

Clearinghouse Rule 97-082

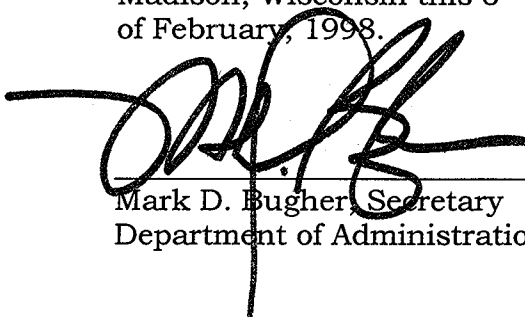
RULES CERTIFICATE

State of Wisconsin)
) ss.
Department of Administration)

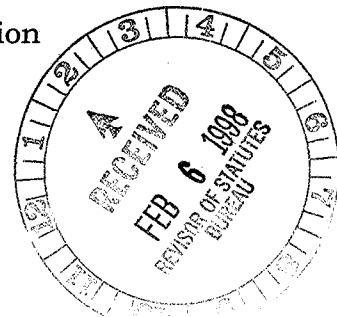
I, Mark D. Bugher, Secretary of the Wisconsin Department of Administration, and custodian of the official records, certify that the attached administrative rule relating to Parking on state-controlled property, was duly approved and adopted by the Department of Administration on February 6, 1998.

I further certify that this copy has been compared by me with the original on file with this Department and that it is a true copy thereof and of the whole of such original.

IN TESTIMONY WHEREOF, I have
Hereunto set my hand in the City of
Madison, Wisconsin this 6th day
of February, 1998.



Mark D. Bugher, Secretary
Department of Administration



4-1-98

97-82

ORDER OF THE DEPARTMENT OF ADMINISTRATION

The Wisconsin Department of Administration proposes an order to repeal Adm 1.03(2)(b); to renumber and amend Adm 1.03(2)(c); to amend Adm 1.01 (title), 1.03(1)(a), (b), and (2)(intro.), Adm 1.05(2), (4) and (6)(b)(intro.), Adm 1.06, 1.09 and 1.10; and to create Adm 1.05(8) of the Wisconsin Administrative Code.

Analysis prepared by the Department of Administration:

Statutory Authority: Sections 16.004(1), 16.843(2)(a) and 227.11, Stats.

Statutes Interpreted: Section 16.843, Stats.

The proposed rule amendments clarify the Department's present practices and update references and terminology pursuant to 1995 Wisconsin Act 174, relating to the operation and parking of motor vehicles on department-controlled property. The Department proposes a number of minor changes to update rule language and to improve operations related to parking on state-controlled property. These changes include providing the Department authority to appoint police officers to safeguard property pursuant to 1995 Wisconsin Act 174; correcting a statutory reference to a section in Chapter 346; correcting language referencing s. 341.14, Stats.; adding a requirement that van and carpools must have at least 2 state employees; adding a section regarding temporary parking assignments and creating additional exceptions for withdrawal of parking.

TEXT OF RULE:

SECTION 1: Adm 1.01 (title) is amended to read:

Adm 1.01 (title) POLICE AND SECURITY OFFICERS. The department of administration shall appoint police and security officers to safeguard all public property under its control. Security Police and security officers shall have the powers provided in s. 16.84(2), Stats., and shall be authorized to enforce s. 16.843, Stats., and any rule promulgated under s. 16.843, Stats.

SECTION 2: Adm 1.03(1)(a), (b), and (2)(intro.), are amended to read:

Adm 1.03 MOTOR VEHICLE RULES. (1)(a) ~~No person not holding~~ A person who does not hold a valid and current operator's license issued under ch. 343, Stats., ~~shall~~ may not operate any motor vehicle on any roadway or in any

parking area under the control of the department of administration unless the person is exempt from being licensed under the provisions of s.343.05, Stats., ~~from the requirement that the person hold an operator's license in order to operate a motor vehicle on the highways of this state.~~

(b) No person ~~shall~~ may operate any motor vehicle on any roadway or in any parking area under the control of the department of administration unless the same has been properly registered as provided by ch. 341, Stats., unless ~~except~~ the vehicle is exempt from being registered under the provisions of s. 341.05, Stats., ~~from the requirement that the vehicle be registered in order that it may be operated on the highways of this state.~~

(2) All provisions of ch. 346, Stats., entitled "Rules of the Road" which are applicable to highways as defined in s.340.01(22), Stats., are hereby adopted for the regulation of traffic on the roadways and parking areas under the control of the department of administration except as follows:

SECTION 3: Adm 1.03(2)(b) is repealed.

SECTION 4: s. Adm 1.03(2)(c) is renumbered s. Adm 1.03(2)(b) and amended to read:

Adm 1.03(2)(b) Sections 346.61 through ~~346.74~~, 346.655, Stats.

SECTION 5: Adm 1.05(2) is amended to read:

Adm 1.05(2) Accommodation for disabled employees. An employe's disability shall be shown by a ~~physician's~~ statement from a physician, an advanced practice nurse, a physician assistant, a chiropractor or a Christian science practitioner, indicating that the employe is disabled according to those standards established in s.341.14, Stats. ~~Identification~~ identification cards for the physically handicapped pursuant to s. 343.51, Stats., shall be provided as close as possible to an entrance which can be used by disabled employes. Disabled employes allocated parking under this section shall not be exempted from payment for parking privileges under s. 16.843(2), Stats.

