

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

➤

➤ Committee Hearings ... CH

➤

➤ Committee Reports ... CR

➤

➤ Executive Sessions ... ES

➤

➤ Hearing Records ... HR

➤

➤ Miscellaneous ... Misc

➤ 97hr_JCR-AR_Misc_pt23a

➤ Record of Comm. Proceedings ... RCP

➤

NEAR HEARING - 9/16

WISCONSIN LEGISLATIVE COUNCIL STAFF



Aug 23 1998

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
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One E. Main St., Ste. 401
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Madison, WI 53701-2536
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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 98-106

AN ORDER to create Comm 69.18 (2) (a) 2. c., relating to the exemption of elevator access to certain areas within government-owned or operated buildings.

Submitted by **DEPARTMENT OF COMMERCE**

07-31-98 RECEIVED BY LEGISLATIVE COUNCIL.
08-20-98 REPORT SENT TO AGENCY.

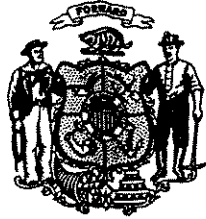
RNS:RJC:kjf:jt

WISCONSIN LEGISLATIVE COUNCIL STAFF

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CLEARINGHOUSE RULE 98-106

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. The introductory material from s. Comm 69.18 (2) (a) 2. should not be shown since only subd. 2. c. is being created.
- b. The last sentence of subd. 2. c. should be placed in a note to the rule because it is provided for example only and is not substantive. [See s. 1.09 (1), Manual.] In addition, the word "examples" should be modified to better clarify what the items are examples of. For example, "examples" could be modified by the phrase "of buildings exempt under this subdivision paragraph."

4. Adequacy of References to Related Statutes, Rules and Forms

- a. The fiscal estimate attached to the rule specifically describes the emergency rule. It should describe the permanent proposed rule.
- b. The references to the Code of Federal Regulations in the Rule Report should, it appears, be references to Title 28 CFR.

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

- a. Current s. Comm 69.18 (2) (a) 1. b. requires government-owned or operated *facilities* to have elevator access. The rule modification exempts certain government-owned or operated

buildings from having elevators. Since many of the examples of things that may be exempt under the rule do not appear to necessarily be conventional buildings, does the use of the term "building" in the rule modification limit the rule unintentionally? Should the rule modification apply to government-owned or operated *facilities*?

b. The words "Administrative Register" in the effective date provision of the rule should not be capitalized.

SECTION 1. Comm 69.18 (2) (a) 2. c. is created to read:

Comm 69.18 (2) (a) 2. Elevator access is not required to the following:

c. Government-owned or operated buildings that are less than three stories and that are not open to the general public, if the story above or below the accessible ground floor has a capacity of no more than five persons and is less than 500 square feet. The story above or below the accessible ground floor that is less than 500 square feet shall have a sign stating the maximum capacity and the sign shall be placed in a conspicuous location at the main entrance to the floor level. Examples may include, but are not limited to, drawbridge towers and boat traffic towers, lock and dam control stations, press boxes, and train dispatching towers.

(END)

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.), Stats., this rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.



September 2, 1998

SEP 03 1998

Senator Robert Welch
Co-Chairman
Joint Committee for Review of
Administrative Rules
1 East Main Street, Room 201
Madison, Wisconsin 53707

Representative Glenn Grothman
Co-Chairman
Joint Committee for Review of
Administrative Rules
125 West, State Capitol
Madison, Wisconsin 53707

Dear Senator Welch and Representative Grothman:

As you may know, this Department adopted an emergency rule earlier this spring relating to exemption of elevator access to certain floor levels in government-owned or operated buildings. The emergency rule took effect on May 15, 1998, and is currently in effect. The emergency rule will expire on October 12, 1998, unless an extension is granted by the Joint Committee for Review of Administrative Rules (JCRAR).

Since the adoption of the emergency rule and pursuant to chapter 227, Stats., the Department has filed a proposed permanent rule with the Wisconsin Legislative Council to replace the emergency rule and held a hearing on that rule on August 31, 1998.

The JCRAR requests that agencies make a formal request for an extension prior to the expiration of an emergency rule. Under section 227.19 (4), Stats., the legislative standing committees have 30 days to review the final rule before the agency may adopt the rule. Due to the time factors associated with the rulemaking process in ch. 227, Stats., the permanent rule cannot be adopted and placed in effect prior to the expiration of the emergency rule.

In light of these facts, we respectfully request a 60-day extension of the emergency rule under s. 227.24 (2), Stats., in order to preserve the public safety and provide a smooth and orderly transition from the emergency rule to the permanent rule.

If you have any questions regarding our progress to date or this request, please do not hesitate to contact us. Thank you in advance for your consideration of our request.

Sincerely,

for William J. McCoshen
Secretary



P.O. Box 7882
MADISON, WI 53707-7882
(608) 266-0751

P.O. Box 8952
MADISON, WI 53708-8952
(608) 264-8486

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

COMMITTEE HEARING

The Joint Committee for Review of Administrative Rules will hold a *Public Hearing* in the GAR Hearing Room (417 North) of the State Capitol, on the following at the time below:

Wednesday, September 16, 1998 at 10:00 a.m.

