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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

December 17, 2002

Jon Litscher, Secretary
Department of Corrections
149 East Wilson Street
Madison, WI 53707-7925

Dear Secretary Litscher:

It has come to our attention that your department has established Internal Management Procedures, DOC 309 IMP #6 and #6A, relating to religious beliefs, practices and property. These documents seem to clearly obfuscate legislative intent and contradict provisions in the current administrative code. For example, Clearinghouse Rule 96-185, which contained policies similar to those found in the IMPs, failed to receive legislative approval. Also, the IMPs conflict with s. DOC 309.61(2) (d), which states:

DOC 309.61(2)(d) In determining whether the request [to participate in religious practices] is motivated by religious beliefs, the superintendent may not consider:

1. The number of persons who participate in the practice;

After talking with Michael Blumenfeld of the Wisconsin Jewish Council, Rabbi Feingold of the Council of Rabbis, John Huebscher of the Wisconsin Catholic Conference, and the Missouri and Wisconsin Lutheran Synods, our concerns include the following:

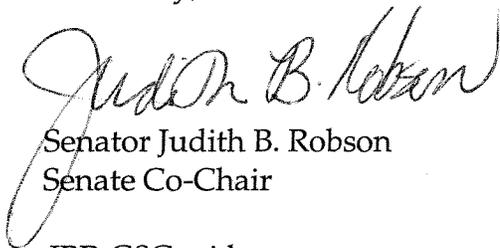
1. The policy in IMP #6 that requires a minimum number of participants before an inmate is able to participate in "congregate services" is having unintended consequences. Some deference must be made for individuals of minority religions. One example is that a Jewish individual was allowed to celebrate Hanukah in past years, but recently was denied because of the aforementioned IMP.
2. The list of items of religious property has been scaled back from what it has been in past years. We believe a more reasonable list could be compiled using input from various religious groups.
3. At this time, IMP #6 prohibits inmates from having religious food and drink provided by clergy and volunteers. We believe that food and drink used in a legitimate religious matter should be provided in accordance with inmates' faiths. This should include the Christian practice of communion with real wine.
4. The IMPs are having a stifling effect on inmates' religious practices. We all believe that religious practices can have a lasting impact on inmates' rehabilitation. The Department of Corrections should be fostering these relationships instead of negatively impacting them.

We understand you have valid concerns and we don't want people searching for off beat religions just to make your job more difficult, but the Jewish practice of Hanukah and the Christian practice of using real wine to celebrate the Lord's Supper have been around for many years.

We trust that you will take our concerns into account before continuing to implement the policies contained in IMP #6 and #6A and that you will promulgate your amended rules using the appropriate statutory rule-making process. Legislative review of proposed administrative rules will assure that all views are heard on these matters and that the legislature's intent regarding inmate religious practices is accommodated. If these steps are not taken, the Joint Committee will be forced to consider holding a series of public hearings relating to religion in our correctional institutions.

Thank you for your attention to this matter. Please do not hesitate to contact us with any questions or if further information is required.

Sincerely,



Senator Judith B. Robson
Senate Co-Chair

JBR:GSG:mjd



Representative Glenn Grothman
Assembly Co-Chair



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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

Emergency Rule Extension Motion Form

~~November~~
December
November 19, 2002
225 NW
State Capitol

Moved by _____, Seconded by _____

THAT, pursuant to s. 227.24(2)(a), stats. the Joint Committee for Review of Administrative Rules extend the effective period of emergency rules COMM 118 and VA 12.02(7) and (16) for 60 days at the request of the Departments of Commerce and Veterans Affairs.

COMMITTEE MEMBER	Aye	No	Absent
1. Senator ROBSON	X		
2. Senator GROBSCHMIDT	X		
3. Senator HANSEN			
4. Senator WELCH	X		
5. Senator COWLES	X		
6. Representative GROTHMAN	X		
7. Representative SERATTI	X		
8. Representative GUNDERSON	X		
9. Representative TURNER	X		
10. Representative HEBL	X		
Totals			

Motion Carried

Motion Failed



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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

Attendance Form

December 19, 2002

Room 225 Northwest, State Capitol Building

Accounting for: Public Hearing Executive Session

COMMITTEE MEMBER	PRESENT	ABSENT	EXCUSED
1. Senator ROBSON	✓		
2. Senator GROBSCHMIDT	✓		
3. Senator HANSEN			✓
4. Senator WELCH	✓		
5. Senator COWLES	✓		
6. Representative GROTHMAN	✓		
7. Representative SERATTI	✓		
8. Representative GUNDERSON	✓		
9. Representative TURNER	✓		
10. Representative HEBL	✓		
Totals	9		1


Maggie Delaporte, Committee Clerk



Scott McCallum, Governor
Raymond G. Boland, Secretary

STATE OF WISCONSIN, DEPARTMENT OF VETERANS AFFAIRS

30 West Mifflin Street, P.O. Box 7843, Madison, WI 53707-7843
PHONE: (608) 266-1311 1-800-947-8387 (WIS VETS)
WEB SITE: <http://dva.state.wi.us>
E-MAIL: Headquarters@dva.state.wi.us
FAX: (608) 267-0403

November 15, 2002

Senator Judith Robson, Co-chairperson
Joint Committee for Review of Administrative Rules
Room 15 South, Capitol Building
Madison, WI 53702

Representative Glenn Grothman, Co-chairperson
Joint Committee for Review of Administrative Rules
Room 15 North, Capitol Building
Madison, WI 53702

RE: Extension of Emergency Rule - VA 12.02 (7) and (16)

Dear Senator Robson and Representative Grothman:

The purpose of this letter is to request a 60-day extension of the enclosed emergency rule. The emergency rule will expire on January 2, 2003. The Board of Veterans Affairs will conduct the public hearing on the permanent rule on December 6, 2002. The permanent rule would then be immediately transmitted to the appropriate legislative committees for review. Pursuant to s. 227.19 (2), Stats., the committees would not begin their review until the legislature convenes in January 2003. Under optimal circumstances, it is likely that the permanent rule could not be effective until April 1, 2003.

As a result of the increased limit, the Department has loaned additional proceeds of approximately \$2,000,000. Demand is still strong and any interruption of the increased lending authority would create hardship for veterans seeking the funds and reduce long-term revenues for the veterans' trust fund. Accordingly, I respectfully request that the Committee approve an extension of the emergency rule under s. 227.24 (2), Stats.

