

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

*Joint Committee for
Review of
Administrative Rules
(JCR-AR)*

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR_RCP_pt01a
- 97hrAC-EdR_RCP_pt01b
- 97hrAC-EdR_RCP_pt02

- Appointments ... Appt
-
- Clearinghouse Rules ... CRule
- 97hr_JCR-AR_CRule_98-026_pt01
-
- Committee Hearings ... CH
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- Committee Reports ... CR
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- Executive Sessions ... ES
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- Hearing Records ... HR
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- Miscellaneous ... Misc
-
- Record of Comm. Proceedings ... RCP
-

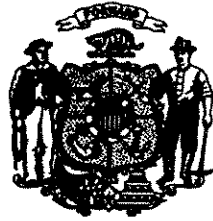
JCFAR Hearing 5/28/98
98-026

WISCONSIN LEGISLATIVE COUNCIL STAFF



RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

Richard Sweet
Assistant Director
(608) 266-2982

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 98-026

AN ORDER to repeal DWD 12.25 (3) (i) and (m), (4) (b) 1. and 2. and (c) to (e), (5) (c) 2., (7) (a) 9. c. to h., (9) (a) 2. c. and (10) (c), (e) and (f); to renumber DWD 12.25 (3) (b) to (g), (j) to (L) and (n) and (10) (a), (b) and (d); to renumber and amend DWD 12.25 (4) (b) (intro.), (f) and (g), (5) (c) 1., (7) (a) 9. i. and (10) (title); to amend DWD 12.25 (1), (2) (b), (3) (a), (b), (c), (e), (h), (i), (L), (m) and (p), (4) (a), (5) (a), (b), (d) and (f), (6) (a) and (b), (7) (title), (a) (intro.) and 1. to 8. and 9. (intro.) and a. and b. and (b), (9) (title), (a) 2. (intro.) and a. and b. and (11) (a) (intro.), 1., 2. and 4., (b) and (c); to repeal and recreate DWD 12.25 (5) (e), (8) and (9) (a) 1. and (b); and to create DWD 12.25 (3) (b), (d), (j), (k) and (n), (4) (d), (5) (g), (7) (a) 9. c. and (10), relating to amendments to the learnfare program.

Submitted by **DEPARTMENT OF WORKFORCE DEVELOPMENT**

02-13-98 RECEIVED BY LEGISLATIVE COUNCIL.

03-13-98 REPORT SENT TO AGENCY.

RNS:RJC:kjf:jt

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

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Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE RULE 98-026

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

a. SECTION 3 of the rule purports to amend paragraphs in s. DWD 11.195 (3). Is it the department's intent instead to amend paragraphs in s. DWD 12.25 (3). In addition, the treatment clause purports to amend pars. (a) and (b), yet only par. (a) is treated. This SECTION should be reviewed to make sure it accomplishes its intended purpose.

b. SECTION 4 should follow SECTION 7 of the rule because the rule should be arranged so that it treats provisions in the numerical order of the provisions as they appear in the rules at the time of drafting.

c. In the treatment clause of SECTION 5, the respective treatments should be more clearly identified. For example, the treatment clause could be amended as follows: "DWD 12.25 (3) (b), (c) to (g), (j), (k), (L) and (n) are renumbered DWD 12.25 (3) (c), (e) to (i), (L), (m), (o) and (p)."

d. SECTION 6 should be combined with SECTION 5. In addition, although it purports to treat s. DWD 12.25 (3), the reference in the text of the amendment in SECTION 6 is to s. DWD 11.195 (3).

e. In s. DWD 12.25 (3) (h), the definition of "learnfare" should also contain a reference to "this SECTION" or "s. DWD 12.25." In addition, because s. 49.26, Stats., and s. DWD 12.25 adequately identify the learnfare program, it is unnecessary to further define it. Thus, all of the remaining material beginning with the word "which" could be deleted. (See the treatment of the definition of "school" in par. (L).)

f. In s. DWD 12.25 (4) (e), since "dropout" is defined earlier in the rule to be a child, the phrase "child who is a dropout" is redundant. Simply referring to the "dropout" is sufficient. In addition, it appears that the phrase "child's nonattendance" should be replaced by the phrase "dropout's nonattendance."

g. Throughout the rule, subdivision numbers should be followed by a period. This was done correctly in s. DWD 12.25 (9) (a) 1. However, a period needs to be inserted after subdivision numbers in a number of provisions. For example, see SECTIONS 15, 16, 23, 31 and 32.

h. SECTION 22 of the rule purports to amend the title to s. DWD 12.25 (7). However, the reference to sub. (7) does not appear in the amended version of the title. In addition, SECTIONS 22 and 23 should be combined. Also, since s. DWD 12.25 (7) (a) 8. b. is unaffected, it should not be shown and the treatment clause should be modified accordingly.

i. SECTION 31 of the rule purports to repeal and recreate s. DWD 12.25 (9) (a) 1. However, the recreated provision is shown with strike-throughs and underscores. It should not be. It should be shown as it will appear after promulgation. [See s. 1.06 (5), Manual.]

j. The effective date provision should be in an unnumbered provision of the rule. [See s. 1.02 (4) (d), Manual.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the last sentence of s. DWD 12.25 (4) (c), the phrase "no eligibility for a W-2 employment position exists" is awkward. For purposes of clarity, the sentence should be rewritten. It might be rewritten as follows: "If neither the child nor the W-2 participant cooperate, the W-2 participant shall be ineligible for a W-2 employment position."

b. Section DWD 12.25 (5) (c) refers to a "child's school district." In light of the recent enactment of public school open enrollment in 1997 Wisconsin Act 27, the rule may need to be clarified as to which district, i.e., the school district of residence or the school district of attendance, constitutes the "child's district."

c. It is unclear why the rule deletes the word "following" and the colon in s. DWD 12.25 (7) (a) (intro.) since current drafting convention dictates that introductory material end with a colon. [See s. 1.03 (8), Manual.] A similar change in s. DWD 12.25 (9) (a) 2. (intro.) should be changed back to retain the colon. In s. DWD 12.25 (10) (b), "following circumstances:" should replace "circumstances listed in this paragraph."

d. In s. DWD 12.25 (9) (b), the rule appears to impose a financial penalty on a child who fails to comply with his or her school attendance requirements. It appears that the penalty should apply to the W-2 group.

e. Section DWD 12.25 (11) (a) 1. is unclear. Does the \$50 per child penalty apply only to the children who fail to meet the school attendance requirement or otherwise fails to cooperate or does it apply to all children in the W-2 group regardless of whether only one failed to meet

the school attendance requirement? This provision should be clarified. Paragraph (c) makes it appear as though the penalty is applicable only to the child that fails to meet the attendance requirement or otherwise cooperate.

f. Section DWD 12.25 (10) (b) 3. provides that any court appearance for a victim of domestic abuse is considered to be required and thus is a good cause reason for not participating in case management. However, this provision may be too broad. For example, if a victim of domestic abuse voluntarily appears in traffic court to testify on behalf of a friend, will that be considered good cause? Or is the intent to provide that a domestic abuse victim who attends court on a domestic abuse-related matter has good cause? The provision should be clarified.

g. The parenthetical material in s. DWD 12.25 (10) (b) 7. should be rewritten to provide that in the subdivision "family member" means a spouse, child or parent. [See s. 1.01 (6), Manual.]

h. Section DWD 12.25 (10) (b) 10. is confusing. Are the circumstances that may be identified in a review decision limited to those in subs. 1. to 11.? Or can the review decision identify other circumstances? Also, what is a review decision? If possible, a cross-reference should be provided.



2601 CROSSROADS DRIVE • SUITE 185 • MADISON, WISCONSIN 53704-7923 • (608) 244-7150

March 13, 1998

Representative Glenn Grothman
P.O. Box 8952
Madison, WI 53708-8952

Dear Representative Grothman:

We are writing on behalf of the Wisconsin Grocers Association (WGA) to express our support for Assembly Bill 842.

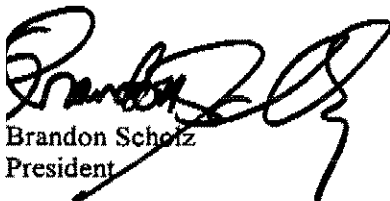
As you know, the members of our association have recently been marked by an agency to absorb an increase in program fees. At this point with the rule in its final stages, we cannot fathom the damage it will have on our members, but can only estimate that it will severely affect the bottom line of every grocery store in this state. The legislation you have introduced would allow everyone potentially affected by a rule to take a look into a crystal ball and see exactly what the aftereffect will be.


In addition, by requiring a state agency to submit a cost-benefit analysis prior to promulgating a rule, you are also forcing them to take notice of the consequences their rule will have on other units of government, taxpayers and businesses.

Once again, we would like to express our wholehearted support for this legislation. Unfortunately, we will not be able to attend the hearing on Tuesday, March 17, 1998 to register or testify, but we would still like to appear on public record in support of AB 842.

Thank you for introducing legislation aimed at protecting both government and taxpayers influenced by administrative rules. If you have any questions or comments, please contact either one of us.

Sincerely,


Brandon Schofz
President


Michelle Kussow
Manager of Government Affairs

The Wisconsin Grocers Association represents more than 1,500 independent grocers, retail grocery chain stores, warehouses and distributors, convenience stores, food brokers and suppliers who employ over 66,000 people and generate more than \$6 billion in annual sales in Wisconsin.



Memo

TO: Joint Committee on Review of Administrative Rules

FROM: Patrick Stevens
Director, Environmental Policy

DATE: March 16, 1998

RE: AB 842 (Cost-Benefit Analysis)

Two Stage - permanent rule!

Wisconsin Manufacturers & Commerce strongly supports AB 842. AB 842 requires agencies that are promulgating administrative rules to submit a cost-benefit analysis to the legislature. This analysis would include the cost of the proposed rules to all units of government and to businesses and employees in the private sector. Furthermore, this analysis would include the anticipated benefits Wisconsin residents would obtain from the proposed rules.

WMC believes AB 842 is important, particularly in the area of environmental regulation. Wisconsin has one of the most comprehensive and effective environmental regulatory programs in the country. Furthermore, industry has made significant strides in reducing the amount of pollution discharged to the environment. In fact, it is now often cost prohibitive to obtain additional reductions through "end of the pipe" controls.

Given this state of affairs, it is critical to maintaining Wisconsin's economy that any new environmental requirements be based upon an understanding of the impacts of these requirements. Policymakers are obligated to understand the costs associated with new environmental rules, as well as the amount of benefit that will result from adoption of the rules.

Because there is a finite amount of resources available, the state should attempt to expend its resources, and the resources of others, on areas that provide the greatest amount of benefit to its citizens. This legislation will help ensure that regulations that are adopted provide benefit without being unduly costly. Please join WMC in supporting AB 842.

Talking Points

To: Interested Parties
From: Rep. Glenn Grothman
Date: March 16, 1998
Re: Assembly Bill 842

Under current law, the Legislature has delegated to executive agencies the authority to implement certain public policy initiatives through the promulgation of administrative rules.

As a part of the rulemaking process, agencies are required to produce certain statements detailing the fiscal impact of proposed rulemaking efforts on agency budgets and on small businesses. The most common of these reports is the fiscal estimate, strikingly similar to the fiscal estimates which legislators receive on legislative proposals.

The problem with the fiscal estimate process used by agencies is that estimates of cost are issued very early in the rulemaking process. After the fiscal note on a proposed rule is produced, the rule undergoes public hearings hosted by the agency and, subsequently, may be changed and revised heavily by the agency. Sometimes, the rule draft which comes to the Legislature for review bears little resemblance to the draft on which the fiscal note was based. Most importantly, the fiscal estimates produced by agencies generally do not address the impacts of new rules on the private sector. As many of the state government's most intrusive and expansive initiatives are implemented by administrative rule, this is a serious deficiency – one which potentially deprives legislators, the public, and the regulated entities of important information needed to analyze the costs and benefits of the proposed rule.

Assembly Bill 842 seeks to rectify this shortcoming in the process by requiring agencies to produce *cost-benefit analyses* for rules they propose to enact. These analyses will be produced at the time that the proposed rule (known as a Clearinghouse Rule) is referred to legislative standing committees for review. The cost-benefit analysis must include all of the following:

- The anticipated annualized cost of the proposed rule to all units of government in this state.
- The anticipated annualized cost of the proposed rule to businesses and employees in the private sector.
- The anticipated annualized benefits of the proposed rule to the residents of this state.

Because this analysis will be produced at the time of the rule's referral to the Legislature, we as policymakers will receive current, up-to-date information on the rule's anticipated costs and benefits as *the rule currently stands*, rather than the more vague fiscal estimates prepared on a previous draft of the rule months before. This will assure that legislators, the public, and the regulated community will have the information they need to make truly informed decisions about the vast body of public policy in this state put into place by administrative rule.

