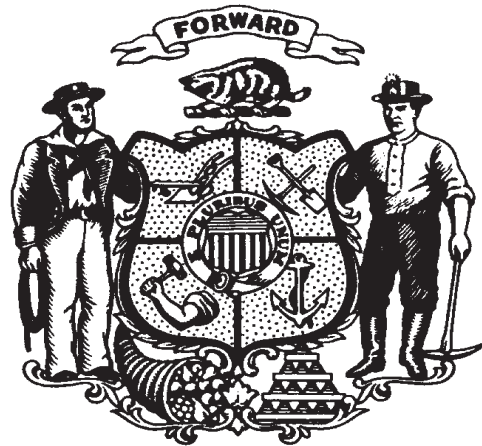


Wisconsin Administrative Register

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Emergency Rules Now in Effect

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

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

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

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

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

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

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

Children and Families

Family and Economic Security, Chs. DCF 101–153

EmR0906 — Rule adopted revising ss. **DCF 120.05, 120.07 and 120.08**, relating to emergency assistance for needy families.

Finding of Emergency

The Department of Children and Families 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 facts constituting the emergency is:

The recent large increase in foreclosures has caused tenants living in rental properties that are in foreclosure to lose their housing. Under the current rule, these tenants are not eligible for Emergency Assistance due to impending homelessness and would only be able to receive assistance if they became homeless. This emergency rule will allow these tenants to receive assistance for impending homelessness and avoid the additional expense and trauma of homelessness.

The current maximum payment amounts for Emergency Assistance due to homelessness and impending homelessness are insufficient to allow a smaller family to obtain or retain a permanent living accommodation. Increasing the payments

for smaller households immediately will help them obtain or retain a permanent living accommodation with fewer resources from other sources and may prevent homelessness for these families.

The current rule has no maximum payment amount for Emergency Assistance due to an energy crisis. All other categories of assistance have a maximum payment based on group size. This emergency rule requires that families first exhaust resources available through the Wisconsin Home Energy Program and sets a maximum payment amount for assistance available for Emergency Assistance due to energy crisis to make better use of the program's limited funds.

Publication Date: April 9, 2009
Effective: April 22, 2009 through September 18, 2009
Hearing Date: June 11, 2009

Children and Families

Family and Economic Security, Chs. DCF 101–153 Early Care and Education, Chs. DCF 201–252

EmR0908 — Rules adopted amending s. **DCF 101.09 (3) (b) and creating ss. DCF 101.09 (3) (b) 1. b., 101.26 (3), and 201.08 (2) (g)**, relating to Wisconsin Works and Wisconsin Shares disregard of temporary census income.

Finding of Emergency

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

Disregarding income earned from temporary employment with the U.S. Census Bureau in determining Wisconsin Works and Wisconsin Shares eligibility and child care copayments is necessary for the public welfare to ensure Wisconsin has a broad pool of available workers to help ensure an accurate Census count, particularly in historically undercounted low-income neighborhoods. Census work is currently ongoing.

Publication Date: May 28, 2009
Effective: June 1, 2009 through October 28, 2009
Hearing Date: July 14, 2009

Commerce

Fee Schedule, Ch. Comm 2

EmR0837 — Rule adopted revising s. **Comm 2.68**, relating to public swimming pool and water attraction plan review and inspection fees.

Finding of Emergency

The Department of Commerce finds that an emergency exists within the state of Wisconsin and that adoption of an emergency rule is necessary for the immediate preservation of the public health, safety and welfare. A statement of the facts constituting the emergency is as follows.

1. Implementation of the federal Virginia Graeme Baker Pool and Spa Safety Act necessitates most existing public

swimming pools and water attractions to undergo physical modifications to reduce the risk of entrapment at suction outlets.

2. The Virginia Graeme Baker Pool and Spa Safety Act has a compliance date of December 19, 2008.

3. The department estimates that 3,700 existing pools and water attractions will need to be modified in order to comply with the federal act.

4. The current department plan review fees and inspection fees under s. Comm 2.68 reflect an estimated average time and cost to provide those services. For the types of pool and water attraction modifications necessary to comply with the Virginia Graeme Baker Pool and Spa Safety Act, the department believes that the time and cost to provide the service will be below the averages reflected under the current fee structure of section Comm 2.68.

5. The department believes that a temporary fee reduction to facilitate plan review and inspection relative to the Virginia Graeme Baker Pool and Spa Safety Act is in alignment with the direction provided under s. 101.19, Stats., of keeping fees consistent with the costs of providing service.

Publication Date: December 15, 2008
Effective: December 15, 2008 through May 13, 2009
Hearing Date: January 8, 2009
Extension Through: July 12, 2009

Commerce

Licenses, Certifications and Registrations, Ch. Comm 5 Wis. Commercial Building Code, Chs. Comm 60–66

EmR0904 — Rule adopted revising **ss. Comm 5.30 and 61.295**, relating to building contractor registration.

Finding of Emergency

The Department of Commerce finds that an emergency exists within the state of Wisconsin and that adoption of an emergency rule is necessary for the immediate preservation of the public health, safety and welfare. A statement of the facts constituting the emergency is as follows:

1. Under Chapter 560 of the Statutes, the department of commerce is charged with facilitating the establishment and retention of business enterprises in Wisconsin, and with seeking closer cooperation and coordination between units of state government, so that the economy of the state may continue to develop fully and meet citizen and community needs.

2. Under Chapters 101 and 145 of the statutes, the department of commerce has oversight over the design, construction, alteration and maintenance of public buildings and places of employment, one- and two- family dwellings, public swimming pools and public water attractions in order to protect public safety, health and welfare and the waters of the state.

3. The department has proposed an administrative rule that would require the registration of various types of building contractors not already credentialed by the department under existing administrative rules. Under the proposed rules contractors must be registered with the department by January 1, 2010. A public hearing on that proposal was held on January 21, 2009.

4. The proposed rule has three main benefits to Wisconsin: first, it will enhance the department's ability to communicate

with and educate building contractors throughout the state about their obligations to limit safety and health risks for the citizens of Wisconsin; second, it will enhance the ability of the department to cooperate and coordinate with the Department of Workforce Development relative to their administration of unemployment insurance and workers compensation insurance programs; and third, it will enhance the ability of the department to cooperate and coordinate with the Department of Revenue relative to their administration of the state income tax program.

5. Due to the current economic circumstances, the department has determined that the implementation for building contractor registration should be July 1, 2009 in order for the benefits to be in effect for the 2009 building construction season.

Publication Date: March 2, 2009
Effective: March 2, 2009 through July 29, 2009
(except ss. Comm 5.30 (1) and 61.295 (2))
Effective: July 1, 2009 through November 27, 2009
Hearing Date: March 31, 2009

Commerce

Financial Resources for Businesses and Communities, Chs. Comm 104—

EmR0910 — Rule adopted to create **Chapter Comm 100**, relating to tax benefits for job creation, capital investment, employee training, and corporate headquarters.

Exemption From Finding of Emergency

The Legislature, by section 9110 (4) in 2009 Wisconsin Act 2, exempts the Department from providing evidence that this emergency rule is necessary for the preservation of the public peace, health, safety or welfare; and exempts the Department from providing a finding of emergency for the adoption of this rule.

Publication Date: June 30, 2009
Effective: June 30, 2009 through July 1, 2010 or the date permanent rules take effect, whichever is sooner

Financial Institutions — Banking

EmR0907 — Rule adopted to create **Chapter DFI–Bkg 47 and to repeal Chapter DFI–Bkg 41**, relating to the transition from a registration system to a license system.

Exemption From Finding of Emergency

The legislature by section 9117 of 2009 Wisconsin Act 2 provides an exemption from a finding of emergency for the adoption of the rule.

Publication Date: May 4, 2009
Effective: *Section 1:* 5–4–09 through 7–1–11
Section 2: 9–1–09 through 7–1–11
Section 3: 1–10–10 through 7–1–11
Hearing Date: June 10, 2009

Government Accountability Board

EmR0902 — Rule adopted amending s. **GAB 6.05**, relating to filing campaign finance reports in electronic format.

Finding of Emergency

The Government Accountability Board amends s. GAB 6.05, Wis. Adm. Code, relating to filing campaign finance statements in electronic format. The amended rule creates a uniform requirement and restricts registrants to an “electronic format” compatible with the Board’s electronic filing system for filing campaign finance reports.

Pursuant to s. 227.24, Stats., the Government Accountability Board finds an emergency exists because the Board’s January 18, 2008 decision to implement the use of a new electronic filing system, and the technical requirements thereof, conflicts with the technical electronic format filing permitted by the previous rule. In effect, the current electronic filing system cannot work without a uniform and restricted electronic format that is compatible with the new electronic filing system.

The Board adopts the legislature’s policy findings of s. 11.001, Stats., emphasizing that one of the most important sources of information to voters about candidates is available through the campaign finance reporting system. The Board further finds that it is necessary to codify a uniform electronic format filing requirement to ensure the proper operation of the current electronic filing system so that the campaign finance information is available to voters. The amended rule, GAB 6.05, must be adopted immediately to ensure the public peace and welfare with respect to the administration of current and future elections.

Publication Date: February 5, 2009
Effective: February 5, 2009 through July 4, 2009
Hearing Date: March 20, 2009

Pharmacy Examining Board

EmR0903 — A rule adopted repealing s. **Phar 4.02 (2)**, relating to the practical examination.

Finding of Emergency

The Pharmacy Examining Board finds that, under s. 227.24 (1), Stats., the repeal of s. Phar 4.02 (2) is required for the preservation of the public peace, health, safety and welfare.

Currently, under s. Phar 4.02 (2), the board administers a practical examination to determine an applicant’s competence in compounding and dispensing medications, which includes consultation of patients. The board has determined that this examination is no longer needed because the competencies tested in the examination are also tested in two other national examinations that applicants are required to take in order to obtain a license in Wisconsin. The board has also determined that the practical examination requirement may contribute to the shortage of pharmacists in Wisconsin.

First, under s. Phar 4.02 (1) and (3), an applicant is required to take and pass the Multi-State Pharmacy Jurisprudence Examination (MPJE) and the North American Pharmacist Licensure Examination (NAPLEX). Both of these examinations test competencies that relate to subject areas that are also tested in the practical examination. As a result, applicants are required to take an additional examination, and pay an additional examination fee. In some instances, this

step may also result in a delay in the processing of applications for licensure.

Second, in reference to the shortage of pharmacists in Wisconsin, the board has found that populations in rural areas and in certain city neighborhoods are underserved. The board believes that, because of its practical examination requirement, potential applicants from other states are declining to seek licensure in Wisconsin. Wisconsin is one of only four states that require a practical examination. None of the states that border Wisconsin have a practical examination requirement.

Publication Date: February 28, 2009
Effective: February 28, 2009 through July 27, 2009
Hearing Dates: April 8, 2009

Regulation and Licensing (2)

1. **EmR0827** — Rule adopted creating s. **RL 91.01 (3) (k)**, relating to training and proficiency in the use of automated external defibrillators for certification as a massage therapist or bodyworker.

Exemption From Finding of Emergency

Section 41 (2) (b) of the nonstatutory provisions of 2007 Wisconsin Act 104 provides that notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department of regulation and licensing is not required to provide evidence that promulgating a 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 to implement 2007 Wisconsin Act 104. Notwithstanding s. 227.24 (1) (c) and (2) of the statutes, these emergency rules will remain in effect until the date on which the final rules take effect.

Publication Date: September 10, 2008
Effective: September 10, 2008 through the date on which the final rules take effect
Hearing Dates: November 26, 2008
 April 13, 2009

2. **EmR0828** — Rules adopted to amend s. **RL 181.01 (2) (c); and to create ss. RL 180.02 (1m), (3m) and (11), 181.01 (1) (d), (2) (c) 1. and 2.**, relating to training and proficiency in the use of automated external defibrillators for licensure as a licensed midwife.

Exemption From Finding of Emergency

Section 41 (2) (b) of the nonstatutory provisions of 2007 Wisconsin Act 104 provides that notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department of regulation and licensing is not required to provide evidence that promulgating a 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 to implement 2007 Wisconsin Act 104. Notwithstanding s. 227.24 (1) (c) and (2) of the statutes, these emergency rules will remain in effect until the date on which the final rules take effect.

Publication Date: September 10, 2008
Effective: September 10, 2008 through the date on which the final rules take effect
Hearing Date: November 26, 2008

Revenue

EmR0820 — Rule adopted creating ss. **Tax 8.03 and 8.05**, relating to the registration of wine collectors, establishing standards of eligibility for registration as a wine collector, specifying the form and manner of notice required prior to the sale of wine by a wine collector, and the creation and organization of small winery cooperative wholesalers.

Exemption From Finding of Emergency

The legislature by Section 50 of 2007 Wisconsin Act 85 provides an exemption from a finding of emergency for the adoption of the rule.

Publication Date: June 26, 2008
Effective: June 26, 2008 through July 1, 2010 or the date on which permanent rules take effect, whichever is sooner.

Transportation

EmR0909 — Rule adopted amending section **Trans 315.03 (1) (a) and (c)**, relating to safety belt medical use exemption.

Finding of Emergency

The Department of Transportation finds that an emergency exists and that the attached rule is necessary for the immediate preservation of public health and safety. Current federal law at 23 USC 406 provides safety belt performance grants to a state that has in effect and is enforcing a conforming primary safety belt use law for all passenger motor vehicles. A grant of federal funds estimated at roughly \$15,000,000 are available if this state is eligible on or before September 30, 2009; a secondary grant based on “share of unallocated funds,” estimated at not more than \$1,000,000, may be available if this state is eligible on or before June 30, 2009. The Wisconsin Legislature is currently deliberating a primary safety belt use law as part of the executive biennial budget bill, 2009 Assembly Bill 75, with the aim of qualifying for safety belt performance grants. Were the law timely enacted, this state could remain ineligible for safety belt performance grants because Department rules allow persons other than physicians to grant medical exemptions from safety belt use requirements. Immediate action is necessary to avoid forfeiting approximately \$16,000,000 in federal funds for highway safety activities. Increased use of safety belts has been shown to reduce the severity of injuries sustained in motor vehicle collisions, and limiting the medical use exemption to physicians would increase use of safety belts.

Publication Date: June 25, 2009
Effective: June 25, 2009 through November 21, 2009
Hearing Date: September 8, 2009

(See the Notice in this Register)

Veterans Affairs

EmR0911 — Rule adopted to revise section VA 2.01, relating to the assistance to needy veterans grant program.

Finding of Emergency

The Wisconsin Department of Veterans Affairs finds that an emergency exists and that the rules are necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is: The economic recession in effect for the last fiscal year has adversely affected the veteran population. Many veterans have lost their employment or had their scope of employment reduced. In addition to losing employment, many veterans have seen their health care reduced or eliminated. In order to serve the largest population of veterans and ensure minimal health care for that population, the department is requesting emergency rules to define “vision care and to limit the eligibility, by available funding, for “dental care”, “hearing care”, and “vision care”. These eligibility limitations, which address the cost, type and frequency of care available under the program, will allow more veterans in need to access the limited resources of this program.