The Joint Committee Will Hold an Executive Session on the Following:

- | | | |
|--|-----------|--|
| Emergency Rule DOC 328.22(5)
Wis. Admin. Code | <i>ok</i> | Relating to custody and detention of felony probationers and parolees. Extension of 13 days by request of the Department of Corrections. <i>Second Consideration</i> |
| Emergency Rule ILHR 47 Wis. Admin. Code | <i>ok</i> | Relating to Petroleum Environmental Cleanup Fund. Extension of 60 days by request of the Department of Commerce. <i>First Consideration.</i> |
| Emergency Rule. COMM 69.18 (2)(a)2.c. Wis. Adm. Code | | Relating to the exemption of elevator access to certain areas within government-owned buildings. Extension of 60 days by request of the Department of Commerce. <i>First Consideration</i> |
| Emergency Rule PSC 16.05, 160.11(6), and 160.17 and 161 Wis. Adm. Code. | <i>ok</i> | Relating to Educational Telecommunications Access Program. Extension of 60 days at the request of the Public Service Commission. <i>Second Consideration.</i> |
| Emergency Rule TSC 15 Wis. Admin. Code | | Relating to Faculty Development Grants. Extension of the effective period of 60 days by request of the Wisconsin Technical College System Board. <i>Second Consideration.</i> |

MORE

(Page 2)

Emergency Rule **HFS 196.03**

ok

Relating to exemption of concession stands as restaurants at local sponsored sporting events. Extension of **52 days** at the request of the Dept. of Health and Family Services. *Second Consideration.*

The Joint Committee will hold a public hearing on the following:

The Joint Committee will take testimony regarding the development of Administrative Code for the PECFA program and the Memorandum of Understanding (MOU) between the Departments of Commerce and Natural Resources. The items to be discussed for codification include, but are not limited to:

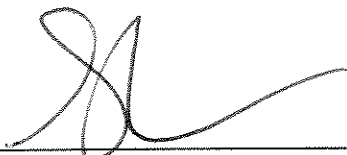
- Agency functions with respect to the MOU and administration of the PECFA program;
- Methods for classification of low, medium and high priority sites;
- Data models for tracking sites;
- Criteria for the establishment of Protective Action Limits (PALs) and other enforcement standards
- Methods for handling sites that exceed Protective Action Limits (PALs) but are less than the enforcement standards in order to close sites in a more timely and efficient manner;
- Criteria for mini-investigation process and costs for this process;
- Criteria for approval process for site investigation reports sent to the departments directly by consultants;
- Methods for capping costs for services provided under the PECFA program and the rate catalog which will integrate them into COMM. 47;
- Methods for implementing a Risk Based Corrective Action Policy for all sites regardless of their priority; and
- Criteria that will allow sites to be transferred from the DNR to DOC.
- Rationale and need for NR 749 "Fees Providing Assistance; Remediation and Redevelopment Program.

The hearing will also review the rules in light of the following:

1. Methods to reduce backlog for payment of claims;
2. Funding alternatives; and
3. Comparison of Wisconsin with other states.

The Committee may take executive action on any of the proposals on the agenda for the Public Hearing.

Senator Robert T. Welch
Senate Co-Chair



Representative Glenn Grothman
Assembly Co-Chair

ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD CREATING RULES

The State of Wisconsin Natural Resources Board proposes an order to create NR 749 relating to the assessment and collection of fees for providing assistance regarding the remediation and redevelopment of contaminated lands.

RR-43-98(E)

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 227.11(2) and ch. 292, Stats.

Statutes interpreted: ch. 292, Stats.

This order creates ch. NR 749, Wis. Adm. Code which establishes a flat fee for persons requesting Department assistance under ch. 292, Stats. The 1997-99 Biennial Budget contained a major initiative in the area of Brownfields cleanup and redevelopment. The budget authorized the Department to collect fees, by rule, to offset the cost for much of the assistance currently provided and for the new services created in the budget.

In order to help successfully implement the Brownfields initiative, the budget allocated 7 new program revenue positions to the Remediation and Redevelopment Program which brings the total number of RR program revenue positions to 10. Promulgation of ch. NR 749 will allow the Department to devote these additional resources toward implementing this initiative.

SECTION 1. Chapter NR 749 is created to read:

CHAPTER NR 749
FEES FOR PROVIDING ASSISTANCE; REMEDIATION AND REDEVELOPMENT PROGRAM

NR 749.01 PURPOSE. The purpose of this chapter is to establish fees to offset the department's costs of providing assistance under ch. 292, Stats. The department's authority to impose fees is found in ss. 292.11(7)(d)2., 292.13(3), 292.21(1)(c)1.d., 292.35(13) and 292.55(2), Stats.

NR 749.02 APPLICABILITY. This chapter applies to persons seeking department assistance under ch. 292, Stats., except that those persons seeking department assistance under s. 292.15, Stats., shall comply with ch. NR 750.

NR 749.04 FEES. (1) When a person requests the department to review a document listed in Table 1, the person requesting this assistance shall pay to the department the applicable fees. A person may request that department assistance be provided in either written form or in the form of oral comments. Appropriate fees shall accompany all requests for specific department assistance. Department assistance will not be provided unless the applicable fee accompanies the request for assistance. These fees are not proratable or refundable.

Note: If the NR 700 series rules require that a document be submitted to the department, such as in s. NR 716.09(1), but the person does not specifically request a department review of the document, then a review fee is not required.

Note: The department has prepared a document which provides additional information and

guidance for implementing this rule. A copy can be obtained by contacting the Bureau for Remediation and Redevelopment, Public Information Requests, P.O. Box 7921, Madison, WI 53707.

(2) If the department determines that a request for assistance does not contain enough information to render an opinion, or that the request is incomplete or inaccurate in some other manner, the department will notify the applicant of the reasons for this decision.

TABLE 1 - FEE SCHEDULE

Type of Letter or Assistance	Statutory Citation	Fee
Tax Cancellation Agreement	ss. 75.105(2)(d) and 292.55	\$ 500
Negotiated Agreements	s. 292.11(7)(d)2.	1000
Off-site Letters	s. 292.13(3)	500
Lender Assessments	s.292.21(1)(c)1.d.	500
Negotiation and Cost Recovery	s. 292.35(13)	(a)
General Liability Clarification Letters	s. 292.55	500
Lease Letters - Single Properties	s. 292.55	500
Lease Letters - Multiple Properties	s. 292.55	1000
Case Close-out Actions under ch. NR 726 (b)	s. 292.55	750
Site Investigation Workplan	s. 292.55	500
Site Investigation Report	s. 292.55	750
Site Specific Soil Cleanup Standards; NR 720.19 Reports	s. 292.55	750
Remedial Action Options Report	s. 292.55	750
Remedial Design Reports	s. 292.55	750
Operation and Maintenance Reports	s. 292.55	300
Construction Documentation Report	s. 292.55	250
Long-term Monitoring Plans	s. 292.55	300
No Further Action Letters under ch. NR 708 (c)	s. 292.55	250
Other Technical Assistance	s. 292.55	500

(a) Local governmental units in the negotiation and cost recovery process in s. 292.35, Stats., shall pay fees for each service requested.