If you require additional information or have any questions, please contact this Department's chief legal counsel, John Rosinski, at 266-7916.

Sincerely,
DEPARTMENT OF VETERANS AFFAIRS


Raymond G. Boland, Secretary

**ORDER OF THE DEPARTMENT
OF VETERANS AFFAIRS
ADOPTING EMERGENCY RULES**

The Wisconsin Department of Veterans Affairs adopts an order to amend VA 12.02(7) and (16), relating to the maximum loan amount under the personal loan program.

Analysis prepared by the Department of Veterans Affairs.

Statutory authority: ss. 45.356(2), (3), and (7)(c), Stats.

Statutes interpreted: ss. 45.356(2) and (3), Stats.

The amendment of VA 12.02(7) and (16) will enable the Department to make larger individual loans under the personal loan program. The loans will be underwritten under current underwriting standards so that creditworthy applicants will be identified. However, applicants who can justify the need for a loan up to \$15,000 under any statutory purpose will be able to secure that amount rather than arbitrarily restricting the loan amount to \$10,000.

Text of the Rule

SECTION 1 VA 12.02(7) is amended to read:

(7) MAXIMUM AMOUNT AND USE OF LOAN. A person may have more than one personal loan program loan at the same time. Except as provided under s. VA 12.02(16), a person's indebtedness to the department may not exceed ~~\$10,000~~ \$15,000 under the personal loan program. Except as provided under s. VA 12.02(16), a person's total indebtedness to the department may not exceed \$15,000 under the personal loan program, the economic assistance loan program under s. 45.351(2), 1995 Stats., and the veterans trust fund stabilization program under s. 45.356, 1995 Stats. A personal loan program loan may not be used to refinance any portion of an existing personal loan program loan or a veterans trust fund stabilization loan under s. 45.356, 1995 Stats.

SECTION 2 VA 12.02(16) is amended to read:

(16) INDEBTEDNESS OF MARRIED VETERANS. Notwithstanding the limitations of s. VA 12.02(7), eligible veterans who are married to each other may have indebtedness to the department in an amount up to ~~\$20,000~~ \$30,000 under the personal loan program and total indebtedness to the department up to \$30,000 under the personal loan program, the economic assistance loan program under s. 45.351(2), 1995 Stats., and the veterans trust fund stabilization loan program under s. 45.356, 1995 Stats., subject to the indebtedness limitations for an individual veteran delineated at ss. 45.356(2) and 45.356(8), Stats.

Finding of Emergency

The Department of Veterans Affairs 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 as follows:

The Department administers a personal loan program that may be used by veterans and their dependents for various statutory purposes. The purposes include debt consolidation, payment of delinquent child support,

education expenses, and medical and funeral expenses, and the purchase of a mobile home or business property. The current maximum loan amount, set by the Department at sec. VA 12.02(7), Wis. Adm. Code, is \$10,000. The permissible statutory maximum loan amount may be \$15,000, as set by the Department by administrative rule.

The Department proposes to raise the amount to the statutory maximum for several compelling reasons. Raising the maximum loan amount will help stimulate the economy by providing additional resources for veterans and their families. Due to the state of the economy, veterans and their families have a significant need for financial assistance in the form of below market interest rate loans. Additionally, the personal loan program is the primary source of revenue for the veterans trust fund. Immediate infusion of additional assets in the form of personal loans will provide significant financial support for the trust fund. It is expected that increasing the maximum loan amount will result in approximately \$4,000,000 of new loan assets over the 8-month period in which it would take to promulgate this rule change using the regular promulgation procedure.

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

Dated at Madison, Wisconsin, July 23, 2002.

Raymond G. Boland, Secretary
Wisconsin Department of Veterans Affairs



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**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

Emergency Rule Extension Motion Form

December
~~November~~ 19, 2002
225 NW
State Capitol

Moved by _____, Seconded by _____

THAT, pursuant to s. 227.24(2)(a), stats. the Joint Committee for Review of Administrative Rules extend the effective period of emergency rules COMM 118 and VA 12.02(7) and (16) for 60 days at the request of the Departments of Commerce and Veterans Affairs.

COMMITTEE MEMBER	Aye	No	Absent
1. Senator ROBSON	X		
2. Senator GROBSCHMIDT	X		
3. Senator HANSEN			
4. Senator WELCH	X		
5. Senator COWLES	X		
6. Representative GROTHMAN	X		
7. Representative SERATTI	X		
8. Representative GUNDERSON	X		
9. Representative TURNER	X		
10. Representative HEBL	X		
Totals			

Motion Carried

Motion Failed



P. O. Box 7970
Madison, Wisconsin 53707
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TDD #: (608) 264-8777
<http://www.commerce.state.wi.us>
<http://www.wisconsin.gov>
Scott McCallum, Governor
Phillip Edw. Albert, Secretary

December 10, 2002

Senator Judy Robson
Co-Chair
Joint Comm. for Review of Admin. Rules
Room 15 South, State Capitol
Madison, Wisconsin 53707

Representative Glenn Grothman
Co-Chair
Joint Comm. for Review of Admin. Rules
Room 15 North, State Capitol
Madison, Wisconsin 53707

RE: Request to JCRAR for Extension of Emergency Rule — ch. Comm 118

Dear Senator Robson and Representative Grothman:

As you know Commerce adopted an emergency rule earlier this year relating to the Agricultural Development Zone Program. The emergency rule took effect on August 13, 2002 and is currently in effect. The emergency rule is due to expire, unless an extension is granted by JCRAR, on January 10, 2003.

Since adoption of the emergency rule and pursuant to ch. 227, Stats., the Department has filed a permanent rule with the Wisconsin Legislative Council [CR 02-116] to replace the emergency rule, held a hearing on that rule October 16, 2002. When the Legislature reconvenes in early January 2003, a review of the final rule will be scheduled.

The JCRAR requests that agencies make a formal request of an extension prior to the expiration of an emergency rule. Under s. 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 permanent 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 factors, we respectfully request a 60-day extension of the emergency rule under s. 227.24(2), Stats., in order to preserve public welfare and provide a smooth and orderly transition from the emergency rule to the permanent rule.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Phillip Edw. Albert', written in a cursive style.