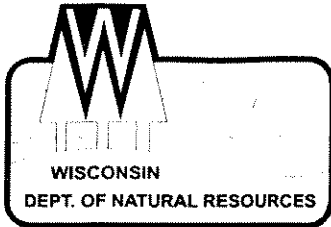
Benefits of the Bill, In Brief:

- Provides greater detail on the costs and the benefits of a proposed rule to legislators and to the public.
- Provides cost and benefit information not typically found in the fiscal estimates which currently accompany proposed rules.
- Establishes an updated statement of fiscal effects to the Legislature at the time of referral, taking into account changes made to the proposed rule since the issuance of the initial fiscal estimate.
- Allows legislators, citizens, regulators, and the regulated to get a "global picture" of the impact of a proposed rule on our state.

Fiscal Impact of the Bill:

According to fiscal estimates returned by agencies, here are the fiscal demands which the bill may impose:

Agency	Annualized Cost Estimate	Absorbable in Agency Budget?
Agriculture, Trade, and Consumer Protection	\$31,800 (.5 FTE + Benefits)	No
Public Instruction	\$48,900 (1.0 FTE + Benefits)	No
Transportation	\$7612 to \$38,060 (Per hour billing depending on complexity of analysis)	No
Assembly Chief Clerk	None	Yes
Senate Chief Clerk	None	Yes
Administration	\$1,250	Yes
Workforce Development	\$8,500	Yes
Health and Family Services	Undetermined	Yes
Corrections	Undetermined	Yes
Revenue	Undetermined	Yes



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

March 24, 1998

Representative Glenn Grothman
125 West
State Capitol

Dear Representative Grothman:

It appears that I left the Assembly Committee for the Review of Administrative Rules with a misimpression after my testimony on AB 842 last Tuesday.

During my testimony, in talking about the section of the bill that dealt with the "benefits" side of the "cost-benefit" analysis, I said that Secretary Meyer and I disagreed on whether or not the benefits need to be represented in a qualitative or quantitative way. I said that Secretary Meyer was comfortable with a qualitative representation of the benefits while I argued that it would be better to have, as I called it, an apples-to-apples quantitative comparison of costs and benefits. I testified this way to show the Committee why the Department felt that it was necessary to more clearly define the model to use in this analysis. My hope was to use Secretary Meyer's and my debate on the Bill to show you that there were different ways to do what we all agree is a worthwhile analysis on rules being proposed.

However, it seems that I left you thinking that I was testifying contrary to Secretary Meyer's position on this section of the Bill. If I did I apologize. My job is to clearly and honestly represent the DNR's position to you, and that position is Secretary Meyer's position. In my quest to be honest, I believe I was very unclear.

I appreciated the debate we had last Tuesday. I hope I made you see that this issue is one that I take a real interest in. The more "clear" information you get, the better your decisions will be. In the future you can be sure that I will be as clear as glass.

Sincerely,

Paul Heinen
DNR, Legislative Liaison

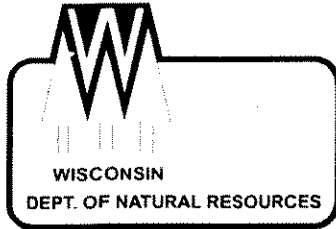
cc: Sen. Welch - 201 East
Rep. Gunderson - 7 West
Rep. Serratti - 18 North
Rep. Young - 119 North

Rep. Kreuser - 303 West
Pat Stevens - WMC
Chris Spooner - Governor Thompson's office
George Meyer



Quality Natural Resources Management
Through Excellent Customer Service





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

April 17, 1998

Honorable Robert Welch, Co-Chair
Joint Committee for Review of
Administrative Rules
Room 201E
State Capitol

Honorable Glenn Grothman, Co-Chair
Joint Committee for Review of
Administrative Rules
125 West
State Capitol

SUBJECT: Emergency Rule Extension for AM-29-97(E)

Gentlemen:

The Department of Natural Resources, under s. 227.24(2), Stats., is requesting the Joint Committee for Review of Administrative Rules to extend Natural Resources Board Emergency Order No. AM-29-97(E) for 60 days. This emergency order pertaining to emission limitations for motor vehicles took effect on January 1, 1998 and is to expire on May 31, 1998.

The extension of the emergency rule is needed so that the enforcement of these emission limitations can continue in the current less restrictive limitations. The permanent rule will be adopted by the Natural Resources Board at its May meeting.

A copy of the emergency order is attached. If you have any questions, please contact Tom Steidl, Bureau of Legal Services at 266-0235.

Sincerely,

George E. Meyer
Secretary

Attach.

cc: Tom Steidl - LS/5
Carol Turner - LS/5
Chris Bovee - AM/7



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ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD
RENUMBERING, REPEALING AND RECREATING AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to renumber NR 485.04, Table 3, (1)(a) to (c), (2)(a) to (c) and (3)(a) to (c); to repeal and recreate NR 485.04, Table 1, (3); and to create NR 485.04, Table 3, (1)(a), (2)(a) and (3)(a) relating to emission limitations for motor vehicles.

AM-29-97E

Analysis Prepared by the Department of Natural Resources

Authorizing statutes: ss. 227.11(2)(a), 227.24, 285.11(1) and 285.30(2), Stats.

Statutes interpreted: ss. 285.11(6) and 285.30(2), Stats. The State Implementation Plan developed under s. 285.11(6), Stats., is revised.

The final phase of the motor vehicle emission limitations in Table 1 of s. NR 485.04, Wis. Adm. Code, is scheduled to go into effect on December 1, 1997. These limitations are used in the state's motor vehicle emission inspection and maintenance (I/M) program, which is operating in seven southeastern Wisconsin counties (Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, and Waukesha). Two phases of less restrictive limitations have been in effect prior to December 1, 1997: the first phase in effect from December 1, 1995, to November 30, 1996, and the second phase in effect from December 1, 1996, to November 30, 1997.

The proposed emergency rule will relax the current rule's final phase of motor vehicle emission limitations for 1990 and older model year vehicles as follows: For 1987 to 1990 model year vehicles, the proposed emission limitations will be more restrictive than the current rule's second phase limitations (those in effect from December 1, 1996, to November 30, 1997), but not as restrictive as the current rule's final phase limitations; for the older vehicles subject to the I/M program (model year 1968 to 1986), the current rule's second phase limitations will remain in effect.

Also, the proposed rule will add to Table 3 of s. NR 485.04, Wis. Adm. Code, a new set of fast-pass emission limitations for each of the three measured air contaminants as follows: Fast-pass hydrocarbon limitations which apply to motor vehicles having composite hydrocarbon limitations in Table 1 of s. NR 485.04, Wis. Adm. Code, of at least 0.60 grams/mile but less than 0.80 grams/miles; fast-pass carbon monoxide limitations which apply to motor vehicles having composite carbon monoxide limitations in Table 1 of s. NR 485.04, Wis. Adm. Code, of at least 10.0 grams/mile but less than 15.0 grams/mile; and fast-pass oxides of nitrogen limitations which apply to motor vehicles having composite oxides of nitrogen limitations in Table 1 of s. NR 485.04, Wis. Adm. Code, of at least 1.5 grams/mile but less than 2.0 grams/mile.

SECTION 1. NR 485.04, Table 1, (3) is repealed and recreated to read:

NR 485.04, Table 1, (3) MOTOR VEHICLES INSPECTED BETWEEN DECEMBER 1, 1997, AND NOVEMBER 30, 1998.

(a) *Light-Duty Vehicles.*

Model Years	Hydrocarbons (grams/mile)		Carbon Monoxide (grams/mile)		Oxides of Nitrogen (grams/mile)
	Composite	Phase 2	Composite	Phase 2	Composite
1996 and newer	0.60	0.40	10.0	8.0	1.5
1994-1995					
Tier 1 ¹	0.60	0.40	10.0	8.0	1.5
Not Tier 1 ¹	0.80	0.50	15.0	12.0	2.0
1991-1993	0.80	0.50	15.0	12.0	2.0
1987-1990	1.10	0.70	20.0	16.0	2.5
1983-1986	2.00	1.25	30.0	24.0	3.0
1981-1982	2.00	1.25	60.0	48.0	3.0
1980	2.00	1.25	60.0	48.0	6.0
1977-1979	7.50	5.00	90.0	72.0	6.0
1975-1976	7.50	5.00	90.0	72.0	9.0
1973-1974	10.0	6.00	150	120	9.0
1968-1972	10.0	6.00	150	120	10.0

(b) *Light-Duty Trucks with GVWR of 6,000 pounds or less.*

Model Years	Hydrocarbons (grams/mile)		Carbon Monoxide (grams/mile)		Oxides of Nitrogen (grams/mile)
	Composite	Phase 2	Composite	Phase 2	Composite
1996 and newer					
(≤3750 lbs LVW) ²	0.60	0.40	10.0	8.0	1.5
(>3750 lbs LVW) ²	0.80	0.50	13.0	10.0	1.8
1994-1995					
Tier 1 ³					
(≤3750 lbs LVW) ⁴	0.60	0.40	10.0	8.0	1.5
(>3750 lbs LVW) ⁴	0.80	0.50	13.0	10.0	1.8
Not Tier 1 ³	1.60	1.00	40.0	32.0	2.5
1991-1993	1.60	1.00	40.0	32.0	2.5
1988-1990	2.20	1.40	55.0	44.0	3.0
1987	2.20	1.40	55.0	44.0	5.5
1984-1986	3.20	2.00	80.0	64.0	7.0
1979-1983	7.50	5.00	100	80.0	7.0
1975-1978	8.00	5.00	120	96.0	9.0
1973-1974	10.0	6.00	150	120	9.0
1968-1972	10.0	6.00	150	120	10.0

(c) *Light-Duty Trucks with GVWR of 6,001 to 8,500 pounds and Heavy-Duty Vehicles with GVWR of 8,500 pounds or less.*

Model Years	Hydrocarbons (grams/mile)		Carbon Monoxide (grams/mile)		Oxides of Nitrogen (grams/mile)
	Composite	Phase 2	Composite	Phase 2	Composite
1997 and newer					
(≤5750 lbs ALVW) ⁵	0.80	0.50	13.0	10.0	1.8
(>5750 lbs ALVW) ⁵	0.80	0.50	15.0	12.0	2.0
1996					
Tier 1 ⁶					
(≤5750 lbs ALVW) ⁷	0.80	0.50	13.0	10.0	1.8
(>5750 lbs ALVW) ⁷	0.80	0.50	15.0	12.0	2.0
Not Tier 1 ⁶	1.60	1.00	40.0	32.0	3.5
1991-1995	1.60	1.00	40.0	32.0	3.5
1988-1990	2.20	1.40	55.0	44.0	4.0
1987	2.20	1.40	55.0	44.0	5.5
1984-1986	3.20	2.00	80.0	64.0	7.0
1979-1983	7.50	5.00	100	80.0	7.0
1975-1978	8.00	5.00	120	96.0	9.0
1973-1974	10.0	6.00	150	120	9.0
1968-1972	10.0	6.00	150	120	10.0

(d) *Heavy-Duty Vehicles with GVWR of 8,501 to 10,000 pounds.*

Model Years	Hydrocarbons (grams/mile)		Carbon Monoxide (grams/mile)		Oxides of Nitrogen (grams/mile)
	Composite	Phase 2	Composite	Phase 2	Composite
1998 and newer	2.00	1.25	30.0	24.0	4.0
1991-1997	2.00	1.25	40.0	32.0	5.0
1987-1990	2.40	1.50	55.0	44.0	7.0
1985-1986	5.00	3.10	80.0	64.0	8.0
1979-1984	7.50	5.00	100	80.0	8.0
1974-1978	10.0	6.00	150	120	10.0
1970-1973	10.0	6.00	175	140	10.0
1968-1969	20.0	12.5	200	160	15.0

(e) *Heavy-Duty Vehicles with GVWR greater than 10,000 pounds.*

Model Years	Hydrocarbons (grams/mile)		Carbon Monoxide (grams/mile)		Oxides of Nitrogen (grams/mile)
	Composite	Phase 2	Composite	Phase 2	Composite
1998 and newer	3.50	2.00	60.0	48.0	7.0
1991-1997	3.50	2.00	70.0	56.0	9.0
1987-1990	4.50	2.80	100	80.0	13.0
1985-1986	10.0	6.00	160	128	16.0
1979-1984	11.5	7.00	180	145	16.0
1974-1978	13.0	8.00	200	160	20.0
1970-1973	13.0	8.00	225	180	20.0
1968-1969	24.0	15.0	250	200	30.0

¹ Upon written department approval granted to DOT, the emission limitations for "Not Tier 1" may be applied to all 1994-1995 model year light-duty vehicles.

² Upon written department approval granted to DOT, the emission limitations for ">3750 lbs LVW" may be applied to all 1996 model year and newer light-duty trucks with GVWR of 6,000 pounds or less.

³ Upon written department approval granted to DOT, the emission limitations for "Not Tier 1" may be applied to all 1994-1995 model year light-duty trucks with GVWR of 6,000 pounds or less.