(b) All requests for case closure need to be accompanied by the review fee in order to be considered complete.

(c) Immediate actions associated with spill cleanup activities, including department signoff on the spill reporting form, do not require a review fee.

Note: The department will not review Phase I or Phase II Environmental Assessments, unless they are part of the Voluntary Party Liability Exemption process in s. 292.15, Stats., or as part of a lender requesting this review in accordance with s. 292.21(1)(c)1.d., Stats.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on August 26, 1998

The rules shall take effect upon publication in the official state newspaper as provided in s. 227.24(1)(c), Stats.

Dated at Madison, Wisconsin September 1, 1998

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By George E. Mayer
George E. Mayer, Secretary

(SEAL)



P.O. Box 7882
MADISON, WI 53707-7882
(608) 266-0751

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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

September 11, 1998

MEMORANDUM

**TO : MEMBERS OF THE JOINT COMMITTEE FOR THE REVIEW OF
ADMINISTRATIVE RULES**

FROM : LES WAKEFIELD, COMMITTEE CLERK

SUBJECT : ADDITION TO HEARING NOTICE

Yesterday, you received a packet of material for the Public Hearing scheduled for September 16th in the GAR room. Since that material was sent, a request for a 13 day extension to an Emergency Rule **DOC 328.22 (5)** was delivered from the Department of Corrections came to our attention.

This is a request for a second extension of 13 days in order to allow the permanent rule to go into effect.

I am enclosing an updated Hearing Notice with a copy of the rule and letter requesting the extension.

It is hoped that by including this rule extension, the Committee can avoid any meetings during the month of October.



Mailing Address
149 East Wilson Street
Post Office Box 7925
Madison, WI 53707-7925
Telephone (608) 266-2471

Tommy G. Thompson
Governor

Michael J. Sullivan
Secretary

State of Wisconsin Department of Corrections

September 10, 1998

Senator Robert Welch
Joint Committee for Review of Administrative Rules
Room 201, 1 East Main Street
Madison, Wisconsin 53707

Representative Glenn S. Grothman
Joint Committee for Review of Administrative Rules
State Capitol, Room 125 West
Madison, Wisconsin 53708

Re: Clearinghouse Rule 98-070, Relating to the custody and detention of felony probationers and parolees

Dear Senator Welch and Representative Grothman:

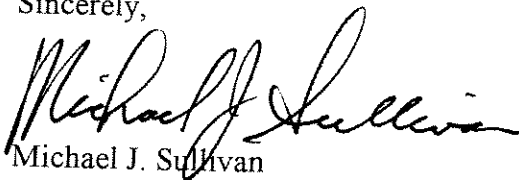
The Department of Corrections has an emergency rule which was originally scheduled to expire on August 20, 1998. This Committee granted a 60-day extension of the emergency rule. The first extension will expire on October 18, 1998, before the emergency rule can be replaced by a permanent rule. Pursuant to s. 227.24 (2), Stats., I ask the Joint Committee to extend the emergency rule amending DOC 328.22 (5) until November 1, 1998, when the permanent rule will be effective.

This emergency rule is required to alleviate the overcrowding that continues to prevail in the Milwaukee County Jail. The Department of Corrections has proposed a permanent rule to provide that any felony probationer may be detained in a Department of Corrections institution. The Department submitted a scope statement on March 16, 1998, a copy of which is enclosed. The Department submitted the proposed permanent rule to the Administrative Rules Clearinghouse and the Revisor of Statutes on May 7, 1998, copies of which are enclosed. The Department received the report from the Administrative Rules Clearinghouse on June 4, 1998, a copy of which is enclosed. On May 8, 1998, the Department scheduled this rule for hearing on June 26, 1998. A copy

of the notice of hearing is enclosed. The hearing was held. No one appeared to testify at the hearing and no one submitted written comments to the Department. The permanent rule was submitted to the legislature on July 17, 1998. The permanent rule was submitted to the Senate Committee on July 22, 1998, and to the Assembly Committee on July 23, 1998. Neither Committee took any action. The Department submitted the rule to the Secretary of State and the Revisor of Statutes on September 4, 1998. The permanent rule will be published in the October Administrative Register, and will be effective on November 1, 1998.

Copies of the order creating the emergency rule and the order creating the permanent rule are enclosed. If you have any questions about our request to extend the effective period of the emergency rule, please contact Deborah Rychlowski of the Department's Office of Legal Counsel at 266-8426.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Sullivan". The signature is written in black ink and is positioned above the printed name and title.

Michael J. Sullivan
Secretary

Enclosures

cc: JCRAR Members

ORDER OF
DEPARTMENT OF CORRECTIONS
PROMULGATING RULES
DOC 328.22 (5)

Under the authority vested in the Department of Corrections by ss. 227.11(2), and 973.10, Stats., the Department of Corrections hereby proposes an order to amend DOC 328.22 (5), relating to the custody and detention of felony probationers and parolees.

Statutory authority: ss. 227.11 (2), and 973.10, Stats.
Statutes interpreted: ss. 973.10 (1), and (2), Stats.

Analysis Prepared by the Department of Corrections

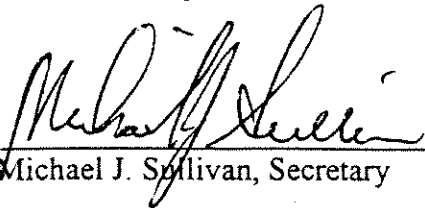
The current administrative rule Ch. DOC 328.22 (5) allows the Department of Corrections to detain, in any Department institution, any parolee or a felony probationer with an imposed and stayed sentence. The amended rule will expand upon this authority and allow the Department to detain any parolee or any felony probationer in any Department institution.

