

WISCONSIN ADMINISTRATIVE REGISTER

No. 492



Publication Date: December 14, 1996
Effective Date: December 15, 1996

REVISOR OF STATUTES BUREAU
SUITE 800, 131 WEST WILSON STREET
MADISON, WISCONSIN 53703-3233



State of Wisconsin
Revisor of Statutes Bureau

Suite 800, 131 West Wilson Street, Madison, Wisconsin 53703-3233
 (608) 266-2011 • Fax (608) 267-0410

Bruce Munson
 Revisor of Statutes

Gary L. Poulson
 Deputy Revisor of Statutes
 Assistant Revisor-Administrative Code

November 14, 1996

**The 1995-96 Wisconsin Statutes and Annotations can be ordered now
 in bound volumes or on the WisLaw™ CD-ROM**

Prices for the 1995-96 Wisconsin Statutes and Annotations bound volumes have been established and are detailed below:

<i>Hard Cover</i>	<i>Hard Cover</i>	<i>Soft Cover</i>	<i>Soft Cover</i>
<i>With Postage</i>	<i>Without Postage</i>	<i>With Postage</i>	<i>Without Postage</i>
\$107.00	\$101.00	\$96.00	\$91.00

Send orders to Document Sales, 202 S. Thornton Avenue, P.O. Box 7840, Madison, WI 53707-7840, telephone (608) 266-3358. Unless exempt by law, all sales are subject to 5% state sales tax and, where applicable, 0.5% county sales tax and 0.1% stadium tax. Prepayment is required for all orders. Payments by check, money order, or credit card should be made payable to *WI Department of Administration*. Credit card orders using either VISA or Mastercard may be placed by calling 1-800-DOC-SALE. Local customers may call 264-9419 to place an order. Delivery to Document Sales is scheduled to begin in late January, 1997.

WisLaw™, the computer-searchable CD-ROM, includes both the DOS and Windows version of Folio PreViews search and retrieval software. WisLaw™ includes the **Wisconsin Statutes and Annotations, Supreme Court Rules**, and recent **Opinions of the Attorney General**. In addition, the **Wisconsin Acts**, with hypertext links to the affected statutes, are included on WisLaw™.

WisLaw™ is only available by subscription for 12-month periods; the number of CD's to be released in any 12-month period is indeterminate. WisLaw™ End-user license and subscription order forms are available at Document Sales; CD's will only be delivered upon receipt of a signed license and subscription form and full payment. A 12-month subscription plus a license for no more than one simultaneous user costs \$99. A 12-month subscription plus a license for no more than 4 simultaneous users costs \$149. A 12-month subscription plus a license for no more than 10 simultaneous users costs \$199. Shipping is included. Unless exempt by law, all sales are subject to 5% state sales tax and, where applicable, 0.5% county sales tax and 0.1% Wisconsin stadium sales tax.