Publication Date: July 1, 2009
Effective: July 1, 2009 through November 27, 2009
Hearing Date: August 14, 2009

(See the Notice in this Register)

Wisconsin Technical College System Board

EmR0905 — Rule adopted revising **Ch. TCS 17**, relating to training program grant funds appropriated in 2009 Wisconsin Act 2.

Finding of Emergency

The Wisconsin Technical College System Board 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 an emergency is:

The 2009 Wis. Act 2 (the 2007–09 budget repair bill) provided an additional \$1,000,000 GPR to the existing annual appropriation of \$3,000,000 GPR for the training program grants authorized in Wis. Stats. ss. 20.292 (1) (eh) and 38.41. These funds were provided to address a critical need of Wisconsin employers for skills training and education necessary to protect the state’s economic vitality and health, with a special emphasis on advanced manufacturing and welding.

The Act requires the WTCS Board to award these funds by June 30, 2009 or the end of the current 2008–09 fiscal year. In addition, TCS 17.06 (1), *Wis. Adm. Code*, requires that district boards or employers receiving skills training or education under the grant shall contribute matching funds, other than in-kind matching funds, equal to at least 25% of total approved project costs.

Due to declining economic conditions and reduced business revenues, technical college districts report that employers are withdrawing participation in approved training grants because of an inability to fund the 25% match. Therefore, to ensure that business and incumbent workers in need of skills training and other education may access these services and that appropriated funds are distributed to technical college districts for this purpose before the end of the fiscal year, emergency administrative rules eliminating the 25% match requirement must be established immediately.

Publication Date: March 20, 2009
Effective: March 20, 2009 through August 16, 2009

Scope Statements

Children and Families

Family and Economic Security, Chs. DCF 101—

Subject

Revises Chapter DCF 120, relating to emergency assistance for families with needy children.

Policy Analysis

The Emergency Assistance program provides assistance to needy families in cases of fire, flood, natural disaster, homelessness, impending homelessness, or energy crisis. The proposed rules will make the following changes:

- Allow eligibility for families in rental units facing impending homelessness because of a foreclosure action against their landlord.
- Require that a family exhaust resources available through the Wisconsin Home Energy Assistance Program and assistance available through local utility companies as required by the Public Service Commission before receiving an Emergency Assistance payment for an energy crisis.
- Establish a financial eligibility income limit at 115 percent of the federal poverty level, which is the same level as Wisconsin Works (W–2).
- Disregard foster care payments in determining financial eligibility.
- Revise the asset limit from \$3,000 to \$2,500 for consistency with W–2 and to facilitate automation of financial eligibility.
- Simplify the financial need calculation, which is one of the methods used to determine the payment amount. The current financial need calculation includes all expenses of the group offset by available resources with needs in nine general categories for all emergency types. The proposed rule will have the specific needs that apply to the specific emergency types.
- Eliminate “the amount requested by the family” as a method for determining the payment amount. This will ensure that families do not receive a smaller payment because they were not informed of the full payment for which they were eligible.
- Establish a maximum payment based on need due to an energy crisis at \$500.

Statutory Authority

Sections 49.138 and 227.11 (2), Stats.

Comparison with Federal Regulations

Emergency Assistance is a Temporary Assistance to Needy Families (TANF) program option available to states under previous Aid to Families with Dependent Children (AFDC) statutes to provide short–time assistance to needy families with children. Wisconsin chose to continue the Emergency Assistance program when Wisconsin repealed the AFDC program and accepted federal TANF block grant funds.

There are no federal requirements related to this emergency rule, except that TANF funds must be used to provide assistance to families with children.

Entities Affected by the Rule

W–2 agencies and low–income families.

Estimate of Time Needed to Develop the Rule

200 hours.

Contact Information

Jude Morse
Bureau of Working Families
(608) 266–2784
jude.morse@wisconsin.gov

Financial Institutions — Banking

Subject

Revises Chapters DFI–Bkg 40 to 47, relating to transition from a registration system to a license system under subch. III of ch. 224, Stats., branch offices, and use of trade names.

Policy Analysis

The purpose of this rule is to bring these chapters into conformity with subch. III, ch. 224, Stats., as mandated and affected by 2009 Wisconsin Act 2 and the Secure and Fair Enforcement for Mortgage Licensing (“S.A.F.E.”) Act of 2008 regarding the transition from a registration system to a license system for mortgage bankers, mortgage brokers, mortgage loan originators and branch offices. Primarily affected are provisions regarding terminology, and licensing requirements and procedures. The purpose of the rule is also to provide guidance for the use of trade names.

Statutory Authority

Sections 224.72 (7) (bm) and (8), 224.725 (4) (c), (5) (b) and (8), 224.73 (3) (a) and 227.11 (2), Stats.

Comparison with Federal Regulations

Secure and Fair Enforcement for Mortgage Licensing (“S.A.F.E.”) Act of 2008.

Entities Affected by the Rule

Mortgage bankers, mortgage brokers, and mortgage loan originators.

Estimate of Time Needed to Develop the Rule

200 hours.

Contact Information

Mark Schlei, Deputy General Counsel, Department of Financial Institutions, Office of the Secretary, P.O. Box 8861, Madison, WI 53708–8861, tel. (608) 267–1705, e–mail mark.schlei@wisconsin.gov.

Financial Institutions — Securities

Subject

Revises Chapters DFI–Sec 1 to 5, 7 and 9, relating to making minor changes to securities administrative code

sections for conformity with Wisconsin securities statutes and securities agent examination matters.

Policy Analysis

The purpose of the rule is to bring these sections into conformity with Wisconsin securities statutes which were substantially revised in 2008 with the adoption of the Uniform Securities Act of 2002. There are also several securities licensing–related rules that deal with new developments regarding securities agent examinations. Matters affected include statutory citations, definitions, exempt securities and exempt transactions, prospectus requirements, securities registration procedures and exemptions, and securities licensing procedures and requirements.

Statutory Authority

Sections 551.406 (5), 551.605 (1) and 227.11 (2), Stats.

Comparison with Federal Regulations

Section 203A(b)(1)A of the Investment Advisers Act of 1940, Section 205(a)(1) of the Investment Advisers Act of 1940, and Rule 420 of the Securities Act of 1933.

Entities Affected by the Rule

Issuers of registered securities or securities exempt from registration, broker–dealers and their securities agents, investment advisers and their investment adviser representatives, federal and state securities regulatory authorities, and securities self–regulatory organizations.

Estimate of Time Needed to Develop the Rule

100 hours.

Contact Information

Mark Schlei, Deputy General Counsel, Department of Financial Institutions, Office of the Secretary, P.O. Box 8861, Madison, WI 53708–8861, tel. (608) 267–1705, e–mail mark.schlei@wisconsin.gov.

Natural Resources

Fish, Game, etc., Chs. NR 1–

Subject

Revises Chapter NR 10, relating to establishing alternatives to earn–a–buck hunting regulations.

Objective of the Rule

The Natural Resources Board will establish a special study committee to develop potential alternatives to earn–a–buck regulations for the 2010 deer season. Any approved alternatives will require administrative rules that modify sections of Chapter NR 10. These rules will establish a deer hunting season framework to be used when the normal season framework is insufficient to manage the deer herd.

Policy Analysis

The department currently has a variety of deer season framework options which are designed to effectively manage the size of the herd through hunting. To address hunters' concerns with existing season options, additional options will be investigated.

Currently, under Ch. NR 10.01 (3) (ed), Wis. Adm. Code, the department may modify the deer hunting season upon finding it is unlikely the deer population for a management unit will be reduced to within 20% of the overwinter population goal under the established hunting seasons. Modifications include; 1) issuance of special free permits for

antlerless deer when licenses are purchased and additional free tags and, 2) when a third season with free tags is not likely to reduce the population to within 20% of the overwinter population goal, hunters shall harvest or tag an antlerless deer in that unit or units before they may tag a buck (earn–a–buck) and, 3) additional earn–a–buck seasons can be held. A four day antlerless deer firearm season beginning on the Thursday nearest October 15 may be held when the antlerless:antlered harvest ration from the two previous years does not equal 2 in a deer management region.

This rule will propose alternative season frameworks which may be implemented to replace earn–a–buck to achieve deer population to goals established in s. NR 10.104.

A wide variety of groups representing hunters and landowners will be invited to participate in developing alternatives that will be hunter supported, provide effective herd control, and which can be evaluated through established benchmarks. Invited participants may include the: Conservation Congress, Wis. Farm Bureau, WI Wildlife Federation, WI Deer Hunters Association, Whitetails Unlimited, Bowhunters Association, WI County Forest Association, WI Woodland Owners Association, Quality Deer Management Association, Governor's Council on Forestry, Safari Club, and the WI Hunter's Rights Coalition. Department staff will provide active support to the NRB committee.

Statutory Authority

Sections 29.014, 29.063 and 227.11, Stats.

Comparison with Federal Regulations

Federal regulations allow states to manage the wildlife resources located within their boundaries provided they do not conflict with regulations established in the Federal Register. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

Entities Affected by the Rule

Deer affect nearly every Wisconsin resident in some way. Many of these effects are significant from a recreational, economic, and/or social perspective. A wide variety of groups and individuals will be interested in this proposed rule. Some groups include: Conservation Congress, Great Lakes Indian Fish and Wildlife Commission, Wis Farm Bureau Federation, WI Wildlife Federation, WI Deer Hunters Assn., The Nature Conservancy, Whitetails Unlimited, WI Bowhunters Assn., WI County Forest Association, WI Woodland Owners Assn., Quality Deer Management Association, Rocky Mountain Elk Foundation, WI Bear Hunters Assn., and the Sierra Club.

Estimate of Time Needed to Develop the Rule

200 hours.

Contact Information

Keith Warnke
101 S Webster Street
Madison, WI 53707
(608) 264–6023
keith.warnke@wisconsin.gov

or

Scott Loomans
101 S Webster Street
Madison, WI 53707
(608) 267–2452
scott.loomans@wisconsin.gov

Regulation and Licensing

Subject

Revises section RL 25.02 (2), relating to the number of required educational programming hours for initial licensure as a real estate broker.

Objective of the Rule

This rule will increase the number of required educational programming hours necessary to obtain initial licensure as a real estate broker in Wisconsin from 36 hours to 72 hours.

Policy Analysis

The current rule, s. RL 25.02 (1) (a), requires an applicant for initial broker licensure to present evidence satisfactory to the department of successful completion, within 5 years before application for a license, of the educational program in sub. (2), which has been approved in accordance with this chapter, and either satisfy the salesperson's educational requirements in s. RL 25.03 (3) or present evidence satisfactory to the department of licensure as a salesperson.

The educational program stipulated in sub. (2) states that an approved educational program will cover a required set of topics, that if doing so in a classroom setting, would be presented in a period of no less than 36 hours. The proposed change to the rule would require an additional 36 hours of education, for a minimum of 72 hours.

The need for such a rule change is two–fold: first, it will require greater education and knowledge for those entering this profession, which will directly benefit the applicant, as well as the public in that it helps to ensure the safe and competent practice of said professionals. Second, this rule change will bring Wisconsin more in line with other jurisdictions throughout the country that have significantly higher pre–license education requirements for those seeking licensure as a real estate broker.

This rule change will have clear implications for prospective broker applicants, as well as implications on the current structure of approved educational programs for real estate training in the new and/or additional courses may need to be developed. However, pre–licensure educational training is offered on a wide scale locally and nationally, thereby reducing the significance of any impact that might result from this rule change.

Statutory Authority

Sections 15.045 (11), 227.11 (2), 440.03, 452.05, 452.07 and 452.09, Stats.

Comparison with Federal Regulations

There is no existing or proposed federal regulation regarding this matter as it is a regulatory activity undertaken by individual states.

Entities Affected by the Rule

Applicants for first–time real estate broker licensure, institutions of higher education offering pre–license education courses and other course providers.

Estimate of Time Needed to Develop the Rule

150 hours.

Transportation

Subject

Revises Chapter Trans 101, relating to the Graduated Driver License, demerit points for parking violations, and demerit points for serious traffic offenses.

Objective of the Rule

Section Trans 101.10 administratively interprets the Graduated Driver License (GDL) retractions and extensions. The GDL allows novice drivers (ages 15½ to 18) to gain knowledge and driving experience while under the supervision of an experienced mentor under a specified set of restrictions as they progress through the learning stages. Restrictions are extended if the driver violates these restrictions, is convicted of a moving traffic violation, or if the person's license is revoked or suspended for any reason.

For efficiency, DMV has made its demerit point regulations consistent with Graduated Driver License provisions. This also makes the law considerably easier to administer and explain to drivers. In working on one individual case that recently arose, however, DMV discovered an inconsistency between the regulations that needs to be corrected.

Currently, DMV is treating convictions for parking on a highway under ss. 346.475, 346.51 (1) and 346.52 (1) (f), Stats., as moving violations and assessing two demerit points per violation. In contrast, parking convictions under s. 346.51 (1), Stats., are not treated as moving violations and no demerit points are assessed for those violations. Parking is not a moving violation; it is the exact opposite — a violation that occurs when vehicle operation ceases. Accordingly, parking violation should not extend GDL restrictions. (See s. 343.085 (2m) (b) 1. a., Stats.)

A further ambiguity in Ch. Trans 101 that needs to be addressed is related to offenses that occur on a highway but outside of traffic lanes. Section Trans 101.02 (4) (d) assesses two demerit points for parking on a highway in a traffic lane. No demerit points are assessed for parking on a highway but off the roadway under s. Trans 101.02 (5) (sm). The rule does not address parking that falls into neither category: parking on a highway, on a roadway, but outside of a traffic lane. When ch. Trans 101 was first promulgated, there were few paved shoulders on state highways, so this inconsistency would not have been important. Today, however, such violations are not uncommon and the rule should specify the demerit point repercussions of such violations.

DMV's current practice of attempting to distinguish between on and off roadway parking or between in and out of traffic lane parking is problematic. Because the offenses themselves do not include these items as elements of the offense, DMV is forced to attempt to discern the nature of the charge from other paperwork submitted by police, by asking courts, or various other burdensome mechanisms.

For consistency with GDL restrictions and for administrative efficiency, the Department proposes to eliminate demerit point repercussions for those parking offenses that are not already demerit point exempt: offenses committed on highway roadways.

A separate and distinct issue to be addressed in this proposed rule making relates to the determination of whether a person can be subject to more than one license withdrawal for a single conviction. DMV recently amended ch. Trans 101

to provide that convictions that result in a license withdrawal will generally not be used in a point case to affect the driver's license a second time. There are a number of exceptions to that rule: CDL disqualification actions under s. 343.315, Stats.; withdrawals related to failure to pay the citation; and withdrawals under the a habitual traffic offender law. The Department proposes in this rule making to permit “reuse” of convictions for serious traffic violations committed by an occupational license holder. Occupational license holders whose operating privileges are suspended for committing a serious traffic violation could also be subject to a demerit point suspension for that offense and any other offenses committed within a one–year period from the date of that offense.

Policy Analysis

Amendment #1 — Amend ch. Trans 101 so that demerit points are not assessed for any parking offenses.