Phillip Edw. Albert
Secretary

Cc: Bill Wheeler
Richard Meyer
Jean MacCubbin

STATE OF WISCONSIN
DEPARTMENT OF COMMERCE

**NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant ss. 227.14 (4m) and 227.17, Stats., the Department of Commerce will hold public hearings on proposed rules relating to the Agricultural Development Zone Program.

The public hearing(s) will be held as follows:

Date and Time:

Wednesday, October 16, 2002
10:00 a.m.

Location:

T.G. Thompson Commerce Center
Conf. Rm. 3C, 3rd Fl.
201 W. Washington Ave.
Madison, WI

Interested persons are invited to appear at the hearings and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until **November 1, 2002** to permit submittal of written comments from persons who are unable to attend a hearing or who wish to supplement testimony offered at a hearing.

Written comments should be submitted to:

**Jean M. MacCubbin, Department of Commerce
Administrative Services Division
P.O. Box 2689
Madison, WI 53701-2689
e-mail: jmaccubbin@commerce.state.wi.us**

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

The proposed rules and an analysis of the proposed rules are available on the Internet on the Commerce webpage at <http://www.commerce.state.wi.us/COM/Community.html>. Paper copies may be obtained without cost from **Jean M. MacCubbin, Department of Commerce, Administrative Services Division, P.O. Box 2689, Madison, WI 53701-2689, e-mail: jmaccubbin@commerce.state.wi.us, phone (608) 266-0955 or (608) 264-8777 (TTY)**. Copies will also be available at the public hearings and on the Commerce webpage at <http://www.commerce.state.wi.us/cd/cd-bed-az-general.html>.



State of Wisconsin \ Department of Commerce

HEARING DRAFT of PROPOSED RULES

Rule No.:

Ch. Comm 118

Relating to:

Agricultural Development Zone Program

The Wisconsin Department of Commerce proposes an order to: create ch. 118 relating to the Agricultural Development Zone Program.

Analysis of Proposed Rules

Statutory authority: s. 560.798, Stats.
Statutes interpreted: s. 560.798, Stats.

Under s. 560.798 (5), Stats., the Department of Commerce has the responsibility of promulgating rules for the operation of the Agricultural Development Zone Program.

This rule is being created in response to 2001 Wisc. Act 16, which provides authority for administering such a program, the designation of an agricultural development zone, the certification of agricultural businesses, and the determination of tax benefits available to certified agricultural businesses.

The following listing highlights the major items contained in this new chapter:

- Creates the process for application and designation of the Agricultural development zone.
- Provides a means for modification of the boundary of an agricultural development zone.
- Creates the process for application and certification of agri-businesses.
- Establishes criteria for eligibility to certify agri-business.
- Creates the process to determine and claim tax benefits and notifications to the Department of Revenue.

SECTION 1. Chapter Comm 118 is created to read:

Chapter Comm 118

AGRICULTURAL DEVELOPMENT ZONE PROGRAM

Comm 118.01 Purpose, scope and authority.
Comm 118.02 Definitions.

Subchapter I—Agricultural Development Zone

Comm 118.10 Application, evaluation and designation.
Comm 118.11 Modification of boundaries.

Subchapter II—Certified Business

Comm 118.20 Eligibility for application for business certification.

Comm 118.21 Application and determination.
Comm 118.22 Extension.
Comm 118.23 Revocation.

Subchapter III—Tax Benefits

Comm 118.30 Eligibility.
Comm 118.31 Modification.
Comm 118.32 Claims.

Subchapter IV - Records

Comm 118.40 Documentation and records.

Comm 118.01 Purpose, scope and authority. (1) PURPOSE AND SCOPE. The purpose of this chapter is to establish a procedure for the administration and operation of the agricultural development zone program. The provisions of this chapter shall apply to designating an agricultural development zone and certifying agricultural businesses eligible for tax credits for the attraction, promotion, retention and expansion of agricultural business in the state.

(2) AUTHORITY. This chapter relates to the agricultural development zone program as promulgated pursuant to s. 560.798, Stats.

Comm 118.02 Definitions. In this chapter:

(1) “Agricultural business” means a business that is part of an agricultural business/food processing cluster.

Note: Such an agricultural business/food processing cluster includes, but is not limited to, the growing of foods and the processing of agricultural products.

Note: Agricultural business includes all of the activities or operations that are involved in the growth, production, processing, manufacturing, distribution, and wholesale and retail sales of agricultural and food products.

(2) “Agricultural development zone” means an area designated by the department consistent with the agricultural development zone program as authorized under s. 560.798, Stats.

(3) "Agricultural development zone program" means the program administered under the scope of this chapter as provided in s. 560.798, Stats.

(4) "Area" means a geographic region that is located within a rural municipality which may contain entire counties or portions thereof, and is under the jurisdiction of an eligible applicant.

(5) "Certified business" means a person that conducts an agricultural business-related economic activity in an agricultural development zone and has been certified as eligible for tax benefits by the department under subch. II.

(6) "Department" means the department of commerce.

(7) "Eligible applicant" means the governing body of one or more cities, villages, towns or counties, or the elected governing body of a federally-recognized American Indian tribe or band in the state of Wisconsin. The applicant shall either be or have within its legal boundaries a rural municipality as defined in sub. (11).

(8) "Expanding business" means a person that is making a capital investment such as expansion of existing facilities, construction of new facilities or purchase of new equipment, or is retaining, creating or significantly upgrading jobs.

(9) "New business" means a person that has been in operation for less than one year prior to the date of application for business certification under subch. II and be eligible for tax benefits under subch. III.

(10) "Person" means a natural person, estate, trust, partnership, corporation, tax-option corporation, LLC, insurance company, or trade and business entity of American Indian tribe or band on reservation property or on property held in tribal trust.

(11) "Rural municipality" has the meaning under s. 560.798 (1), Stats.

Note: Section 560.798 (1), Stats., reads: '(1) ... "rural municipality" means any of the following: (a) A city, town, or village that is located in a country with a population density of less than 150 persons per square mile.

(b) A city, town, or village with a population of 6,000 or less.'

(12) "Tax benefit" means a tax credit under s. 560.798 (4) (b) , Stats.