SECTION 1. DOC 328.22 (5) is amended as follows:

DOC 328.22 (5) ~~A. The department may detain a client on parole from a state correctional institution or on felony probation with an imposed and stayed sentence may be detained~~ in an institution pending revocation proceedings.

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.

Wisconsin Department of Corrections

By 
Michael J. Sullivan, Secretary

Dated: 9/2/90

SEAL:



Tommy G. Thompson
Governor

Michael J. Sullivan
Secretary



State of Wisconsin
Department of Corrections

Mailing Address
149 East Wilson Street
Post Office Box 7925
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Telephone (608) 266-2471

September 14, 1998

Senator Robert Welch
Joint Committee for Review of Administrative Rules
Room 201, 1 East Main Street
Madison, Wisconsin 53707

Representative Glenn S. Grothman
Joint Committee for Review of Administrative Rules
State Capitol, Room 125 West
Madison, Wisconsin 53708

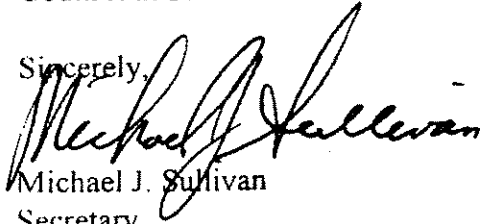
Re: Clearinghouse Rule 98-070, Relating to the custody and detention of felony probationers and parolees

Dear Senator Welch and Representative Grothman:

At the first hearing to extend the time for this emergency rule, JCRAR requested that the Department revise its fiscal note. Please find enclosed a copy of a revised fiscal note for this emergency rule which is dated September 11, 1998. Please accept this as a supplement to the Department's letter dated September 10, 1998, which requested a second extension for this emergency rule.

If you have any questions about our request to extend the effective period of the emergency rule, please contact Deborah Rychlowski of the Department's Office of Legal Counsel at 266-8426.

Sincerely,


Michael J. Sullivan
Secretary

Enclosures

cc: JCRAR Members

FISCAL ESTIMATE
DOA-2048 N(R10/94)

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
DOC 328.22-Emer. Rule
Amendment No. if Applicable

Subject
Emergency Administrative Rule broadening DOC's ability to detain all felony probationers pending revocation proceedings in an institution.

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

- | | | |
|--|---|---|
| <p>1. <input type="checkbox"/> Increase Costs
 <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p> <p>2. <input checked="" type="checkbox"/> Decrease Costs
 <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p> | <p>3. <input type="checkbox"/> Increase Revenues
 <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p> <p>4. <input type="checkbox"/> Decrease Revenues
 <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p> | <p>5. Types of Local Governmental Units Affected:
<input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities
<input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others _____
<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts</p> |
|--|---|---|

Fund Sources Affected
 GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations
20.410(1)(ab)

Assumptions Used in Arriving at Fiscal Estimate

The current Administrative Rule allows the Department of Corrections (DOC) to detain felony probationers with an imposed and stayed sentence who are pending revocation proceedings in a state correctional institution. This emergency Administrative Rule broadens that language to apply to all felony probationers which would thus include felony probationers with withheld sentences.

DOC anticipates that this rule change will result in more felony probationers being detained in DOC institutions while there are pending revocation proceedings. Increased usage of DOC facilities for offenders who were formerly detained in county jails, will impact on local county jail populations. It is anticipated that local county jails will experience slightly lower DOC populations. Although these lower population numbers could result in fewer reimbursable holds, county reimbursement is on a pro-rated basis and it is anticipated that the actual revenue impact will be very slight if at all.

On 8/24/98 Milwaukee County held 34 felony probationers with withheld sentences who were pending revocation. In FY 97 Milwaukee County felony detentions represented 52% of all felony detentions statewide. If the Department assumes 52% is representative of all types of Milwaukee County detentions (i.e. imposed and stayed, withheld) then the statewide average daily population for this group of offenders would be 65. DOC facilities are at full capacity so any additional populations at this time would result in additional contracting. At an average cost of \$50 per day this emergency rule could result in an increased cost of approximately \$1,200,000.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)
Lucie Widzinski-Pollock 266-5070
Department of Corrections

Authorized Signature/Telephone No.
Robert Margolies
Robert Margolies, 266-2931

Date
9/11/98

FISCAL ESTIMATE WORKSHEET

1997 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No. DOC 328.22-Emer. Rule	Amendment No.
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Subject:
Emergency Administrative Rule broadening DOC's ability to detain all felony probationers pending revocation proceedings in an institution.

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations - Salaries and Fringes	\$	\$ -
(FTE Position Changes)	(FTE)	(- FTE)
State Operations - Other Costs	\$1,200,000	-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs by Category	\$	\$ -
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$1,200,000	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
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	\$	\$ -

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$1,200,000	\$ _____
NET CHANGE IN REVENUES	\$ _____	\$ _____

Agency/Prepared by: (Name & Phone No.) Lucie Widzinski-Pollock (266-5070) Department of Corrections	Authorized Signature/Telephone No. <i>Robert Margolies</i> Robert Margolies, 266-2931	Date September 11, 1998
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Department of Commerce

Emergency Rule for the Design and Construction of Accessible Buildings and Facilities

Finding of Emergency and Rule Analysis

The Department of Commerce finds that an emergency exists and that the adoption of the rule included in this order is necessary for the immediate preservation of public peace, health, safety and welfare. The facts constituting the emergency are as follows:


The Wisconsin Administrative Code, chapter Comm 69, establishes design and construction requirements for accessibility in all buildings and facilities. Chapter Comm 69 is based on the federal Americans with Disabilities Act Accessibility Guidelines (ADAAG) and Titles II and III of the federal Americans with Disabilities Act. A number of public school districts are in the process of constructing press boxes at athletic fields. In accordance with both the federal and state rules, an elevator must be used to provide access to a press box. This requirement causes a serious financial hardship on the school districts, since the press boxes involved will be very small and will accommodate only a few people. The federal ADAAG standards are in the process of being revised to exempt state and local government buildings that are not open to the general public from providing elevator access to floor levels that are less than 500 square feet and accommodate less than 5 persons.