The alternative would be to permit assessment of demerit points for these offenses but change DMV computer systems in a manner that disconnects the current parallel between demerit point assessment and Graduated Driver License repercussions. Such programming would be extremely expensive and of little public benefit. It would also make explaining the system to the public much more difficult. At present, drivers understand that so long as no demerit points are assessed for an offense, they don't have GDL concerns. Disconnecting the two will require drivers (and all persons in the criminal justice system dealing with driver licensing) to keep track of separate lists of offenses of import for demerit point and GDL purposes.

Pros: The Department's proposal to eliminate demerit points for parking offenses is simple to understand, consistent with statutes, and inexpensive to implement. Implementing the change saves significant costs in reprogramming computer systems and eliminates a process of reviewing citations by hand in DMV offices.

Cons: Parking in a travel lane is dangerous. It is unlikely, however, that assessment of demerit points for that offense has much deterrent value. Drivers who are not concerned about the safety of their vehicles probably aren't worried about receiving 2 demerit points, either.

Amendment #2 — Permit demerit points assessed for serious traffic offenses that trigger suspensions of occupational licenses to be used in demerit point cases and potentially trigger a demerit point suspension in addition to the occupational license suspension.

Pros: The Department's proposal to allow use of serious traffic violations to suspend occupational licenses and trigger demerit point cases is consistent with statutes and inexpensive to implement. Implementing the change saves significant costs in reprogramming computer systems.

Cons: The proposal complicates rather than simplifies the already complicated demerit point system.

Statutory Authority

Amendment #1: Section 343.085 (2m) (b) 1. a., Stats.

Amendment #2: Section 343.32 (2), Stats.

Comparison with Federal Regulations

The federal government does not regulate driver behavior or assess demerit points. There is no relevant federal law on points.

Entities Affected by the Rule

This rule making will have no effect on entities other than the people involved in the relevant driving offenses.

Estimate of Time Needed to Develop the Rule

5 hours.

Transportation

Subject

Amends Chapter Trans 315, relating to safety belt medical use exemption.

Objective of the Rule

The rule will delete the authority of any person other than physicians to exempt persons from safety belt use requirements. This rule making will result in increased use of safety belts, and increase receipt of federal moneys for highway safety activities.

Policy Analysis

Current rules allow chiropractors and Christian Science practitioners to grant medical exemptions from safety belt use requirements, in addition to physicians. The legislature is currently deliberating a safety belt use law, in part to become eligible for federal safety belt use grants. State law encourages the Department to maximize receipt of federal aid. This rule making is required to conform to federal policy regarding medical exemption from safety belt use laws, a necessary condition of receiving the federal grants.

Statutory Authority

Sections 84.015, 84.41 (7) and 347.48 (2m) (e), Stats.

Comparison with Federal Regulations

Federal law provides safety belt use grants to states that require use of safety belts. Federal policy implementing the grants recognizes a medical exemption issued by physicians. The National Highway Traffic Safety Administration, which administers the grants, has informed this state that any medical exemption must conform to federal policy to be eligible for the grants.

Entities Affected by the Rule

Patients under the care of chiropractors or Christian Science practitioners who may desire an exemption from safety belt use laws.

Estimate of Time Needed to Develop the Rule

20 hours

Submittal of Rules to Legislative Council Clearinghouse

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

Commerce

Fee Schedule, Ch. Comm 2 Licenses, Certifications and Registrations, Ch. Comm 5 CR 09–046

On June 29, 2009, the Department of Commerce submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order revises Chapters Comm 2 and 5, relating to program revenue fees and affecting small business.

Agency Procedure for Promulgation

The Safety and Buildings Division is responsible for promulgation of the rules. A public hearing is required and is scheduled for July 28, 2009.

Contact Information

James Quast, Program Manager
Phone: (608) 266–9292
Email: jim.quast@wisconsin.gov

Commerce

Statements and Penalties for Grant and Loan Programs and Penalties for Tax Credit Programs, Ch. Comm 205 CR 09–045

On June 18, 2009, the Department of Commerce submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order creates Chapter Comm 205, relating to statements and penalties for grant and loan programs, and penalties for tax credit programs.

Agency Procedure for Promulgation

The Division of Business Development is responsible for promulgation of the rules. A public hearing is required and is scheduled for July 27, 2009.

Contact Information

Sam Rockweiler, Code Development Consultant
Phone: (608) 266–0797
Email: srockweiler@commerce.state.wi.us

Employee Trust Funds

CR 09–047

On July 1, 2009, the Department of Employee Trust Funds submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order amends section ETF 11.11, relating to legal counsel advising the boards that are attached to the department while a board considers a final decision pertaining to an appeal.

Agency Procedure for Promulgation

A public hearing is required and will be held on August 13, 2009. The Department's General Counsel is primarily responsible for this rule.

Contact Information

David H. Nispel, General Counsel
Phone: (608) 264–6936
Email: david.nispel@etf.state.wi.us

Employee Trust Funds

CR 09–048

On July 1, 2009, the Department of Employee Trust Funds submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order amends section ETF 11.15 (4), relating to the agent for service of process upon the boards that are attached to the department.

Agency Procedure for Promulgation

A public hearing is required and will be held on August 13, 2009. The Department's General Counsel is primarily responsible for this rule.

Contact Information

David H. Nispel, General Counsel
Phone: (608) 264–6936
Email: david.nispel@etf.state.wi.us

Transportation

CR 09–044

On June 19, 2009, the Department of Transportation submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order creates Chapter Trans 123, relating to registration of non-standard vehicles.

Agency Procedure for Promulgation

The Division of Motor Vehicles, Bureau of Vehicle Services, is responsible for promulgation of the rules. A public hearing is required and is scheduled for July 29, 2009.

Contact Information

Julie A. Johnson, Paralegal
(608) 267-3703

**Transportation
CR 09-049**

On July 1, 2009, the Department of Transportation submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed order revises Chapters Trans 510 and 512,

relating to Transportation Facilities Economic Assistance and Development program, and Transportation Infrastructure Loan program.

Agency Procedure for Promulgation

The Division of Transportation Investment Management, Economic Development Section is responsible for promulgation of the rules. A public hearing is required and is scheduled for August 5, 2009.

Contact Information

Julie A. Johnson, Paralegal
(608) 267-3703

Rule-Making Notices

Notice of Hearing

Commerce

Fee Schedule, Ch. Comm 2

Licenses, Certifications and Registrations, Ch. Comm 5

CR 09-046

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.02 (1), 101.19 and 145.08, Stats., the Department of Commerce will hold a public hearing on proposed rules under Chapters Comm 2 and 5, relating to program revenue fees, and affecting small businesses.

Hearing Information

The public hearing will be held as follows:

<u>Date and Time</u>	<u>Location</u>
July 28, 2009	Conference Room 3C
1:00 p.m.	Thompson Commerce Center 201 West Washington Avenue Madison

This hearing is held in an accessible facility. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 266-8741 or (608) 264-8777 (TTY) at least 10 days prior to the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon a request from a person with a disability.

Copies of Proposed Rule

The proposed rules and an analysis of the proposed rules are available on the Internet at the Safety and Buildings Division Web site at www.commerce.wi.gov/SB/. Paper copies may be obtained without cost from Roberta Ward, at the Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, WI 53701-2689, or Email at roberta.ward@wisconsin.gov, or at telephone (608) 266-8741 or TDD Relay dial 711 in Wisconsin or (800) 947-3529. Copies will also be available at the public hearing.

Appearance at Hearing and Submission of Written Comments

Interested persons are invited to appear at the hearing and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until August 7, 2009, to permit submittal of written comments from persons who are unable to attend the hearing or who wish to supplement testimony offered at the hearing. Written comments should be submitted to James Quast, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or Email at jim.quast@wisconsin.gov.

Analysis Prepared by Department of Commerce

Statutes interpreted

Sections 101.02 (1), 101.19 and 145.08, Stats.

Statutory authority

Sections 101.02 (1), 101.19 and 145.08, Stats.

Related statute or rule

None.

Explanation of agency authority

Chapters 101 and 145, Stats., grant the department general authority for the purpose of protecting public health, safety and welfare by establishing standards and regulatory oversight programs for the construction and maintenance of buildings, structures and dwellings and their components. These programs are administered by the Safety and Buildings Division. Sections 101.19 and 145.08, Stats., grant the department authority to promulgate rules to fix and collect fees that reflect the cost of providing these programs.

Summary of proposed rules

The proposed rules contain three substantive provisions that establish fees for credentials administered by the Safety and Buildings Division:

- The review of continuing educational course submittals.
- A credential application fee for 22 credential categories in addition to the credential fee.
- The review of a previously completed credentialing exam.

The rules also propose to shorten the length of approval for a continuing education course from 5 years to 3 years.

Comparison with federal regulations

An Internet-based search in the *Code of Federal Regulations and the Federal Register* did not identify any existing or proposed federal regulations that address these topics.

Comparison with rules in adjacent states

Illinois, Iowa, and Michigan do not charge a fee for their reviews and approvals of continuing education courses required for any state credentials relating to building construction.

Minnesota charges \$100 for the course provider and \$10 per course hour for the review and approval of continuing education courses related to residential building contractors.

Summary of factual data and analytical methodologies

The department issues 82 types of licenses, certifications and registrations for a variety of trade occupations. Approximately 40 percent of those credentials require the fulfillment of continuing educational obligations to renew the specific credential. Many of the continuing education courses are developed, conducted and/or sponsored by third-party entities. Continuing educational courses must first be reviewed and approved by the department. Currently, the department does not charge a fee for the review of a course. The department's cost to provide this review is currently offset by the credential fees of the various occupations. The department over the last three years has reviewed approximately 900 courses annually. On average, the review of a continuing educational course takes about an hour to process.

The department offers license applicants the ability to review their qualifying licensing exams. Currently, the department does not charge a fee for this service. The department's cost to provide this service is currently offset by

the exam fees and the credential fees. Approximately 200 individuals annually take advantage of this opportunity. The department costs involve retrieving records and monitoring the applicants who review their exams.

Of the 82 types of credentials issued by the department, an application fee is part of the overall credential fee charge by the department for approximately 75 percent of the credentials. The application fee is charged for the initial application and for late credential renewals. Current application fees range from \$10 to \$35. The implementation of an application fee for the remaining 25 percent of the credentials creates equity across the board.

Analysis and supporting documents used to determine effect on small business

Continuing educational courses needed to renew various credentials issued by the department can be developed and submitted by anyone. Currently, many of the continuing education courses are developed or sponsored by various building trade or inspection associations. The fee for attending and/or completing a continuing educational course is determined by the course provider or sponsor. The department does not believe that the proposed fee of \$40 per application plus \$5 for each half hour of credit sought will create a significant impact on course submitters. Continuing education courses are approved for 5 years.

The proposed fee to review a previous licensing exam affects individuals and not businesses directly.

Manufactured home dealer businesses would be the only business type credential affected by the implementation of the proposed \$15 credential application fee.

An economic impact report has not been required to be prepared.

Small Business Impact

Initial regulatory flexibility analysis

Types of small businesses that will be affected by the rules.

The most significant proposal establishes a fee for the department's review of continuing educational course submittals relating to credentials administered by the Safety and Buildings Division. The continuing educational courses can be developed and submitted by anyone. The courses are utilized by various trades people credentialed by the department to fulfill educational obligations as a prerequisite to renew their license, certification or registration. Currently, many of the continuing education courses are developed or sponsored by various building trade or inspection associations.

Reporting, bookkeeping and other procedures required for compliance with the rules.

The proposed changes to chapters Comm 2 and 5 do not impose any additional reporting, bookkeeping or other procedures for compliance.

Types of professional skills necessary for compliance with the rules.

The proposed changes to chapters Comm 2 and 5 do not require any type of professional skills for compliance.

Rules have a significant economic impact on small businesses?

No.

Small business regulatory coordinator

The small business regulatory coordinator for the Department of Commerce is Carol Dunn, who may be

contacted at telephone (608) 267-0297, or Email at carol.dunn@wisconsin.gov.

Environmental Impact

The Department has considered the environmental impact of the proposed rules. In accordance with chapter Comm 1, the proposed rules are a Type III action. A Type III action normally does not have the potential to cause significant environmental effects and normally does not involve unresolved conflicts in the use of available resources. The Department has reviewed these rules and finds no reason to believe that any unusual conditions exist. At this time, the Department has issued this notice to serve as a finding of no significant impact.

Fiscal Estimate

Assumptions used in arriving at fiscal estimate

The department issues 82 types of licenses, certifications and registrations for a variety of trade occupations. Approximately 40 percent of those credentials require the fulfillment of continuing educational obligations to renew the specific credential. Continuing educational courses must first be reviewed and approved by the department. Currently, the department does not charge a fee for the review of a course. The department's cost to provide this review is currently offset by the credential fees of the various occupations. The department over the last three years has reviewed approximately 900 courses annually. The department estimates that the average amount of approved credit sought is 2 hours per course. The department proposes assessing a fee of \$40 for each course approval plus \$5 for each half hour of credit recognized. The department expects the requests for continuing educational course approval to remain steady. Based upon these assumptions, the proposal would generate \$54,000 annually in revenue.

The department offers license applicants the ability to review their qualifying licensing exams. Currently, the department does not charge a fee for this service. The department's cost to provide this service is currently offset by the exam fees and the credential fees. Approximately 200 individuals annually take advantage of this opportunity. The department is proposing \$15 fee for this service, and the proposal would generate \$3,000 annually in revenue.

Of the 82 types of credentials issued by the department, an application fee is part of the overall credential fee charge by the department for approximately 75 percent of the credentials. The application fee is charged for the initial application and for late credential renewals. Current application fees range from \$10 to \$35. The implementation of a \$15 application fee for the remaining 25 percent of the credentials creates equity across the board. The department estimates that there would 1,000 situations annually, initial applications and late renewals, where the proposed application fee would be applicable. This would result in an additional \$15,000 in annual revenue.

State fiscal effect

Increase existing revenues.

Local government fiscal effect

None.

Fund sources affected

PRO.

Agency Contact

James Quast, Program Manager
jim.quast@wisconsin.gov
(608) 266-9292

Notice of Hearing

Commerce

Statements and Penalties for Grant and Loan Programs and Penalties for Tax Credit Programs, Ch. Comm 205

CR 09-045

NOTICE IS HEREBY GIVEN that pursuant to section 560.01 (2) (ae) 6. and 7., Stats., the Department of Commerce will hold a public hearing on proposed rules to create Chapter Comm 205 relating to statements and penalties for grant and loan programs, and penalties for tax credit programs, and affecting small businesses.

Hearing Information

The public hearing will be held as follows:

<u>Date and Time</u>	<u>Location</u>
July 27, 2009	Thompson Commerce Center
Monday	Third Floor, Room 3B
10:00 a.m.	201 West Washington Avenue Madison

This hearing will be held in an accessible facility. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call Sam Rockweiler at (608) 266-0797 or at Contact Through Relay at least 10 days prior to the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon a request from a person with a disability.