Subchapter I—Agricultural Development Zones

Comm 118.10 Application, evaluation and designation. (1) GENERAL. (a) As specified under s. 560.798 (2) (a), Stats., the department may designate one area in the state as a agricultural development zone. The designation shall be in effect for 10 years from the time the department initially designates an area as an agricultural development zone.

(b) The department may consider designating sub-regions for the administration and operation of the agricultural development zone program.

(c) 1. Except for subd. 2., the department may not designate an agriculture development zone in a county that includes an area designated as a technology zone under s. 560.96, Stats.

2. The department may designate an area as an agricultural development zone when a technology zone includes a municipality that is located within two counties.

(2) APPLICATION. Applications for designation as an agricultural development zone shall be submitted to the department by eligible applicants.

(3) APPLICATION CONTENT. Each application for designation as a agricultural development zone shall contain all of the following:

(a) The name, address, phone number and designated contact person of the eligible applicant.

(b) A map outlining the specific area where agricultural business development is likely to occur.

(c) A brief description of principal agricultural business development-supporting efforts and activities. This description shall at least include any plan or strategy developed for the attraction, promotion, retention or expansion of agricultural businesses.

(4) EVALUATION/DESIGNATION (a) The department shall evaluate any application submitted by an eligible applicant based on the local capacity and organization of the area as it relates to the attraction, promotion, retention and expansion of agricultural business.

(b) Commerce shall designate an area as an agricultural development zone when a favorable determination is made based upon local capacity and organization, and conformance to the provisions of this section.

(5) NOTIFICATION OF DESIGNATION. The department shall provide written notification of designation as an agricultural development zone. The date of such notification shall be the beginning date of the agricultural development zone duration as specified under sub. (1).

(6) TAX BENEFITS. As specified under s. 560.798, Stats., not more than \$5,000,000 of tax benefits may be claimed in an agricultural development zone for the duration.

Comm 118.11 Modification of boundaries. (1) A boundary of an agricultural development zone may be modified by the department upon review of additional information submitted by the agricultural development zone contact since the date of notification.

(2) The modification of an agricultural development zone boundary shall have no effect on the agricultural development zone duration specified under s. Comm 118.10 (1).

Subchapter II—Certified Business

Comm 118.20 Eligibility for application for business certification. (1) **GENERAL.** As provided under s. 560.798, Stats., the department may certify persons for tax benefits available under this chapter.

(2) **CRITERIA FOR ELIGIBILITY FOR APPLICATION.** A person located in or planning to be located in an agricultural development zone shall submit an application to the department as specified under s. Comm 118.21. A person shall meet all of the following:

(a) The person's business is new or expanding.

(b) The person's business meets the definition of an agricultural business specified under s. Comm 118.02 (1).

(c) The agricultural development zone contact recommends the person's business for certification.

Comm 118.21 Application and determination. (1) **SUBMITTAL.** A person who meets the provisions specified under s. Comm 118.20 (2) shall submit an application to the department which includes at least all of the following:

(a) The name, address and phone number of the person's agricultural business and a designated contact person.

(b) A description of the project.

(c) The appropriate Wisconsin tax identification number of the person.

(d) The names and addresses of other locations outside the agricultural development zone where the person conducts business and a description of the business activities conducted at those locations.

(e) The estimated total investment of the person's business in the agricultural development zone.

(f) The estimated number of full-time jobs that will be created, retained or significantly upgraded in the agricultural development zone because of the person's agricultural business.

(g) The average starting wages and benefits that will be provided to persons hired as a result of the project.

(h) Historical and projected financial information.

(i) Other information as required by the department or the agricultural zone contact.

(2) TAX BENEFIT DETERMINATION. The department shall consider all of the following to establish a tax benefit limit:

(a) The prospects for the project to attract related agricultural business to the area.

(b) The amount of private investment that is likely to result from the project.

(c) The number and quality of jobs that are likely to be retained, created or upgraded as a result of the project.

(d) The competitive effect of the tax benefits on other agricultural businesses in the area.

(e) Whether the project is likely to occur or continue without allocation of the tax benefits available under this chapter.

(f) The financial soundness of the agricultural business.

(g) Whether the project will likely positively affect an area's economic distress.

(h) Whether the project will result in dislocation of an agricultural business from one municipality to another.

(j) Any other factors that the department may consider relevant.

(3) NOTIFICATION. (a) For a person located in an agricultural development zone. If the department determines that the person is eligible to be certified for tax benefits under the standards as provided in sub. (2), the department shall notify the person of its certification in an agricultural development zone and enter into an agreement as specified under s. 560.798 (3) (b), Stats.

(b) A person planning to be located in an agricultural development zone. In order to be eligible to be certified for tax benefits under the standards as provided in sub. (2), the person's business shall be located in an agricultural development zone. When the business is located in an agricultural development zone, the department shall notify the person of its certification in an agricultural development zone and enter into an agreement as specified under s. 560.798 (3) (b), Stats.

(4) **CERTIFICATION DISALLOWED IN CERTAIN CASES.** No person may be certified under s. 560.798, Stats., if the proposed new business, expansion of an existing business or other proposed economic activity in an agricultural development zone would do either of the following:

(a) Result in the direct loss of full-time jobs at another of the person's agricultural business located in this state but not located within an agricultural development zone.

(b) Likely result in the direct transfer of employees from a business location in this state to a business location in an agricultural development zone, unless it is determined by the department that the total number of full-time jobs provided by the person in this state would be reduced if the person were not certified under s. 560.798, Stats., or if the situation is extraordinary.

Comm 118.23 Revocation. (1) The department shall revoke the certification of a person's agricultural business certified under s. 560.798 (3), Stats., for either of the following circumstances:

(a) Submittal of false or misleading information in order to obtain certification under this chapter.

(b) Cessation of operations as an agricultural business within an agricultural development zone.

(2) When certification has been revoked, the department shall so notify the department of revenue.

Subchapter III—Tax Benefits

Comm 118.30 Eligibility. The actual amount of tax benefit that a person may be eligible to claim shall be determined by the department in accordance with subch. II.

Comm 118.31 Modification. (1) **INCREASE TAX BENEFITS.** The department may, on the request of a certified business and on the recommendation of the agricultural development zone contact, increase the limit of tax benefits established for the certified business, if the department does all of the following:

(a) Considers the tax credit benefits awarded to all certified businesses in an agricultural development zone such that not more than \$5,000,000 in tax credits may be claimed in an agricultural zone.

