal Complaints
17) Case Closings
18) Appearances from Requests Received or Renewed

J. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION
Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

ADJOURNMENT

LANDSCAPE ARCHITECT SECTION
JOINT BOARD OF ARCHITECTS, DESIGNERS, ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS
MEETING MINUTES
SEPTEMBER 26, 2013

PRESENT: Rosheen Styczinski, Michael Kinney (via GoTo Meeting), Andy Albright

ABSENT: Bernie Abrahamson

STAFF: Angela Hellenbrand, Executive Director; Joshua Archiquette, Bureau Assistant

CALL TO ORDER

Rosheen Styczinski, Chair, called the meeting to order at 9:36 a.m. A quorum of three (3) was confirmed.

ADOPTION OF AGENDA

MOTION: Michael Kinney moved, seconded by Andy Albright, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Andy Albright moved, seconded by Michael Kinney, to approve the minutes of the March 13, 2013 meeting. Motion carried unanimously.

ADMINISTRATIVE MATTERS

ELECTION OF OFFICERS

CHAIR

NOMINATION: Michael Kinney nominated Rosheen Styczinski for the Office of Chair. Nomination carried unanimously.

Angela Hellenbrand, Executive Director; called for other nominations three (3) times.

Rosheen Styczinski was elected as Chair

VICE CHAIR

NOMINATION: Rosheen Styczinski nominated Michael Kinney for the Office of Vice Chair. Nomination carried unanimously.

Angela Hellenbrand, Executive Director; called for other nominations three (3) times.

Michael Kinney was elected as Vice Chair

SECRETARY

NOMINATION: Rosheen Styczinski nominated Andy Albright for the Office of Secretary. Nomination carried unanimously.

Angela Hellenbrand, Executive Director; called for other nominations three (3) times.

Andy Albright was elected as Secretary

Board Chair	Rosheen Styczinski
Vice Chair	Michael Kinney
Secretary	Andy Albright

MOTION: Michael Kinney moved, seconded by Andy Albright, to elect the positions as nominated. Motion carried unanimously.

MOTION: Andy Albright moved, seconded by Rosheen Styczinski, to appoint Rosheen Styczinski to the Rules Committee, Andy Albright as the Credentialing Liaison and Monitoring Liaison, and Michael Kinney to the Screening Panel. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

MOTION: Michael Kinney moved, seconded by Andy Albright, to approve the rule for submission of Clearinghouse Rule 12-039 A-E 8, 9 to the Legislature. Motion carried unanimously.

MOTION: Michael Kinney moved, seconded by Andy Albright, to table the discussion about EO 50 until the next meeting. Motion carried unanimously.

MOTION: Rosheen Styczinski moved, seconded by Michael Kinney, to have the Board review the rules in regard to EO 61 and bring any changes to the next A-E Joint Board meeting. Motion carried unanimously.

SPEAKING ENGAGEMENTS

MOTION: Michael Kinney moved, seconded by Andy Albright, to appoint Rosheen Styczinski as the Board's general representative for the Council of Landscape Architectural Registration Boards (CLARB) and other speaking engagements. Motion carried unanimously.

DRAFT

CLOSED SESSION

MOTION: Andy Albright moved seconded by Michael Kinney, to convene to closed session to deliberate on cases following hearing § 19.85 (1) (a),Stats.; consider closing disciplinary investigations with administrative warning § 19.85 (1)(b), Stats., and 440.205, Stats., to consider individual histories or disciplinary data § 19.85(1) (f), Stats., and, to confer with legal counsel § 19.85 (1) (g), Stats.). Rosheen Styczinski read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Rosheen Styczinski - yes, Michael Kinney - yes, and Andy Albright – yes. Motion carried unanimously.

The Board convened into Closed Session at 10:37 a.m.

RECONVENE TO OPEN SESSION

MOTION: Andy Albright moved, seconded by Rosheen Styczinski, to reconvene to Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 11:48 a.m.

VOTE ON ITEMS DELIBERATED UPON IN CLOSED SESSION

MOTION: Rosheen Styczinski moved, seconded by Andy Albright, to reaffirm all motions made in closed session. Motion carried unanimously.

PRESENTATION AND DELIBERATION ON PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS BY DLSC

MOTION: Michael Kinney moved, seconded by Rosheen Styczinski, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Garret Q. Perry (13 LSA 001). Motion carried unanimously.

APPLICATION MATTERS

MOTION: Michael Kinney moved, seconded by Rosheen Styczinski, that the two members present at DSPS review the applications and report back to Michael Kinney regarding Application Review. Motion carried unanimously.

MOTION: Andy Albright moved, seconded by Rosheen Styczinski, to approve Rory P. Agnew to take the LARE exam. Motion carried unanimously.

MOTION: Andy Albright moved, seconded by Rosheen Styczinski, to approve Nicholas R. Meissner to take the LARE exam. Motion carried unanimously.

DRAFT

MOTION: Rosheen Styczinski moved, seconded by Andy Albright, to intend to deny Jon R. Ruble's application for licensure for Comity. **Reason for Intent to Deny:** Applicant needs to complete Continuing Education in regard to Ch. A-E 11.03 (1). Motion carried unanimously.

MOTION: Rosheen Styczinski moved, seconded by Andy Albright, to deny Steven Schoof's application for licensure. **Reason for Denial:** Ch A-E 9. Motion carried unanimously.

ADJOURNMENT

MOTION: Andy Albright moved, seconded by Michael Kinney, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:51 a.m.

DRAFT

State of Wisconsin
Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:	2) Date When Request Submitted: Items will be considered late if submitted after 4:30 p.m. and less than: ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others
3) Name of Board, Committee, Council, Sections:	

4) Meeting Date:	5) Attachments: ☒ Yes ☐ No	6) How should the item be titled on the agenda page? **Election of Officers, Appointment of Liaisons and Delegations**

7) Place Item in:	8) Is an appearance before the Board being scheduled? If yes, who is appearing?	9) Name of Case Advisor(s), if required:
☒ Open Session ☐ Closed Session ☐ Both	☐ Yes by ☒ No	N/A

10) Describe the issue and action that should be addressed:

This meeting will have an election of the standard officers of the board: Chair, Vice Chair, and Secretary.
The Chair will appoint Liaisons and screening panel positions.