Copies of Proposed Rule

The proposed rules and an analysis of the rules are available on the Internet by entering "Comm 205" in the search engine at the following Web site: <http://adminrules.wisconsin.gov>. Paper copies may be obtained without cost from Sam Rockweiler at the Department of Commerce, Division of Environmental and Regulatory Services, P.O. Box 14427, Madison, WI 53707, or at sam.rockweiler@wisconsin.gov, or at telephone (608) 266-0797, or at Contact Through Relay. Copies will also be available at the public hearing.

Appearance at Hearing and Submission of Written Comments

Interested persons are invited to appear at the hearing and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing, via e-mail. Persons submitting comments will not receive individual responses. The hearing record on this rulemaking will remain open until July 30, 2009, to permit submittal of written comments from persons who are unable to attend the hearing or who wish to supplement testimony offered at the hearing. E-mail comments should be sent to sam.rockweiler@wisconsin.gov. If e-mail submittal is not possible, written comments may be submitted to Sam Rockweiler, Department of Commerce, Division of Environmental and Regulatory Services, P.O. Box 14427, Madison, WI 53708-0427.

Analysis Prepared by Department of Commerce

Statutes interpreted

Sections 560.01 (2) (ae) 6. and 7. and (as), as created by 2007 Wisconsin Act 125.

Statutory authority

Sections 560.01 (2) (ae) 6. and 7. and 227.11 (2) (a), Stats.

Explanation of agency authority

Section 227.11 (2) (a) of the Statutes authorizes the Department to promulgate rules interpreting the provisions of any Statute administered by the Department. Sections 560.01 (2) (ae) 6. and 7. direct the Department to require, by rule, penalties and statements in the economic-development grant or loan programs administered by the Department, and penalties in the tax credit programs administered by the Department.

Related statute or rule

Several statute sections and other Departmental rules address financial incentives for economic development in Wisconsin. For example, (1) sections 560.70 to 560.7995 of the Statutes and chapters Comm 100, 107, 112 and 118 address statewide tax-credit programs for job creation, capital investment, employee training and corporate headquarters; (2) sections 560.60 to 560.658 of the Statutes and chapter Comm 106 direct economic development grants and loans towards capital financing, worker training, entrepreneurial development, providing assistance to technology-based business or to businesses at a foreign trade show or event, promoting urban or regional economic development, establishing revolving loan funds, providing working capital, and promoting employee ownership; and (3) several other sections of chapter 560 and other Comm chapters address more-narrowly targeted economic development incentives, such as for film productions, dairy manufacturing facilities, technology commercialization, rural economic development, and brownfield redevelopment.

Plain language analysis

The rules in this order would (1) require each recipient of a grant, loan or tax credit administered by the Department to enter into a contract with the Department, prior to receiving allocation of the grant, loan or tax credit; (2) require each recipient of a grant or loan to submit to the department a statement which contains a detailed accounting of the funding and deliverables for the grant or loan; (3) require verification by a certified public accountant for the statements for grants or loans that total \$100,000 or more; and (4) establish penalties for recipients who submit false or misleading information or who fail to comply with the terms of a contract.

Comparison with federal regulations

The federal Government Performance and Results Act (GPRA) of 1993, as primarily enacted in sections 1115 and 1116 of Title 31 of the United States Code, contains several main elements that are substantially similar to the main elements of 2007 Wisconsin Act 125 – such as requiring governmental executive agencies to (1) establish measurable goals and performance indicators for each applicable program administered by the agency, and (2) annually submit a corresponding detailed report to legislative reviewers that assesses the overall effectiveness of each of those programs. However, GPRA does not include the Act 125 requirements that (1) the recipients of the program benefits must submit performance and financial reports and corresponding verified statements to the administering agency; and (2) administering agencies must establish penalties for a recipient who submits false or misleading information, or who fails to comply with the terms of a contract and then fails to adequately explain the noncompliance.

Section 6304 of Title 31 of the United States Code requires a federal executive agency to use a grant agreement as the legal instrument reflecting the relationship between the

United States Government and a State, a local government, or other recipient when (1) the principal purpose of the relationship is to transfer something of value to the recipient to carry out a public purpose, and (2) substantial involvement is not expected between the executive agency and the recipient when carrying out the activity contemplated in the agreement. Several of the economic development programs administered by the Department of Commerce include federal grant funding and therefore are addressed in such grant agreements. The Department likewise uses similar grant and loan agreements with the local recipients of the benefits of these and other economic development programs. Federal administrative requirements for grant agreements between federal agencies and nonprofit organizations, for example, are established in section 215 of Title 2 of the Code of Federal Regulations. Those requirements include having the recipient submit performance reports and financial status reports to the awarding agency at least annually – and the financial status report must include a certification statement from an authorized official for the recipient, that attests to the accuracy and completeness of the report and to the validity of all included outlays. This required recipient performance reporting closely matches the recipient performance reporting that is required in 2007 Wisconsin Act 125; and the required certification statement on the financial report closely matches the verification statement which is likewise required in Act 125, and which is to be addressed in the proposed rules.

Sections 215.61 and 215.62 of Title 2 of the Code of Federal Regulations specify that grant awards may be withheld, suspended, or terminated in whole or in part if a recipient fails to comply with the terms and conditions of an award. These penalties for this failure closely match the withholding–payment penalty which is authorized in Act 125 for recipients who fail to comply with the terms of a grant or loan agreement, and which is to be addressed in the proposed rules.

Under the federal civil money penalty law, as enacted in 1981 and as currently applied, for example, to the Social Security program through section 1320a–8 of Title 42 of the United States Code, any person who submits false or misleading statements for an agency’s use in determining eligibility for program benefits is subject to a penalty of not more than \$5000 for each such statement, and to an assessment of not more than twice the amount of benefits or payments paid as a result of the statements. Since 1981, the provisions of the civil money penalty law have been expanded by reference to numerous types of fraudulent and abusive activities, including those addressed by the federal Economic Development Administration. These penalties for these statements closely match the Act 125 penalties which impose a forfeiture or recoup a payment in response to submittal of false or misleading statements, and which are to be addressed in the proposed rules.

An Internet–based search of recent editions of the *Federal Register* did not reveal any currently proposed federal regulations regarding penalties in the economic development grant and loan programs administered by the Department; or regarding penalties for submitting false or misleading information in the economic development tax credit programs administered by the Department. In the November 21, 2007, edition of the *Federal Register*, notice was found of a proposal by the federal Department Housing and Urban Development to extend its information–collection requirements to include requirements for grant recipients to report against their baseline performance standards, in a manner that standardizes

grants progress reporting requirements and promotes greater emphasis on performance and results in grant programs.

Comparison with rules in adjacent states

Minnesota

An Internet–based search did not reveal any similar Minnesota rules. However, sections 116J.993 to 116J.995 of the Minnesota Statutes require recipients of state–level economic development funding to (1) enter into a formal subsidy agreement with the State, (2) perform annual reporting, and (3) pay back subsidies for failures to meet terms of the agreements. These requirements are similar to the requirements for the contracts, reporting and penalties that are addressed in the proposed rules. As in the proposed rules, the Minnesota reporting requirements are more detailed for larger funding levels.

Michigan

An Internet–based search did not reveal any similar Michigan rules. However, sections 208.1431 to 208.1434 of the Michigan Statutes address tax credits for job development and economic development – and require recipients of the credits to enter into a formal agreement with the State, and to submit a verified statement from a Certified Public Accountant addressing the actual jobs created, if required by the Michigan Economic Growth Authority. The tax credits can be reduced or terminated for failure to meet the terms of the contract, and must be paid back in full to the State if 51% or more of the new qualified jobs are moved out of state within three years after claiming the credit.

Illinois

Section 20 ILCS 715 of the Illinois Statutes requires recipients of state–level economic development funding to (1) enter into a formal subsidy agreement with the State, (2) perform annual reporting, and (3) pay back subsidies for failures to meet terms of the agreements. The Illinois Administrative Code contains further requirements relating to these topics in Title 32 section 130.110 for renewable fuels and in Title 14 sections 527.80, 527.90, 527.100, 540.190, and 545.560 for economic development and technology development. These requirements are similar to the requirements for the contracts, reporting and penalties that are addressed in the proposed rules. As in the proposed rules, the Illinois reporting requirements are more detailed for larger funding levels.

Iowa

Chapters 15, 15A and 15E of the Iowa Code (statutes), and the Iowa Administrative Code chapters administered by the Department of Economic Development address state–level financial incentives for economic development and job development and require recipients of these incentives to (1) enter into a formal agreement with the State, (2) perform annual reporting, and (3) pay back subsidies for failures to meet terms of the agreements. These requirements are similar to the requirements for the contracts, reporting and penalties that are addressed in the proposed rules.

Summary of factual data and analytical methodologies

The data and methodology for developing these rules were derived from and consisted of (1) incorporating the criteria in 2007 Wisconsin Act 125; (2) incorporating applicable best practices the Department has developed in administering similar programs for economic development, business development, and tax–credit verification; and (3) reviewing Internet–based sources of related federal, state, and private–sector information.

Analysis and supporting documents used to determine effect on small business

The primary document that was used to determine the effect of the rules on small business was 2007 Wisconsin Act 125. This Act applies its private–sector requirements only to businesses for which a corresponding grant, loan or tax credit is desired.

Small Business Impact

The rules are not expected to impose significant costs or other adverse impacts on small businesses because the rules address submittal of documentation, and other activities, only by applicants that choose to pursue grants, loans or tax credits for economic development.

Initial regulatory flexibility analysis

Types of small businesses that will be affected by the rules.

Businesses that receive economic development grants, loans or tax credits administered by the Department.

Reporting, bookkeeping and other procedures required for compliance with the rules.

Businesses that receive economic development grants or loans administered by the Department would need to submit a statement to the Department in accordance with a format and timeline specified in a corresponding contract with the Department.

Types of professional skills necessary for compliance with the rules.

No new professional skills are necessary for compliance with the rules.

Rules have a significant economic impact on small businesses?

No.

Small business regulatory coordinator

Any inquiries for the small business regulatory coordinator for the Department of Commerce can be directed to Sam Rockweiler at sam.rockweiler@wisconsin.gov, or telephone (608) 266–0797.

Environmental Impact

The Department has considered the environmental impact of the proposed rules. In accordance with chapter Comm 1, the proposed rules are a Type III action. A Type III action normally does not have the potential to cause significant environmental effects and normally does not involve unresolved conflicts in the use of available resources. The Department has reviewed these rules and finds no reason to believe that any unusual conditions exist. At this time, the Department has issued this notice to serve as a finding of no significant impact.

Fiscal Estimate***Assumptions used in arriving at fiscal estimate***

The contracts and reporting addressed in the rules are substantially similar to contracts and reporting that the Department currently requires in conjunction with administering economic development grants, loans and tax credits — and therefore are not expected to have any significant fiscal effect on the Department.

The rules are not expected to impose any significant costs on local governments or the private sector, because preparation of the statements that are addressed in the rules is not expected to have a significant new cost.

State fiscal effect

None.

Local government fiscal effect

None.

Long–range fiscal implications

None known.

Agency Contact Person

Sam Rockweiler, Wisconsin Department of Commerce, Division of Environmental and Regulatory Services, 201 West Washington Avenue, Madison, WI, 53703; telephone: (608) 266–0797; E–Mail: sam.rockweiler@wisconsin.gov.

Notice of Hearing**Employee Trust Funds****CR 09–047**

The Wisconsin Department of Employee Trust Funds proposes an order to amend section ETF 11.11, relating to legal counsel advising the boards that are attached to the department while a board considers a final decision pertaining to an appeal.

Hearing Information

A public hearing on this proposed rule will be held as follows:

<u>Date and Time</u>	<u>Location</u>
August 13, 2009 1:00 p.m.	Conference Room GB Dept. of Employee Trust Funds 801 West Badger Road Madison

Persons wishing to attend should come to the reception desk up the stairs (or by elevator) from the main entrance to the building.

Copies of Proposed Rule

Copies of the proposed rule are available without cost from the Office of the Secretary, Department of Employee Trust Funds, P. O. Box 7931, Madison, WI 53707–7931. The telephone number is: (608) 266–1071.

Submission of Written Comments

Written comments on the proposed rule may be submitted to David Nispel, General Counsel, Department of Employee Trust Funds, 801 W. Badger Road, 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 August 13, 2009.

Analysis Prepared by the Department of Employee Trust Funds***Statute interpreted***

Section 40.03, Wis. Stats.

Statutory authority

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

Explanation of agency authority

By statute, the DETF 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. Also, 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 statute or rule

Ch. ETF 11, Wis. Admin. Code, establishes a procedure for the review of appealable department determinations by the board responsible for the subject matter. Section 40.03 (3) provides that the department of justice shall provide legal counsel and prosecute and defend all actions brought by or against the boards or the department. There are no other related administrative rules or statutes.

Plain language analysis

The purpose of this rule is to allow board staff to arrange for legal counsel for the boards as deemed necessary and in accordance with Wis. Stat. s. 40.03, to provide that the legal counsel shall provide legal representation to the board, and to provide the boards with additional flexibility in the use of legal counsel.

Comparison with federal regulations

There are no existing or proposed federal regulations that directly pertain to this proposed rule.

Comparison with rules in adjacent states

The department did not locate any comparable rule or statute in any adjacent states.

Summary of factual data and analytical methodologies

Currently s. ETF 11.11 provides that board staff arrange for legal counsel to advise the boards attached to the department from one of three sources: 1) the Department of Justice, if the department is a party to the appeal; 2) the department's chief counsel, if the department is not a party to the appeal; and 3) outside counsel, if neither the department's chief counsel nor the Department of Justice is able to provide legal counsel. The current rule also prescribes a number of specific duties of the legal counsel.

The proposed revision would allow board staff to arrange for legal counsel for the boards as deemed necessary and in accordance with Wis. Stat. s. 40.03 (3). In addition, the proposed rule would simply provide that the legal counsel shall provide legal representation to the board, rather than specifying specific duties. These changes will provide the boards with additional flexibility in using legal counsel services.

Analysis and supporting documents used to determine effect on small business

The 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.

Small Business Impact

There is no effect on small business.

Fiscal Estimates

The rule will have no effect on county, city, village, town, school district, technical college district or sewerage district fiscal liabilities or revenues. The rule will have no effect on state funds.

Text of Proposed Rule

SECTION 1. ETF 11.11 (1) and (2) are amended to read:

ETF 11.11 Counsel for the board. (1) In accordance with Wis. Stat. s. 40.03 (3), Bboard staff shall arrange for legal counsel to advise the board during its consideration of a final decision, as follows:

(a) ~~In any appeal to which the department is a party, legal counsel shall be requested from the department of justice.~~

(b) ~~In any appeal to which the department is not a party, legal counsel shall be requested from the department's chief counsel.~~

(c) ~~If neither the department of justice or the department's chief counsel are able to provide legal counsel, board staff shall follow the appropriate procedures for hiring outside counsel familiar with administrative law and ch. 40, Stats.~~

(2) Any legal counsel asked to represent the board under sub. (1) shall fully disclose any real or apparent conflict of interest to the board chair and state whether counsel is able to render objective advice to the board. The board chair may waive the conflict on behalf of the board.

SECTION 2. ETF 11.11 (3) is repealed and recreated to read:

(3) Counsel appointed under sub. (1) shall provide legal representation to the board including:

(a) Advising the board during its deliberations and making specific recommendations for action by the board and

(b) Drafting findings of fact and conclusions of law.