⁴ Upon written department approval granted to DOT, the emission limitations for ">3750 lbs LVW" may be applied to all 1994-1995 model year light-duty trucks with GVWR of 6,000 pounds or less which are certified to meet Tier 1 emission standards.

⁵ Upon written department approval granted to DOT, the emission limitations for ">5750 lbs ALVW" may be applied to all 1997 model year and newer light-duty trucks with GVWR of 6,001 to 8,500 pounds and to all 1997 model year and newer heavy-duty vehicles with GVWR of 8,500 pounds or less.

⁶ Upon written department approval granted to DOT, the emission limitations for "Not Tier 1" may be applied to all 1996 model year light-duty trucks with GVWR of 6,001 to 8,500 pounds and to all 1996 model year heavy-duty vehicles with GVWR of 8,500 pounds or less.

⁷ Upon written department approval granted to DOT, the emission limitations for ">5750 lbs ALVW" may be applied to all 1996 model year light-duty trucks with GVWR of 6,001 to 8,500 pounds which are certified to meet Tier 1 emission standards and to all 1996 model year heavy-duty vehicles with GVWR of 8,500 pounds or less which are certified to meet Tier 1 emission standards.

SECTION 2. NR 485.04, Table 3, (1)(a) to (c), (2)(a) to (c) and (3)(a) to (c) are renumbered (1)(b) to (d), (2)(b) to (d) and (3)(b) to (d), respectively.

SECTION 3. NR 485.04, Table 3, (1)(a), (2)(a) and (3)(a) are created to read:

NR 485.04, Table 3. (1)(a) Motor vehicles having composite hydrocarbon emission limitations in Table 1 of at least 0.60 grams/mile but less than 0.80 grams/mile.

Second	Composite (grams)	Phase 2 (grams)	Second	Composite (grams)	Phase 2 (grams)
30	0.031	N/A	83	0.082	N/A
31	0.032	N/A	84	0.083	N/A
32	0.032	N/A	85	0.084	N/A
33	0.034	N/A	86	0.085	N/A
34	0.035	N/A	87	0.086	N/A
35	0.037	N/A	88	0.087	N/A
36	0.038	N/A	89	0.088	N/A
37	0.038	N/A	90	0.089	N/A
38	0.039	N/A	91	0.090	N/A
39	0.040	N/A	92	0.090	N/A
40	0.041	N/A	93	0.091	N/A
41	0.042	N/A	94	0.092	0.000
42	0.043	N/A	95	0.093	0.000
43	0.043	N/A	96	0.093	0.000
44	0.044	N/A	97	0.094	0.000
45	0.049	N/A	98	0.097	0.000
46	0.050	N/A	99	0.099	0.000
47	0.052	N/A	100	0.101	0.000
48	0.055	N/A	101	0.103	0.000
49	0.058	N/A	102	0.103	0.000
50	0.059	N/A	103	0.103	0.000
51	0.060	N/A	104	0.103	0.000
52	0.060	N/A	105	0.105	0.000
53	0.061	N/A	106	0.107	0.000
54	0.062	N/A	107	0.108	0.000
55	0.062	N/A	108	0.114	0.000
56	0.063	N/A	109	0.115	0.004
57	0.065	N/A	110	0.116	0.004
58	0.068	N/A	111	0.116	0.005
59	0.069	N/A	112	0.117	0.006
60	0.070	N/A	113	0.117	0.006
61	0.070	N/A	114	0.118	0.006
62	0.071	N/A	115	0.122	0.007
63	0.071	N/A	116	0.128	0.007
64	0.071	N/A	117	0.135	0.008
65	0.071	N/A	118	0.140	0.009
66	0.072	N/A	119	0.144	0.009
67	0.072	N/A	120	0.145	0.009
68	0.073	N/A	121	0.147	0.010
69	0.074	N/A	122	0.149	0.010
70	0.074	N/A	123	0.151	0.010
71	0.075	N/A	124	0.153	0.011
72	0.075	N/A	125	0.154	0.011
73	0.076	N/A	126	0.156	0.011
74	0.076	N/A	127	0.157	0.011
75	0.077	N/A	128	0.158	0.012
76	0.077	N/A	129	0.159	0.012
77	0.077	N/A	130	0.160	0.012
78	0.077	N/A	131	0.161	0.013
79	0.079	N/A	132	0.161	0.013
80	0.080	N/A	133	0.161	0.014
81	0.081	N/A	134	0.162	0.014
82	0.082	N/A	135	0.163	0.014

Second	Composite (grams)	Phase 2 (grams)
136	0.165	0.014
137	0.166	0.014
138	0.167	0.014
139	0.167	0.015
140	0.168	0.015
141	0.168	0.015
142	0.169	0.015
143	0.170	0.016
144	0.170	0.016
145	0.171	0.016
146	0.172	0.017
147	0.172	0.017
148	0.173	0.017
149	0.173	0.017
150	0.174	0.018
151	0.174	0.018
152	0.175	0.018
153	0.175	0.018
154	0.176	0.018
155	0.176	0.019
156	0.177	0.019
157	0.177	0.020
158	0.178	0.021
159	0.178	0.021
160	0.179	0.022
161	0.188	0.024
162	0.196	0.027
163	0.201	0.029
164	0.210	0.031
165	0.213	0.032
166	0.219	0.040
167	0.226	0.047
168	0.228	0.047
169	0.229	0.050
170	0.229	0.055
171	0.230	0.059
172	0.233	0.062
173	0.237	0.064
174	0.246	0.067
175	0.255	0.071
176	0.257	0.074
177	0.259	0.078
178	0.263	0.080
179	0.269	0.081
180	0.271	0.084
181	0.275	0.086
182	0.280	0.088
183	0.283	0.090
184	0.288	0.097
185	0.290	0.100
186	0.292	0.100
187	0.294	0.101
188	0.295	0.101

Second	Composite (grams)	Phase 2 (grams)
189	0.297	0.105
190	0.301	0.107
191	0.305	0.111
192	0.308	0.114
193	0.313	0.118
194	0.314	0.122
195	0.315	0.125
196	0.316	0.128
197	0.320	0.128
198	0.323	0.129
199	0.325	0.129
200	0.328	0.130
201	0.331	0.132
202	0.333	0.135
203	0.335	0.137
204	0.339	0.138
205	0.344	0.140
206	0.348	0.141
207	0.352	0.142
208	0.356	0.143
209	0.358	0.144
210	0.361	0.145
211	0.363	0.149
212	0.366	0.151
213	0.367	0.154
214	0.368	0.156
215	0.369	0.157
216	0.370	0.160
217	0.370	0.161
218	0.371	0.161
219	0.372	0.161
220	0.373	0.163
221	0.373	0.164
222	0.376	0.166
223	0.381	0.168
224	0.387	0.169
225	0.387	0.171
226	0.391	0.174
227	0.394	0.175
228	0.395	0.176
229	0.396	0.177
230	0.397	0.177
231	0.398	0.177
232	0.399	0.178
233	0.400	0.178
234	0.401	0.178
235	0.403	0.178
236	0.403	0.178
237	0.403	0.178
238	0.404	0.178
239	0.404	0.179

(2)(a) Motor vehicles having composite carbon monoxide emission limitations in Table 1 of at least 10.0 grams/mile but less than 15.0 grams/mile.

Second	Composite (grams)	Phase 2 (grams)	Second	Composite (grams)	Phase 2 (grams)
30	0.173	N/A	83	0.557	N/A
31	0.193	N/A	84	0.559	N/A
32	0.209	N/A	85	0.561	N/A
33	0.213	N/A	86	0.566	N/A
34	0.213	N/A	87	0.568	N/A
35	0.214	N/A	88	0.571	N/A
36	0.225	N/A	89	0.575	N/A
37	0.240	N/A	90	0.577	N/A
38	0.259	N/A	91	0.582	N/A
39	0.268	N/A	92	0.583	N/A
40	0.269	N/A	93	0.583	N/A
41	0.271	N/A	94	0.586	0.000
42	0.276	N/A	95	0.587	0.000
43	0.278	N/A	96	0.589	0.000
44	0.279	N/A	97	0.599	0.000
45	0.289	N/A	98	0.613	0.000
46	0.336	N/A	99	0.627	0.000
47	0.371	N/A	100	0.648	0.000
48	0.383	N/A	101	0.665	0.000
49	0.386	N/A	102	0.687	0.000
50	0.388	N/A	103	0.728	0.000
51	0.393	N/A	104	0.791	0.000
52	0.399	N/A	105	0.793	0.000
53	0.408	N/A	106	0.799	0.000
54	0.421	N/A	107	0.822	0.000
55	0.422	N/A	108	0.855	0.000
56	0.423	N/A	109	0.897	0.042
57	0.425	N/A	110	0.899	0.043
58	0.431	N/A	111	0.910	0.059
59	0.463	N/A	112	0.935	0.067
60	0.468	N/A	113	0.967	0.070
61	0.468	N/A	114	0.969	0.073
62	0.468	N/A	115	0.984	0.079
63	0.475	N/A	116	1.004	0.083
64	0.479	N/A	117	1.015	0.086
65	0.486	N/A	118	1.016	0.088
66	0.500	N/A	119	1.020	0.089
67	0.515	N/A	120	1.035	0.092
68	0.516	N/A	121	1.046	0.097
69	0.519	N/A	122	1.050	0.102
70	0.526	N/A	123	1.051	0.116
71	0.529	N/A	124	1.053	0.120
72	0.531	N/A	125	1.058	0.127
73	0.533	N/A	126	1.075	0.130
74	0.535	N/A	127	1.086	0.131
75	0.538	N/A	128	1.090	0.131
76	0.543	N/A	129	1.092	0.132
77	0.547	N/A	130	1.092	0.133
78	0.550	N/A	131	1.093	0.133
79	0.553	N/A	132	1.109	0.134
80	0.553	N/A	133	1.131	0.138
81	0.555	N/A	134	1.131	0.139
82	0.556	N/A	135	1.131	0.148

Second	Composite (grams)	Phase 2 (grams)
136	1.133	0.154
137	1.134	0.160
138	1.136	0.163
139	1.138	0.166
140	1.139	0.171
141	1.139	0.174
142	1.139	0.177
143	1.139	0.180
144	1.139	0.185
145	1.139	0.186
146	1.139	0.186
147	1.139	0.186
148	1.139	0.187
149	1.139	0.188
150	1.139	0.191
151	1.139	0.197
152	1.139	0.198
153	1.141	0.199
154	1.153	0.200
155	1.209	0.201
156	1.426	0.211
157	1.460	0.248
158	1.543	0.260
159	1.668	0.339
160	1.856	0.364
161	2.095	0.387
162	2.412	0.456
163	2.730	0.687
164	3.032	0.768
165	3.183	0.908
166	3.208	1.126
167	3.223	1.238
168	3.233	1.314
169	3.426	1.433
170	3.535	1.513
171	3.741	1.583
172	3.926	1.623
173	4.063	1.699
174	4.227	1.801
175	4.414	2.038
176	4.505	2.058
177	4.587	2.146
178	4.668	2.200
179	4.743	2.212
180	4.807	2.228
181	5.031	2.281
182	5.101	2.383
183	5.189	2.564
184	5.421	2.716
185	5.489	2.749
186	5.663	2.802
187	5.747	2.879
188	5.884	2.974

Second	Composite (grams)	Phase 2 (grams)
189	5.969	3.005
190	6.005	3.043
191	6.116	3.129
192	6.171	3.150
193	6.233	3.156
194	6.297	3.163
195	6.367	3.194
196	6.407	3.227
197	6.437	3.247
198	6.463	3.265
199	6.494	3.291
200	6.535	3.311
201	6.556	3.353
202	6.585	3.416
203	6.637	3.443
204	6.705	3.486
205	6.763	3.523
206	6.848	3.556
207	6.875	3.607
208	6.908	3.625
209	6.951	3.694
210	6.988	3.727
211	7.051	3.729
212	7.136	3.754
213	7.249	3.805
214	7.250	3.868
215	7.251	3.889
216	7.270	3.913
217	7.320	3.992
218	7.371	4.007
219	7.434	4.094
220	7.451	4.122
221	7.455	4.131
222	7.462	4.145
223	7.466	4.171
224	7.468	4.189
225	7.502	4.193
226	7.532	4.201
227	7.532	4.216
228	7.532	4.240
229	7.552	4.240
230	7.579	4.241
231	7.581	4.247
232	7.581	4.268
233	7.592	4.274
234	7.603	4.296
235	7.604	4.297
236	7.607	4.297
237	7.608	4.297
238	7.613	4.310
239	7.622	4.343

Tommy G. Thompson
Governor

Linda Stewart
Secretary



State of Wisconsin

Department of Workforce Development

OFFICE OF THE SECRETARY

201 East Washington Avenue
P.O. Box 7946
Madison, WI 53707-7946
Telephone: (608) 266-9427
Fax: (608) 266-1784
<http://www.dwd.state.wi.us/>

April 30, 1998

The Honorable Robert Welch
State Senator
Co-Chair, Joint Committee for
Review of Administrative Rules
1 East Main Street, Room 201
Madison WI 53702

The Honorable Glenn Grothman
State Representative
Co-Chair, Joint Committee for
Review of Administrative Rules
125 West, State Capitol
Madison WI 53702

Re: Emergency rule affecting DWD 12.25, Wis. Adm. Code
Learnfare Amendments (Permanent Rule - CR 98-026)

Dear Senator Welch and Representative Grothman:

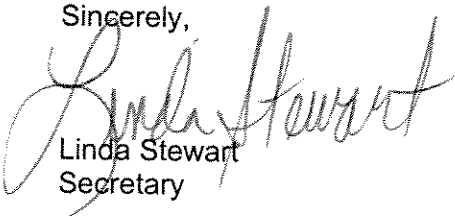
I am writing to request a 60 day extension of this emergency rule, which became effective on January 2, 1998. Without an extension, the emergency rule will expire on June 2, 1998.