Below is a document relating to the delegation of Monitoring and PAP.
The Board will also be delegating authorities to liaisons and staff.

11) Authorization

Signature of person making this request Date

Supervisor (if required) Date

Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date

Directions for including supporting documents:
1. This form should be attached to any documents submitted to the agenda.
2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director.
3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.

State of Wisconsin
Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:	2) Date When Request Submitted:
Ashley Horton Department Monitor Division of Legal Services and Compliance	December 20, 2013 Items will be considered late if submitted after 4:30 p.m. and less than: ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others

3) Name of Board, Committee, Council, Sections:

4) Meeting Date:	5) Attachments:	6) How should the item be titled on the agenda page?
	☒ Yes ☐ No	Monitoring: Appointment of Monitoring Liaison and Delegated Authority Motion

7) Place Item in:	8) Is an appearance before the Board being scheduled?	9) Name of Case Advisor(s), if required:
☒ Open Session ☐ Closed Session ☐ Both	☐ Yes (Fill out Board Appearance Request) ☒ No	

10) Describe the issue and action that should be addressed:

1. Appointment of 2014 Monitoring Liaison
2. Delegated Authority Motion:

   "_____ moved, seconded by _____ to adopt/reject the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today's agenda packet."

11) Authorization

Ashley Horton — December 20, 2013

Signature of person making this request — Date

Supervisor (if required) — Date

Executive Director signature (indicates approval to add post agenda deadline item to agenda) — Date

Directions for including supporting documents:
1. This form should be attached to any documents submitted to the agenda.
2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.
3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.

Revised 10/12

Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor

The Monitoring Liaison is a board designee who works with department monitors to enforce the Board's orders as explained below.

Current Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board:

1. Grant a temporary reduction in random drug screen frequency upon Respondent's request if he/she is unemployed and is otherwise compliant with Board order. The Department Monitor will draft an order and sign on behalf of the Liaison. The temporary reduction will be in effect until Respondent secures employment in the profession.

2. Grant a stay of suspension if Respondent is eligible per the Board order. The Department Monitor will draft an order and sign on behalf of the Liaison.

3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board order. The Department Monitor will draft an order and sign on behalf of the Liaison.

4. Grant or deny approval when Respondent proposes continuing/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board approval. The Department Monitor will notify Respondent of the Liaison's decision.

5. Grant a maximum 90-day extension, if warranted and requested in writing by Respondent, to complete Board-ordered CE, pay proceeding costs, and/or pay forfeitures upon Respondent's request.

Current Authorities Delegated to the Department Monitor

The Department Monitor may take the following actions on behalf of the Board, draft an order and sign:

1. Grant full reinstatement of licensure if CE is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.

2. Suspend the license if Respondent has not completed Board-ordered CE and/or paid costs and forfeitures within the time specified by the Board order. The Department Monitor may remove the suspension and issue an order when proof completion and/or payment have been received.

Clarification

1. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. (This is consistent with current practice.)

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State of Wisconsin

Date of enactment: **December 19, 2013**
2013 Senate Bill 337 Date of publication*: **December 20, 2013**

2013 WISCONSIN ACT 114

AN ACT ***to repeal*** 449.05 (intro.), 451.06 (2), 452.09 (3) (e), 454.07 (3), 454.24 (3) and 456.04 (intro.); ***to renumber*** 442.04 (4) (a), 449.05 (1m), 449.05 (2m), 451.06 (1), 456.04 (1), 456.04 (2), 456.04 (3) and 456.04 (4); ***to renumber and amend*** 441.04, 441.06 (1), 441.07 (1), 441.10 (1), 441.10 (3) (a), 442.04 (4) (bm), 442.04 (4) (c), 442.04 (5), 449.04 (1), 450.03 (2), 450.04 (3) (intro.), 450.04 (3) (a), 450.04 (3) (b) and 456.03; ***to amend*** 39.393 (1) (c), 253.10 (7), 441.15 (3) (a) (intro.), 441.16 (2), 445.045 (1) (g), 449.04 (title), 449.055 (5) and 459.26 (3); ***to repeal and recreate*** 441.07 (title); and ***to create*** 440.071, 441.07 (1c), 441.10 (3) (a) 6. and 456.03 (5) of the statutes; **relating to:** examination requirements for various professional credentials and powers of the Board of Nursing.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 39.393 (1) (c) of the statutes is amended to read:

39.393 **(1)** (c) A program in this state that confers a 2nd degree that will make the person eligible ~~to sit~~ for ~~examination~~ licensure under s. ~~441.04~~ 441.06 or 441.10.

SECTION 2. 253.10 (7) of the statutes is amended to read:

253.10 **(7)** AFFIRMATIVE DEFENSE. No person is liable under sub. (5) or (6) or under s. 441.07 ~~(1)~~ (1g) (f), 448.02 (3) (a), or 457.26 (2) (gm) for failure under sub. (3) (c) 2. d. to provide the printed materials described in sub. (3) (d) to a woman or for failure under sub. (3) (c) 2. d., e., f., fm., or g. to describe the contents of the printed materials if the person has made a reasonably diligent effort to obtain the printed materials under sub. (3) (e) and s. 46.245 and the department and the county department under s. 46.215, 46.22, or 46.23 have not made the printed materials available at the time that the person is required to give them to the woman.

SECTION 3. 440.071 of the statutes is created to read:

440.071 No degree completion requirement to sit for examination. (1) Except as provided under sub. (2), the department or a credentialing board or other board in the department may not require a person to complete any postsecondary education or other program before the person is eligible to take an examination for a credential the department or credentialing board or other board in the department grants or issues.

(2) This section does not apply to an examination for a real estate appraiser certification under s. 458.06 or license under s. 458.08.

SECTION 4. 441.04 of the statutes is renumbered 441.06 (1) (a) and amended to read:

441.06 **(1)** (a) ~~*Requisites for examination as a registered nurse.* Any person who has graduated~~ The applicant graduates from a high school or its equivalent as determined by the board~~, does~~.

(b) The applicant does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335~~, holds~~.

(c) The applicant holds a diploma of graduation from an accredited school of nursing and, if the school is

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

located outside this state, submits evidence of general and professional educational qualifications comparable to those required in this state at the time of graduation ~~may apply to the department for licensure by the board as a registered nurse, and upon payment of~~.