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 email address: david.nispel@etf.state.wi.us. The telephone number is: (608) 264-6936.

Notice of Hearing Employee Trust Funds CR 09-048

The Wisconsin Department of Employee Trust Funds proposes an order to amend section ETF 11.15 (4), relating to the agent for service of process upon the boards that are attached to the department.

Hearing Information

A public hearing on this proposed rule will be held as follows:

<u>Date and Time</u>	<u>Location</u>
August 13, 2009 1:00 p.m.	Conference Room GB Dept. of Employee Trust Funds 801 West Badger Road Madison

Persons wishing to attend should come to the reception desk up the stairs (or by elevator) from the main entrance to the building.

Copies of Proposed Rule

Copies of the proposed rule are available without cost from the Office of the Secretary, Department of Employee Trust Funds, P.O. Box 7931, Madison, WI 53707-7931. The telephone number is: (608) 266-1071.

Submission of Written Comments

Written comments on the proposed rule may be submitted to David Nispel, General Counsel, department of employee trust funds, 801 W. Badger Road, 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 August 13, 2009.

Analysis Prepared by the Department of Employee Trust Funds**Statute interpreted**

Section 40.03, Wis. Stats.

Statutory authority

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

Explanation of agency authority

By statute, the DETF 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. Also, 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 statute or rule

Ch. ETF 11, Wis. Admin. Code, establishes a procedure for the review of appealable department determinations by the board responsible for the subject matter. There are no other related administrative rules or statutes.

Plain language analysis

The purpose of this rule is to improve the procedure for receipt of service of process upon the boards attached to the department by increasing the number of persons who are authorized to accept such service. The rule eliminates the reference to a chief counsel and changes that position to general counsel, and adds to other positions to the list of persons designated to accept service for the board.

Comparison with federal regulations

There are no existing or proposed federal regulations that directly pertain to this proposed rule.

Comparison with rules in adjacent states

The department did not locate any comparable rule or statute in any adjacent states.

Summary of factual data and analytical methodologies

Currently only three positions are designated by rule to receive service on behalf of the board: the chief counsel of the department and the division administrator or program director administering the program which pertains to the underlying appeal to the board.

This rule will improve the procedure for receipt of service of process upon the boards attached to the department by increasing the number of persons who are authorized to accept such service.

Analysis and supporting documents used to determine effect on small business

The 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.

Small Business Impact

There is no effect on small business.

Fiscal Estimate

The rule will have no effect on county, city, village, town, school district, technical college district or sewerage district fiscal liabilities or revenues. The rule will have no effect on state funds.

Text of Proposed Rule

ETF 11.15 (4) is amended to read:

(4) AGENT FOR SERVICE UPON BOARD. Except as provided in this subsection, no person or employee of the department is authorized to accept service for the board. From time to time the board may by motion designate a person, either by name or position, as agent to accept personal service

for the board. Persons holding the following positions, whose names shall be disclosed by the department upon request, are designated as agents to accept personal service on behalf of the board:

- (a) The ~~chief counsel~~ general counsel of the department.
- (b) The division administrator or program director administering the particular program which is the subject matter of the underlying appeal to the board.
- (c) The deputy secretary of the department
- (d) The secretary of the department, or his or her designees.

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 email address: david.nispel@etf.state.wi.us. The telephone number is: (608) 264-6936.

Notice of Hearing Government Accountability Board CR 09-035

NOTICE IS HEREBY GIVEN that pursuant to ss. 5.05 (1) (f) and 227.11 (2) (a), Stats., the Government Accountability Board will hold a public hearing to consider adoption of a rule to create Chapter GAB 22 relating to settlement of certain campaign finance, ethics and lobbying violations.

Hearing Information

The public hearing will be held at the time and location shown below:

<u>Date and Time</u>	<u>Location</u>
July 28, 2009 10:00 a.m.	Government Accountability Board Office 212 E. Washington Avenue 3rd Floor Madison, WI 53703

This public hearing site is accessible to individuals with disabilities. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please contact the person listed below.

Submission of Written Comments

Comments on the proposed rules should be submitted to the Government Accountability Board, 212 East Washington Ave., P.O. Box 7984, Madison, Wisconsin 53707-7984; (elections.state.wi.us). Comments should be submitted by July 28, 2009.

Analysis Prepared by Government Accountability Board**Statutes interpreted**

Sections 5.05 (2m) (c) 12., 11.05, 11.055, 11.06, 11.12, 11.20, 11.21, 11.26, 13.625, 13.64, 13.65, 13.66, 13.67, 13.68, and 19.43, Stats.

Statutory authority

Sections 5.05 (1) (f) and (2m) (c) 12. and 227.11 (2) (a), Stats.

Explanation of agency authority

Pursuant to s. 5.05 (2m) (c) 12., Stats., the legislature specifically authorized the Board to prescribe, by rule, categories of civil offenses which the Board will agree to compromise and settle without a formal investigation and upon payment of specified amounts by the alleged offender.

Related statute(s) or rule(s)

Chapter 11, Stats.—Campaign Financing, subch. III of ch. 13, Stats.—Regulation of Lobbying, and subch. III ch. 19, Stats.—Code of Ethics for Public Officials and Employees. Chapter GAB 1—Campaign Financing.

Plain language analysis

Chapter GAB 22 will establish settlement offer guidelines that the Government Accountability Board’s staff may use to resolve certain violations of chapters 11, 13, and 19, Stats., in lieu of an enforcement action.

Comparison with federal regulations

Federal regulations will not apply to the activities covered by ch. GAB 22. The Federal Election Commission has established various formulas and charts for automatic administrative civil penalties for late filing of federal reports that are based upon the amount of activity during the reporting period. See 11 CFR 111.43.

Comparison with rules in adjacent states**Illinois**

Illinois statutes prescribe an automatic civil penalty of \$25.00 per business day for late filing or failing to file statements of organization of political committees, except that the civil penalty for committees formed to support candidates for statewide offices is \$50.00 per business day. 10 ILCS 5/9–3. Illinois has administrative rules regarding civil penalties for late campaign finance reports, categorized based upon the amount of receipts, expenditures and balance at the end of the report. See 26 Ill. Adm. Code §125.425. These civil penalties range from the lowest category of \$25.00 per business day for the first violation, \$50.00 per business day for the second violation, and \$75.00 per business day for the third and each subsequent violation, to the highest category of \$200.00 per business day for the first violation, \$400.00 per business day for the second violation, and \$600.00 per day for the third and each subsequent violation. Id.

Iowa

Iowa’s Ethics and Campaign Disclosure Board has the authority to administratively resolve late reports by assessment of automatic civil penalties prescribed by the Board. Ch. 351–9.4(5), Iowa Adm. Code.

Michigan

Michigan has rules prescribing automatic late fees for registration, reports and statements for lobbying and campaign finance matters. Rs. 4.443, 4.452, and 169.4, Mich. Adm. Code. The automatic late fee for campaign registration statements is \$10.00 per business day. See s. 169.224, Mich. Stats. The automatic late fees for campaign finance reports are \$25.00 for each business day it remains unfiled, an additional \$25.00 for each business day after the first three that the report remains unfiled, and an additional \$50.00 for each business day after the first ten that the report remains unfiled. s. 169.233, Mich. Stats.

Minnesota

In Minnesota, the Office of Administrative Hearings has used a “penalty matrix” designed by the Secretary of State’s Office to provide guidance for most campaign finance violations.

Summary of factual data and analytical methodologies

Adoption of these rules was primarily predicated upon the legislature’s specific authorization to have the Government Accountability Board prescribe, by rule, categories of civil offenses which the Board will agree to compromise and settle

without a formal investigation and upon payment of specified amounts by the alleged offender.

Analysis and supporting documentation used to determine effect on small businesses

The rule will have no effect on small business, nor any economic impact.

Small Business Impact

The creation of this rule does not affect business.

Fiscal Estimate

The creation of this rule has no new fiscal effect.

Text of Proposed Rule

SECTION 1. Chapter GAB 22 is created to read:

**CHAPTER GAB 22
SETTLEMENT OFFER SCHEDULE**

22.01 Definitions. In this chapter:

(1) “Board” means the Wisconsin government accountability board.

(2) “Campaign finance registration statement” means the statement required to be filed by individuals, committees and groups under s. 11.05, Stats.

(3) “Continuing campaign finance report” means the semi–annual campaign finance report required under s. 11.20 (4), Stats.

(4) “Contribution” has the meaning given in s. 11.01 (6), Stats.

(5) “Contributor” means an individual or committee who makes a contribution under s. 11.01 (6), Stats.

(6) “Contributor information” means the information required by s. 11.06 (1), Stats., regarding contributions greater than \$20 or greater than \$100.

(7) “Disbursement” has the meaning given in s. 11.01 (7), Stats.

(8) “Disbursement information” means the information required by s. 11.06(1), Stats., regarding disbursements greater than \$20.

(9) “Excess contribution” means a contribution that exceeds any of the limits set in s. 11.26, Stats.

(10) “File electronically” means the requirement in s. 11.21 (16), Stats., that registrants subject to that subsection file a copy of their campaign finance reports in electronic format.

(11) “Filing fee” means the fee required by s. 11.055, Stats.

(12) “Last–minute contribution” means the contribution or contributions described in s. 11.12 (5), Stats., that are made later than 15 days prior to a primary or an election.

(13) “Lobbyist” has the meaning given in s. 13.62 (11), Stats.

(14) “Pre–primary report or pre–election campaign finance report” means the campaign finance reports referred to in s. 11.20 (2), Stats., that are due no earlier than 14 days before a primary or election and no later than 8 days before a primary or election.

(15) “Principal” has the meaning given in s. 13.62 (12), Stats.

(16) “Registrant” has the meaning given in s. 11.01 (18m) Stats.

(17) “Statement of economic interests” has the meaning given in s. 19.43, Stats.

22.02 Settlement of campaign finance violations. (1) VIOLATIONS OF S. 11.05, STATS., FAILURE TO TIMELY FILE A CAMPAIGN FINANCE REGISTRATION STATEMENT. (a) If a campaign finance registration

statement is received within 5 days after the due date for that registration, no penalty may be imposed on the registrant.

(b) If a campaign finance registration statement is received within 6 to 10 days after the due date for that registration, a settlement offer of \$100 may be extended to the registrant.

(c) If a campaign finance registration statement is received within 11 to 15 days after the due date for that registration, a settlement offer of \$250 may be extended to the registrant.

(d) If a campaign finance registration is received more than 15 days after the due date for that registration, a settlement offer of \$500 may be extended to the registrant.

(e) Notwithstanding the settlement terms provided in pars. (a) to (d), the board may consider mitigating circumstances, including the registrant's low level of activity, in determining the amount of the settlement offer that may be extended to the registrant.

(2) VIOLATIONS OF S. 11.20 (4), STATS., FAILURE TO TIMELY FILE THE CONTINUING CAMPAIGN FINANCE REPORT. (a) If a continuing campaign finance report is received within 5 days after the due date for that report, no penalty may be imposed on the registrant.

(b) If a continuing campaign finance report is received within 6 to 10 days after the due date for that report, a settlement offer of \$200 may be extended to the registrant.

(c) If a continuing campaign finance report is received within 11 to 15 days after the due date for that report, a settlement offer of \$500 may be extended to the registrant.

(d) If a continuing campaign finance report is received within 16 to 30 days after the due date for that report, a settlement offer of \$500, plus \$25 per day or, for a candidate committee, .1 % of the annual salary of the office for which the candidate is registered per day, may be extended to the registrant.

(e) If a continuing campaign finance report is received more than 30 days after the due date for that report, a settlement offer of \$500, plus \$50 per day or, for a candidate committee, .5% of the annual salary of the office for which the candidate is registered per day, may be extended to the registrant.

(f) Notwithstanding the settlement terms provided pars. (a) to (e), the board may consider mitigating circumstances, including the registrant's level of activity under \$1,000 in receipts, in determining the amount of the settlement offer that may be extended to the registrant.

(3) VIOLATIONS OF S. 11.20 (2), STATS., FAILURE TO TIMELY FILE THE PRE-PRIMARY OR PRE-ELECTION CAMPAIGN FINANCE REPORTS. (a) If a pre-primary or pre-election campaign finance report is received within 1 day after the due date for that report, no penalty may be imposed on the registrant.

(b) If a pre-primary or pre-election campaign finance report is received within 2 days after the due date for that report, a settlement offer of \$250 may be extended to the registrant.

(c) If a pre-primary or pre-election campaign finance report is received within 3 days after the due date for that report, a settlement offer of \$500 may be extended to the registrant.

(d) If a pre-primary or pre-election campaign finance report is received more than 3 days after the due date for that report, a settlement offer of \$500, plus \$50 per day or, for a candidate committee, 1% of the annual salary of the office for which the candidate is registered per day, may be extended to the registrant.

(e) Notwithstanding the settlement terms provided in pars. (a) to (d), the board may consider mitigating circumstances, including the registrant's failure to win the primary election, in determining the amount of the settlement offer that may be extended to the registrant.

(4) VIOLATIONS OF S. 11.12 (5), STATS., FAILURE TO TIMELY FILE THE 24-HOUR REPORT OF LAST MINUTE CONTRIBUTIONS. (a) If a 24-hour report of last-minute contributions is received within 1 day after the due date for that report, a settlement offer of \$500 may be extended to the registrant.

(b) If a 24-hour report of last-minute contributions is received more than 1 day after the due date for that report, a settlement offer of \$500, plus \$50 per day or, for a candidate committee, 1% of the annual salary of the office for which the candidate is registered per day, may be extended to the registrant.

(5) VIOLATIONS OF S. 11.21 (16), STATS., FAILURE TO TIMELY FILE ANY CAMPAIGN FINANCE REPORT ELECTRONICALLY WHEN REQUIRED TO DO SO. The board will extend a settlement offer based on treating the failure to timely file electronically the same as the failure to file a campaign finance report in any other format.

(6) VIOLATIONS OF S. 11.055, STATS., FAILURE TO TIMELY PAY THE FILING FEE.

(a) If a registrant has not paid the filing fee within the time provided by s. 11.055, Stats., but does pay the fee within 10 days after notice of nonpayment from the board, a settlement offer of \$300 may be extended to the registrant.

(b) If a registrant has not paid the filing fee within the time provided by s. 11.055, Stats., but does pay the fee within 11 to 18 days after notice of nonpayment from the board, a settlement offer of \$500 may be extended to the registrant.

(c) If a registrant has not paid the filing fee within the time provided by s. 11.055, Stats., and does not pay the fee within 18 days after notice of nonpayment from the board, a settlement offer of \$500 plus three times the payable fee may be extended to the registrant.

(7) VIOLATIONS OF S. 11.06, STATS., FAILURE TO REPORT ALL REQUIRED CONTRIBUTOR INFORMATION ON A CAMPAIGN FINANCE REPORT.

(a) If the contributor information required by s. 11.06, Stats., is not included on a campaign finance report and is not provided within 10 days after the board's notice of failure to comply, the registrant shall be extended a settlement offer consisting of the registrant's donation of the contribution to charity.