The purpose of this rule is to implement changes in the Learnfare program that were enacted in 1997 Act 27. A public hearing on the permanent rule was held on March 16, 1998 and written comments were accepted until March 20, 1998. We expect to submit the rule for legislative review by May 8, 1998.

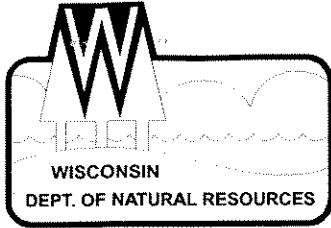
If the emergency rule is not extended, there could be questions about the validity of actions taken under the learnfare program until the permanent rule becomes effective. Most of the provisions of the permanent rule will be the same as the emergency rule. There were no appearances at the public hearing. DWD received written comments on the rule from Legal Action of Wisconsin and the Wisconsin Council on Children and Families; we have agreed with most of the comments and have made most of the changes requested.

Thank you for your consideration of this request. Please contact Katie Mruk, DWD's Legislative Liaison, at 267-3200 if you have any questions concerning this rule extension.

Sincerely,


Linda Stewart
Secretary





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

April 17, 1998

ROUTE TO:

Routing slip with checkboxes and initials: BOB, LW, BF, VP, TWS.

Honorable Robert Welch, Co-Chair
Joint Committee for Review of
Administrative Rules
Room 201E
State Capitol

Honorable Glenn Grothman, Co-Chair
Joint Committee for Review of
Administrative Rules
125 West
State Capitol

Handwritten signature 'Geo' circled.

Handwritten date '4 21 1998'.

SUBJECT: Emergency Rule Extension for AM-29-97(E)

Gentlemen:

The Department of Natural Resources, under s. 227.24(2), Stats., is requesting the Joint Committee for Review of Administrative Rules to extend Natural Resources Board Emergency Order No. AM-29-97(E) for 60 days. This emergency order pertaining to emission limitations for motor vehicles took effect on January 1, 1998 and is to expire on May 31, 1998.

The extension of the emergency rule is needed so that the enforcement of these emission limitations can continue in the current less restrictive limitations. The permanent rule will be adopted by the Natural Resources Board at its May meeting.

A copy of the emergency order is attached. If you have any questions, please contact Tom Steidl, Bureau of Legal Services at 266-0235.

Sincerely,

George E. Meyer
Secretary

Attach.

cc: Tom Steidl - LS/5
Carol Turner - LS/5
Chris Bovee - AM/7



Quality Natural Resources Management
Through Excellent Customer Service



ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD
RENUMBERING, REPEALING AND RECREATING AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to renumber NR 485.04, Table 3, (1)(a) to (c), (2)(a) to (c) and (3)(a) to (c); to repeal and recreate NR 485.04, Table 1, (3); and to create NR 485.04, Table 3, (1)(a), (2)(a) and (3)(a) relating to emission limitations for motor vehicles.

AM-29-97E

Analysis Prepared by the Department of Natural Resources

Authorizing statutes: ss. 227.11(2)(a), 227.24, 285.11(1) and 285.30(2), Stats.

Statutes interpreted: ss. 285.11(6) and 285.30(2), Stats. The State Implementation Plan developed under s. 285.11(6), Stats., is revised.

The final phase of the motor vehicle emission limitations in Table 1 of s. NR 485.04, Wis. Adm. Code, is scheduled to go into effect on December 1, 1997. These limitations are used in the state's motor vehicle emission inspection and maintenance (I/M) program, which is operating in seven southeastern Wisconsin counties (Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, and Waukesha). Two phases of less restrictive limitations have been in effect prior to December 1, 1997: the first phase in effect from December 1, 1995, to November 30, 1996, and the second phase in effect from December 1, 1996, to November 30, 1997.

The proposed emergency rule will relax the current rule's final phase of motor vehicle emission limitations for 1990 and older model year vehicles as follows: For 1987 to 1990 model year vehicles, the proposed emission limitations will be more restrictive than the current rule's second phase limitations (those in effect from December 1, 1996, to November 30, 1997), but not as restrictive as the current rule's final phase limitations; for the older vehicles subject to the I/M program (model year 1968 to 1986), the current rule's second phase limitations will remain in effect.

Also, the proposed rule will add to Table 3 of s. NR 485.04, Wis. Adm. Code, a new set of fast-pass emission limitations for each of the three measured air contaminants as follows: Fast-pass hydrocarbon limitations which apply to motor vehicles having composite hydrocarbon limitations in Table 1 of s. NR 485.04, Wis. Adm. Code, of at least 0.60 grams/mile but less than 0.80 grams/miles; fast-pass carbon monoxide limitations which apply to motor vehicles having composite carbon monoxide limitations in Table 1 of s. NR 485.04, Wis. Adm. Code, of at least 10.0 grams/mile but less than 15.0 grams/mile; and fast-pass oxides of nitrogen limitations which apply to motor vehicles having composite oxides of nitrogen limitations in Table 1 of s. NR 485.04, Wis. Adm. Code, of at least 1.5 grams/mile but less than 2.0 grams/mile.

SECTION 1. NR 485.04, Table 1, (3) is repealed and recreated to read:

NR 485.04, Table 1, (3) MOTOR VEHICLES INSPECTED BETWEEN DECEMBER 1, 1997, AND NOVEMBER 30, 1998.

(a) *Light-Duty Vehicles.*

Model Years	Hydrocarbons (grams/mile)		Carbon Monoxide (grams/mile)		Oxides of Nitrogen (grams/mile)
	Composite	Phase 2	Composite	Phase 2	Composite
1996 and newer	0.60	0.40	10.0	8.0	1.5
1994-1995					
Tier 1 ¹	0.60	0.40	10.0	8.0	1.5
Not Tier 1 ¹	0.80	0.50	15.0	12.0	2.0
1991-1993	0.80	0.50	15.0	12.0	2.0
1987-1990	1.10	0.70	20.0	16.0	2.5
1983-1986	2.00	1.25	30.0	24.0	3.0
1981-1982	2.00	1.25	60.0	48.0	3.0
1980	2.00	1.25	60.0	48.0	6.0
1977-1979	7.50	5.00	90.0	72.0	6.0
1975-1976	7.50	5.00	90.0	72.0	9.0
1973-1974	10.0	6.00	150	120	9.0
1968-1972	10.0	6.00	150	120	10.0

(b) *Light-Duty Trucks with GVWR of 6,000 pounds or less.*

Model Years	Hydrocarbons (grams/mile)		Carbon Monoxide (grams/mile)		Oxides of Nitrogen (grams/mile)
	Composite	Phase 2	Composite	Phase 2	Composite
1996 and newer					
(≤3750 lbs LVW) ²	0.60	0.40	10.0	8.0	1.5
(>3750 lbs LVW) ²	0.80	0.50	13.0	10.0	1.8
1994-1995					
Tier 1 ³					
(≤3750 lbs LVW) ⁴	0.60	0.40	10.0	8.0	1.5
(>3750 lbs LVW) ⁴	0.80	0.50	13.0	10.0	1.8
Not Tier 1 ³	1.60	1.00	40.0	32.0	2.5
1991-1993	1.60	1.00	40.0	32.0	2.5
1988-1990	2.20	1.40	55.0	44.0	3.0
1987	2.20	1.40	55.0	44.0	5.5
1984-1986	3.20	2.00	80.0	64.0	7.0
1979-1983	7.50	5.00	100	80.0	7.0
1975-1978	8.00	5.00	120	96.0	9.0
1973-1974	10.0	6.00	150	120	9.0
1968-1972	10.0	6.00	150	120	10.0

(c) *Light-Duty Trucks with GVWR of 6,001 to 8,500 pounds and Heavy-Duty Vehicles with GVWR of 8,500 pounds or less.*

Model Years	Hydrocarbons (grams/mile)		Carbon Monoxide (grams/mile)		Oxides of Nitrogen (grams/mile)
	Composite	Phase 2	Composite	Phase 2	Composite
1997 and newer					
(≤5750 lbs ALVW) ⁵	0.80	0.50	13.0	10.0	1.8
(>5750 lbs ALVW) ⁵	0.80	0.50	15.0	12.0	2.0
1996					
Tier 1 ⁶					
(≤5750 lbs ALVW) ⁷	0.80	0.50	13.0	10.0	1.8
(>5750 lbs ALVW) ⁷	0.80	0.50	15.0	12.0	2.0
Not Tier 1 ⁶	1.60	1.00	40.0	32.0	3.5
1991-1995	1.60	1.00	40.0	32.0	3.5
1988-1990	2.20	1.40	55.0	44.0	4.0
1987	2.20	1.40	55.0	44.0	5.5
1984-1986	3.20	2.00	80.0	64.0	7.0
1979-1983	7.50	5.00	100	80.0	7.0
1975-1978	8.00	5.00	120	96.0	9.0
1973-1974	10.0	6.00	150	120	9.0
1968-1972	10.0	6.00	150	120	10.0

(d) *Heavy-Duty Vehicles with GVWR of 8,501 to 10,000 pounds.*

Model Years	Hydrocarbons (grams/mile)		Carbon Monoxide (grams/mile)		Oxides of Nitrogen (grams/mile)
	Composite	Phase 2	Composite	Phase 2	Composite
1998 and newer	2.00	1.25	30.0	24.0	4.0
1991-1997	2.00	1.25	40.0	32.0	5.0
1987-1990	2.40	1.50	55.0	44.0	7.0
1985-1986	5.00	3.10	80.0	64.0	8.0
1979-1984	7.50	5.00	100	80.0	8.0
1974-1978	10.0	6.00	150	120	10.0
1970-1973	10.0	6.00	175	140	10.0
1968-1969	20.0	12.5	200	160	15.0

(e) *Heavy-Duty Vehicles with GVWR greater than 10,000 pounds.*

Model Years	Hydrocarbons (grams/mile)		Carbon Monoxide (grams/mile)		Oxides of Nitrogen (grams/mile)
	Composite	Phase 2	Composite	Phase 2	Composite
1998 and newer	3.50	2.00	60.0	48.0	7.0
1991-1997	3.50	2.00	70.0	56.0	9.0
1987-1990	4.50	2.80	100	80.0	13.0
1985-1986	10.0	6.00	160	128	16.0
1979-1984	11.5	7.00	180	145	16.0
1974-1978	13.0	8.00	200	160	20.0
1970-1973	13.0	8.00	225	180	20.0
1968-1969	24.0	15.0	250	200	30.0

¹ Upon written department approval granted to DOT, the emission limitations for "Not Tier 1" may be applied to all 1994-1995 model year light-duty vehicles.

² Upon written department approval granted to DOT, the emission limitations for ">3750 lbs LVW" may be applied to all 1996 model year and newer light-duty trucks with GVWR of 6,000 pounds or less.

³ Upon written department approval granted to DOT, the emission limitations for "Not Tier 1" may be applied to all 1994-1995 model year light-duty trucks with GVWR of 6,000 pounds or less.

⁴ Upon written department approval granted to DOT, the emission limitations for ">3750 lbs LVW" may be applied to all 1994-1995 model year light-duty trucks with GVWR of 6,000 pounds or less which are certified to meet Tier 1 emission standards.

⁵ Upon written department approval granted to DOT, the emission limitations for ">5750 lbs ALVW" may be applied to all 1997 model year and newer light-duty trucks with GVWR of 6,001 to 8,500 pounds and to all 1997 model year and newer heavy-duty vehicles with GVWR of 8,500 pounds or less.

⁶ Upon written department approval granted to DOT, the emission limitations for "Not Tier 1" may be applied to all 1996 model year light-duty trucks with GVWR of 6,001 to 8,500 pounds and to all 1996 model year heavy-duty vehicles with GVWR of 8,500 pounds or less.