(d) The applicant pays the fee specified ~~under~~ in s. 440.05 (1) ~~shall be entitled to examination~~.

SECTION 5. 441.06 (1) of the statutes is renumbered 441.06 (1) (intro.) and amended to read:

441.06 **(1)** (intro.) ~~An~~ Subject to s. 441.07 (1g), the board shall grant a license as a registered nurse to an applicant for licensure ~~as a registered nurse~~ who complies with all of the following requirements ~~of this subchapter and satisfactorily passes an~~:

(e) The applicant passes the examination ~~shall~~ under s. 441.05 to receive a license as a registered nurse in this state. The applicant may not take the examination before receiving a diploma under par. (c) unless the applicant obtains a certificate of approval to take the examination from the school of nursing the applicant attends and submits that certificate to the board prior to examination.

(1m) The holder of ~~such~~ a license as a registered nurse under the laws of another state or territory or province of Canada may be granted a license as a registered nurse in this state without examination if the holder's credentials of general and professional educational qualifications and other qualifications are comparable to those required in this state during the same period and if the board is satisfied from the holder's employment and professional record that the holder is currently competent to practice the profession. The board shall evaluate the credentials and determine the equivalency and competency in each case. The application for licensure without examination shall be accompanied by the fee prescribed in s. 440.05 (2).

SECTION 6. 441.07 (title) of the statutes is repealed and recreated to read:

441.07 (title) **Disciplinary proceedings and actions.**

SECTION 7. 441.07 (1) of the statutes is renumbered 441.07 (1g), and 441.07 (1g) (intro.), as renumbered, is amended to read:

441.07 **(1g)** (intro.) ~~The board may, after disciplinary proceedings conducted in accordance with~~ Subject to the rules promulgated under s. 440.03 (1), the board may deny an initial license or revoke, limit, suspend, or deny the renewal of a license of a registered nurse, ~~a~~ nurse−midwife, or ~~a~~ licensed practical nurse~~, may~~; deny an initial certificate or revoke, limit, suspend, or deny the renewal of a certificate to prescribe drugs or devices granted under s. 441.16~~,~~; or ~~may~~ reprimand a registered nurse, nurse−midwife, or licensed practical nurse, if the board finds that the ~~person~~ applicant or licensee committed any of the following:

SECTION 8. 441.07 (1c) of the statutes is created to read:

441.07 **(1c)** Subject to the rules promulgated under s. 440.03 (1), the board may conduct investigations and hearings to determine whether a person has violated this chapter or a rule promulgated under this chapter.

SECTION 9. 441.10 (1) of the statutes is renumbered 441.10 (3) (a) 1. and amended to read:

441.10 **(3)** (a) 1. ~~'Prerequisites for examination as licensed practical nurses.' A person who~~ The applicant is 18 years of age or older~~, does~~.

2. The applicant does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335~~, has~~.

3. The applicant has completed 2 years of high school or its equivalent as determined by the board ~~and holds~~.

4. The applicant holds a diploma of graduation from an accredited school for licensed practical nurses approved by ~~that~~ the board~~, may apply to the board for licensing as a licensed practical nurse, and, upon payment of the examination~~.

5. The applicant pays the fee specified in s. 440.05 (1)~~, shall be entitled to take an examination~~.

(ag) Any school for licensed practical nurses, in order to be accredited, must offer a course of not less than 9 months.

SECTION 10. 441.10 (3) (a) of the statutes is renumbered 441.10 (3) (a) (intro.) and amended to read:

441.10 **(3)** (a) (intro.) ~~On complying with this subchapter relating to applicants~~ Subject to s. 441.07 (1g), the board shall grant a license as a licensed practical nurse to an applicant for licensure ~~as licensed practical nurses, and passing an examination, the applicant shall receive a license as a licensed practical nurse.~~ who satisfies all of the following conditions:

(ar) The holder of ~~the~~ a license under this subsection is a "licensed practical nurse" and may append the letters "L.P.N." to his or her name. The board may reprimand or may limit, suspend, or revoke the license of a licensed practical nurse under s. 441.07.

SECTION 11. 441.10 (3) (a) 6. of the statutes is created to read:

441.10 **(3)** (a) 6. The applicant passes the examination under sub. (2) for licensure as a licensed practical nurse in this state. The applicant may not take the examination before receiving a diploma under subd. 4. unless the applicant obtains a certificate of approval to take the examination from the school of nursing the applicant attends and submits that certificate to the board prior to examination.

SECTION 12. 441.15 (3) (a) (intro.) of the statutes is amended to read:

441.15 **(3)** (a) (intro.) ~~The~~ Subject to s. 441.07 (1g), the board shall grant a license to engage in the practice of nurse−midwifery to any person licensed as a registered nurse under this subchapter or in a party state, as defined in s. 441.50 (2) (j), who does all of the following:

SECTION 13. 441.16 (2) of the statutes is amended to read:

441.16 **(2)** ~~The~~ Subject to s. 441.07 (1g), the board shall grant a certificate to issue prescription orders to an advanced practice nurse who meets the education, training, and examination requirements established by the board for a certificate to issue prescription orders, and who pays the fee specified under s. 440.05 (1). An advanced practice nurse certified under this section may provide expedited partner therapy in the manner described in s. 448.035.

SECTION 14. 442.04 (4) (a) of the statutes, as affected by 2013 Wisconsin Act 21, is renumbered 442.04 (5) (a).

SECTION 15. 442.04 (4) (bm) of the statutes is renumbered 442.04 (5) (b) 3. and amended to read:

442.04 **(5)** (b) 3. ~~A person may not take the examination leading to the certificate to practice as a certified public accountant unless the~~ The person has completed at least 150 semester hours of education with an accounting concentration at an institution, and has received a bachelor's or higher degree with an accounting concentration from an institution, except as provided in par. (c).

SECTION 16. 442.04 (4) (c) of the statutes is renumbered 442.04 (5) (c) and amended to read:

442.04 **(5)** (c) If an applicant has a bachelor's or higher degree from an institution, and satisfies the other conditions under par. (b), but does not have an accounting concentration required in par. ~~(bm)~~ (b) 3., the examining board may review such other educational experience from an institution as the applicant presents and, if the examining board determines that such other experience provides the reasonable equivalence of an accounting concentration required in par. ~~(bm)~~ (b) 3., the examining board shall ~~approve~~ grant a certificate as a certified public accountant to the applicant ~~for examination~~.