(b) If a report of the donation to charity of the prohibited contribution is not provided within 20 days of notice of the board's settlement offer, a settlement offer of \$500, plus \$50 per day or, for a candidate committee, 1% of the annual salary of the office for which the candidate is registered per day, may be extended to the registrant, and the prohibited contribution must be paid to charity.

(c) Notwithstanding the settlement terms provided in pars. (a) and (b), the board may consider mitigating circumstances, including the registrant's inability to obtain the required information from the contributor, in determining the amount of the settlement offer that may be extended to the registrant.

(8) VIOLATIONS OF S. 11.06, STATS., FAILURE TO REPORT ALL REQUIRED DISBURSEMENT INFORMATION ON A CAMPAIGN FINANCE REPORT.

(a) If the disbursement information required by s. 11.06, Stats., is not included on a campaign finance report and is not provided within 10 days after the board's notice of failure to comply, the registrant may be extended a settlement offer of

\$100 plus 10% of the disbursement amount up to a maximum settlement offer of \$500, plus \$50 per day or, for a candidate committee, 1% of the annual salary of the office for which the candidate is registered per day.

(b) If disbursement information required by s. 11.06, Stats., is not included on a campaign finance report and is not provided within 20 days after the board's notice of failure to comply, the registrant may be extended a settlement offer of \$100 plus 25% of the disbursement amount up to a maximum settlement offer of \$500, plus \$50 per day or, in the case of a candidate committee, 1% of the annual salary of the office for which the candidate is registered per day.

(c) If the disbursement information required by s. 11.06, Stats., is not included on a campaign finance report and is not provided within 30 days after the board's notice of failure to comply, the registrant may be extended a settlement offer of \$500, plus \$50 per day or, for a candidate committee, 1% of the annual salary of the office for which the candidate is registered per day.

(9) VIOLATIONS OF S. 11.06 (5), STATS., FAILURE TO TIMELY REPORT THE RECEIPT OF A CONTRIBUTION. (a) If a contribution has not been included on a campaign finance report and the late report of the contribution is filed within 10 days after the due date for reporting the contribution, a settlement offer of 10% of the contribution may be extended to the registrant, up to a maximum settlement offer of \$500, plus \$50 per day or, for a candidate committee, 1% of the annual salary of the office for which the candidate is registered per day.

(b) If the late report of the contribution is filed within 11 to 20 days after the due date for reporting the contribution, a settlement offer of 25% of the contribution may be extended to the registrant, up to a maximum settlement offer of \$500, plus \$50 per day or, for a candidate committee, 1% of the annual salary of the office for which the candidate is registered per day.

(c) If the late report of the contribution is filed more than 20 days after the due date for reporting the contribution, a settlement offer of \$500, plus \$50 per day or, for a candidate committee, 1% of the annual salary of the office for which the candidate is registered per day, may be extended to the registrant.

(d) Notwithstanding the settlement terms provided in pars. (a) to (c), the board may consider mitigating or aggravating circumstances, including the board's discovery of the receipt of the contribution without disclosure by the registrant, in determining the amount of the settlement offer that may be extended to the registrant.

(10) VIOLATIONS OF S. 11.06(5), STATS., FAILURE TO TIMELY REPORT THE RECEIPT OF A DISBURSEMENT. (a) If a disbursement has not been included on a campaign finance report and the late report of the disbursement is filed within 10 days after the due date for reporting the disbursement, a settlement offer of 10% of the disbursement may be extended to the registrant, up to a maximum settlement offer of \$500, plus \$50 per day or, for a candidate committee, 1% of the annual salary of the office for which the candidate is registered per day.

(b) If the late report of the disbursement is filed within 11 to 20 days after the due date for reporting the disbursement, a settlement offer of 25% of the disbursement may be extended to the registrant, up to a maximum settlement offer of \$500, plus \$50 per day or, for a candidate committee, 1% of the annual salary of the office for which the candidate is registered per day.

(c) If the late report of the disbursement is filed more than 20 days after the due date for reporting the disbursement, a settlement offer of \$500, plus \$50 per day or, for a candidate committee, or 1% of the annual salary of the office for which the candidate is registered per day, may be extended to the registrant.

(d) Notwithstanding the settlement terms provided in pars. (a) to (c), the board may consider mitigating or aggravating circumstances, including the board's discovery of the making of the disbursement without disclosure by the registrant, in determining the amount of the settlement offer that may be extended to the registrant.

(11) VIOLATIONS OF S. 11.26, STATS., FOR RECEIVING OR MAKING CONTRIBUTIONS IN EXCESS OF STATUTORY LIMITS. Any committee that receives a contribution in excess of the limits set by s. 11.26, Stats., may be required to pay the excess portion of the contribution to a charitable organization and may also be extended a settlement offer for a forfeiture of 50% of the excess contribution up to a maximum of \$500. Any individual or committee who makes a contribution in excess of the limits set by s. 11.26, Stats., may be extended a settlement offer for a forfeiture of one and one-half times the excess portion of the contribution.

(12) OTHER VIOLATIONS OF CH. 11, STATS. Settlement offers to resolve all other violations of ch. 11, Stats., will be determined on a case-by-case basis.

22.03 Violations of subch. III of ch. 19, Stats., the Code of Ethics for Public Officials and Employees, the failure to timely file the statement of economic interests as required by s. 19.43, Stats. (1) If a statement of economic interests is received within 5 days after the due date for that statement, no penalty may be imposed on the official.

(2) If a statement of economic interests is received within 6 to 10 days after the due date for that statement, a settlement offer of \$10 may be extended to the official.

(3) If a statement of economic interests is received within 11 to 25 days after the due date for that statement, a settlement offer of \$50 may be extended to the official.

(4) If a statement of economic interests is received within 26 to 30 days after the due date for that statement, a settlement offer of \$100 may be extended to the official.

(5) If a statement of economic interests is received more than 30 days after the due date for that statement, a settlement offer of \$250 may be extended to the official.

(6) Notwithstanding the settlement terms provided in subs. (1) to (5), the board may consider mitigating circumstances, including the fact that the board's staff failed to notify the person filing the statement of the requirement to file the statement of economic interests, in determining the amount of the settlement offer.

22.04 Violations of subch. III of ch. 13, Stats., the Regulation of Lobbying in Wisconsin. (1) VIOLATIONS OF S. 13.64, STATS., FAILURE OF A PRINCIPAL TO TIMELY FILE A REGISTRATION STATEMENT. (a) If the registration statement of a principal, as required by s. 13.64, Stats., is received within 7 days after the due date for that registration, no penalty may be imposed on the principal, but a warning that any future failure to timely file could lead to a forfeiture will be issued.

(b) If the registration statement of a principal is received within 8 to 14 days after the due date for that registration, a settlement offer of \$250 may be extended to the principal.

(c) If the lobbying registration statement of a principal is received within 15 to 21 days after the due date for that

registration, a settlement offer of \$500 may be extended to the principal.

(d) If the lobbying registration statement of a principal is received within 22 to 28 days after the due date for that registration, a settlement offer of \$750 may be extended to the principal.

(e) If the lobbying registration statement of a principal is received more than 28 days after the due date for that registration, a settlement offer of \$1,000 may be extended to the principal.

(2) VIOLATIONS OF S. 13.66, STATS., FAILURE OF A LOBBYIST TO TIMELY OBTAIN A LICENSE TO ACT AS A LOBBYIST. (a) If a lobbyist fails to timely obtain a license to act as a lobbyist under s. 13.66, Stats., but obtains that license within 7 days after the due date for obtaining that license, no penalty may be imposed on the lobbyist, but a warning that any future failure to timely file could lead to a forfeiture will be issued.

(b) If a lobbyist fails to timely obtain a license to act as a lobbyist under s. 13.66, Stats., but obtains that license within 8 to 14 days after the due date for obtaining that license, a settlement offer of \$75 may be extended to the lobbyist.

(c) If a lobbyist fails to timely obtain a license to act as a lobbyist under s. 13.66, Stats., but obtains that license within 15 to 21 days after the due date for obtaining that license, a settlement offer of \$125 may be extended to the lobbyist.

(d) If a lobbyist fails to timely obtain a license to act as a lobbyist under s. 13.66, Stats., but obtains that license within 22 to 28 days after the due date for obtaining that license, a settlement offer of \$250 may be extended to the lobbyist.

(e) If a lobbyist fails to timely obtain a license to act as a lobbyist under s. 13.66, Stats., and does not obtain that license until more than 28 days after the due date for obtaining that license, a settlement offer of \$500 may be extended to the lobbyist.

(3) VIOLATIONS OF S. 13.65, STATS., FAILURE OF A PRINCIPAL TO TIMELY FILE A WRITTEN AUTHORIZATION FOR A LOBBYIST TO REPRESENT THE PRINCIPAL. (a) If a principal fails to timely file a written authorization for a lobbyist to represent the principal under s. 13.65, Stats., but files that authorization within 7 days after the due date for filing that authorization, no penalty may be imposed on the principal, but a warning that any future failure to timely file could lead to a forfeiture will be issued.

(b) If a principal fails to timely file a written authorization for a lobbyist to represent the principal under s. 13.65, Stats., but files that authorization within 8 to 14 days after the due date for filing that authorization, a settlement offer of \$125 may be extended to the principal.

(c) If a principal fails to timely file a written authorization for a lobbyist to represent the principal under s. 13.65, Stats., but files that authorization within 15 to 21 days after the due date for filing that authorization, a settlement offer of \$250 may be extended to the principal.

(d) If a principal fails to timely file a written authorization for a lobbyist to represent the principal under s. 13.65, Stats., but files that authorization within 22 to 28 days after the due date for filing that authorization, a settlement offer of \$375 may be extended to the principal.

(e) If a principal fails to timely file a written authorization for a lobbyist to represent the principal under s. 13.65, Stats., and does not file that authorization until more than 28 days after the due date for filing that authorization, a settlement offer of \$500 may be extended to the principal.

(4) VIOLATIONS OF S. 13.68, STATS., FAILURE OF A PRINCIPAL TO TIMELY FILE THE SEMI-ANNUAL REPORT OF LOBBYING EXPENSES AND INCURRED OBLIGATIONS. (a) If a principal fails to timely file the semi-annual report of lobbying expenses as required by s. 13.68, Stats., but files that report within 2 days after the due date for filing that report, no penalty may be imposed on the principal.

(b) If a principal fails to timely file the semi-annual report of lobbying expenses as required by s. 13.68, Stats., but files that report within 3 to 6 days after the due date for filing that report, a settlement offer of \$50 may be extended to the principal.

(c) If a principal fails to timely file the semi-annual report of lobbying expenses as required by s. 13.68, Stats., but files that report within 7 to 14 days after the due date for filing that report, a settlement offer of \$200 may be extended to the principal.

(d) If a principal fails to timely file the semi-annual report of lobbying expenses as required by s. 13.68, Stats., but files that report within 14 to 21 days after the due date for filing that report, a settlement offer of \$500 may be extended to the principal.

(5) VIOLATIONS OF S. 13.67, STATS., FAILURE OF A PRINCIPAL TO TIMELY REPORT THE SUBJECT MATTER OF LOBBYING. If a principal has failed to timely report the subject matter of lobbying, as required by s. 13.67, Stats., the board's staff will determine a settlement offer on a case-by-case basis, taking into consideration whether the principal's violation is a first, second, or third offense and taking into consideration the number of late-reported interests and the time period in which the violation or violations occurred.

(6) VIOLATIONS OF S. 13.625, STATS., PROHIBITED CAMPAIGN CONTRIBUTIONS BY LOBBYISTS. If a lobbyist makes a campaign contribution prohibited by s. 13.625, Stats., the recipient will be required to donate that contribution to charity and a settlement offer of \$500 may be extended to the lobbyist.

(7) EFFECT OF MITIGATING OR AGGRAVATING CIRCUMSTANCES. The board's staff shall have the authority to increase or decrease any settlement offer extended for violations of subch. III of ch. 13, Stats., based on mitigating or aggravating circumstances surrounding the violation.

Agency Contact Person

Michael R. Haas, Staff Counsel, Government Accountability Board, 212 E. Washington Avenue, 3rd Floor, P.O. Box 7984, Madison, Wisconsin 53707-7984; Phone 608-266-0136; Michael.Haas@wi.gov

Notice of Hearing

Transportation

EmR0909

NOTICE IS HEREBY GIVEN that pursuant to ss. 84.015, 84.41 (7) and 347.48 (2m) (e), Stats., the Department of Transportation will hold a public hearing to consider the amendment by emergency rule, of Chapter Trans 315, Wisconsin Administrative Code, relating to safety belt medical use exemption.

Hearing Information

The public hearing will be held as follows:

<u>Date and Time</u>	<u>Location</u>
September 8, 2009 10:00 a.m.	Hill Farms State Transportation Building Room 144-B 4802 Sheboygan Avenue Madison

An interpreter for the hearing impaired will be available on request for this hearing. Parking for persons with disabilities and an accessible entrance are available.

Copies of Emergency Rule and Agency Contact Person

A copy of the emergency rule may be obtained upon request from Laura Andreasson, Department of Transportation, Division of State Patrol, Room 551, P. O. Box 7936, Madison, WI 53707-7936. You may also contact Ms. Andreasson by phone at (608) 267-5136.

To view or print a copy of the emergency rule, you may visit the following website:

<http://www.dot.wisconsin.gov/library/research/law/rulenotices.htm>.

Analysis Prepared by the Wisconsin Department of Transportation

Statutes interpreted

Section 347.48(2m)(e), Stats.

Statutory authority

Sections 84.015, 84.41 (7) and 347.48 (2m) (e), Stats.

Explanation of agency authority

Current law requires every person over 8 years of age to be properly restrained by a safety belt whenever traveling in a motor vehicle. Current law allows the Department to exempt from this safety belt use requirement any person who, because of a physical or medical condition, cannot properly be restrained in a safety belt. Department rules authorize physicians, chiropractors and Christian Science practitioners to grant exemptions from wearing safety belts. Federal law makes highway safety grant moneys available for safety belt use requirements, but federal law recognizes only medical exemptions issued by physicians. Federal grant moneys expire on July 1, 2009, and this state may not qualify for approximately \$15,000,000 in federal moneys if persons other than physicians are authorized to exempt persons from safety belt use laws.

Related statute or rule

23 USC 406, 71 Fed. Reg. 4196 (Jan. 25, 2006).

Plain language analysis

This rule making deletes authority of any person other than physicians to exempt persons from safety belt use requirements. This rule making will result in increased use of safety belts, and increase receipt of federal moneys for highway safety activities.

Comparison with federal regulations

Federal policy states that safety belt use requirements do not apply to, "Persons with medical conditions who are unable to use a safety belt, provided there is written documentation from a physician." The Department's current rules go further by allowing chiropractors and Christian Science practitioners to grant those exemptions.

Comparison with rules in adjacent states

Michigan

Mich. Comp. Laws. Annot. 257.710e(1)(e) exempts a person who possesses a written statement from a physician from safety belt use requirements. The Department was unable to identify any administrative rules on this topic.

Minnesota

Minn. Stats. Annot. § 169.686 (2)(3) allows physicians to exempt persons from safety belt use requirements. The Department was unable to identify any administrative rules on this topic.