⁷ Upon written department approval granted to DOT, the emission limitations for ">5750 lbs ALVW" may be applied to all 1996 model year light-duty trucks with GVWR of 6,001 to 8,500 pounds which are certified to meet Tier 1 emission standards and to all 1996 model year heavy-duty vehicles with GVWR of 8,500 pounds or less which are certified to meet Tier 1 emission standards.

SECTION 2. NR 485.04, Table 3, (1)(a) to (c), (2)(a) to (c) and (3)(a) to (c) are renumbered (1)(b) to (d), (2)(b) to (d) and (3)(b) to (d), respectively.

SECTION 3. NR 485.04, Table 3, (1)(a), (2)(a) and (3)(a) are created to read:

NR 485.04, Table 3, (1)(a) *Motor vehicles having composite hydrocarbon emission limitations in Table 1 of at least 0.60 grams/mile but less than 0.80 grams/mile.*

Second	Composite (grams)	Phase 2 (grams)
30	0.031	N/A
31	0.032	N/A
32	0.032	N/A
33	0.034	N/A
34	0.035	N/A
35	0.037	N/A
36	0.038	N/A
37	0.038	N/A
38	0.039	N/A
39	0.040	N/A
40	0.041	N/A
41	0.042	N/A
42	0.043	N/A
43	0.043	N/A
44	0.044	N/A
45	0.049	N/A
46	0.050	N/A
47	0.052	N/A
48	0.055	N/A
49	0.058	N/A
50	0.059	N/A
51	0.060	N/A
52	0.060	N/A
53	0.061	N/A
54	0.062	N/A
55	0.062	N/A
56	0.063	N/A
57	0.065	N/A
58	0.068	N/A
59	0.069	N/A
60	0.070	N/A
61	0.070	N/A
62	0.071	N/A
63	0.071	N/A
64	0.071	N/A
65	0.071	N/A
66	0.072	N/A
67	0.072	N/A
68	0.073	N/A
69	0.074	N/A
70	0.074	N/A
71	0.075	N/A
72	0.075	N/A
73	0.076	N/A
74	0.076	N/A
75	0.077	N/A
76	0.077	N/A
77	0.077	N/A
78	0.077	N/A
79	0.079	N/A
80	0.080	N/A
81	0.081	N/A
82	0.082	N/A

Second	Composite (grams)	Phase 2 (grams)
83	0.082	N/A
84	0.083	N/A
85	0.084	N/A
86	0.085	N/A
87	0.086	N/A
88	0.087	N/A
89	0.088	N/A
90	0.089	N/A
91	0.090	N/A
92	0.090	N/A
93	0.091	N/A
94	0.092	0.000
95	0.093	0.000
96	0.093	0.000
97	0.094	0.000
98	0.097	0.000
99	0.099	0.000
100	0.101	0.000
101	0.103	0.000
102	0.103	0.000
103	0.103	0.000
104	0.103	0.000
105	0.105	0.000
106	0.107	0.000
107	0.108	0.000
108	0.114	0.000
109	0.115	0.004
110	0.116	0.004
111	0.116	0.005
112	0.117	0.006
113	0.117	0.006
114	0.118	0.006
115	0.122	0.007
116	0.128	0.007
117	0.135	0.008
118	0.140	0.009
119	0.144	0.009
120	0.145	0.009
121	0.147	0.010
122	0.149	0.010
123	0.151	0.010
124	0.153	0.011
125	0.154	0.011
126	0.156	0.011
127	0.157	0.011
128	0.158	0.012
129	0.159	0.012
130	0.160	0.012
131	0.161	0.013
132	0.161	0.013
133	0.161	0.014
134	0.162	0.014
135	0.163	0.014

Second	Composite (grams)	Phase 2 (grams)
136	0.165	0.014
137	0.166	0.014
138	0.167	0.014
139	0.167	0.015
140	0.168	0.015
141	0.168	0.015
142	0.169	0.015
143	0.170	0.016
144	0.170	0.016
145	0.171	0.016
146	0.172	0.017
147	0.172	0.017
148	0.173	0.017
149	0.173	0.017
150	0.174	0.018
151	0.174	0.018
152	0.175	0.018
153	0.175	0.018
154	0.176	0.018
155	0.176	0.019
156	0.177	0.019
157	0.177	0.020
158	0.178	0.021
159	0.178	0.021
160	0.179	0.022
161	0.188	0.024
162	0.196	0.027
163	0.201	0.029
164	0.210	0.031
165	0.213	0.032
166	0.219	0.040
167	0.226	0.047
168	0.228	0.047
169	0.229	0.050
170	0.229	0.055
171	0.230	0.059
172	0.233	0.062
173	0.237	0.064
174	0.246	0.067
175	0.255	0.071
176	0.257	0.074
177	0.259	0.078
178	0.263	0.080
179	0.269	0.081
180	0.271	0.084
181	0.275	0.086
182	0.280	0.088
183	0.283	0.090
184	0.288	0.097
185	0.290	0.100
186	0.292	0.100
187	0.294	0.101
188	0.295	0.101

Second	Composite (grams)	Phase 2 (grams)
189	0.297	0.105
190	0.301	0.107
191	0.305	0.111
192	0.308	0.114
193	0.313	0.118
194	0.314	0.122
195	0.315	0.125
196	0.316	0.128
197	0.320	0.128
198	0.323	0.129
199	0.325	0.129
200	0.328	0.130
201	0.331	0.132
202	0.333	0.135
203	0.335	0.137
204	0.339	0.138
205	0.344	0.140
206	0.348	0.141
207	0.352	0.142
208	0.356	0.143
209	0.358	0.144
210	0.361	0.145
211	0.363	0.149
212	0.366	0.151
213	0.367	0.154
214	0.368	0.156
215	0.369	0.157
216	0.370	0.160
217	0.370	0.161
218	0.371	0.161
219	0.372	0.161
220	0.373	0.163
221	0.373	0.164
222	0.376	0.166
223	0.381	0.168
224	0.387	0.169
225	0.387	0.171
226	0.391	0.174
227	0.394	0.175
228	0.395	0.176
229	0.396	0.177
230	0.397	0.177
231	0.398	0.177
232	0.399	0.178
233	0.400	0.178
234	0.401	0.178
235	0.403	0.178
236	0.403	0.178
237	0.403	0.178
238	0.404	0.178
239	0.404	0.179

(2)(a) Motor vehicles having composite carbon monoxide emission limitations in Table 1 of at least 10.0 grams/mile but less than 15.0 grams/mile.

Second	Composite (grams)	Phase 2 (grams)	Second	Composite (grams)	Phase 2 (grams)
30	0.173	N/A	83	0.557	N/A
31	0.193	N/A	84	0.559	N/A
32	0.209	N/A	85	0.561	N/A
33	0.213	N/A	86	0.566	N/A
34	0.213	N/A	87	0.568	N/A
35	0.214	N/A	88	0.571	N/A
36	0.225	N/A	89	0.575	N/A
37	0.240	N/A	90	0.577	N/A
38	0.259	N/A	91	0.582	N/A
39	0.268	N/A	92	0.583	N/A
40	0.269	N/A	93	0.583	N/A
41	0.271	N/A	94	0.586	0.000
42	0.276	N/A	95	0.587	0.000
43	0.278	N/A	96	0.589	0.000
44	0.279	N/A	97	0.599	0.000
45	0.289	N/A	98	0.613	0.000
46	0.336	N/A	99	0.627	0.000
47	0.371	N/A	100	0.648	0.000
48	0.383	N/A	101	0.665	0.000
49	0.386	N/A	102	0.687	0.000
50	0.388	N/A	103	0.728	0.000
51	0.393	N/A	104	0.791	0.000
52	0.399	N/A	105	0.793	0.000
53	0.408	N/A	106	0.799	0.000
54	0.421	N/A	107	0.822	0.000
55	0.422	N/A	108	0.855	0.000
56	0.423	N/A	109	0.897	0.042
57	0.425	N/A	110	0.899	0.043
58	0.431	N/A	111	0.910	0.059
59	0.463	N/A	112	0.935	0.067
60	0.468	N/A	113	0.967	0.070
61	0.468	N/A	114	0.969	0.073
62	0.468	N/A	115	0.984	0.079
63	0.475	N/A	116	1.004	0.083
64	0.479	N/A	117	1.015	0.086
65	0.486	N/A	118	1.016	0.088
66	0.500	N/A	119	1.020	0.089
67	0.515	N/A	120	1.035	0.092
68	0.516	N/A	121	1.046	0.097
69	0.519	N/A	122	1.050	0.102
70	0.526	N/A	123	1.051	0.116
71	0.529	N/A	124	1.053	0.120
72	0.531	N/A	125	1.058	0.127
73	0.533	N/A	126	1.075	0.130
74	0.535	N/A	127	1.086	0.131
75	0.538	N/A	128	1.090	0.131
76	0.543	N/A	129	1.092	0.132
77	0.547	N/A	130	1.092	0.133
78	0.550	N/A	131	1.093	0.133
79	0.553	N/A	132	1.109	0.134
80	0.553	N/A	133	1.131	0.138
81	0.555	N/A	134	1.131	0.139
82	0.556	N/A	135	1.131	0.148

Second	Composite (grams)	Phase 2 (grams)
136	1.133	0.154
137	1.134	0.160
138	1.136	0.163
139	1.138	0.166
140	1.139	0.171
141	1.139	0.174
142	1.139	0.177
143	1.139	0.180
144	1.139	0.185
145	1.139	0.186
146	1.139	0.186
147	1.139	0.186
148	1.139	0.187
149	1.139	0.188
150	1.139	0.191
151	1.139	0.197
152	1.139	0.198
153	1.141	0.199
154	1.153	0.200
155	1.209	0.201
156	1.426	0.211
157	1.460	0.248
158	1.543	0.260
159	1.668	0.339
160	1.856	0.364
161	2.095	0.387
162	2.412	0.456
163	2.730	0.687
164	3.032	0.768
165	3.183	0.908
166	3.208	1.126
167	3.223	1.238
168	3.233	1.314
169	3.426	1.433
170	3.535	1.513
171	3.741	1.583
172	3.926	1.623
173	4.063	1.699
174	4.227	1.801
175	4.414	2.038
176	4.505	2.058
177	4.587	2.146
178	4.668	2.200
179	4.743	2.212
180	4.807	2.228
181	5.031	2.281
182	5.101	2.383
183	5.189	2.564
184	5.421	2.716
185	5.489	2.749
186	5.663	2.802
187	5.747	2.879
188	5.884	2.974

Second	Composite (grams)	Phase 2 (grams)
189	5.969	3.005
190	6.005	3.043
191	6.116	3.129
192	6.171	3.150
193	6.233	3.156
194	6.297	3.163
195	6.367	3.194
196	6.407	3.227
197	6.437	3.247
198	6.463	3.265
199	6.494	3.291
200	6.535	3.311
201	6.556	3.353
202	6.585	3.416
203	6.637	3.443
204	6.705	3.486
205	6.763	3.523
206	6.848	3.556
207	6.875	3.607
208	6.908	3.625
209	6.951	3.694
210	6.988	3.727
211	7.051	3.729
212	7.136	3.754
213	7.249	3.805
214	7.250	3.868
215	7.251	3.889
216	7.270	3.913
217	7.320	3.992
218	7.371	4.007
219	7.434	4.094
220	7.451	4.122
221	7.455	4.131
222	7.462	4.145
223	7.466	4.171
224	7.468	4.189
225	7.502	4.193
226	7.532	4.201
227	7.532	4.216
228	7.532	4.240
229	7.552	4.240
230	7.579	4.241
231	7.581	4.247
232	7.581	4.268
233	7.592	4.274
234	7.603	4.296
235	7.604	4.297
236	7.607	4.297
237	7.608	4.297
238	7.613	4.310
239	7.622	4.343

(3)(a) Motor vehicles having composite oxides of nitrogen emission limitations in Table 1 of at least 1.5 grams/mile but less than 2.0 grams/mile.