SECTION 17. 442.04 (5) of the statutes is renumbered 442.04 (5) (b) (intro.) and amended to read:

442.04 **(5)** (b) (intro.) The examining board may not grant a certificate as a certified public accountant to any person other than a person who ~~is~~ satisfies all of the following conditions:

1. The person is 18 years of age or older~~, does~~.

2. The person does not have an arrest or conviction record, subject to ss. 111.321, 111.322, and 111.335~~, and, except~~.

4. Except as provided in s. 442.05, the person has successfully passed an examination in such subjects affecting accountancy as the examining board considers necessary. ~~The examining board may not grant the certificate unless the applicant has~~

5. The person has at least one year of public accounting experience or its equivalent, the sufficiency of the experience or the equivalency to be judged by the examining board.

(d) The examining board shall ensure that evaluation procedures and examinations under this subsection are nondiscriminatory, relate directly to accountancy, and are designed to measure only the ability to perform competently as an accountant. The examining board may use the examination service provided by the American Institute of Certified Public Accountants.

SECTION 18. 445.045 (1) (g) of the statutes is amended to read:

445.045 **(1)** (g) The person must have successfully passed a comprehensive examination conducted by the examining board as required by s. 445.04. ~~The examination may be taken at any time after completion of the college and mortuary school instruction and regardless of the age of the applicant.~~

SECTION 19. 449.04 (title) of the statutes is amended to read:

449.04 (title) **Examination and licensure.**

SECTION 20. 449.04 (1) of the statutes is renumbered 449.04 (1) (intro.) and amended to read:

449.04 **(1)** (intro.) ~~Licenses~~ The examining board may grant a license to engage in the practice of optometry ~~shall be issued~~ only to ~~persons~~ a person who ~~pass~~ satisfies all of the following conditions:

(c) The person passes an examination approved or conducted by the examining board. ~~An applicant who qualifies under s. 449.05 may take any examination approved or administered by the examining board upon payment of~~

(d) The person pays the fee specified in s. 440.05 (1).

SECTION 21. 449.05 (intro.) of the statutes is repealed.

SECTION 22. 449.05 (1m) of the statutes is renumbered 449.04 (1) (a).

SECTION 23. 449.05 (2m) of the statutes is renumbered 449.04 (1) (b).

SECTION 24. 449.055 (5) of the statutes is amended to read:

449.055 **(5)** The person satisfies the requirements under s. ~~449.05~~ 449.04 (1) (a) and (b).

SECTION 25. 450.03 (2) of the statutes is renumbered 450.03 (2) (intro.) and amended to read:

450.03 **(2)** (intro.) ~~The~~ Except as provided in s. 450.10, the board shall issue a license as a pharmacist to any person who ~~files satisfactory proof of qualifications under s. 450.04 (3), passes~~ does all of the following:

(c) Passes the examination under s. 450.04 ~~and pays~~.

(d) Pays the fee specified in s. 440.05 (1)~~, except as provided under s. 450.10~~.

SECTION 26. 450.04 (3) (intro.) of the statutes is renumbered 450.04 (3) and amended to read:

450.04 **(3)** Every candidate for examination for licensure as a pharmacist shall submit an application on a form provided by the department and pay the fee specified in s. 440.05 (1) at least 30 days before the date of examination. ~~Every candidate shall also submit proof to the board that he or she:~~

SECTION 27. 450.04 (3) (a) of the statutes is renumbered 450.03 (2) (a) and amended to read:

450.03 **(2)** (a) Has received a professional degree from a pharmacy program approved by the board~~; and~~.

SECTION 28. 450.04 (3) (b) of the statutes is renumbered 450.03 (2) (b) and amended to read:

450.03 **(2)** (b) Has completed an internship in the practice of pharmacy or has practical experience acquired in another state ~~which~~ that is comparable to that included in an internship and ~~which~~ that is approved and verified by the board or by the agency ~~which~~ that is the equivalent of the board in the state in which the practical experience was acquired.

SECTION 29. 451.06 (1) of the statutes is renumbered 451.06.

SECTION 30. 451.06 (2) of the statutes is repealed.

SECTION 31. 452.09 (3) (e) of the statutes is repealed.

SECTION 32. 454.07 (3) of the statutes is repealed.

SECTION 33. 454.24 (3) of the statutes is repealed.

SECTION 34. 456.03 of the statutes is renumbered 456.03 (intro.) and amended to read:

456.03 Licenses. (intro.) An applicant for a license as a nursing home administrator who does all of the following and has successfully complied with ~~the~~ any other requirements for licensure under this chapter ~~and passed the examination~~ shall be granted a license by the examining board, certifying that the applicant has met the requirements of the laws and rules entitling the applicant to serve, act, practice, and otherwise hold himself or herself out as a duly licensed nursing home administrator~~.~~:

SECTION 35. 456.03 (5) of the statutes is created to read:

456.03 **(5)** Passes the examination under s. 456.05.

SECTION 36. 456.04 (intro.) of the statutes is repealed.

SECTION 37. 456.04 (1) of the statutes is renumbered 456.03 (1).

SECTION 38. 456.04 (2) of the statutes is renumbered 456.03 (2).

SECTION 39. 456.04 (3) of the statutes is renumbered 456.03 (3).

SECTION 40. 456.04 (4) of the statutes is renumbered 456.03 (4).

SECTION 41. 459.26 (3) of the statutes is amended to read:

459.26 **(3)** An individual is not eligible for examination unless he or she ~~has satisfied the requirements for licensure under s. 459.24 (2) (a) to (d) or (3) (a) to (d) and~~, at least 30 days before the date of examination, submits an application for examination to the department on a form provided by the department and pays the fee specified in s. 440.05 (1).