(b) Revises the certification and provides a copy of the revised form to the department of revenue and to the certified business.

(2) **DECREASE TAX BENEFITS.** (a) The department may reduce the limit of tax benefits as established under s. Comm 118.30 or sub. (1) if the department determines that the information on which the limit is based was inaccurate or significantly misestimated.

(b) The department shall revise the certification and provide a copy of the revised form to the department of revenue and to the certified business.

Comm 118.32 Claims. (1) A certified business may file for tax benefits using forms acceptable to the department of revenue. Agricultural development zone tax benefit claims shall include at least all of the following:

- (a) A copy of the certification issued by the department.
- (b) A copy of a statement from the department verifying the tax benefit claim under sub. (3).
- (c) The state employer tax identification number.
- (d) The North American Industry Classification System code (NAICS) for that business.

Note: For additional information on NAICS, refer to U.S. Office of Management and Budget, 10201 New Executive Office Building, Washington, DC 20503; phone (202) 395-3093; fax (202) 395-7245.

(e) Any forms required by the department of revenue.

(2) Prior to filing for tax benefits under sub. (1), a certified business shall complete and file with the department an annual project report supporting the tax benefit claim to the department on a form prescribed by the department. The annual project report shall include all of the following:

(a) The information required under ss. 71.07 (2dm) or (2dx), 71.28 (1dm) or (1dx), and 71.47 (1dm) or (1dx), Stats.

(b) The status of the certified business' project including, without limitation, the number of jobs created, retained or significantly upgraded, the total amount invested and other information relating to the tax benefits claimed by the certified business.

(c) Documentation of investments.

(d) Any other information as requested by the department.

(3) (a) The department shall verify the tax benefit claim. The department may request additional information from the certified business to support the claim.

(b) No person may file for tax benefits under this chapter without the written approval of the department.

Subchapter IV - Records

Comm 118.40 Documentation and records. Certain documents, records, information and other materials submitted to the department with an application under this chapter may not be subject to disclosure and may be removed or separated from records that may be disclosed under s. 19.36 (6), Stats.

(1) Trade secret information shall not be subject to disclosure under s. 19.36 (5), Stats.

(2) Tax documents shall not be subject to disclosure under s. 71.78, Stats.

(3) Social security and federal employer identification numbers shall not be subject to disclosure under 5 USC 552a and other applicable federal law.

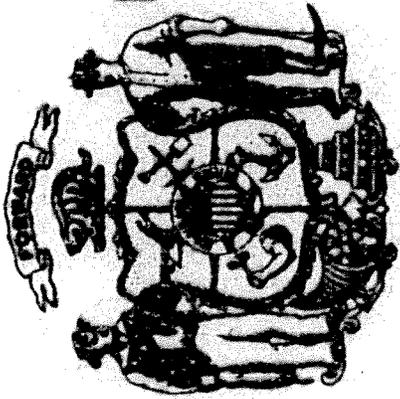
(4) Private financial information shall not be subject to disclosure as determined in a balancing test by the legal custodian of the department.

Note: Any forms referred to in this chapter are available without a fee on request from the Department of Commerce, Bureau of Enterprise Development, 201 W. Washington Avenue, P.O. Box 7970, Madison, WI 53707-7970; phone (608) 266-7123; fax (608) 266-8969; or on the Commerce webpage at <http://www.commerce.state.wi.us/CD/CD-bed.html>.

EFFECTIVE DATE

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

(end)



**STATE OF WISCONSIN
DEPARTMENT OF COMMERCE**

<http://www.commerce.state.wi.us>

MARTHA KERNER
EXECUTIVE ASSISTANT

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STATE OF WISCONSIN
DEPARTMENT OF COMMERCE

**NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant ss. 227.14 (4m) and 227.17, Stats., the Department of Commerce will hold public hearings on proposed rules relating to the Agricultural Development Zone Program.

The public hearing(s) will be held as follows:

Date and Time:

Wednesday, October 16, 2002
10:00 a.m.

Location:

T.G. Thompson Commerce Center
Conf. Rm. 3C, 3rd Fl.
201 W. Washington Ave.
Madison, WI

Interested persons are invited to appear at the hearings and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until **November 1, 2002** to permit submittal of written comments from persons who are unable to attend a hearing or who wish to supplement testimony offered at a hearing.

Written comments should be submitted to:

**Jean M. MacCubbin, Department of Commerce
Administrative Services Division
P.O. Box 2689
Madison, WI 53701-2689
e-mail: jmaccubbin@commerce.state.wi.us**

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

The proposed rules and an analysis of the proposed rules are available on the Internet on the Commerce webpage at <http://www.commerce.state.wi.us/COM/Com-Community.html>. Paper copies may be obtained without cost from **Jean M. MacCubbin, Department of Commerce, Administrative Services Division, P.O. Box 2689, Madison, WI 53701-2689, e-mail: jmaccubbin@commerce.state.wi.us, phone (608) 266-0955 or (608) 264-8777 (TTY)**. Copies will also be available at the public hearings and on the Commerce webpage at <http://www.commerce.state.wi.us/COM/Com-Community.html>.



State of Wisconsin \ Department of Commerce

HEARING DRAFT of PROPOSED RULES

Rule No.:

Ch. Comm 118

Relating to:

Agricultural Development Zone Program

The Wisconsin Department of Commerce proposes an order to: create ch. 118 relating to the Agricultural Development Zone Program.

Analysis of Proposed Rules

Statutory authority: s. 560.798, Stats.

Statutes interpreted: s. 560.798, Stats.

Under s. 560.798 (5), Stats., the Department of Commerce has the responsibility of promulgating rules for the operation of the Agricultural Development Zone Program.

This rule is being created in response to 2001 Wisc. Act 16, which provides authority for administering such a program, the designation of an agricultural development zone, the certification of agricultural businesses, and the determination of tax benefits available to certified agricultural businesses.

The following listing highlights the major items contained in this new chapter:

- Creates the process for application and designation of the Agricultural development zone.
- Provides a means for modification of the boundary of an agricultural development zone.
- Creates the process for application and certification of agri-businesses.
- Establishes criteria for eligibility to certify agri-business.
- Creates the process to determine and claim tax benefits and notifications to the Department of Revenue.