Second	Composite (grams)
30	0.084
31	0.088
32	0.094
33	0.108
34	0.116
35	0.120
36	0.122
37	0.122
38	0.124
39	0.124
40	0.126
41	0.130
42	0.138
43	0.156
44	0.164
45	0.172
46	0.180
47	0.186
48	0.192
49	0.192
50	0.200
51	0.206
52	0.218
53	0.232
54	0.236
55	0.240
56	0.246
57	0.250
58	0.254
59	0.254
60	0.256
61	0.258
62	0.260
63	0.262
64	0.264
65	0.266
66	0.268
67	0.270
68	0.276
69	0.282
70	0.288
71	0.294
72	0.300
73	0.302
74	0.302
75	0.306
76	0.312
77	0.324
78	0.326
79	0.330
80	0.336
81	0.348
82	0.354

Second	Composite (grams)
83	0.358
84	0.362
85	0.368
86	0.374
87	0.374
88	0.374
89	0.374
90	0.374
91	0.374
92	0.374
93	0.374
94	0.374
95	0.374
96	0.374
97	0.374
98	0.374
99	0.376
100	0.382
101	0.394
102	0.412
103	0.434
104	0.452
105	0.462
106	0.478
107	0.492
108	0.496
109	0.498
110	0.498
111	0.506
112	0.514
113	0.518
114	0.522
115	0.530
116	0.538
117	0.540
118	0.540
119	0.540
120	0.546
121	0.548
122	0.556
123	0.562
124	0.568
125	0.570
126	0.570
127	0.570
128	0.570
129	0.570
130	0.570
131	0.570
132	0.570
133	0.570
134	0.570
135	0.570

Second	Composite (grams)
136	0.580
137	0.588
138	0.592
139	0.598
140	0.612
141	0.628
142	0.636
143	0.644
144	0.652
145	0.654
146	0.656
147	0.658
148	0.660
149	0.662
150	0.664
151	0.666
152	0.670
153	0.672
154	0.676
155	0.678
156	0.682
157	0.690
158	0.708
159	0.734
160	0.758
161	0.780
162	0.796
163	0.820
164	0.860
165	0.888
166	0.916
167	0.960
168	0.986
169	1.006
170	1.050
171	1.110
172	1.126
173	1.136
174	1.150
175	1.160
176	1.168
177	1.174
178	1.194
179	1.212
180	1.232
181	1.252
182	1.272
183	1.294
184	1.314
185	1.336
186	1.374
187	1.402
188	1.426

Second	Composite (grams)
189	1.448
190	1.466
191	1.486
192	1.510
193	1.538
194	1.566
195	1.592
196	1.610
197	1.634
198	1.650
199	1.676
200	1.704
201	1.734
202	1.748
203	1.758
204	1.758
205	1.760
206	1.762
207	1.772
208	1.786
209	1.800
210	1.810
211	1.820
212	1.844
213	1.866
214	1.896
215	1.916
216	1.946
217	1.966
218	1.980
219	1.998
220	2.006
221	2.018
222	2.020
223	2.026
224	2.034
225	2.036
226	2.036
227	2.036
228	2.036
229	2.036
230	2.036
231	2.036
232	2.038
233	2.038
234	2.038
235	2.038
236	2.038
237	2.038
238	2.038
239	2.038

FINDING OF EMERGENCY

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

Many 1980 to 1986 model year vehicles cannot reasonably maintain a level of emissions that would comply with the emission limitations scheduled to go into effect on December 1, 1997, under the current rule. In addition, the number of 1990 and older model year vehicles that would need to be repaired in order to comply with these limitations may exceed the number of vehicles the repair industry could effectively repair. Finally, after December 1, 1997, no fast-pass emission limitations will apply to some 1994 and newer model year vehicles. (Fast-pass limitations enable very clean vehicles to pass the I/M program's emissions test in less time than the typical test.) Preservation of the public welfare necessitates the adoption of an emergency rule since: (1) the repairs that would need to be done on some 1990 and older model year vehicles attempting to comply with the emission limitations scheduled to go into effect on December 1, 1997, are likely to be costly and ineffective in keeping emissions low, and (2) the absence of fast-pass emission limitations for some newer vehicles would unnecessarily increase the time motorists would need to wait in line at the I/M test stations prior to having their vehicles tested.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on December 3, 1997.

The rule shall take effect on January 1, 1998.

Dated at Madison, Wisconsin December 5, 1997.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer
George E. Meyer, Secretary

(SEAL)

Krieser, Steve

From: RIEDAG@mail.state.wi.us[SMTP:RIEDAG@mail.state.wi.us]
Sent: Friday, May 01, 1998 1:06 PM
To: Krieser, Steve
Subject: Fiscal Estimate for AB842

This e-mail is to notify you that DOA did not request or receive a fiscal estimate from the Department of Natural Resources for AB842. I have not seen a copy of this fiscal estimate to date. Please let me know if I can be of further assistance.

Gail Riedasch

01/11/1995 23:12 6082670274

FROM : DNR ADMINISTRATION

508 266 5963

1998.04-30

13:18

#426 P.02/03

1997 Session

LRB or Bill No./Adm. Rule No.

SB 475 AB 8-12

Amendment No. if Applicable

FISCAL ESTIMATE

DOA-2048 N(R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

Subject

Requiring Cost-Benefit Analyses in the Rule-Promulgation Process

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:

2. Decrease Costs
 Permissive Mandatory

4. Decrease Revenues
 Permissive Mandatory

Towns Villages Cities

Counties Others _____

School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

SUMMARY OF BILL - Under current law, when the Department proposes to promulgate an administrative rule, the Department must prepare a fiscal estimate of the fiscal impact of the rule on local units of government and on state government. The fiscal estimate must be submitted to the legislative council staff prior to any public hearing on the proposed rule and before the proposed rule is submitted to each house of the legislature. The Department also prepares a regulatory flexibility analysis for proposed rules that have a significant economic impact on a substantial number of small businesses. This bill would require the Department to prepare a cost-benefit analysis on any proposed rule in addition to the fiscal estimate and the regulatory flexibility analysis. The cost-benefit analysis must include the anticipated annualized cost of the proposed rule to all units of government in the state, the anticipated annualized cost of the proposed rule to businesses and employees in the private sector, and the anticipated annualized benefits of the proposed rule to the residents of this state.

FISCAL IMPACT - The Department currently promulgates an average of 55 proposed rules annually. The preparation of a fiscal estimate averages between 4 - 8 hrs. per rule. A cost-benefit analysis requires a much broader effort, however, because it requires the assessment of fiscal impacts on the private sector. It is assumed that a cost-benefit analysis will also be much more complex, in part because the benefits of many of the Department's rules are non-market benefits such as cleaner air and cleaner water which will require more subjective, professional analysis and justification. It is assumed that each cost-benefit analysis will require between 8 hrs. and 480 hrs. to complete, depending on the complexity of the rule and the number and types of economic entities affected. For the high range of the fiscal estimate, it is assumed that it will require an average of 320 hours for the average of 55 proposed rules annually. This would be a total of 17,600 hrs., or 10.0 FTE. For the lower range of the fiscal estimate, it is assumed that of the 55 proposed rules, 10 would be complex requiring 320 hrs. each, 15 would be less complex and require 160 hrs. each, and the remaining 30 would be non-complex and require 8 hrs. each to complete a cost-benefit analysis. This would require a total annual effort of 5,840 hrs., or 3.0 FTE.

The cost of each FTE would be \$5,000 one-time and \$62,100 annually (\$41,600 salary, \$15,800 fringe, and \$4,700 supplies and services), or a range of \$15,000 - \$50,000 one-time and \$186,300 - \$615,600 annually for 3.0 - 10.0 FTE. It is assumed that the total cost of implementing this provision is spread evenly over the four funding sources identified above.

Long-Range Fiscal Implications

None.

Agency/Prepared by: (Name & Phone No.)

Joe Polasek, 266-2794

Authorized Signature/Telephone No.

Joe Polasek 266-2794

Date

3-13-98

01/11/1995 23:12 6082670274

ADMINISTRATION

608 266 6983

1998.04.30

13:18

1426 P.03/03

BUDGET ESTIMATE WORKSHEET

1997 Session

Estimated Estimate of Annual Fiscal Effect
SB 475 (R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB of Bill No./Adm. Rule No. Amendment No.
SB 475 AB 842

Subject
Requiring Cost-Benefit Analyses in the Rule-Promulgation Process

One-Time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
One-time costs of \$15,000 - \$50,000 for 3.0 - 10.0 FTE

II. Annualized Costs:		Annualized Fiscal impact on State funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes	\$	172,200 - 568,600	\$
(FTE Position Changes)		(3.0 - 10.0 FTE)	(- FTE)
State Operations - Other Costs		14,100 - 47,000	
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category	\$	186,300 - 615,600	\$ 0
B. State Costs by Source of Funds		Increased Costs	Decreased Costs
GPR	\$	46,575 - 153,900	\$
FED		46,575 - 153,900	
PRO/PRS		46,575 - 153,900	
SEG/SEG-S		46,575 - 153,900	
III. State Revenues: Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		Increased Rev.	Decreased Rev.
GPR Taxes	\$		\$
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S			
TOTAL State Revenues	\$	0	\$ 0

NET ANNUALIZED FISCAL IMPACT

	STATE	LOCAL
NET CHANGE IN COSTS	\$ 186,300 - 615,600	\$ -0-
NET CHANGE IN REVENUES	\$ -0-	\$ -0-

Agency/Prepared by: (Name & Phone No.)

Joe Polasek, 266-2794

Authorized Signature/Telephone No.

Joe Polasek 266-2794

Date

5-15-98

Bob Okied -
told Steve.

JOINT

COMMITTEE HEARINGS

The Joint Committee for Review of Administrative Rules will hold an executive session in Room 415 Northwest of the State Capitol Building at Madison, on the following at the time below:

Wednesday, May 6, 1998 at 8:00 a.m.

- | | |
|---------------------------------|--|
| Emergency Rule DWD 12.25 | Relating to changes to the Learnfare program. Extension of the effective period of this emergency rule by 60 days, at the request of the Department of Workforce Development.
<i>First Consideration.</i> |
| Emergency Rule PI 40 | Relating to the open enrollment program. Extension of the effective period of this emergency rule by 60 days, at the request of the Department of Public Instruction.
<i>First Consideration.</i> |
| Emergency Rule DOC 328 | Relating to lie detector testing of probationers and parolees who are sex offenders. Extension of the effective period of this emergency rule by 60 days, at the request of the Department of Corrections.
<i>First Consideration.</i> |
| Emergency Rule NR 485 | Relating to emission limitations for motor vehicles. Extension of the effective period of this emergency rule by 60 days, at the request of the Department of Natural Resources.
<i>First Consideration.</i> |
| Emergency Rule Ins18 | Relating to the Health Insurance Risk-Sharing Plan (HIRSP). Extension of the effective period of this emergency rule by 60 days, at the request of the Department of Health and Family Services.
<i>First Consideration.</i> |
| Emergency Rule WGC 13 | Relating to license fees for kennel owners at Greyhound racetracks. Extension of the effective period of this emergency rule by 30 days, at the request of the Department of Administration.
<i>First Consideration.</i> |
| Comm 69.18 (2)(a) 2. c. | Requesting the Department of Commerce to promulgate an emergency rule adopting a federal exemption for certain publicly-controlled facilities (press boxes) from requirements to provide access to the disabled. |
| Department of Natural Resources | The Joint Committee requests the appearance of DNR Secretary George Meyer with regard to the alleged inappropriate release by the Department of a fiscal note for 1997 Assembly Bill 842, which has been under the purview of the Joint Committee. |

Senator Robert Welch
Senate Co-Chair

Representative Glenn Grothman
Assembly Co-Chair

Tommy G. Thompson
Governor
Linda Stewart
Secretary



State of Wisconsin

Department of Workforce Development

OFFICE OF THE SECRETARY
201 East Washington Avenue
P.O. Box 7946
Madison, WI 53707-7946
Telephone: (608) 266-7552
Fax: (608) 266-1784
<http://www.dwd.state.wi.us/>

May 7, 1998

Senate Chief Clerk
Room 402
1 East Main Street
Madison, Wisconsin 53703

Assembly Chief Clerk
Room 402
1 East Main Street
Madison, Wisconsin 53703

MAY 11 1998

TRANSMITTAL IN FINAL DRAFT FORM OF ADMINISTRATIVE
RULES AND REPORTS

CLEARINGHOUSE RULE NO.: 98-026
RULE NO.: DWD 12.25
RELATING TO: Learnfare Amendments

Pursuant to section 227.19, Stats., agencies are required to submit, in triplicate, copies of the proposed administrative rules in final draft form together with a rule report and an analysis. The recommendations received from the Legislative Council are also to be submitted.

At this time, this material, together with cover letters to the President of the Senate and the Speaker of the Assembly, is being transmitted for referral to the standing committees for legislative review.

Respectfully submitted,

Linda Stewart
Secretary

cc: Sen. Welch
Rep. Grothman

Les
Asst
at
concern



Tommy G. Thompson
Governor

Linda Stewart
Secretary



State of Wisconsin

Department of Workforce Development

OFFICE OF THE SECRETARY
201 East Washington Avenue
P.O. Box 7946
Madison, WI 53707-7946
Telephone: (608) 266-7552
Fax: (608) 266-1784
<http://www.dwd.state.wi.us/>

May 7, 1998

Senator Brian D. Rude
President of the Senate
119 Martin Luther King Blvd., Rm 301
Madison, Wisconsin 53702

Representative Scott R. Jensen
Speaker of the Assembly
315 North, State Capitol
Madison, Wisconsin 53702

Dear Senator Rude and Representative Jensen:

NOTICE OF ADMINISTRATIVE RULES IN FINAL DRAFT FORM

CLEARINGHOUSE RULE NO.: CR 98-026
RULE NO.: DWD 12.25
RELATING TO: Learnfare Amendments

Section 227.19, Stats., requires agencies to submit proposed rules in final draft form to the presiding officer of each house for referral to the appropriate legislative standing committees.