The State of Wisconsin

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER # 50

Relating to Guidelines for the Promulgation of Administrative Rules

WHEREAS, 2011 Wisconsin Act 21 reformed the administrative rulemaking process in Wisconsin in order to increase accountability, clarify agency regulatory authority, and evaluate the economic impact of all new and amended state administrative rules; and

WHEREAS, Wis. Stat. § 227.10(1) requires that each agency statement of policy and each interpretation of a statute adopted to govern its enforcement or administration of that statute shall be promulgated as a rule, and Wis. Stat. § 227.01(13) defines a rule as "a regulation, standard, statement of policy or general order of general application which has the effect of law and which is issued by an agency to implement, interpret or make specific legislation enforced or administered by the agency or to govern the organization or procedure of the agency;" and

WHEREAS, Wis. Stat. § 227.10(2m) requires an explicit grant of authority under statute or administrative rule before a state agency can implement or enforce any standard, requirement, or threshold, including as a term or condition of any license issued by the agency; and

WHEREAS, Wis. Stat. §§ 227.11(2)(a)1. to 3. defines agency authority to promulgate administrative rules, specifically providing the following:

- A statutory or nonstatutory provision containing a statement or declaration of legislative intent, purpose, findings, or policy does not confer rulemaking authority on the agency or augment the agency's rulemaking authority beyond the rulemaking authority that is explicitly conferred on the agency by the legislature.

- A statutory provision describing the agency's general powers or duties does not confer rulemaking authority on the agency or augment the agency's rulemaking authority beyond the rulemaking authority that is explicitly conferred on the agency by the legislature.

- A statutory provision containing a specific standard, requirement, or threshold does not confer on the agency the authority to promulgate, enforce, or administer a rule that contains a standard, requirement, or threshold that is more restrictive than the standard, requirement, or threshold contained in the statutory provision; and

WHEREAS, Wis. Stat. §§ 227.135(2), 227.24(1)(e)1d. requires the Governor to approve a statement of scope before an agency may proceed with rulemaking, Wis. Stat. § 227.185 requires the Governor to approve a final draft rule before it is submitted to the Legislature for review, and Wis. Stat. § 227.24(1)(e)1g. requires the Governor to approve an emergency rule before it is filed with the Legislative Reference Bureau and published in the official state newspaper; and

WHEREAS, Wis. Stat. § 227.137 requires state agencies to complete an Economic Impact Analysis (EIA) for every proposed rule in coordination with local governmental units that may be affected and to solicit information and advice from and consult with businesses,

associations representing businesses, local governmental units and individuals that may be affected by the proposed rule; and

WHEREAS, Wis. Stat. § 227.10(2m) establishes that "[t]he Governor, by executive order, may prescribe guidelines to ensure that rules are promulgated in compliance with [Subchapter II of Chapter 227 of the Wisconsin Statutes]."

NOW THEREFORE, I, Scott Walker, Governor of the State of Wisconsin, by virtue of the authority vested in me by the Constitution and the laws of Wisconsin, specifically Wis. Stat. § 227.10(2m), do hereby direct that state agencies shall comply with the requirements of Subchapter II of Chapter 227 and this Executive Order when promulgating administrative rules.

I. General Provisions

1. To assure timely and proficient review of administrative rules in accordance with this Executive Order and with Wis. Stat. § 227.10(2m), the Governor's Office of Regulatory Compliance is hereby established.

2. Each agency that develops any document interpreting, clarifying, or explaining statutes and rules that regulate individuals or entities or local governmental units, shall submit a copy to the Governor's Office of Regulatory Compliance via AdministrativeRules@Wisconsin.gov prior to its finalization by that agency.

3. Each agency shall submit to the Governor's Office of Regulatory Compliance all materials required to be submitted under Subchapter II of Chapter 227. This includes all publicly available materials submitted to the Legislative Council Rules Clearinghouse, Legislative Reference Bureau, Department of Administration, Chief Clerks of the State Assembly and State Senate, legislative standing committees, and the Joint Committee for Review of Administrative Rules.

4. The electronic submission of materials to the State Budget Office, via SBOAdminRules@wisapps.wi.gov or as the State Budget Office otherwise prescribes, shall fulfill an agency's duty, under Chapter 227 and Paragraph I.3. of this Executive Order, to submit materials to the Governor, the Governor's Office of Regulatory Compliance, or the Department of Administration.

5. Each statement of scope submitted by an agency on or after June 8, 2011 is subject to review and approval by the Governor as required by Wis. Stat. §§ 227.135(2), 227.24(1)(e)1d. and Paragraph II.1. of this Executive Order. An EIA shall be prepared as required by Wis. Stat. § 227.137 and Paragraph IV.1. of this Executive Order if the draft rule is submitted to the Legislative Council Rules Clearinghouse under Wis. Stat. § 227.15 on or after June 8, 2011. An EIA is not required when an agency promulgates an emergency rule. A final draft rule or emergency rule is subject to review and approval by the Governor, as required by Wis. Stat. §§ 227.185, 227.24(1)(e)1g. and Paragraph V.1. of this Executive Order, if the statement of scope for the rule or emergency rule was submitted on or after June 8, 2011.

6. The language of Wis. Stat. § 990.001(11) concerning severability and Wis. Stat. § 990.01 concerning construction of words and phrases are intended to apply to this Executive Order.

II. Statements of Scope

1. A statement of scope shall be submitted to the Governor's Office of Regulatory Compliance for approval by the head of the agency proposing a rule or emergency rule or by a deputy or executive assistant who has been authorized to do so by the agency head under Wis. Stat. §§ 15.04(2) or 15.05(3). Statements of scope shall be submitted electronically, as prescribed in Paragraph I.4. of this Executive Order, and contain the following information as required by Wis. Stat. § 227.135(1).

   a. A detailed description of the objective of the rule.

b. A detailed description of existing policies relevant to the rule and new policies proposed to be included in the rule and an analysis of policy alternatives. The description shall include an overview of the requirement or program that the rule will implement. If the proposed rule will amend an existing rule, the description shall also include an overview of the existing rule and the general changes. If the proposed rule will replace an emergency rule currently in effect, the agency shall summarize the status of any legislative action under Wis. Stat. § 227.24(2) or § 227.26(2) and identify any implementation issues that have arisen since the rule was promulgated.

c. A detailed description of the statutory authority for the rule. The agency shall reference each statute that authorizes the promulgation of the proposed rule and each statute or rule that will affect the proposed rule or be affected by it. The agency shall also explain in detail the agency's authority to promulgate the proposed rule under those statutes. An agency shall rely on an explicit grant of authority from the Legislature to promulgate a rule, if one exists. An agency shall not rely upon general statements of legislative purpose or legislative findings or agency general powers and duties clauses to confer authority to promulgate rules. Pursuant to Wis. Stat. § 227.11(2)(a), in the absence of an explicit grant of rulemaking authority, an agency may promulgate a rule if:

   i. The agency considers it necessary to effectuate the purpose of the statute; and
   ii. The agency has a general grant of rulemaking authority to administer or enforce the chapter, subchapter, or section of the Wisconsin statutes.

d. An estimate of the amount of time that state employees will spend to develop the rules and of other resources necessary to develop the rule.

e. A description of all of the entities that may be affected by the rule. This includes a description of any local governmental units, businesses, economic sectors, or public utility ratepayers who may reasonably be anticipated to be affected by the rule.

f. A summary and preliminary comparison, with state law, of any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule.