The Joint Committee for Review of Administrative Rules (JCRAR) held a hearing on March 31, 1998 to receive public comments on the rules in chapter Comm 69 that requires vertical access to press box facilities. On May 6, 1998, the JCRAR held an executive session to consider this issue and has requested the agency to promulgate an emergency rule adopting the federal exemption for certain publicly controlled facilities, such as press boxes, from vertical access for people with disabilities. The emergency rule is to be promulgated no later than May 15, 1998.

The proposed rule eliminates the requirement that in government owned or operated buildings an elevator must be used to provide access to certain small areas with low capacity. The emergency rule benefits not only school districts, but other small state and local government buildings as well.

This rule is therefore adopted as an emergency rule to take effect upon publication in the official state newspaper and filing with the Secretary of State and Revisor of Statutes as provided in section 227.24, Stats.

Dated at Madison, Wisconsin
this 17th day of May, A. D. 1998
Department of Commerce


William J. McCoshen, Secretary

SECTION 1. Comm 69.18 (2) (a) 2. c. is created to read:

Comm 69.18 (2) (a) 2. Elevator access is not required to the following:

c. Government owned or operated buildings that are less than three stories and that are not open to the general public, if the story above or below the accessible ground floor has a capacity of no more than five persons and is less than 500 square feet. The story above or below the accessible ground floor that is less than 500 square feet shall have a sign stating the maximum capacity and the sign shall be placed in a conspicuous location at the main entrance to the floor level. Examples may include, but are not limited to, drawbridge towers and boat traffic towers, lock and dam control stations, press boxes, and train dispatching towers.

(END)

EFFECTIVE DATE

Pursuant to s. 227.24 (1) (c), Stats., this rule shall take effect on the date of publication in the official state newspaper.



Wisconsin Technical College System Board

Edward Chin, State Director



September 3, 1998

State Senator Welch, Senate Chairperson
Joint Committee for Review of Administrative Rules
Room 201
1 East Main Street
Madison, WI 53702

SEP 03 1998

State Representative Glenn Grothman, Assembly Chairperson
Joint Committee for Review of Administrative Rules
125 West, State Capitol
Madison, WI 53702

RE: Request for Extension of Emergency Administrative Rule

Dear Senator Welch and Representative Grothman:

On April 1, 1998, the Wisconsin Technical College System Board published an emergency rule establishing grant application criteria, and policies and procedures to implement and administer grant funds to local technical college districts under § 38.33, Wis. Stats. The emergency rule was extended pursuant to § 227.24(2)(a), Wis. Stats, and is due to expire on October 29, 1998.

A permanent rule with the same changes has been submitted to the Revisor of Statutes for publication with an anticipated effective date of November 1, 1998, which is beyond the expiration date of the current extension.

The rationale for this second extension is as follows:

- I. Evidence of a threat to the public welfare that can only be avoided by an extension of the emergency rule.

If the emergency rule is not extended, the state technical College System Board will be unable to process and subsequently award faculty development grant funds to local technical college districts as provided for by law. It is imperative that the process to administer and evaluate grant applications, and award faculty development grants be implemented and the funds distributed to the local technical colleges. The appropriations, if not awarded, will lapse to the general fund. The loss of funds, including local matching funds, will have a detrimental effect on the ability of the district boards to continue viable faculty development programs.

Senator Robert Welch
Representative Glenn Grothman
Page 2
September 3, 1998

II. Evidence that it is impossible for the agency to promulgate a permanent rule prior to the expiration date of the emergency rule.

As noted previously, the State Board, upon publication of the emergency rule, immediately commenced the process to promulgate a permanent rule. Upon receipt of the Legislative Council's Clearinghouse Report a public hearing was held on June 30, 1998, with an additional week allotted for written comments. Considering the State Board's meeting schedule, the final draft of the permanent rule could not be considered by the State Board until its July 22, 1998, meeting. Following this meeting the rule was referred to the Legislature for review. Due to the 7-day referral period, 30-day committee review, and Revisor of Statutes publication timeline, this rule will not be published and effective until November 1, 1998.

For these reasons, we request a second 60-day extension of the emergency rule, which would provide adequate time to cover any unforeseen problems in the promulgation process. Copies of the emergency rule and the proposed permanent rule are attached.

Your committee's favorable response to our request will be greatly appreciated. Please contact Mr. Jesús Garza at 267-9540 if you have any questions.

Sincerely,



Edward Chin
State Director

Attachments

cc: Jesús Garza, WTCSB

WISCONSIN TECHNICAL COLLEGE SYSTEM BOARD

Rules adopted creating **Chapter TCS 15**, relating to Faculty Development Grants.

FINDING OF EMERGENCY

The Wisconsin Technical College System Board finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of facts constituting the emergency is:

1997 Wis. Act 27 (the 1997-99 biennial budget bill) took effect on October 14, 1997, which was three and a half months into fiscal year 1997-98. That act created ss. 20.292(1)(eg) and 38.33, Wis. Stats. An annual appropriation of \$832,000 in each of the state fiscal years of the 1997-99 biennium was established. These funds are to be awarded by the technical college system board as grants to technical college district boards to establish faculty development programs.

The Act requires the technical college system board to promulgate rules establishing specific criteria for awarding these grants. The technical college system board has just begun the permanent rule making process for establishing administrative rules for the faculty development grants program. However, there is insufficient time to have the permanent rules in place before the local technical college districts must submit their proposals for faculty development grants under s. 38.33, Wis. Stats. It is imperative that the program be implemented and the funds be distributed before the end of the fiscal year or else the appropriated funds will lapse to the general fund. The loss of funds, including local matching funds, will have a detrimental effect on the ability of district boards to establish faculty development programs.