Illinois

92 IL Admin. Code 1030.84 exempts from safety belt use requirements only to a person "possessing a written statement from a physician that the person is unable, for medical or physical reasons, to wear a seat safety belt."

Iowa

IA Admin. Code 761-600.16(321) authorizes physicians and chiropractors to exempt a person from safety belt use requirements for medical reasons. The Department identified no authority for Christian Science practitioners to exempt persons from safety belt use requirements.

Summary of factual data and analytical methodologies

None. NHTSA legal counsel informed the Department that in order to qualify for funds under 23 USC 406, any administrative rule that exempts a person from safety belt use requirements must be consistent with the medical exemption permitted in the implementing guidelines for section 406 eligibility. Those guidelines limit the exemption to physicians.

Analysis and supporting documentation used to determine effect on small businesses

This rule making has no effect on small businesses.

Small Business Impact

This rule making will eliminate one issue of noncompliance specifically identified by NHTSA that makes Wisconsin ineligible for approximately \$15,000,000 in federal safety belt use grant moneys.

Small business regulatory coordinator

The Department's Regulatory Review Coordinator may be contacted by e-mail at ralph.sanders@wisconsin.gov, or by calling (414) 438-4585.

Fiscal Estimate

The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district, sewerage district, or federally-recognized tribes or bands. The Department estimates that there will be no fiscal impact on state or private sector revenues or liabilities.

Text of Emergency Rule

SECTION 1. Trans 315.03 (1) (a) and (c) are amended to read:

Trans 315.03(1)(a) The person has a written statement signed by a licensed physician, ~~chiropractor or a Christian Science practitioner residing in this state and listed in the Christian Science Journal~~ indicating the person cannot be restrained by a safety belt because of a physical or medical condition, or words to that effect.

(c) The statement in par. (a) contains an address and telephone number of the physician, ~~chiropractor, or Christian Science practitioner.~~

Notice of Hearing

Transportation

CR 09-044

NOTICE IS HEREBY GIVEN that pursuant to ss. 341.08 (2) (e), 341.10 (6), 341.63 and 342.255, Stats., the Department of Transportation will hold a public hearing to consider the creation of Chapter Trans 123, Wisconsin Administrative Code, relating to registration of non-standard vehicles.

Hearing Information

The public hearing will be held as follows:

<u>Date and Time</u>	<u>Location</u>
July 29, 2009 10:00 a.m.	Hill Farms State Transportation Building Room 254 4802 Sheboygan Avenue Madison

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

Parking for persons with disabilities and an accessible entrance are available.

Copies of Proposed Rule

A copy of the proposed rule may be obtained upon request from Carson Frazier, Department of Transportation, Bureau of Vehicle Services, Room 253, P. O. Box 7911, Madison, WI 53707-7911. You may also contact Ms. Frazier by phone at (608) 266-7857 or via e-mail at carson.frazier@dot.state.wi.us.

Submission of Written Comments and Agency Contact Person

The public record on this proposed rule making will be held open until close of business the day of the hearing to permit the submission of comments in lieu of public hearing testimony or comments supplementing testimony offered at the hearing. Any such comments should be submitted to Carson Frazier, Department of Transportation, Bureau of Vehicle Services, Room 253, P. O. Box 7911, Madison, WI 53707-7911. You may also contact Ms. Frazier by phone at (608) 266-7857 or e-mail: carson.frazier@dot.state.wi.us.

To view the proposed amendments to the rule, view the current rule, and submit written comments via e-mail/internet, you may visit the following website: <http://www.dot.wisconsin.gov/library/research/law/rulenotices.htm>.

Analysis Prepared by the Wisconsin Department of Transportation

Statutes interpreted

Section 341.10(6), Stats.

Statutory authority

“Grounds for refusing registration,” s. 341.10 (6), Stats.;
“When registration to be suspended,” s. 341.63, Stats.;
“Cancellation of title or registration,” s. 342.255, Stats.;
“Application for registration,” s. 341.08 (2) (e), Stats.

Explanation of agency authority

Current law prohibits the Department of Transportation from registering for on-road use any motor vehicle that is “originally designed and manufactured for off-highway operation” unless the vehicle bears a label on which the manufacturer certifies that the vehicle meets federal standards for on-road vehicles. Current law also requires the Department to suspend registration if it discovers that the registrant does not or cannot register the vehicle properly, and to cancel registration and title if it discovered that law prohibits the issuance or possession of a title or registration. Current law does not specify how to determine whether a vehicle is “originally designed and manufactured for off-highway operation.” Federal law states that any vehicle made for on-road use in this country after 1967 must meet federal equipment standards. The Department applied that policy to conclude that a vehicle “originally designed and manufactured for off-highway operation” after 1967 is any vehicle that was not made for on-road use in this country. Federal law allows importation of vehicles originally made for foreign markets if the vehicle meets U.S. on-road standards, or is a model deemed to be “substantially similar” to vehicle models made for sale in this country, or is more than 25 years old at the time of importation. This rule making is intended to harmonize state law regarding registration for on-road use with the federal law requiring that vehicles meet U.S. on-road standards, except that this rule making does not adopt the federal exception for imported vehicles made after 1967 that are more than 25 years old.

Related statute or rule

“Motor Vehicle Safety,” 49 USC 30101-30170 (2006); “Importing motor vehicles capable of complying with standards,” 49 USC 30141 (2006); “Prohibitions on manufacturing, selling, and importing noncomplying motor vehicles and equipment,” 49 USC 30112 (2006); “Certification of compliance,” 49 USC 30115; “Federal motor vehicle safety standards” 49 CFR 571 (2008); “Certification,” 49 CFR 567 (2008).

Plain language analysis

This rule making creates ch. Trans 123, relating to grounds for the Department to refuse vehicle registration. Section 341.10(6), Stats., refers to a vehicle “originally designed and manufactured for off-highway operation.” This proposed rule clarifies that the Department’s registration or refusal of registration conforms to the National Highway Traffic Safety Administration (NHTSA) regulations implementing Federal Motor Vehicle Safety Standards (FMVSS). In 1967, Congress declared a need to reduce traffic accidents and deaths and injuries resulting from traffic accidents and found it necessary to prescribe motor vehicle safety standards for motor vehicles and motor vehicle equipment in interstate commerce. The FMVSS were established in response.

NHTSA defines a “motor vehicle” as a vehicle that uses the public highways on a necessary and recurring basis and can exceed 20 miles per hour. The proposed rule defines “off-road vehicle” as a motor vehicle under Ch. 340, Stats., that does not meet the definition of “motor vehicle” under federal law.

The proposed rule states that the Department shall register any vehicle that was manufactured before 1968. The vehicle may be subject to equipment requirements under Ch. 347, Stats., and registration requirements under s. 341.268, Stats., regarding homemade and replica vehicles.

The proposed rule clarifies that the proof that a vehicle complies with FMVSS is that the vehicle displays a certification label as required by s. 114 of the National Traffic

and Motor Vehicle Safety Act of 1966, as amended, or bears an FMVSS–conforming vehicle identification number (VIN). A vehicle manufactured for the non–U.S. market may be registered if it meets one of three certification methods to show that it complies with FMVSS.

The proposed rule establishes that an off–road vehicle with a model year 1968 or newer will be registered only if the vehicle displays a certification label that indicates the vehicle is certified by the manufacturer as meeting Federal Motor Vehicle Safety Standards, or if the manufacturer or importer certifies in one of three other methods that the vehicle complies with FMVSS.

The proposed rule requires the Department to cancel registrations initially made after the rule takes effect if the registration application contained incorrect or false information. The rule “grandfathers” in vehicles currently registered and allows them to continue to be registered until the vehicle is transferred to a new owner.

Comparison with federal regulations

This proposed rule establishes Wisconsin refusal of registration for motor vehicles in conformity with federal NHTSA regulations implementing FMVSS.

Comparison with rules in adjacent states

Michigan

Michigan law requires vehicles to comply with Michigan law equipment requirements for on–road operation, for titling and registration. If an imported vehicle is subject to federal standards, it must be upgraded by a registered importer before it may be titled and registered in Michigan. If a vehicle was manufactured before 1968, it is considered an antique vehicle and must have all on–road equipment required by Michigan law in effect at the time of manufacture.

Minnesota

Minnesota law requires that a vehicle comply with federal motor vehicle safety standards, for titling and registration. An imported vehicle must be certified by the importer as meeting federal safety standards. A collector military vehicle, 20 years old or older, may be registered only by a non–profit organization and only for operation as a collector’s item and not for general transportation purposes.

Illinois

Illinois law requires that a vehicle comply with federal motor vehicle safety standards, for titling and registration. An imported vehicle must be certified by the importer as meeting federal safety standards.

Iowa

Iowa law requires that if federal law requires a vehicle to bear a manufacturer’s label, that the vehicle complies with federal motor vehicle safety standards, the label must be present for titling and registration.

Summary of factual data and analytical methodologies

The Department had for several years followed a policy interpreting s. 341.10 (6), Stats., which prohibits the Department from registering off–road vehicles that do not meet the requirements of s. 114 of the National Traffic and Motor Vehicle Safety Act of 1966. This Department policy does not define “off–road” vehicles but essentially refuses to register for on–road use any vehicle that does not meet federal on–road safety and equipment standards.

The Department concluded that the statutory provision requires Wisconsin to conform to federal regulations. The Department has revised its policy to conform to federal

interpretations, and this rule codifies the current Department policy. The Department also addresses issues that were raised in a recent WDOA Division of Hearings and Appeals administrative hearing regarding the Department’s cancellation of registration of imported military vehicles made after 1967. *Vehicle Owned by Paul Underwood*, Case TR–08–0027 (Sept. 18, 2008).

Analysis and supporting documentation used to determine effect on small businesses

This proposed rule clarifies statutory provision that the Department will refuse registration to certain motor vehicles that do not meet FMVSS. Motor vehicle dealers and importers will need to understand eligibility criteria for vehicle registration, before they import or attempt to sell motor vehicles intended for on–road use in this state.

Small Business Impact

The rule will enable small businesses that are dealers and importers to know the criteria for registration before they import or attempt to sell motor vehicles.

Small business regulatory coordinator

The Department’s Regulatory Review Coordinator may be contacted by e–mail at ralph.sanders@dot.state.wi.us, or by calling (414) 438–4585.

Fiscal Estimate

The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district, sewerage district, or federally–recognized tribes or bands.

Anticipated costs incurred by private sector

The Department estimates that there will be no fiscal impact on state or private sector revenues or liabilities.

Text of Proposed Rule

SECTION 1. Chapter Trans 123 is created to read:

Chapter Trans 123

Registration of Non–Standard Vehicles

Trans 123.01 Purpose. The purpose of this chapter is to interpret s. 341.10(6), Stats., and to establish eligibility criteria for off–road vehicles for the purpose of vehicle registration under ch. 341, Stats.

Trans 123.02 Applicability. This chapter applies to any vehicle presented to the department for registration under ch. 341, Stats.

Trans 123.03 Definitions. Unless otherwise stated, the definitions of words and phrases in ss. 340.01 and 341.01, Stats., apply to this chapter. In this chapter:

(1) “Manufacturer’s certification label” means the label or tag permanently affixed to the vehicle in conformity with s. 114 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended, 49 USC 30115 (2006) and 49 CFR 567 (2008), that indicates the vehicle complies with applicable federal motor vehicle safety standards.

(2) “NHTSA” means the National Highway Traffic Safety Administration of the U. S. Department of Transportation.

(3) (a) “Off–road vehicle” means a motor vehicle that is any of the following, and includes any motor vehicle that is made after 1967 and that does not conform to federal motor vehicle safety standards or is not required to conform to those standards:

1. Not considered to be a motor vehicle for purposes of the National Traffic and Motor Vehicle Safety Act of 1966 as

amended, 49 USC 30101–30170 (2006), that is subject to Federal Motor Vehicle Safety Standards established by NHTSA at 49 CFR 571 (2008).

2. Deemed by NHTSA to be a motor vehicle under its regulations and interpretations prior to the effective date of this chapter [legislative reference bureau inserts date], but is not subject to federal motor vehicle safety standards established by NHTSA.

3. Not deemed to be a motor vehicle by NHTSA.

4. Not a motor vehicle that uses public highways on a necessary and recurring basis or is not capable of exceeding 20 miles per hour on paved, level ground.

(b) Notwithstanding par. (a), “off–road vehicle” does not include any vehicle that:

1. Has been certified to NHTSA as meeting federal motor vehicle safety standards by an importer that is registered with NHTSA.

2. Is listed by NHTSA as a model made for use in another country that is substantially similar to a motor vehicle originally made for import into and sale in this country and that meets federal motor vehicle safety standards or meets the requirements in 49 USC 30112(2) (2006).

(4) “Register” means to register a vehicle under ch. 341, Stats.

Trans 123.04 Vehicles manufactured before 1968.

Upon application to register a vehicle, the department shall register any vehicle manufactured before 1968 for which a vehicle classification exists under ch. 341, Stats. The vehicle may be subject to equipment requirements under s. 347.02(7), Stats., and registration requirements under s. 341.268, Stats.

Trans 123.05 Registration of off–road vehicles manufactured 1968 or after. (1) Upon application to register a vehicle, the department may register an off–road vehicle manufactured 1968 or after only if the vehicle displays a manufacturer’s certification label. The department shall consider the manufacturer’s certification label as the only proof that the vehicle meets the provisions of s. 114 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended.

(2) Title or registration obtained in another state does not conclusively establish the vehicle’s eligibility for title and registration issued by Wisconsin. The Department shall independently assess whether a vehicle is eligible for registration under the laws of this state.

Trans 123.06 Grandfathered nonconforming vehicles.

Notwithstanding any provision of this chapter that might otherwise prohibit registration, the owner of any vehicle that is registered in this state on the effective date of this section [legislative reference bureau inserts date] may renew that registration and may change the type of registration. This section applies only until the owner shown on department records on the effective date of this section [legislative reference bureau inserts date] is removed from department records as an owner of the vehicle. For vehicles owned by more than one owner on the effective date of this section [legislative reference bureau inserts date], this section applies only until the last owner shown on department records on the effective date of this section [legislative reference bureau inserts date] is removed from department records as an owner of the vehicle. Lien holders are not considered owners for purposes of this section.

Trans 123.07 Cancellation of registration. If, subsequent to registering a vehicle, the department learns that the information the applicant had presented was incorrect or false and the vehicle should not have been registered, the department shall cancel the registration of the vehicle. If the department cancels the registration of the vehicle under this section, the applicant may reapply for registration at any time but shall present to the department information that proves to the department that the vehicle is eligible for registration. This section does not apply to vehicles eligible for registration under s. Trans 123.065.

Notice of Hearing

Transportation

CR 09–049

NOTICE IS HEREBY GIVEN that pursuant to s. 84.01 (6m) (b) 6. and 7., Stats., as created by 2007 Wis. Act 125, and s. 227.11 (2) (a), Stats., the Department of Transportation will hold a public hearing to consider the revision of Chapters Trans 510 and 512, Wisconsin Administrative Code, relating to the transportation facilities economic assistance and development program, and the transportation infrastructure loan program.