2. A statement of scope shall also include a statement of whether the agency anticipates that the proposed rule will have minimal or no economic impact, may have a moderate economic impact, or is likely to have a significant economic impact locally or statewide.

3. A statement of scope for a proposed emergency rule shall also include an explanation of why the rule is necessary for the preservation of the public peace, health, safety, or welfare. If the rule is exempt from the required finding of emergency, the statement of scope shall cite the Wisconsin Act number and section authorizing the promulgation of an emergency rule or the statute section providing the exemption. The statement of scope shall also indicate whether the agency will promulgate a non-emergency rule and when it will begin the non-emergency rulemaking process.

4. An agency that intends to simultaneously draft an emergency and a non-emergency rule that are identical in substance may submit one scope statement indicating this intent.

5. Pursuant to Wis. Stat. § 227.135(2), no state employee may begin work on a proposed rule or emergency rule until the statement of scope has been approved by the Governor, published in the Administrative Register, and approved by the agency head or body with policy making powers for the agency.

6. A statement of scope not submitted in accordance with Wis. Stat § 227.135(1) and this Executive Order will be returned to the agency and the Governor's Office of

Regulatory Compliance's review will be suspended until a complete description and analysis is resubmitted.

7. The Governor's Office of Regulatory Compliance may request an agency to withdraw a statement of scope and resubmit separate statements of scope if, in the Governor's discretion, the original statement of scope encompasses more than one rule change.

8. Following a review of the statement of scope, the Governor's Office of Regulatory Compliance shall notify the agency in writing whether the statement of scope is approved or disapproved. A disapproval by the Governor may be accompanied by suggested modifications in the event an agency chooses to submit a revised statement of scope.

9. An agency must file a statement of scope approved by the Governor for publication by the Legislative Reference Bureau within thirty calendar days of approval if the agency intends to proceed with rulemaking, or the Governor's Office of Regulatory Compliance will deem the statement of scope to be withdrawn.

10. If at any time during the rulemaking process prior to final approval by the Governor, the scope of a proposed rule is changed in any meaningful or measureable way, including changing the scope so as to include any activity, business, material or product that is not specifically included in the original statement of scope under Wis. Stat. § 227.135(4), a revised statement of scope shall be submitted to the Governor's Office of Regulatory Compliance for approval. A meaningful or measurable change includes a change to the following:

    a. The objectives of the proposed rule;
    b. The basis and purpose of the proposed rule;
    c. The policies to be included in the proposed rule;
    d. The entities affected by the proposed rule; or
    e. The overall breadth or scope of the regulation in the proposed rule.

11. If at any time following the Governor's approval of a statement of scope, prior to the submission of a final draft rule to the Legislature for review, the Governor's Office of Regulatory Compliance requests a revised statement of scope from the agency because the rule has been changed in a meaningful or measureable way under Wis. Stat. § 227.135(4), the agency shall submit the revised statement of scope to the Governor's Office of Regulatory Compliance electronically as prescribed in Paragraph I.4. of this Executive Order within fourteen calendar days of receiving the request.

III. Additional Agency Actions in the Rule-Making Process

1. If an agency intends to establish an advisory committee under Wis. Stat. § 227.13, it shall provide a list of members to the Governor's Office of Regulatory Compliance via AdministrativeRules@Wisconsin.gov prior to establishing the advisory committee.

2. The agency's draft rule analysis required under Wis. Stat. § 227.14(2) shall be submitted to the Governor's Office of Regulatory Compliance electronically, as prescribed in Paragraph I.4. of this Executive Order, upon completion and prior to finalization and submittal to the Legislative Council under Wis. Stat. § 227.15(1). In accordance with Wis. Stat. § 227.14(2m), the agency shall include a statement within the analysis describing how the requirements for ensuring the accuracy, integrity, objectivity and consistency of data were used in preparing the proposed rule and related analysis.

IV. Economic Impact Analysis

1. For each proposed rule that is not an emergency rule, an Economic Impact Analysis (EIA) shall be submitted to the Legislative Council, the Governor, the Department of Administration, and the Legislature by the head of the agency proposing a rule as required by § 227.137(4). An EIA shall be submitted electronically to the

Governor's Office of Regulatory Compliance as prescribed in Paragraph I.4. of this Executive Order and this submission shall also fulfill the requirement under § 227.137(4) to submit the EIA to the Governor and the Department of Administration.

2. Prior to initiating an EIA of a proposed rule, the agency shall review the statement of scope to determine whether it was changed in any meaningful or measureable way, under Wis. Stat. § 227.135(4) and Paragraph II.10. of this Executive Order, while the rule was being developed. If a meaningful or measurable change has been made, the agency shall revise and resubmit the statement of scope for approval as required by Wis. Stat. § 227.135(4) and Paragraph II.10. of this Executive Order.