SCOPE STATEMENT FOR RULE CREATING FACULTY DEVELOPMENT GRANTS

Subject:

Faculty development grants.

Description of the objective of the rule:

The rule will establish criteria for awarding grants to local technical college district boards and detail the application instructions and procedures that the technical college district boards must follow when submitting grant proposals. The rule will include specific conditions under which a technical college district may use the funds that have been awarded to it by the technical college system board and also provides for mid- and end-of-year reporting requirements for each award.

Description of existing relevant policies and new policies to be included in the rule and analysis of policy alternatives:

In the 1997-99 state budget, 1997 Wis. Act 27, created a new categorical aid program in which technical college district boards would be eligible to receive a grant to partially fund the establishment of faculty development programs that promote three major areas required by law:

- Instructor awareness of, and expertise in, a wide variety of newly emerging technologies;
- Integration of learning technologies in curriculum and instruction; and
- Use of instructional methods that involve emerging technologies.

When granting an award, the technical college system board will consider a number of factors including the extent to which a district's program promotes the use and integration of technology in curriculum development and instructional delivery and the extent to which a district conducts its program through in-service activities. Other conditions related to the granting of awards under a faculty development grant program include a minimum of a 50% matching fund, excluding in-kind matching funds, for each award; and a limit set by the technical college system board on the amount of funds that may be used to purchase or lease equipment or to purchase supplies. Additionally, no award under this program may be used for administrative or indirect costs.

Section 38.33, Wis. Stats., created this new categorical aid program and appropriated a sum certain in each of the fiscal years of the biennium. There are no alternatives to this new policy. The law mandates that the technical college system board award funds, in the form of grants, to eligible technical college districts specifically for faculty development.

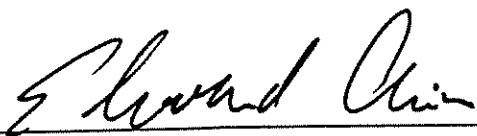
Statutory authority for the rule:

Section 38.33, Wis. Stats., mandates that the technical college system board award grants to technical college district boards to establish faculty development programs.

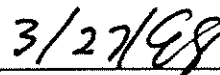
Section 38.33(2), Wis. Stats., mandates that the technical college system board promulgate administrative rules to implement and administer faculty development grants, which include establishing criteria for awarding the grants.

Estimate of the amount of time state employes will spend to develop the rule and other resources necessary to develop the rule:

Estimated time to be spent by state employes: 80 hours. No other resources are necessary.



Edward Chin, Director
Wisconsin Technical College System Board



Date:

**ORDER OF THE
WISCONSIN TECHNICAL COLLEGE SYSTEM BOARD
ADOPTING EMERGENCY RULES**

The Wisconsin Technical College System Board proposes an order adopting the following emergency rule to create Chapter TCS 15, relating to Faculty Development Grants.

ANALYSIS PREPARED BY THE TECHNICAL COLLEGE SYSTEM BOARD

Statutory authority: s. 38.33(3), Wis. Stats.

Statutes interpreted: s. 38.33, Wis. Stats.

The purpose of the rule is to establish grant application criteria, and policies and procedures to implement and administer grant funds to local technical college districts. Local technical college districts will use these grants primarily to expand the use of learning technologies and to promote the effective use of newly emerging technologies. The grant funds will also be used to train new faculty members, upgrade the skills of current faculty, and improve the skills of those faculty members seeking to build a stronger academic environment. Fundamental to the overall success of a faculty development program are the efforts to (a) promote instructor awareness and expertise in a variety of newly emerging technologies; (b) integrate the use of new learning technologies into the curriculum and delivery of technical college instruction; and (c) use newly emerging technologies through sharing and collaboration among faculty and staff both within and across technical college districts.

Section 38.33, Stats., authorizes the technical college system board to establish, by administrative rule, specific grant award criteria, along with grant application policies and procedures, that enables a local technical college district board to request and receive available grant funds so that the district board may implement and administer a faculty development program at the district level.

The grant award criteria include:

- (a) The availability of adequate funds, including matching funds, to provide a faculty development program.
- (b) Whether a technical college district faculty development program promotes curriculum development and instructional assistance associated with learning technologies.
- (c) Whether the technical college district's in-service activities are included in the faculty development program.
- (d) Whether a technical college district's continuing projects meet or exceed its prior year planned outcomes.

Detailed application instructions and procedures for submitting grant proposals, which includes deadline dates, and reporting requirements, are contained in a manual that is prepared annually by the technical college system board and distributed to each technical college district.

TEXT OF RULE

SECTION 1. Chapter TCS 15 (title) is created to read:

CHAPTER TCS 15 (title)

FACULTY DEVELOPMENT GRANTS

TCS 15.01 PURPOSE. This chapter establishes criteria, policies and procedures to implement s. 38.33, Stats., relating to district board faculty development programs.

Note: Forms used in administering this rule are available from the Wisconsin Technical College System Board, 310 Price Place, P.O. Box 7874, Madison, Wisconsin 53707-7874.

TCS 15.01 DEFINITIONS. In this chapter:

- (1) "Board" means the technical college system board.
- (2) "Director" means the person appointed by the board according to s. 38.04(2), Stats.
- (3) "District" means a technical college district established according to ss. 38.04(1) and 38.06, Stats.
- (4) "District board" means the district board in charge of the technical college of a district.
- (5) "District director" means the person employed by a district board under s. 38.12(3), Stats.
- (6) "Program" means the faculty development program established by the district board under s. 38.33, Stats.

TCS 15.03 GENERAL. (1) Only technical college districts are eligible to apply for grant funds under this chapter.
(2) The board shall prepare an application manual and may update it as needed. The manual shall contain the application instructions, procedures and requirements for funding and submitting grant proposals.