Hearing Information

The public hearing will be held as follows:

<u>Date and Time</u>	<u>Location</u>
August 5, 2009 10:00 a.m.	Hill Farms State Transportation Building Room 901 4802 Sheboygan Avenue Madison

An interpreter for the hearing impaired will be available on request for this hearing. Parking for persons with disabilities and an accessible entrance are available.

Copies of Proposed Rule

A copy of the rule may be obtained upon request from Dennis Leong, Department of Transportation, Division of Investment Management, Economic Development Section, Room 901, P. O. Box 7913, Madison, WI 53707–7913. You may also contact Mr. Leong by phone at (608) 266–9910 or via e–mail at dennis.leong@dot.state.wi.us.

Submission of Written Comments and Agency Contact Person

The public record on this proposed rule making will be held open until close of business the day of the hearing to permit the submission of comments in lieu of public hearing testimony or comments supplementing testimony offered at the hearing. Any such comments should be submitted to Dennis Leong, Department of Transportation, Division of Investment Management, Economic Development Section, Room 901, P. O. Box 7913, Madison, WI 53707–7913. You may also contact Mr. Leong by phone at (608) 266–9910 or via e–mail at dennis.leong@dot.state.wi.us to obtain copies of the proposed rule.

To view the proposed amendments to the rule, view the current rule, and submit written comments via e–mail/internet, you may visit the following website: <http://www.dot.wisconsin.gov/library/research/law/rulenotices.htm>.

Analysis Prepared by the Wisconsin Department of Transportation

Statutes interpreted

Section 84.01 (6m) (b) 6. and 7., Stats., as created by 2007 Wis. Act 125.

Statutory authority

Section 84.01 (6m) (b) 6. and 7., Stats., as created by 2007 Wis. Act 125, and section 227.11 (2) (a), Stats.

Explanation of agency authority

Presently, chs. Trans 510 and 512 do not include a requirement for the submittal of a verified statement signed by both an independent certified accountant and the director or principal officer of the recipient of an economic development grant or loan as required under 2007 Wis. Act 125. Also, these rules do not specify what actions the department is permitted to take in the event of the submittal of false or misleading information or noncompliance with the contract. Ch. Trans 510 includes no specific guidelines requiring that grant or loan recipients submit a report to the Department, as required under 2007 Wis. Act 125.

Related statute or rule

ss. 84.185(4) and 85.52, Stats.

Plain language analysis

This rule making will implement the provisions of 2007 Wis. Act 125 that relate to: (1) providing verified statements from an independent certified accountant and the director or principal officer of the recipient of a grant or loan, (2) permitting the Department to recoup payments made, withhold payments due, or impose a forfeiture on a noncompliant recipient of a grant or loan, and (3) including contract provisions into project agreements specifying the format and frequency of the report to be submitted by the recipient to the Department. These rule changes will affect the reporting and evaluation of performance measures for each economic development program administered by the Department.

Comparison with federal regulations

No federal regulation applies to other DOT programs defined as an “economic development program” under 2007 Wis. Act 125. The Act defines economic development program as a program or activity having the primary purpose of encouraging the establishment of growth of business in the state, including the creation and retention of jobs. Department programs are transportation infrastructure projects that contribute to the mobility, safety and transportation efficiency for transporting freight and the traveling public.

Comparison with rules in adjacent states

Michigan

Economic grants and loans to businesses are administered through the Michigan Economic Development Corporation, formed in 1999 through an alliance between the State of Michigan and several local communities. The Corporation is the successor to the Michigan Jobs Commission, the state’s economic development department. The corporation maintains the database regarding the grant and loan awards and conducts audits regarding the performance of the financial programs. Travel Michigan, a division of the Corporation, provides the tourism promotional functions for the state. There is no online website or annual reports available via the website with a listing for the grant and loan recipients.

Minnesota

Section 116J.994, creation of a Business Assistance Report with a list of businesses receiving state assistance, amount of subsidy, number of jobs, hourly wages, and cost of health insurance broken down by wage level. Information on companies receiving assistance is posted online.

Illinois

Public Act 552–93 of 2003, annual progress reports required as to the amount and type of assistance, job creation/retention, job classifications and average wages. Progress reports are available online in searchable database by year and program type.

Iowa

Iowa Code s. 15.113 and other statutes require mandatory reports regarding the financial assistance provided to private businesses. The Iowa Department of Economic Development administers and provides oversight for the assistance programs. The development agency adopted rules on June 15, 2007, to implement a new job counting and tracking method. Under this Department, there is a legal and compliance team responsible for conducting onsite monitoring at project completion, job maintenance, contract amendments, and the preparation of progress reports. These reports are published periodically and are available online.

Summary of factual data and analytical methodologies

The amendments to ss. Trans 510.08 and 512.06 were proposed to bring the Department’s economic development programs in compliance with the specific reporting and evaluation requirements of s. 84.01 (6m) (b) 6. and 7., as created by 2007 Wis. Act 125.

Analysis and supporting documentation used to determine effect on small businesses

A database of 296 previous and current TEA grant awards were analyzed for impacts to small businesses

Small Business Impact

Since TEA grants provide transportation infrastructure necessary for newly–created or expanded businesses in the state, the analysis revealed that the kind of businesses in the program will have little or no difficulty in complying with the jobs reporting requirement. Job numbers are also reported as part of the unemployment compensation program under the Department of Workforce Development. The sponsoring community receiving the grant award will be asked to provide a jobs information report compiled by an independent certified accountant and a public official of the recipient community for each business as specified in the jobs guarantee agreement that benefited from the transportation infrastructure improvement. The annual jobs report will be provided to the TEA grant manager annually for seven years or for a duration as specified in the jobs guarantee agreement. Failure to provide annual reports could result in the reimbursement of the grant to the Department of Transportation.

Small business regulatory coordinator

The Department’s Regulatory Review Coordinator may be contacted by e–mail at ralph.sanders@dot.state.wi.us, or by calling (414) 438–4585.

Fiscal Estimate

The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district, sewerage district, or federally–recognized tribes or bands.

Anticipated costs incurred by private sector

The Department estimates that there will be no fiscal impact on state or private sector revenues or liabilities.

Notice of Hearing
Veterans Affairs
EmR0911

NOTICE IS HEREBY GIVEN That pursuant to s. 45.40 (3m), Stats., and Chapter 227, Stats., the Wisconsin Department of Veterans Affairs will hold a public hearing to consider the creation of section VA 2.01 (1) (u), (3) (d), (e), and (f) as emergency rules relating to the assistance to needy veterans grant program.

Hearing Information

The public hearing will be held as follows:

<u>Date and Time</u>	<u>Location</u>
August 14, 2009	Department of Veterans Affairs
Friday	Board Room
10:00 a.m.	8th Floor
	30 West Mifflin Street
	Madison, WI

The public hearing site is accessible to people with disabilities.

If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please contact James A. Stewart at (608) 266-3733 or jimmy.stewart@dva.state.wi.us

Submission of Written Comments

Comments on the emergency rules may be submitted to James A. Stewart, 30 West Mifflin Street, P.O. Box 7843, Madison, WI 53707-7843. Phone: (608) 266-3733 E-Mail: jimmy.stewart@dva.state.wi.us.

Comments should be submitted no later than August 28, 2009.

Analysis Prepared by the Wisconsin Department of Veterans Affairs**Statute interpreted**

Section 45.40 (2), Stats.

Statutory authority

Section 45.40 (3m), Stats.

Explanation of agency authority

The department is charged with administering a grant program to assist needy veterans with health care. It provides eligible applicants with dental, hearing and vision care through private health care providers. The Legislature has granted the agency authority to promulgate "eligibility criteria" which the agency interprets to include both definitions of the eligible care under this program and the amount of funding for each type of eligible care. These emergency rules were promulgated under the authority of s. 227.24 (1) (c), Stats.

Related statute or rule

There is no related statute or rule.

Plain language analysis

The creation of s. VA 2.01 (1) (u), (3) (d), (e), and (f) will create a definition of "vision care" and establish the limitation of health care assistance available under this program. The program is intended to provide health care assistance to those

veterans who are not eligible for the federal assistance offered to veterans. Current definitions of "dental care" and "hearing care" do not provide an eligibility limitation on the provision of care which health care professionals can provide. No definition or eligibility limitation on services exists for "vision care" in the current program. The creation of eligibility limitations for "dental care" and "hearing care", as well as the creation of a definition and eligibility limitation for "vision care" will allow veterans to receive a reasonable modicum of the benefits available to those veterans eligible for federal assistance. The creation of VA 2.01 (3) (d), (e), and (f) will place eligibility limitations upon the cost, provision and frequency of available services.

Comparison with federal regulations

There is no current or pending federal regulation which would provide health care aid for the eligible veterans under this program.

Comparison with rules in adjacent states

There are no similar rules in adjacent states.

Summary of factual data and analytical methodologies

Surveys of multiple private vendors of dental care services, hearing care services, and vision care services were undertaken to refine the definition of each service. The United States Department of Veterans Affairs was also contacted to determine what services were offered through that agency and to review costing mechanisms used in the provision of each of the elaborated health care services.

Analysis and supporting documents used to determine effect on small business

No analysis was performed regarding an economic impact statement.

Small Business Impact

These rules have no effect upon small businesses, nor any significant fiscal impact upon the private sector.

Fiscal Estimate**Assumptions used in arriving at fiscal estimate**

Provisions of 2007 Wisconsin Act 20 eliminated caps for dental care, hearing care and vision care and increased the lifetime cap to \$7,500. Prior to those changes, the annual cap for dental care was \$2,500, \$1,500 per ear for hearing care and \$500 for vision care. The lifetime cap was \$5,000. The authorized funding for the 2007-09 biennium is \$1,492,000. Of that amount, \$1,277,700 was expended in FY08, which left a balance of \$214,300 to cover FY09 payments. As a result, the program was closed in October, 2008. Based on the FY08 usage rate and assuming the proposed rule changes are not enacted, the total estimated HCAG demand for the 2009-11 biennium would be about \$5.5 million.

Only \$1,991,500 in budget authority was requested in the 2009-11 biennial budget based on the assumption that rule changes would be adopted that reduce the amount of grants awarded under the ANV program to that level. Under the proposed rule changes noted above, the estimated demand would be about \$2.24 million for the 2009-11 biennium. Thus, while the projected biennial savings as a result of the proposed rule changes would be about \$3.3 million, an additional \$240,000 of budget authority will be needed to cover the projected demand under the proposed rule changes.

State fiscal effect

Decrease costs.

Local government fiscal effect

None.

Fund sources affected

SEG.

Affected Ch. 20 appropriations

Section 20.485 (2) (vm), Stats.

Agency Contact Person

James A. Stewart, Chief Legal Counsel, 30 West Mifflin Street, P.O. Box 7843, Madison, WI 53707-7843; Phone: (608) 266-3733; E-Mail: jimmy.stewart@dva.state.wi.us.

Text of Emergency Rule

SECTION 1. VA 2.01 (1) (u) is created to read:

VA 2.01 (1) (u) "Vision care

SECTION 2. VA 2.01 (3) (d) is created to read:

VA 2.01 (3) (d) *Dental care limitation*. Dental care shall not exceed \$500 in any consecutive 12 month period except where an upper and lower denture is required and each denture shall not exceed \$1875.00 in any consecutive 48 month period.

SECTION 3. VA 2.01 (3) (e) is created to read:

VA 2.01 (3) (e) *Hearing care limitation*. Hearing care shall not exceed \$200.00 in any consecutive 12 month period except where a right or left ear hearing aid is required and each hearing aid shall not exceed \$1875.00 in any consecutive 48 month period.

SECTION 4. VA 2.01 (3) (f) is created to read:

VA 2.01 (3) (f) *Vision care limitation*. Vision care shall not

exceed \$400.00 for both a vision exam and the purchase of lens and frame in any consecutive 12 month period.

Effective Dates

The emergency rules contained in this order took effect on the date of publication in the official state newspaper, July 1, 2009, as provided in s. 227.24 (1) (c), Stats. The emergency rules shall apply to all applications received on or after that effective date. These rules shall terminate November 28, 2009, or 60 days following the date of any extension which may be granted, whichever is later.

Finding of Emergency

The Wisconsin Department of Veterans Affairs finds that an emergency exists and that the attached rules are necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is: The economic recession in effect for the last fiscal year has adversely affected the veteran population. Many veterans have lost their employment or had their scope of employment reduced. In addition to losing employment, many veterans have seen their health care reduced or eliminated. In order to serve the largest population of veterans and ensure minimal health care for that population, the department is requesting emergency rules to define "vision care" and to limit the eligibility, by available funding, for "dental care", "hearing care", and "vision care". These eligibility limitations, which address the cost, type and frequency of care available under the program, will allow more veterans in need to access the limited resources of this program.

Submittal of Proposed Rules to the Legislature

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

**Architects, Landscape Architects, Professional
Engineers, Designers and Land Surveyors
Examining Board
CR 09-030**

A rule-making order to revise section A-E 6.03 (1), relating to administrative code and statute citations for land surveying experience.

**Architects, Landscape Architects, Professional
Engineers, Designers and Land Surveyors
Examining Board
CR 09-033**

A rule-making order to revise section A-E 8.03 (5), relating to the definitions of supervision, direct supervision, responsible charge, and direction and control.

**Architects, Landscape Architects, Professional
Engineers, Designers and Land Surveyors
Examining Board
CR 09-034**

A rule-making order to create section A-E 8.08 (3) and (4), relating to failure to respond to information requests in conjunction with an investigation of a complaint filed against a registrant.

Commerce

***Licenses, Certifications and Registrations, Ch. Comm 5*
CR 09-021**

A rule-making order to revise section Comm 5.12, relating to administrative forfeitures for POWTS governmental unit employees.

**Dentistry Examining Board
CR 09-007**

A rule-making order to revise sections DE 1.02, 2.01, and 2.04, and to repeal Chapter DE 4, relating to licensure of foreign trained dentists.

**Employee Trust Funds
CR 08-026**

A rule-making order to amend section ETF 10.08 (2) (b) and to create section ETF 50.30 (4), relating to termination of employment and administrative leave of absence.

Health Services

***Management and Technology and Strategic Finance,
Chs. DHS 1—
CR 09-003***

A rule-making order to revise Chapter DHS 10, relating to fair hearings and continuation of benefits pending the outcome of a grievance, department review, or fair hearing under the family care program.

**Pharmacy Examining Board
CR 09-019**

A rule-making order to revise Chapters Phar 2 and 4, relating to the practical examination.

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.

Insurance **CR 09-022**

Revises Chapters Ins 2, 5, 6, 26 and 28, relating to licensing, prelicensing, and continuing education for insurance agents, and affecting small business.
Effective 9-1-09.

Medical Examining Board **CR 09-006**

Revises sections Med 8.08 and 8.10 (3), relating to prescribing limitations for physician assistants.
Effective 9-1-09.

Medical Examining Board **CR 09-005**

Amends section Med 20.05 (title) and creates section Med 20.055, relating to temporary certificates for respiratory care practitioners who are certified in other states.
Effective 9-1-09.

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