3. In preparing an EIA, under Wis. Stat. § 227.137(3), the agency shall solicit information and advice from businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule by making information about the rule available and requesting comments.

   a. Information including the proposed rule language shall be made available by posting on the agency website and the Wisconsin administrative rules website, submitting the information to the Governor's Office of Regulatory Compliance, as prescribed in Paragraph I.4. of this Executive Order, and by e-mailing individuals who have requested to receive information and other persons identified by the agency as potentially interested parties.

   b. The agency shall accept comments for a period of at least fourteen calendar days if the statement of scope indicates that the draft rule will have no or minimal economic impact locally or statewide, at least thirty calendar days if the statement of scope indicates a moderate economic impact locally or statewide and at least sixty calendar days if the statement of scope indicates that the draft rule may or is likely to have a significant economic impact locally or statewide or on a sector of the economy. If the agency determines that the anticipated economic impact will be greater than indicated in the statement of scope, it shall adjust the comment period accordingly and a revised statement of scope is not required. If an agency determines that the anticipated economic impact will be less than indicated in the statement of scope, it may adjust the comment period accordingly and a revised statement of scope is not required.

   c. The agency shall review the comments received and the statement of scope description of all of the persons that may be affected by the proposed rule. The agency shall update the list of businesses, business sectors, associations representing businesses, local governmental units, and individuals included in the statement of scope and submit the list to the Governor's Office of Regulatory Compliance via AdministrativeRules@Wisconsin.gov.

4. After soliciting information and advice from businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule, the agency shall prepare the EIA in coordination with the local governmental units that respond to the agency's solicitation of comments and request to coordinate with the agency, as required by Wis. Stat. § 227.137(3). The agency shall contact those local governmental units to discuss such comments and incorporate them into the EIA to the extent feasible. The agency may at the same time consult with the local governmental units about whether the proposed rule would adversely affect in any material way the economy, a sector of the economy, productivity, jobs or the overall economic competitiveness of the state as required by Wis. Stat. § 227.137(3)(e) and Paragraph IV.3. of this Executive Order.

5. After soliciting information and advice from businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule, the agency shall make a determination in the EIA as required by Wis. Stat. § 227.137(3)(e), in consultation with those businesses, business sectors, associations representing businesses, local governmental units, and individuals as to whether the proposed rule would adversely affect in a material way

the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of this state in the following manner:

a. The agency shall compile a list of affected persons and economic concerns identified in the comments solicited by the agency.
b. The agency shall contact those affected persons to discuss economic concerns and give consideration to those concerns in its EIA determination.
c. The agency shall document in the EIA the affected persons who were consulted and whether the agency's determination is disputed by any of the affected persons.

6. For purposes of developing an EIA for a proposed rule that is anticipated to have a significant economic impact locally or statewide, or on a sector of the economy, agencies are encouraged to establish an advisory committee of affected persons following its solicitation of comments in order to coordinate with local governmental units and consult with other affected persons. An agency that previously established an advisory committee under Wis. Stat. § 227.13 to advise it during rulemaking, including the development of the EIA, shall add to the committee affected persons, identified following the agency's solicitation of comments, who wish to serve on the committee.

7. The final EIA shall contain the following information as required by Wis. Stat. § 227.137 on the economic impact of the proposed rule on specific businesses, business sectors, public utility ratepayers, local governmental units, and the state's economy as a whole:

a. An analysis and quantification of the policy problem that the proposed rule is intending to address, including comparisons with approaches used by the federal government and by Illinois, Iowa, Michigan, and Minnesota to address the policy problem and, if the approach chosen by the agency to address that policy problem is different from those approaches, a statement as to why the agency chose a different approach.

b. An analysis and detailed quantification of the economic impact of the proposed rule, including the implementation and compliance costs that are reasonably expected to be incurred by the businesses, local government units, and individuals that may be affected by the proposed rule. A summary of comments related to the implementation and compliance costs received by businesses, local governmental units, and individuals shall be included in the final analysis.

c. An analysis of the actual and quantifiable benefits of the proposed rule, including an assessment of how effective the proposed rule will be in addressing the policy problem that the rule is intended to address.

d. An analysis of the alternatives to the proposed rule including the alternative of not promulgating the proposed rule.

e. A determination made in consultation with the businesses, local governmental units, and individuals that may be affected by the proposed rule as to whether the proposed rule would adversely affect in a material way the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of this state. Included in the final analysis shall be a summary of comments related to whether the proposed rule would adversely affect, in a material way, the economic competitiveness of this state received by businesses, local governmental units, and individuals.

f. If the agency finds that a proposed rule will not have an economic effect on public utilities or their ratepayers, it shall state this conclusion in the EIA. If the agency finds that a proposed rule will have an economic impact on public utilities or their ratepayers or both, it shall request the information necessary from the Public Service Commission to provide an estimate of the increased costs or resulting savings for public utilities and their ratepayers.

g. Pursuant to Wis. Stat. § 227.137(3)(f), if an EIA relates to a rule of the Department of Safety and Professional Services establishing standards for dwelling construction, the EIA shall address whether the rule would increase the cost of constructing or remodeling the dwelling by more than $1,000.

8. If the agency finds that a proposed rule will not have an economic impact after a review of comments submitted in response to the agency's solicitation, it may complete the EIA without additional coordination with local governmental units or consultation with other affected parties. The agency shall detail in the EIA the information supporting the conclusion that the proposed rule will not have an economic impact.

9. If at any time after the final EIA is submitted under Wis. Stat. § 227.137(4) and before the final draft rule is submitted to the Governor's Office of Regulatory Compliance for an approval, the economic impact of the proposed rule is significantly changed, a revised EIA shall be submitted to the Legislative Council, the Legislature, the Department of Administration, and the Governor, as required by under Wis. Stat. § 227.137(4).

   a. A significant change includes an increase or a decrease of at least 10 percent or $50,000, whichever is greater, in the estimated compliance costs reasonably expected to be incurred by a majority of the businesses, business sector, local governmental units, or individuals that may be affected by the proposed rule or a significant change in the persons affected by the proposed rule.

   b. If in addition to a significant change in the economic impact of the proposed rule, there is also a meaningful or measureable change in the scope of the rule, the agency shall prepare a revised statement of scope and submit it to the Governor's Office of Regulatory Compliance for approval as required by Wis. Stat. § 227.135(4) and Paragraph II.10. of this Executive Order. If a revised statement of scope is approved by the Governor, published in the Administrative Register and approved by the agency head or body with policy making powers for the agency, the agency shall prepare the revised EIA in accordance with Wis. Stat. § 227.137 and Paragraph IV.9. of this Executive Order.

   c. If a revised statement of scope is not required because the scope of the proposed rule has not changed in a meaningful or measurable way, the agency may proceed with the development of the revised EIA using the list of businesses, business sectors, local governmental units, and individuals affected by the proposed rule developed following the agency solicitation of information and advice under Wis. Stat. § 227.137(3) and Paragraph IV.3. of this Executive Order. The agency shall comply with the remaining requirements of Wis. Stat. § 227.137 and this Executive Order.