SECTION 1. Chapter Comm 118 is created to read:

Chapter Comm 118

AGRICULTURAL DEVELOPMENT ZONE PROGRAM

Comm 118.01 Purpose, scope and authority.

Comm 118.02 Definitions.

Subchapter I—Agricultural Development Zone

Comm 118.10 Application, evaluation and designation.

Comm 118.11 Modification of boundaries.

Subchapter II—Certified Business

Comm 118.20 Eligibility for application for business certification.

Comm 118.21 Application and determination.

Comm 118.22 Extension.

Comm 118.23 Revocation.

Subchapter III—Tax Benefits

Comm 118.30 Eligibility.

Comm 118.31 Modification.

Comm 118.32 Claims.

Subchapter IV - Records

Comm 118.40 Documentation and records.

Comm 118.01 Purpose, scope and authority. (1) **PURPOSE AND SCOPE.** The purpose of this chapter is to establish a procedure for the administration and operation of the agricultural development zone program. The provisions of this chapter shall apply to designating an agricultural development zone and certifying agricultural businesses eligible for tax credits for the attraction, promotion, retention and expansion of agricultural business in the state.

(2) **AUTHORITY.** This chapter relates to the agricultural development zone program as promulgated pursuant to s. 560.798, Stats.

Comm 118.02 Definitions. In this chapter:

(1) “Agricultural business” means a business that is part of an agricultural business/food processing cluster.

Note: Such an agricultural business/food processing cluster includes, but is not limited to, the growing of foods and the processing of agricultural products.

Note: Agricultural business includes all of the activities or operations that are involved in the growth, production, processing, manufacturing, distribution, and wholesale and retail sales of agricultural and food products.

(2) “Agricultural development zone” means an area designated by the department consistent with the agricultural development zone program as authorized under s. 560.798, Stats.

(3) "Agricultural development zone program" means the program administered under the scope of this chapter as provided in s. 560.798, Stats.

(4) "Area" means a geographic region that is located within a rural municipality which may contain entire counties or portions thereof, and is under the jurisdiction of an eligible applicant.

(5) "Certified business" means a person that conducts an agricultural business-related economic activity in an agricultural development zone and has been certified as eligible for tax benefits by the department under subch. II.

(6) "Department" means the department of commerce.

(7) "Eligible applicant" means the governing body of one or more cities, villages, towns or counties, or the elected governing body of a federally-recognized American Indian tribe or band in the state of Wisconsin. The applicant shall either be or have within its legal boundaries a rural municipality as defined in sub. (11).

(8) "Expanding business" means a person that is making a capital investment such as expansion of existing facilities, construction of new facilities or purchase of new equipment, or is retaining, creating or significantly upgrading jobs.

(9) "New business" means a person that has been in operation for less than one year prior to the date of application for business certification under subch. II and be eligible for tax benefits under subch. III.

(10) "Person" means a natural person, estate, trust, partnership, corporation, tax-option corporation, LLC, insurance company, or trade and business entity of American Indian tribe or band on reservation property or on property held in tribal trust.

(11) "Rural municipality" has the meaning under s. 560.798 (1), Stats.

Note: Section 560.798 (1), Stats., reads: '(1) ..."rural municipality" means any of the following: (a) A city, town, or village that is located in a country with a population density of less than 150 persons per square mile.

(b) A city, town, or village with a population of 6,000 or less.'

(12) "Tax benefit" means a tax credit under s. 560.798 (4) (b) , Stats.

Subchapter I—Agricultural Development Zones

Comm 118.10 Application, evaluation and designation. (1) GENERAL. (a) As specified under s. 560.798 (2) (a), Stats., the department may designate one area in the state as a agricultural development zone. The designation shall be in effect for 10 years from the time the department initially designates an area as an agricultural development zone.

(b) The department may consider designating sub-regions for the administration and operation of the agricultural development zone program.

(c) 1. Except for subd. 2., the department may not designate an agriculture development zone in a county that includes an area designated as a technology zone under s. 560.96, Stats.

2. The department may designate an area as an agricultural development zone when a technology zone includes a municipality that is located within two counties.

(2) APPLICATION. Applications for designation as an agricultural development zone shall be submitted to the department by eligible applicants.

(3) APPLICATION CONTENT. Each application for designation as a agricultural development zone shall contain all of the following:

(a) The name, address, phone number and designated contact person of the eligible applicant.

(b) A map outlining the specific area where agricultural business development is likely to occur.

(c) A brief description of principal agricultural business development-supporting efforts and activities. This description shall at least include any plan or strategy developed for the attraction, promotion, retention or expansion of agricultural businesses.

(4) EVALUATION/DESIGNATION (a) The department shall evaluate any application submitted by an eligible applicant based on the local capacity and organization of the area as it relates to the attraction, promotion, retention and expansion of agricultural business.

(b) Commerce shall designate an area as an agricultural development zone when a favorable determination is made based upon local capacity and organization, and conformance to the provisions of this section.

(5) NOTIFICATION OF DESIGNATION. The department shall provide written notification of designation as an agricultural development zone. The date of such notification shall be the beginning date of the agricultural development zone duration as specified under sub. (1).

(6) TAX BENEFITS. As specified under s. 560.798, Stats., not more than \$5,000,000 of tax benefits may be claimed in an agricultural development zone for the duration.

Comm 118.11 Modification of boundaries. (1) A boundary of an agricultural development zone may be modified by the department upon review of additional information submitted by the agricultural development zone contact since the date of notification.

(2) The modification of an agricultural development zone boundary shall have no effect on the agricultural development zone duration specified under s. Comm 118.10 (1).

Subchapter II—Certified Business

Comm 118.20 Eligibility for application for business certification. (1) GENERAL. As provided under s. 560.798, Stats., the department may certify persons for tax benefits available under this chapter.

(2) CRITERIA FOR ELIGIBILITY FOR APPLICATION. A person located in or planning to be located in an agricultural development zone shall submit an application to the department as specified under s. Comm 118.21. A person shall meet all of the following:

- (a) The person's business is new or expanding.
- (b) The person's business meets the definition of an agricultural business specified under s. Comm 118.02 (1).
- (c) The agricultural development zone contact recommends the person's business for certification.