SECTION 6: Adm 1.05(4) is amended to read:

Adm 1.05(4) Accommodation for the public that transacts business with tenant departments ~~except in the GEF I, II, III, Wilson Street and Milwaukee state office buildings~~ at buildings where a public parking facility is available in the immediate vicinity.

SECTION 7: Adm 1.05(6)(b)(intro.) is amended to read:

Adm 1.05(6)(b) Carpools and vanpools having at least 2 passengers in addition to the driver. At least two individuals in the pool must be employes of the state of Wisconsin:

SECTION 8: Adm 1.05(8) is created to read:

Adm 1.05(8) Parking assignment may be issued on a temporary basis and may be withdrawn upon notice to the person requesting the parking assignment.

SECTION 9: Adm 1.06 is amended to read:

Adm 1.06 IDENTIFICATION. To facilitate the administration of this chapter, the state ~~protective service~~ capitol police shall procure numbered identification tags, window stickers, magnetic cards or other means of identification and shall issue such means of identification to eligible employes who have agreed to pay the established fee. Parking in stalls and spaces without the proper means of identification is prohibited.

SECTION 10: Adm 1.09 and 1.10 are amended to read:

Adm 1.09 WITHDRAWAL OF PARKING. Except for noncompliance with these ~~rules, or this chapter,~~ non-payment of parking fees, reallocation of agency space, or withdrawal of parking privileges under s. Adm 1.05(8), the department of administration shall may not withdraw parking privileges after a parking stall is assigned. The department may reallocate parking spaces of a tenant agency if the number of full-time employes at the tenant agency's facility is reduced.

Adm 1.10 TOWING. Whenever any police officer or security officer finds a motor vehicle in violation of these rules, the officer is authorized to move the vehicle, have a wrecker service tow the vehicle, or to require the operator to remove the vehicle from state property. The operator or owner of the vehicle removed shall pay all charges for moving or towing or any storage involved.

Final Regulatory Flexibility Analysis:

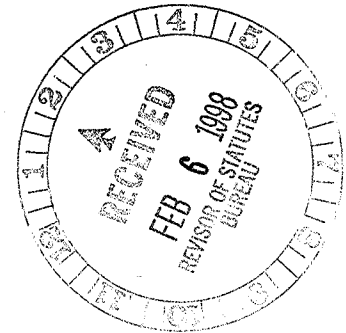
Pursuant to s. 227.114, Stats., the rule herein is not expected to negatively impact on small businesses.

This rule shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Dated: 2/5/98



Mark D. Bugher, Secretary
Department of Administration



FISCAL ESTIMATE
DOA-2048 (R10/92)

- ORIGINAL
- CORRECTED
- UPDATED
- SUPPLEMENTAL

LRB or Bill No /Adm Rule
ADM 1
Amendment No if plicable

Subject
Relating to Parking on State Controlled Property

Fiscal Effect

State: No State Fiscal Effect

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

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

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

Local: No local government costs

1. Increase Costs

Permissive Mandatory

Decrease Costs

Permissive Mandatory

3. Increase Revenues

Permissive Mandatory

4. Decrease Revenues

Permissive Mandatory

5. Types of Local Governmental Units affected:

- Towns Villages Cities
- Counties Others _____
- School Districts VTAE Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations
s. 20.505 (5)(kb)

Assumptions Used in Arriving at Fiscal Estimate

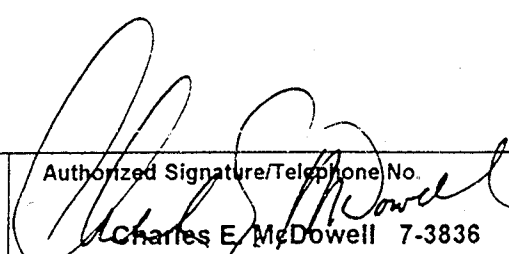
The changes in the Administrative rule clarify present practices and update references where terminology has changed as reflected in 1995 Act 174. No fiscal effect.

Long-Range Fiscal Implications

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

DOA/Richard Wagner (608)266-0653

Authorized Signature/Telephone No.



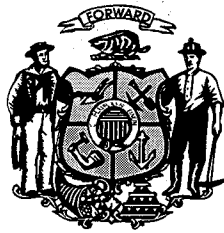
Charles E. McDowell 7-3836

Date

3/7/97

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
101 East Wilson Street, Madison, Wisconsin

TOMMY G. THOMPSON
GOVERNOR
MARK D. BUGHER
SECRETARY



Mailing Address:
Post Office Box 7864
Madison, WI 53707-7864

February 6, 1998

Mr. Gary Poulson
Revisor of Statutes
131 W. Wilson Street, Suite 800
Madison, WI 53703

Douglas LaFollette
Secretary of State
30 W. Mifflin St., 10th Fl.
Madison, WI 53703

TRANSMITTAL OF RULE ADOPTION - ADM 1

RE: Parking on State-Controlled Property

Dear Messrs. Poulson and LaFollette:

Pursuant to s. 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the Officers of the Secretary of State and the Revisor of Statutes.

Enclosed, please find a rule certificate form, the order of adoption and rule in final draft form, as well as the fiscal estimate.

Pursuant to s. 227.114, Stats., the rule herein is not expected to negatively impact on small businesses.

Respectfully Submitted


Mark D. Bugher
Secretary