TCS 15.04 GRANT APPLICATIONS. (1) Annually, during a time established by the board, districts may submit proposals for a grant to assist in the funding of a faculty development program under s. 38.33(1), Stats.
(2) The grant proposal shall be in writing, signed by the district director or designee, and be in such form as the board requires.
(3) Each district is limited to a single grant application.
(4) Each grant proposal shall include:
(a) A description of the proposed faculty development program, which includes:
1. The planned development of the district's program.
2. Any current activities being conducted by the district relating to the faculty development program.
(b) A plan, which includes:

EFFECTIVE DATE

This emergency rule shall take effect on the date of publication in the official state newspaper as provided in s 227.24(1)(c), Wis. Stats.

Date: March 26, 1998

Wisconsin Technical College System Board


Edward Chin, Director



P.O. Box 7882
MADISON, WI 53707-7882
(608) 266-0751

P.O. Box 8952
MADISON, WI 53708-8952
(608) 264-8486

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

September 17, 1998

Mr. Michael Sullivan, Secretary
Department of Corrections
149 East Wilson, 3rd Floor
Madison, Wisconsin 53703

Dear Secretary Sullivan;

The Joint Committee for the Review of Administrative Rules met in Executive Session on September 16, 1998 and adopted the following motion:

Moved by Senator Welch and Seconded by Representative Grothman, that pursuant to s. 227.24 (2)(a), the Joint Committee for the Review of Administrative Rules extends the effective period of emergency rule DOC 328.22(5) by 13 days at the request of the Department of Corrections.

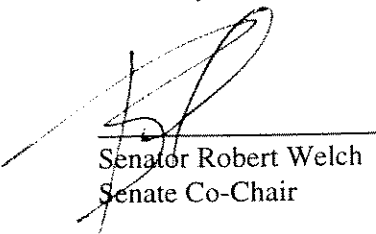
Ayes: (10) Senators Welch, Darling, Huelsman Breske and Grobschmidt; Representatives Grothman, Gunderson, Seratti Young and Krueser.

Noes: (0)


Absent: (0)

Pursuant to 227.24(2)(a) Stats., we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through this letter.

Sincerely,



Senator Robert Welch
Senate Co-Chair



Representative Glenn Grothman
Assembly Co-Chair

BW:GG:lhv

cc: Secretary of State Douglas LaFollette
Revisor of Statutes Gary Paulson



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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

September 17, 1998

Mr. Joe Leean, Secretary
Department of Health and Family Service
Room 650; 1 West Wilson Street
Madison, Wisconsin 53703

Dear Secretary Leean;

The Joint Committee for the Review of Administrative Rules met in Executive Session on September 16, 1998 and adopted the following motion:

Moved by Senator Welch and Seconded by Representative Grothman, that pursuant to s. 227.24 (2)(a), the Joint Committee for the Review of Administrative Rules extends the effective period of emergency rule HFS 196.03 by 52 days at the request of the Department of Health and Family Services

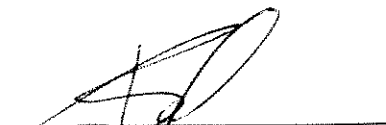
Ayes: (10) Senators Welch, Darling, Huelsman Breske and Grobschmidt; Representatives Grothman, Gunderson, Seratti Young and Krueser.

Noes: (0)

Absent: (0)

Pursuant to 227.24(2)(a) Stats., we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through this letter.

Sincerely,



Senator Robert Welch
Senate Co-Chair



Representative Glenn Grothman
Assembly Co-Chair

BW:GG:lhv

cc: Secretary of State Douglas LaFollette
Revisor of Statutes Gary Paulson



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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

September 17, 1998

Mr. Edward Chin, State Director
Wisconsin Technical College System Board
310 Price Place
Madison, Wisconsin 53703

Dear Director Chin;

The Joint Committee for the Review of Administrative Rules met in Executive Session on September 16, 1998 and adopted the following motion:

Moved by Senator Welch and Seconded by Representative Grothman, that pursuant to s. 227.24 (2)(a), the Joint Committee for the Review of Administrative Rules extends the effective period of emergency rule TSC 15 by 60 days at the request of the Wisconsin Technical College System Board.

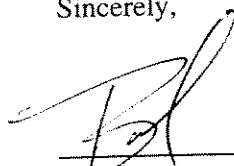
Ayes: (9) Senators Welch, Darling, Huelsman Breske and Grobschmidt; Representatives Grothman, Gunderson, Seratti and Krueser.

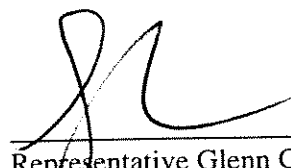
Noes: (1) Representative Krueser.

Absent: (0)

Pursuant to 227.24(2)(a) Stats., we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through this letter.

Sincerely,



Senator Robert Welch
Senate Co-Chair

Representative Glenn Grothman
Assembly Co-Chair

BW:GG:lhv

cc: Secretary of State Douglas LaFollette
Revisor of Statutes Gary Paulson



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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

September 17, 1998

Mr. Joseph Mettner, Chairman
Public Service Commission
610 N. Whitney Way, Box 7854
Madison, Wisconsin 53707-7854

Dear Chairman Mettner;

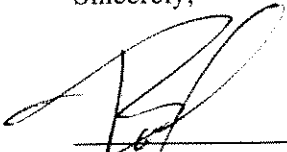
The Joint Committee for the Review of Administrative Rules met in Executive Session on September 16, 1998 and adopted the following motion:


Moved by Senator Welch and Seconded by Representative Grothman, that pursuant to s. 227.24 (2)(a), the Joint Committee for the Review of Administrative Rules extends the effective period of emergency rule PSC 16.05, 161.11(6), 160.17 and 161 by 60 days at the request of the Public Service Commission.

Ayes:	(10) Senators Welch, Darling, Huelsman Breske and Grobschmidt; Representatives Grothman, Gunderson, Seratti Young and Krueser.
Noes:	(0)
Absent:	(0)

Pursuant to 227.24(2)(a) Stats., we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through this letter.