The following information, as required by law, is being submitted to you.

1. Rules in final draft form (in triplicate).
2. Report consisting of:
 - a) DWD Rule Report.
 - b) Public Hearing Attendance Record.
 - c) Public Hearing Comment and Agency Response Form.
 - d) Legislative Council Rules Clearinghouse Report.
 - e) DWD Response to Legislative Council Rules Clearinghouse Report.
 - f) Fiscal Estimate.
 - g) Final Regulatory Flexibility Analysis.

Also included is a waiver of authority letter. If the respective standing committees have no objections to the rules, we respectfully request that their chairpersons sign the letter and return it as soon as possible.

If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,

A handwritten signature in cursive script that reads "Linda Stewart".

Linda Stewart
Secretary





State of Wisconsin
Department of Workforce Development

RULES in FINAL DRAFT FORM

Rule No.: CR 98-026

Relating to: Learnfare Amendments

1998 AMENDMENTS TO DWD 12.25

(LEARNFARE)

The Wisconsin Department of Workforce Development proposes an order to repeal DWD 12.25(3)(i) and (m), (4)(b)1. and 2., and (c) to (e), (5)(c)2., (7)(a)9.c. to h., (9)(a)2.c., and (10)(c), (e) and (f); to renumber DWD 12.25(3)(b) to (g), (j) to (L) and (n), and (10)(a), (b) and (d); to renumber and amend DWD 12.25(4)(b)(intro.), (f), and (g), (5)(c)1., (7)(a)9.i. and (10)(title); to amend DWD 12.25(1), (2)(b), (3)(a), (b), (c), (e), (h), (i), (L), (m), (o) and (p), (4)(a), (5)(a), (b), (d) and (f), (6)(a) and (b), (7)(title), (a)(intro.) and 1. to 7., 8.(intro.), a. and c., 9.(intro.)a. and b., and (b), (9)(title), (a)2.(intro.), a. and b., (11)(a)(intro.), 1., 2. and 4., (b), (c)(title), and (c); to repeal and recreate DWD 12.25 (5)(e), (8), and (9)(a)1. and (b); and to create DWD 12.25(3)(b), (d), (j), (k) and (n), (4)(d), (5)(g), (7)(a)9.c. and (10), relating to amendments to the learnfare program.

Rule Analysis

Statutory authority for rule: sec. 49.26(1)(gm)2 and (h)1, Stats. ,
Statute interpreted by the rule: sec. 49.26, Stats.

This rule implements changes to the learnfare program made by 1997 Wisconsin Act 27 by amending the existing rules on the learnfare program, sec. DWD 12.25, Wis. Adm. Code, as follows:

Application of the school attendance requirement is changed from children aged 6 to 19 to children aged 6 to 17.

A child will not meet the learnfare attendance requirement if the child is not enrolled in school or was not enrolled in the immediately preceding semester.

Participation in case management is required for a child who does not meet the attendance requirements or who is a minor parent, a dropout, a returning dropout, or a habitual truant. If a child fails to meet the attendance requirements, or if the child and the child's parent fail to attend or reschedule a case management appointment or activity after two written advance notices have been given by the W-2 agency, the W-2 agency is required to impose a financial penalty unless an exemption reason or a good cause reason is verified.

The exemption reasons are the same criteria that have in the past been treated as good cause under learnfare. In addition, good cause for failing to participate in learnfare case management includes any of the following:

- Child care is needed and not available.

- Transportation to and from child care is needed and not available on either a public or private basis.
- There is a court-ordered appearance or temporary incarceration.
- Observance of a religious holiday.
- Death of a relative.
- Family emergency.
- Illness, injury or incapacity of the child or a family member living with the child.
- Medical or dental appointment for the minor parent or the minor parent's child.
- Breakdown in transportation.
- A review or fair hearing decision identifies good cause circumstances.
- Other circumstances beyond the control of the child or the child's parent, as determined by the W-2 agency.

The financial penalty will be imposed as a reduction of the benefit amount paid to a W-2 participant who is in a community service job (CSJ) or transitional placement and will be imposed as a liability against a W-2 participant who is in a trial job. The amount of the penalty will be \$50 per month per penalty, not to exceed \$150 per W-2 group per month. The financial penalty will be imposed each month until the child meets the school attendance or case management requirements or until an exemption or good cause reason is verified.

SECTION 1. DWD 12.25(1) is amended to read:

DWD 12.25(1) This section is adopted under the authority of ss. ~~49.26(1)(h)1 as and~~ ~~Im.e. 49.26(1)(gm)2 and (h)1~~ and 103.005(1), Stats., to provide rules for the administration of learnfare, a program that requires that all ~~preteens and teenagers~~ children ages 6 to 17 whose custodial parent is a participant in a W-2 employment position, who are parents or who are residing with a natural or adoptive parent and who have not graduated from high school or received a high school equivalency diploma ~~attend~~ meet the school attendance requirements and that minor parents, dropouts, returning dropouts and habitual truants participate in case management to meet Wisconsin works participation requirements.

SECTION 2. DWD 12.25(2)(b) is amended to read:

DWD 12.25(2)(b) All ~~preteens and teenagers~~ children ages 6 to 17 included in a W-2 group who are parents or who are residing with a natural or adoptive parent and all W-2 groups

which include a teenager child who is a parent or who is residing with a natural or adoptive parent.

SECTION 3. DWD 12.25(3)(a) is amended to read:

DWD 12.25(3)(a) "Ceased to attend" means that the ~~preteen or the teenager~~ child has 20 consecutive full school days of unexcused absences.

SECTION 4. DWD 12.25(3)(b) and (c) to (f) are renumbered respectively DWD 12.25(3)(c) and (e) to (h), and as renumbered, DWD 12.25(3)(c), (e), (f) and (h) are amended to read:

DWD 12.25(3)(c) "Dropout" means a ~~preteen or a teenager~~ child who has ceased to attend school, has not graduated from high school or received a high school equivalency diploma and does not have an acceptable excuse under s. 118.15 (1) (b) to (d) or (3), Stats.

(e) "Excused absence" means that the reason for the absence meets the school district's definition of a valid reason for the ~~preteen or the teenager~~ child not to attend school.

(f) "Habitual truant" means a ~~pupil who is absent from school without an acceptable excuse under ss. 118.15 and 118.16, Stats., for any of the following:~~

~~1. Part or all of 5 or more days out of 10 consecutive days on which school is held in a semester.~~

~~2. Part or all of 10 or more days on which school is held in a semester has the meaning given in s. 118.16(1)(a), Stats.~~

NOTE: "Habitual truant" is defined in s. 118.16(1)(a), Stats., as "a pupil who is absent from school without an acceptable excuse under sub. (4) and s. 118.15 for part or all of 5 or more days on which school is held during a school semester."

(h) "Learnfare" means the program established under s. 49.26, Stats., ~~which requires that all preteens and all teenagers attend school to meet Wisconsin works participation requirements and this section.~~

SECTION 5. DWD 12.25(3)(i) and (m) are repealed.

SECTION 6. DWD 12.25(3)(g), (j), (k), (L) and (n) are renumbered respectively DWD 12.25(3)(i), (L), (m), (o) and (p), and as renumbered DWD 12.25(3)(i), (L), (m), (o) and (p) are amended to read:

DWD 12.25(3)(i) "Learnfare case management" means intervention for the purpose of assessing family needs, incorporating a plan to maintain school enrollment and further school attendance into the employability learnfare case management plan and assisting in the implementation of the plan for the purpose of maintaining school enrollment and furthering regular school attendance and career preparation by the preteen or the teenager child.

(L) "School" has the meaning prescribed in s. ~~49.50(7)(a)~~ 49.26(1)(a)2, Stats., namely, any one of the following:

- ~~1. A public school, as described in s. 115.01 (1), Stats.;~~
- ~~2. A private school, as defined in s. 115.001 (3r), Stats.;~~
- ~~3. A technical college pursuant to a contract under s. 118.15 (2), Stats.; or~~
- ~~4. A course of study meeting the standards established by the state superintendent of public instruction under s. 115.29 (4), Stats., for the granting of a declaration of equivalency of high school graduation.~~

(m) "School attendance officer" has the meaning prescribed in s. 118.16 (1) (b), Stats., namely, ~~an employe designated by the school board to deal with matters relating to school attendance and truancy.~~

(o) "School district" means the territorial unit for school administration as specified in s. 115.01(3), Stats. and includes a nonresident school district approved under s. 118.51, Stats.

(p) "Unexcused absence" means that the reason for the absence does not meet the school district's definition of a valid reason for the ~~preteen or the teenager~~ child not to attend school.

SECTION 7. DWD 12.25(3)(b), (d), (j), (k), and (n) are created to read:

DWD 12.25(3)(b) "Child" means a person who is 6 to 17 years old.

(d) "Enrolled" means a child is officially registered to attend school.

(j) "Minor parent" means a child who is the parent of a dependent child.

(k) "Returning dropout" means a child who was a dropout and reenrolled in school in the same semester in which the child dropped out of school or the immediately succeeding semester.

(n) "School attendance requirement" means the child is enrolled in school or was enrolled in the immediately preceding semester.

SECTION 8. DWD 12.25(4)(a) is amended to read:

DWD 12.25(4)(a) A ~~preteen or a teenager~~ child shall ~~attend school full or part time~~ meet the school attendance requirement except that a ~~preteen or a teenager~~ child who has graduated from high school or received a high school equivalency diploma is exempt from the school attendance requirement under this section.

SECTION 9. DWD 12.25(4)(b)(intro.) is renumbered DWD 12.25(4)(b) and as renumbered is amended to read:

DWD 12.25(4)(b) A ~~preteen or a teenager~~ child who is required to participate in learnfare under this section shall be considered to have failed to have met the school attendance ~~requirements under the following circumstances:~~ requirement if the child is not enrolled in school or was not enrolled in the immediately preceding semester.

SECTION 10. DWD 12.25(4)(b)1 and 2 and (c) to (e) are repealed.

SECTION 11. DWD 12.25(4)(f) is renumbered DWD 12.25(4)(c) and as renumbered is amended to read:

DWD 12.25(4)(c) The ~~preteen, teenager~~ child or the W-2 participant shall cooperate in providing information needed to verify enrollment information or ~~good cause~~ exemption reasons under sub. (7). ~~If none of these individuals cooperate, no eligibility for a W-2 employment position exists~~ neither the child nor the W-2 participant cooperates, the W-2 participant shall be ineligible for a W-2 employment position.

SECTION 12. DWD 12.25(4)(d) is created to read:

DWD 12.25(4)(d) Minor parents, dropouts, returning dropouts, and habitual truants shall participate in case management under sub.(8).

SECTION 13. DWD 12.25(4)(g) is renumbered DWD 12.25 (4)(e) and as renumbered is amended to read:

DWD 12.25(4)(e) The ~~preteen or the teenager who is a dropout~~ or the W-2 participant shall notify the agency of the ~~preteen's or the teenager's~~ dropout's nonattendance at school in compliance with s. DWD 12.09(2)(m).

SECTION 14. DWD 12.25(5)(a) and (b) are amended to read:

DWD 12.25(5)(a) The W-2 agency shall review enrollment and attendance information at all initial eligibility determinations and at all reviews under s. DWD 12.16 (2) to (4).

(b) The W-2 agency shall inform the W-2 employment position participant that the signature of the participant on the W-2 application constitutes permission for the release of school enrollment and attendance information by the school district.

SECTION 15. DWD 12.25(5)(c)1. is renumbered DWD 12.25(5)(c) and as renumbered is amended to read:

DWD 12.25(5)(c) The W-2 agency shall request information from the school attendance officer in the ~~preteen's or the teenager's~~ child's school district about the ~~preteen's or teenager's~~ child's enrollment and attendance in the school district's current or most recently completed semester of attendance.

SECTION 16. DWD 12.25(5)(c)2. is repealed.

SECTION 17. DWD 12.25(5)(d) is amended to read:

DWD 12.25(5)(d) The W-2 agency shall use the enrollment and attendance information provided by a school to verify enrollment and attendance for a ~~preteen or a teenager~~ child.

SECTION 18. DWD 12.25(5)(e) is repealed and recreated to read:

DWD 12.25(5)(e) The W-2 agency shall review a child's claim that he or she is exempt under sub. (7) from the school attendance requirement, determine if a child is required to participate in case management under sub. (8), and review a child's claim that he or she has a good cause reason under sub. (10) for not participating in case management.

SECTION 19. DWD 12.25(5)(f) is amended to read:

DWD 12.25(5)(f) The W-2 agency shall administer child care, including applying the appropriate child care co-payment under s. 49.155, Stats., and transportation funds available to ~~parents under age 20~~ under s. 49.26(1)(e), Stats. Payment for the cost of transportation to and from the child care provider shall be in the amount equal to the cost of transportation by the most appropriate means as determined by the department or the W-2 agency.