10. If at any time after the final EIA is submitted under Wis. Stat. § 227.137(4), the Governor's Office of Regulatory Compliance requests a revised EIA because the economic impact of the proposed rule has significantly changed under Wis. Stat. § 217.137(4) and Paragraph IV.9. of this Executive Order, the agency shall submit the revised EIA electronically as prescribed in Paragraph I.4. of this Executive Order within ninety calendar days of receiving the request.

11. If the final EIA submitted under Wis. Stat. § 227.137(4) indicates that a total of $20,000,000 or more in implementation and compliance costs are reasonably expected to be incurred or passed along to businesses, local governmental units and individuals as a result of the proposed rule, the Department of Administration shall review the rule and issue a report under Wis. Stat. § 227.137(6). Any cost savings identified in the analysis of actual and quantifiable benefits as required by Wis. Stat. § 227.137(3)(c) shall not reduce the total estimated implementation and compliance costs for purposes of determining whether the Department of Administration shall issue a report under Wis. Stat. § 227.137(6).

12. If the Department of Administration is required to complete a report under Wis. Stat. § 227.137(6), an agency shall not submit a proposed rule to the legislature for review under § 227.19(2) until the report has been received.

13. If an agency makes modifications to a proposed rule following the agency public hearing, the agency shall review the rule to determine whether the scope has been changed in any meaningful or measurable way under Wis. Stat. § 227.135(4) and Paragraph II.10. of this Executive Order and whether the economic impact of the proposed rule is significantly changed under Wis. Stat. § 227.137(4) and Paragraph IV.9. of this Executive Order.

    a. The agency shall notify the Governor's Office of Regulatory Compliance via AdministrativeRules@Wisconsin.gov if it will submit a revised statement of scope to the Governor's Office of Regulatory Compliance for approval or a revised EIA to the Governor's Office of Regulatory Compliance, the Department of Administration, the Legislative Council Rules Clearinghouse and the Legislature, or both a revised statement of scope and a revised EIA. A revised statement of scope shall be submitted to the Governor's Office of Regulatory Compliance electronically as prescribed in Paragraph I.4. of this Executive Order within seven calendar days of the notification.

    b. If neither a revised statement of scope nor a revised EIA is required, the agency shall submit the final draft rule to the Governor's Office of Regulatory Compliance for approval within thirty calendar days of the close of the public comment period following the public hearing if it intends to proceed with rulemaking, unless the agency has a policy making board that is required to approve the final rule language before it is submitted to the Governor's Office of Regulatory Compliance.

V. Final Draft Rule

1. A final draft rule shall be submitted electronically as prescribed in Paragraph I.4. of this Executive Order to the Governor's Office of Regulatory Compliance for approval by the head of the agency proposing a permanent or emergency rule or by a deputy or executive assistant who has been authorized to do so by the agency head under Wis. Stat. §§15.04(2) or 15.05(3).

2. For each non-emergency rule, the final draft rule submitted to the Governor's Office of Regulatory Compliance shall contain the following information:

    a. The documents required under Wis. Stat. § 227.15(1), with any necessary updates;
    b. A statement describing how the rule complies with any applicable requirement under Wis. Stat. § 227.116;
    c. The final EIA required under Wis. Stat. § 227.137(2);
    d. The report of the Department of Administration if required under Wis. Stat. § 227.137(6);
    e. Any energy impact report completed under Wis. Stat. § 227.117(2), and a statement describing the agency's consideration of the energy impact report in accordance with Wis. Stat. § 227.117(3);
    f. The report of the Small Business Regulatory Review Board required under Wis. Stat. § 227.14(2g);
    g. Any regulatory flexibility analysis completed under Wis. Stat. § 227.114;
    h. A list of persons who appeared or registered for or against the rule at the hearing;
    i. A summary of public comments to the proposed rule and the agency's response to those comments;
    j. An explanation of any modifications made in the proposed rule as a result of public comments or testimony received at the public hearing.; and
    k. The Legislative Council Rule Clearinghouse report completed under Wis. Stat. § 227.15 and the agency's response to the report as required by Wis. Stat. § 227.19(3)(d).

3. For each emergency rule, the final draft rule submitted to the Governor's Office of Regulatory Compliance shall contain the following information:

    a. A fiscal estimate in the format required by Wis. Stat. § 227.14(4); and

b. A plain language analysis of the rule in the format required under Wis. Stat. § 227.14(2).

4. Following a review of the final draft rule, the Governor's Office of Regulatory Compliance shall notify the agency in writing whether the rule is approved or disapproved. A disapproval may be accompanied by suggested modifications. The agency may submit a revised rule for approval under the statement of scope that was previously approved by the Governor.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this second day of November, in the year two thousand eleven.

SCOTT WALKER
Governor

By the Governor:

DOUGLAS LA FOLLETTE
Secretary of State

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The State of Wisconsin

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER # 60

Relating to an Authorization for the Flag of the United States and the Flag of the State of Wisconsin to be Flown at Half-Staff as a Mark of Respect for Former Mayor Francis Havey

WHEREAS, on February 12, 2012, former Greenfield Mayor Francis Havey died of natural causes at the age of eighty-three; and

WHEREAS, Francis Havey faithfully served the City of Greenfield as Mayor for two terms from 1980 to 1984; and

WHEREAS, a memorial service will be held for former Mayor Havey on February 18, 2012; and

WHEREAS, the City of Greenfield petitioned the Office of the Governor to approve the lowering of the flags;

NOW THEREFORE, I, SCOTT WALKER, Governor of the State of Wisconsin, by the authority vested in me by federal and state law, do hereby authorize that the flag of the United States and the flag of the State of Wisconsin may be flown at half-staff in the City of Greenfield beginning at sunrise on **Saturday, February 18, 2012,** and ending at sunset on that date.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this seventeenth day of February, in the year two thousand twelve.

SCOTT WALKER
Governor

By the Governor:

DOUGLAS LA FOLLETTE
Secretary of State

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