Comm 118.21 Application and determination. (1) SUBMITTAL. A person who meets the provisions specified under s. Comm 118.20 (2) shall submit an application to the department which includes at least all of the following:

- (a) The name, address and phone number of the person's agricultural business and a designated contact person.
- (b) A description of the project.
- (c) The appropriate Wisconsin tax identification number of the person.
- (d) The names and addresses of other locations outside the agricultural development zone where the person conducts business and a description of the business activities conducted at those locations.
- (e) The estimated total investment of the person's business in the agricultural development zone.
- (f) The estimated number of full-time jobs that will be created, retained or significantly upgraded in the agricultural development zone because of the person's agricultural business.

(g) The average starting wages and benefits that will be provided to persons hired as a result of the project.

(h) Historical and projected financial information.

(i) Other information as required by the department or the agricultural zone contact.

(2) TAX BENEFIT DETERMINATION. The department shall consider all of the following to establish a tax benefit limit:

(a) The prospects for the project to attract related agricultural business to the area.

(b) The amount of private investment that is likely to result from the project.

(c) The number and quality of jobs that are likely to be retained, created or upgraded as a result of the project.

(d) The competitive effect of the tax benefits on other agricultural businesses in the area.

(e) Whether the project is likely to occur or continue without allocation of the tax benefits available under this chapter.

(f) The financial soundness of the agricultural business.

(g) Whether the project will likely positively affect an area's economic distress.

(h) Whether the project will result in dislocation of an agricultural business from one municipality to another.

(j) Any other factors that the department may consider relevant.

(3) NOTIFICATION. (a) For a person located in an agricultural development zone. If the department determines that the person is eligible to be certified for tax benefits under the standards as provided in sub. (2), the department shall notify the person of its certification in an agricultural development zone and enter into an agreement as specified under s. 560.798 (3) (b), Stats.

(b) A person planning to be located in an agricultural development zone. In order to be eligible to be certified for tax benefits under the standards as provided in sub. (2), the person's business shall be located in an agricultural development zone. When the business is located in an agricultural development zone, the department shall notify the person of its certification in an agricultural development zone and enter into an agreement as specified under s. 560.798 (3) (b), Stats.

(4) **CERTIFICATION DISALLOWED IN CERTAIN CASES.** No person may be certified under s. 560.798, Stats., if the proposed new business, expansion of an existing business or other proposed economic activity in an agricultural development zone would do either of the following:

(a) Result in the direct loss of full-time jobs at another of the person's agricultural business located in this state but not located within an agricultural development zone.

(b) Likely result in the direct transfer of employees from a business location in this state to a business location in an agricultural development zone, unless it is determined by the department that the total number of full-time jobs provided by the person in this state would be reduced if the person were not certified under s. 560.798, Stats., or if the situation is extraordinary.

Comm 118.23 Revocation. (1) The department shall revoke the certification of a person's agricultural business certified under s. 560.798 (3), Stats., for either of the following circumstances:

(a) Submittal of false or misleading information in order to obtain certification under this chapter.

(b) Cessation of operations as an agricultural business within an agricultural development zone.

(2) When certification has been revoked, the department shall so notify the department of revenue.

Subchapter III—Tax Benefits

Comm 118.30 Eligibility. The actual amount of tax benefit that a person may be eligible to claim shall be determined by the department in accordance with subch. II.

Comm 118.31 Modification. (1) **INCREASE TAX BENEFITS.** The department may, on the request of a certified business and on the recommendation of the agricultural development zone contact, increase the limit of tax benefits established for the certified business, if the department does all of the following:

(a) Considers the tax credit benefits awarded to all certified businesses in an agricultural development zone such that not more than \$5,000,000 in tax credits may be claimed in an agricultural zone.

(b) Revises the certification and provides a copy of the revised form to the department of revenue and to the certified business.

(2) **DECREASE TAX BENEFITS.** (a) The department may reduce the limit of tax benefits as established under s. Comm 118.30 or sub. (1) if the department determines that the information on which the limit is based was inaccurate or significantly misestimated.

(b) The department shall revise the certification and provide a copy of the revised form to the department of revenue and to the certified business.

Comm 118.32 Claims. (1) A certified business may file for tax benefits using forms acceptable to the department of revenue. Agricultural development zone tax benefit claims shall include at least all of the following:

- (a) A copy of the certification issued by the department.
- (b) A copy of a statement from the department verifying the tax benefit claim under sub. (3).
- (c) The state employer tax identification number.
- (d) The North American Industry Classification System code (NAICS) for that business.

Note: For additional information on NAICS, refer to U.S. Office of Management and Budget, 10201 New Executive Office Building, Washington, DC 20503; phone (202) 395-3093; fax (202) 395-7245.

- (e) Any forms required by the department of revenue.

(2) Prior to filing for tax benefits under sub. (1), a certified business shall complete and file with the department an annual project report supporting the tax benefit claim to the department on a form prescribed by the department. The annual project report shall include all of the following:

(a) The information required under ss. 71.07 (2dm) or (2dx), 71.28 (1dm) or (1dx), and 71.47 (1dm) or (1dx), Stats.

(b) The status of the certified business' project including, without limitation, the number of jobs created, retained or significantly upgraded, the total amount invested and other information relating to the tax benefits claimed by the certified business.

- (c) Documentation of investments.
- (d) Any other information as requested by the department.

(3) (a) The department shall verify the tax benefit claim. The department may request additional information from the certified business to support the claim.

(b) No person may file for tax benefits under this chapter without the written approval of the department.

Subchapter IV - Records

Comm 118.40 Documentation and records. Certain documents, records, information and other materials submitted to the department with an application under this chapter may not be subject to disclosure and may be removed or separated from records that may be disclosed under s. 19.36 (6), Stats.

(1) Trade secret information shall not be subject to disclosure under s. 19.36 (5), Stats.

(2) Tax documents shall not be subject to disclosure under s. 71.78, Stats.

(3) Social security and federal employer identification numbers shall not be subject to disclosure under 5 USC 552a and other applicable federal law.

(4) Private financial information shall not be subject to disclosure as determined in a balancing test by the legal custodian of the department.

Note: Any forms referred to in this chapter are available without a fee on request from the Department of Commerce, Bureau of Enterprise Development, 201 W. Washington Avenue, P.O. Box 7970, Madison, WI 53707-7970; phone (608) 266-7123; fax (608) 266-8969; or on the Commerce webpage at <http://www.commerce.state.wi.us/CD/CD-bed.html>.