SECTION 20. DWD 12.25(5)(g) is created to read:

DWD 12.25(5)(g) If the child or W-2 participant does not have the power to produce verification of enrollment or good cause for not participating in case management, or requires assistance to do so, the W-2 agency shall proceed immediately to seek the verification.

NOTE: See DWD 12.11, relating to verification.

SECTION 21. DWD 12.25(6)(a) and (b) are amended to read:

DWD 12.25(6)(a) The school attendance officer shall provide information to the agency about the enrollment and attendance of a ~~preteen or a teenager~~ child who is enrolled in the public school in the school district within 5 working days after the date of receipt of the written request from the agency.

(b) The requirement under 20 USC 1232g and s. 118.125 (2), Stats., that written consent be given for a school district to make available the enrollment and attendance records of a pupil shall be met in the case of a ~~preteen or a teenager~~ child in a W-2 group by the signature of the parent, guardian, caretaker or pupil on the W-2 application for initial eligibility or eligibility redetermination.

SECTION 22. DWD 12.25(7)(title), (a)(intro.), 1. to 7., and 8.(intro.), a. and c. are amended to read:

DWD 12.25(7)(title) EXEMPTION REASONS.

(7)(a)(intro.) A ~~preteen or a teenager~~ child who is required to ~~attend school~~ meet the school attendance requirement to meet the learnfare participation requirements under s. 49.26, Stats., shall comply except when ~~there is good cause~~ exempt which shall be demonstrated by any of the following circumstances:

1. The ~~preteen or a teenager~~ minor parent is the caretaker of a child who is less than 45 days old.
2. The ~~preteen or the teenager~~ minor parent is the caretaker of a child who is 45 to 89 days old and the ~~preteen or the teenager~~ minor parent has a physician's excuse, or child care for the ~~preteen's or the teenager's~~ minor parent's child is required but there is no available on-site day care at the school and the school has no home instruction program.

3. The ~~preteen or the teenager~~ minor parent is the caretaker of a child who is 90 or more days old and the ~~preteen or the teenager~~ minor parent has a physician's excuse.

4. Child care services for the ~~preteen's or the teenager's~~ minor parent's child are necessary for the ~~preteen or the teenager~~ minor parent to attend school but child care licensed under s. 48.65, Stats., certified under s. 48.651, Stats., or established under s. 120.13 (14), Stats., is not available. Child care shall be considered unavailable if there is no space available for the child in day care licensed under s. 48.65, Stats., certified under s. 48.651, Stats., or established under s. 120.13 (14), Stats., within reasonable travel time and distance of the pupil's home.

5. Transportation to and from child care is necessary for the ~~preteen's or the teenager's~~ minor parent's child and there is no public or private transportation available.

6. The ~~preteen or the teenager~~ child is temporarily excused from school attendance by the school district under s. 118.15 (3), Stats.

7. The ~~preteen or the teenager~~ child is prohibited by the school district from attending school and an expulsion under s. 120.13 (1), Stats., is pending. This exemption no longer applies once the ~~preteen or the teenager~~ child has been formally expelled.

8. The ~~preteen or the teenager~~ child is unable to attend school because he or she was expelled under s. 120.13 (1), Stats., and another school is not available because for one of the following reasons:

a. There is no public or private school within reasonable travel time or distance which will accept the ~~preteen or the teenager~~ child.

c. There is a public or private school which will accept the ~~preteen or the teenager~~ child but the tuition charge is prohibitive and the ~~preteen's or the teenager's~~ child's school district refuses to pay the tuition.

SECTION 23. DWD 12.25(7)(a)9.(intro.), a. and b. are amended to read:

DWD 12.25(7)(a)9.(intro.) The ~~preteen or the teenager~~ child failed to attend enroll in school for one or more of the ~~following~~ reasons in this subdivision:

a. Illness, injury or incapacity of the ~~preteen or the teenager~~ child or a member of the ~~preteen's or the teenager's~~ child's family. In this subparagraph, "member of the ~~preteen's or the teenager's~~ child's family" means a spouse, dependent child, or parent of the ~~preteen or teenager~~ child who lives with the ~~preteen or the teenager~~ child.

b. ~~Court-required appearance or temporary~~ Temporary incarceration.

SECTION 24. DWD 12.25(7)(a)9.c. to h. are repealed.

SECTION 25. DWD 12.25(7)(a)9.c. is created to read:

DWD 12.25(7)(a)9.c. The child is on the waiting list for a children-at-risk program under s. 118.153, Stats., and a children-at-risk program that is appropriate for the child is not available.

SECTION 26. DWD 12.25(7)(a)9.i. is renumbered DWD 12.25(7)(a)9.d. and as renumbered is amended to read:

DWD 12.25(7)(a)9.d. Any other circumstance beyond the control of the ~~preteen or the teenager~~ child.

SECTION 27. DWD 12.25(7)(b) is amended to read:

DWD 12.25(7)(b) Additional ~~good-cause criteria~~ exemption reasons may be defined by the department through the review of agency decision process under s. DWD 12.22.

SECTION 28. DWD 12.25(8) is repealed and recreated to read:

DWD 12.25(8) CASE MANAGEMENT. (a) When a child fails to meet the school attendance requirements or when a child is determined to be a minor parent, dropout, returning dropout, or habitual truant, the W-2 agency shall require the child to participate in case management.

(b) Upon referral or identification of a child for whom case management is required, the W-2 agency shall schedule an initial appointment with the child and the child's parent to conduct an assessment and complete a learnfare case management plan. The W-2 agency shall schedule the appointment at a time when the appointment will not interfere with the child's school schedule or the parent's work schedule. The W-2 agency shall send written notice of the appointment to the child and the child's parent at least 7 working days before the appointment date. The notice shall clearly state that if the child and the child's parent are unable to attend, the child or the child's parent shall contact the W-2 agency before the scheduled appointment date to reschedule the appointment.

(c) If the child and the child's parent fail to attend or reschedule the initial appointment, the W-2 agency shall send a second and last written notice. This notice shall ask the child or the child's parent to contact the W-2 agency within 5 working days and shall state that if the child or the child's parent does not contact the W-2 agency within 5 working days a financial penalty will be imposed.

(d) Case management requirements include the following:

1. The child and the child's parent shall participate in the assessment and the development of the learnfare case management plan and the parent shall sign the completed plan.

2. If the child is a dropout, the child or the child's parent shall provide verification of the child's return to school and attendance within 7 working days of the date that a school is available.

3. The child and the child's parent shall attend meetings scheduled by the W-2 agency. The W-2 agency shall schedule the meetings times when the meetings will not interfere with the parent's work schedule. The W-2 agency shall send written notice of a meeting to the child and the child's parent at least 7 working days before the scheduled meeting date. The notice shall

clearly state that if the child and the child's parent are unable to attend, the child or the child's parent shall contact the W-2 agency before the scheduled meeting date to reschedule the meeting. If the child and the child's parent fail to attend or reschedule the meeting, the W-2 agency shall send a second and last written notice. This notice shall ask the child or the child's parent to contact the W-2 agency within 5 working days and shall state that if the child or the child's parent does not contact the W-2 agency within 5 working days a financial penalty will be imposed.

4. If the W-2 agency determines that the child needs special services, the W-2 agency shall make the special services available at a time that does not interfere with the parent's work schedule. If the parent's participation is required, the parent shall participate along with the child in the special services activities.

5. The child or the child's parent, or both, shall engage in activities identified by the W-2 agency in the learnfare case management plan as necessary to maintain school enrollment or improve school attendance.

SECTION 29. DWD 12.25(9)(title) is amended to read:

DWD 12.25(9)(title) CRITERIA FOR APPLYING A FINANCIAL PENALTY.

SECTION 30. DWD 12.25(9)(a)1. is repealed and recreated to read:

DWD 12.25(9)(a)1. Except as provided under subd. 2., a child who fails to meet the school attendance requirement under sub. (4) without an exemption reason under sub. (7), or who fails to participate in case management under sub. (8) without good cause under sub. (10) and also fails to meet the school attendance requirement, may have a financial penalty imposed under sub. (11).

SECTION 31. DWD 12.25(9)(a)2.(intro.), a. and b. are amended to read:

DWD 12.25(9)(a)2.(intro.) No ~~sanction~~ financial penalty may be imposed ~~and any existing sanction shall be removed in the next possible payment month in which a sanction is not already being applied for the preteen~~ under any of the following circumstances:

a. The agency has not made a ~~case manager~~ case management available to a ~~preteen~~ child who has failed to meet the school attendance requirements requirement under sub. (4) or who is required to participate in case management under sub. (8).

b. The ~~preteen~~ child or ~~preteen's family~~ his or her parent is unable to comply with the learnfare case management plan because a service identified is not available and no appropriate alternative service as determined by the ~~learnfare case manager~~ W-2 agency is available.

SECTION 32. DWD 12.25(9)(a)2.c. is repealed.

SECTION 33. DWD 12.25(9)(b) is repealed and recreated to read:

DWD 12.25(9)(b) The W-2 group of a child who fails to meet the school attendance requirement under sub. (4) without an exemption reason under sub. (7), or who fails to participate in case management under sub. (8) without good cause under sub. (10) and also fails to meet the school attendance requirement, may have a financial penalty imposed under sub. (11) as long as he or she continues to do so or until an exemption reason under sub. (7) or a good cause reason under sub. (10) is verified.

SECTION 34. DWD 12.25(10)(c), (e) and (f) are repealed.

SECTION 35. DWD 12.25(10)(title) is renumbered DWD 12.25(11)(title) and as renumbered is amended to read:

DWD 12.25(11) APPLYING FINANCIAL PENALTIES.

SECTION 36. DWD 12.25(10)(a), (b), (d) are renumbered DWD 12.25(11)(a), (b) and (c).

SECTION 37. As renumbered, DWD 12.25(11)(a)(intro.), 1., 2., and 4., (b), (c)(title), and (c) are amended to read:

DWD 12.25(11)(a)(intro.) Upon determining that a ~~sanction or~~ financial penalty is proper under sub. (9), the W-2 agency shall send written notice to the W-2 participant which specifies all of the following:

1. That the CSJ or transitional benefit will be reduced or that a financial penalty will be imposed on a trial job participant, in the amount of \$50 per month per ~~child~~ penalty not to exceed \$150 per W-2 group per month, ~~in the next possible payment month~~ because the ~~preteen~~ child ~~required to attend school~~ has failed to meet the school attendance requirements and requirement ~~or the child has failed to participate in learnfare case management or the teenager required to attend school and~~ has failed to meet the school attendance requirements requirement.

2. The ~~beginning date of the sanction or financial penalty, and the preteen or the teenager~~ child to whom the ~~sanction or~~ financial penalty applies.

4. The ~~preteen's, teenager's~~ child's or W-2 participant's right to request a review under par. (b).

(b) The ~~preteen, teenager~~ child or W-2 participant may request a review of an agency decision in accordance with s. 49.26, Stats., and s. DWD 12.22 on the W-2 agency's determination that a ~~sanction or~~ financial penalty is proper under sub. (9).

(c)(title) *Effective period of financial penalty.* A ~~sanction or~~ financial penalty applied under par. (e) shall be effective imposed each payment month until the ~~preteen~~ child meets the monthly school attendance requirement and ~~or~~ participates in case management or the ~~teenager~~ meets the ~~monthly attendance requirement~~ an exemption reason under sub. (4) or a good cause reason under sub. ~~(7)~~ (10) is verified.

SECTION 38. DWD 12.25(10) is created to read:

DWD 12.25(10) GOOD CAUSE FOR NOT PARTICIPATING IN CASE

MANAGEMENT. (a) The W-2 agency shall determine if a child or the child's parent had good cause for failing to participate in learnfare case management. In making such a determination, the W-2 agency may require the child or the child's parent to provide written documentation that good cause existed. If the child or the child's parent does not have the power to produce documentation of good cause, or requires assistance to do so, the W-2 agency shall proceed immediately to seek the documentation.

(b) Good cause for failing to participate in learnfare case management shall be any of the following circumstances:

1. Child care is needed for the child to participate in case management, but child care is not available.
2. Transportation is needed to and from child care for the minor parent's child, but neither public nor private transportation is available.
3. Court-required appearance, including required court appearances for a victim of domestic abuse, or temporary incarceration.
4. Observance of a religious holiday.
5. Death of a relative.
6. Family emergency.
7. Illness, injury, or incapacity of the child or a family member living with the child. In this subdivision, "family member" means a spouse, child or parent.
8. Medical or dental appointment for the minor parent or the minor parent's child.
9. Breakdown in transportation.
10. A review decision under s. 49.152, Stats., identifies circumstances that justify good cause.

11. Other circumstances beyond the control of the child or the child's parent, but only as determined by the W-2 agency.

EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s.227.22(2)(intro.), Stats.

(End)