Sincerely,



Senator Robert Welch
Senate Co-Chair

Representative Glenn Grothman
Assembly Co-Chair

BW:GG:lhv

cc: Secretary of State Douglas LaFollette
Revisor of Statutes Gary Paulson

SENATOR ROBERT T. WELCH
CO-CHAIRMAN



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIRMAN

P.O. Box 7882
MADISON, WI 53707-7882
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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

September 17, 1998

Mr. George Meyer, Secretary
Department of Natural Resources
5th Floor, 101 S. Webster Street
Madison, Wisconsin 53703

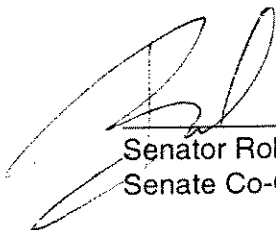
Dear Secretary Meyer;

At the meeting of the Joint Committee for Review of Administrative Rules, the held hearings on the PECFA program. After several hours of testimony, the Committee unanimously adopted the following motion;

Pursuant to ss. 227.26 (2)(b), the Joint Committee directs the Department of Commerce (DOC)he Department of Natural Resources(DNR) to promulgate a Joint Emergency Rule, within 30 days, those portions of the Memorandum of Understanding between the DOC and the DNR relating to the classification of contaminated sites, the disbursement of funds and all other statements of policy.

Pursuant to s. 224.24(2)(c) Stats, we are notifying the Secretary of State and the Revisor of Statutes of the committee's actions. Your prompt attention in this matter will be appreciated.

Sincerely,



Senator Robert Welch
Senate Co-Chair



Representative Glenn Grothman
Assembly Co-Chair



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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

September 17, 1998

Mr. Philip E. Albert
Acting Secretary Albert
Department of Commerce
6th Floor; 201 W. Washington
Madison, Wisconsin 53703

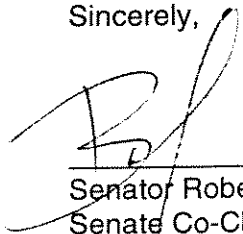
Dear Secretary Albert;

At the meeting of the Joint Committee for Review of Administrative Rules, the held hearings on the PECFA program. After several hours of testimony, the Committee unanimously adopted the following motion;

Pursuant to ss. 227.26 (2)(b), the Joint Committee directs the Department of Commerce (DOC) and the Department of Natural Resources (DNR) to promulgate as a Joint Emergency Rule, within 30 days, those portions of the Memorandum of Understanding between the DOC and the DNR relating to the classification of contaminated sites, the disbursement of funds and all other statements of policy.

Pursuant to s. 224.24(2)(c) Stats, we are notifying the Secretary of State and the Revisor of Statutes of the committee. Your prompt attention in this matter will be appreciated.

Sincerely,



Senator Robert Welch
Senate Co-Chair



Representative Glenn Grothman
Assembly Co-Chair

SENATOR ROBERT T. WELCH
CO-CHAIRMAN



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIRMAN

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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

September 17, 1998

Mr. Phillip Albert, Acting Secretary
Wisconsin Department of Commerce
6th Floor, 201 West Washington
Madison, Wisconsin 53703

Dear Secretary Albert;

The Joint Committee for the Review of Administrative Rules met in Executive Session on September 16, 1998 and adopted the following motion:

Moved by Senator Welch and Seconded by Representative Grothman, that pursuant to s. 227.24 (2)(a), the Joint Committee for the Review of Administrative Rules extends the effective period of emergency rule ILHR 47 by 60 days at the request of the Department of Commerce.

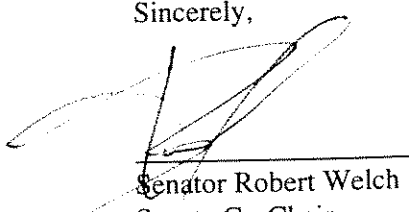
Ayes: (9) Senators Welch, Darling, Huelsman Breske and Grobschmidt; Representatives Grothman, Gunderson, Seratti and Krueser.

Noes: (0)

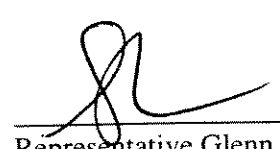
Absent: (1) Representative Young

Pursuant to 227.24(2)(a) Stats., we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through this letter.

Sincerely,



Senator Robert Welch
Senate Co-Chair



Representative Glenn Grothman
Assembly Co-Chair

BW:GG:lhv

cc: Secretary of State Douglas LaFollette
Revisor of Statutes Gary Paulson



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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

September 17, 1998

Mr. Philip Albert, Acting Secretary
Wisconsin Department of Commerce
6th Floor, 201 West Washington
Madison, Wisconsin 53703

Dear Secretary Albert

The Joint Committee for the Review of Administrative Rules met in Executive Session on September 16, 1998 and adopted the following motion:

Moved by Senator Welch and Seconded by Representative Grothman, that pursuant to s. 227.24 (2)(a), the Joint Committee for the Review of Administrative Rules extends the effective period of emergency rule COMM 69.18 (2)(a) 2.c. by 60 days at the request of the Department of Commerce

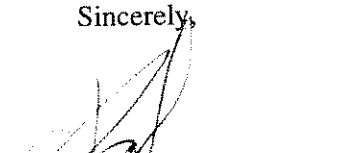
Ayes: (10) Senators Welch, Darling, Huelsman Breske and Grobschmidt; Representatives Grothman, Gunderson, Seratti Krueser and Young

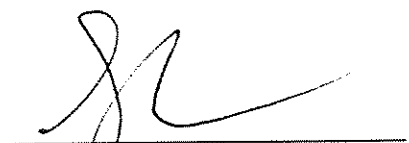
Noes: (0)

Absent: (0)

Pursuant to 227.24(2)(a) Stats., we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through this letter.

Sincerely,



Senator Robert Welch
Senate Co-Chair

Representative Glenn Grothman
Assembly Co-Chair

BW:GG:lhv

cc: Secretary of State Douglas LaFollette
Revisor of Statutes Gary Paulson