EFFECTIVE DATE

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

(end)

Emergency Rule Doc 328

Relating to adult field supervision.

The Department of Corrections has requested an extension to this rule. This rule expires November 28th, 2002, permanent rule expected December 1, 2002

Scott McCallum
Governor

Jon E. Litscher
Secretary



Mailing Address

3099 E. Washington Ave.
Post Office Box 7925
Madison, WI 53707-7925
Telephone (608) 240-5000
Fax (608) 240-3300

State of Wisconsin Department of Corrections

September 25, 2002

Senator Judy Robson, Co-Chair
Joint Committee for Review of Administrative Rules
P.O. Box 7882
Madison, Wisconsin 53707-7882

Representative Glenn S. Grothman, Co-Chair
Joint Committee for Review of Administrative Rules
P.O. Box 8952
Madison, Wisconsin 53708-8952

RE: Doc 328 relating to adult field supervision

Dear Senator Robson and Representative Grothman:

The Department of Corrections (DOC) promulgated an emergency rule concerning the above captioned subject matter on July 1, 2002. The emergency rule will expire on November 28, 2002, before it can be replaced with the proposed permanent rule. Therefore, I am requesting that the Joint Committee for Review of Administrative Rules extend the emergency rule by 60 days pursuant to s. 227.24, (2), Stats.

The emergency rule was required by 2001 Wisconsin Act 109 and raised the supervision fees collected from offenders on probation, parole or extended supervision. The Department is now collecting these increased fees and in order to avoid a lapse in the effectiveness of the new fee schedule and avoid significant administrative problems, the DOC requests an extension of the emergency rule to allow time for the permanent rule to become effective.

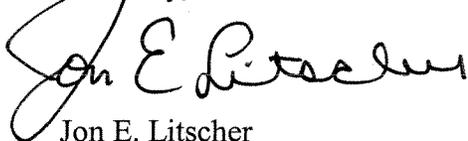
The enclosed proposed permanent rule was submitted to the Administrative Rules Clearinghouse and the Revisor of Statutes on June 27, 2002. The enclosed Administrative Rules Clearinghouse report was sent to DOC on July 2, 2002. On July 29, and 30, public hearings were conducted in Wisconsin Rapids and Waukesha, respectively. No public testimony was offered at hearing. However, one inmate of a correctional institution filed a written comment. The permanent rule was submitted to the Legislature on August 29, 2002.

The DOC has expedited this rule to every possible extent, but it is not possible to promulgate the permanent rule prior to expiration of the emergency rule. It is anticipated that legislative

jurisdiction will expire in early October and will allow the DOC to submit the permanent rule to the Revisor for a likely effective date of December 1, 2002.

Copies of the hearing notice, order creating the emergency rule, proposed permanent rule and report to the legislature are also enclosed. Should you have any questions concerning the request to extend the effective period of the emergency rule, please contact Julie Kane of the DOC Office of Legal Counsel at 240-5015.

Sincerely,



Jon E. Litscher
Secretary

Enclosures

Cc: JCRAR members
Senator Fred Risser
Representative Scott Jensen
Committee on Corrections and the Courts
Committee on Economic Development and the Courts

**PROPOSED ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF CORRECTIONS
REPEALING AND AMENDING RULES**

The Wisconsin department of Corrections proposes an order repealing DOC 328.043, and amending DOC 328.045(1), (2) (intro) and (2)(c), relating to adult field supervision.

Statutory Authority: ss.301.02, 301.03 (1) (2), and 227.11(2), Stats.
Statutes Interpreted: ss.304.073 and 304.074, Stats.

Analysis Prepared by the Department of Corrections...

Pursuant to sec. 304.074(2) Stats., the department has authority to collect "at least \$1 per day, if appropriate" from offenders on supervision. However, 2001 Wisconsin Act 109 directs the department to amend supervision fees and provides, in relevant part, the following:

"...the department of corrections shall promulgate the rules that are required under section 304.074(5) of the statutes and that set rates under section 304.074(2) of the statutes. The rules shall take effect on July 1, 2002."

"...the rules shall require the department to have a goal of receiving at least \$2 per day, if appropriate, from each person who is on probation, parole, or extended supervision and who is not under administrative supervision, as defined in section 304.74(1)(a) of the statutes, or minimum supervision, as defined in section 304.74(1)(b) of the statutes."

The department published an emergency rule on July 1, 2002 in anticipation of the fore-mentioned statutory requirements. This permanent rule proposal follows.

While 2001 Wisconsin Act 109 doubles the amount the department may collect in supervision fees, the current Administrative Code limits the department's efforts to do so. The current DOC 328 establishes a set fee schedule with a maximum collection of \$45 per month.

This rule:

- Raises the department's supervision fee goal to at least \$2 per day, if appropriate, from all offenders under supervision by the department.

- Eliminates the distinction between offenders supervised by the department on administrative and minimum supervision and offenders who are deemed medium, maximum and high risk as it relates to supervision fees. All offenders under supervision by the department will pay, based on their ability, according to one supervision-fee scale. Offenders on minimum supervision will ultimately pay the cost of supervision while offenders on medium and maximum supervision will pay a portion of the cost of supervision.

SECTION 1. DOC 328.043 is repealed.

SECTION 2. DOC 328.045(1) , (2) (intro) and (2)(c) are amended to read:

DOC 328.045 ~~Medium, maximum and high risk~~ Offenders under supervision by the department.

- (1) ~~OFFENDER PAYMENT. An offender on medium supervision as defined under s. DOC 328.04(4) (b) or maximum supervision as defined under s. DOC 328.04(4)(a) or high risk who is under supervision by the department shall pay a supervision fee.~~
- (2) SUPERVISION FEE. The department shall set a supervision fee for an offender based on the offender's ability to pay with the goal of receiving at least \$1-2 per day, if appropriate, and shall do all of the following:
 - (c) Charge a supervision fee according to the following table:

Table DOC 328.045

Category	Gross Monthly Income	Supervision Fee	Maximum Rate
I	\$0-599.99	\$20.00	\$30.00
II	\$600.00 or more	\$40.00	\$45.00
III	\$1,500.00 or more	\$60.00	

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) Stats

Dated: _____

Agency: _____
Jon E. Litscher, Secretary