TABLE OF CONTENTS

Emergency Rules Now In Effect.**Pages 3 to 12.**

Agriculture, Trade & Consumer Protection:	Rules relating to animal health. Rule relating to prohibiting certain gaseous hydrocarbons in mobile air conditioners.
Corrections:	Rule relating to inmate mail.
Health & Family Services:	<u>Community Services, Chs. HSS 30--</u> Rules relating to administration of child care funds. Rules relating to child care providers certification. Rule relating to child care funds and copayments.
Health & Family Services:	<u>Medical Assistance, Chs. HSS 100--</u> Rules relating to coverage of school-based medical services.
Health & Family Services:	<u>Health, Chs. HSS 110--</u> Rules relating to permit fees. Rules relating to public swimming pools. Rules relating to fees.
Health & Social Services (Workforce Development):	<u>Economic Support, Chs. HSS 200--</u> Rules relating to time limits on benefits for AFDC recipients in the Job Opportunities and Basic Skills (JOBS) program.
Industry, Labor & Human Relations (Commerce):	<u>Uniform Dwellings, Chs. ILHR 20-25</u> Rules relating to dwellings constructed in flood hazard zones.
Industry, Labor & Human Relations (Commerce):	<u>Building & Heating, etc., Chs. ILHR 50-64</u> <u>Multi-Family Dwelling, Ch. ILHR 66</u> Rules delaying energy efficiency revision to chs. ILHR 50-64 and 66.
Industry, Labor & Human Relations (Workforce Development):	<u>Labor Standards, Chs. ILHR 270-279</u> Rules relating to the minimum wage.
Insurance, Commissioner of:	Rules relating to premium rates for the Health Insurance Risk-Sharing Plan (HIRSP).
Natural Resources:	<u>Fish, Game, etc., Chs. NR 1-</u> Rules relating to size and bag limits for Lac du Flambeau reservation. Rules relating to the 1996 deer hunting season. Rules relating to fishing for yellow perch in Lake Michigan. Rules relating to the 1996 deer hunting season. Rules relating to the 1996 migratory game bird season. Rules relating to fishing for yellow perch in Lake Michigan. Rule relating to notice of receipt of an application to incidentally take an endangered or threatened species. Rules relating to the Lake Superior fisheries management plan.
Public Instruction:	Rules relating to dispute resolution concerning children with exceptional educational needs (EEN). Rules relating to the handicapping condition of significant developmental delay.
Transportation:	Rules relating to transportation of garbage or refuse permits. Rules relating to general transportation aids. Rules relating to occupational driver's license.

Scope Statements.

Commerce:

Natural Resources:

Natural Resources:

Revenue:

Revenue:

Pages 13 to 14.

Ch. ATCP 53 – Relating to plat review fees. The Department will renumber this rule.

Chs. NR 400, 406 and 407 – Relating to air construction permit and operation permit rules.

Ch. NR 37 – Relating to harvesting timber on lands within the Lower Wisconsin State Riverway.

S. Tax 6.50 – Relating to full market value.

Ch. Tax 15 – Relating to updating to reflect changes in ch. 77, Stats.

Notice of Submittal of Proposed Rules to Wisconsin Legislative Council Rules Clearinghouse.

Funeral Directors Examining Board:

Insurance, Commissioner of:

Insurance, Commissioner of:

Page 15.

Ch. FD 6 – Relating to the registration and regulation of agents authorized to represent funeral directors or funeral establishments in the sale or solicitation of burial agreements that are funded with the proceeds of a life insurance policy.

Ch. Ins 23 – Relating to life insurance sold to fund prearranged funeral plans.

S. Ins 2.17 – Relating to life insurance illustrations.

Notice Section.

Insurance:

Pages 17 to 18.

Hearing to consider a revision of s. Ins 2.17, relating to life insurance illustrations.

Hearing to consider ch. Ins 23, relating to life insurance sold to fund prearranged funeral plans.

Administrative Rules Filed With the Revisor of Statutes Bureau.

Commerce:

Health & Family Services:

Health & Family Services:

Natural Resources:

Natural Resources:

Natural Resources:

Public Instruction:

Public Instruction:

Public Service Commission:

Transportation:

Page 19.

(CR 96–80) – Chs. ILHR 63 and 64

(CR 96–93) – SS. HSS 172.04, 175.04, 178.05, 195.04, 196.04, 197.04 and 198.04

(CR 96–119) – SS. HSS 172.03 and 172.05

(CR 96–112) – SS. NR 20.03, 20.036, 20.13 and 20.18

(CR 96–114) – SS. NR 20.02 (1) (c) and 25.05 (1) (e)

(CR 96–116) – S. NR 20.08 (10)

(CR 96–111) – SS. PI 11.02 and 11.35

(CR 96–121) – Ch. PI 11

(CR 96–17) – Ch. PSC 185

(CR 96–70) – S. Trans 139.05 (8)

Public Notice.

Workforce Development:

Page 20.

Public notice relating to administering the Wisconsin Works Program.

EMERGENCY RULES NOW IN EFFECT

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

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

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

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

EMERGENCY RULES NOW IN EFFECT (2)

Department of Agriculture, Trade & Consumer Protection

1. Rules adopted revising **chs. ATCP 10 to 12**, relating to animal health.

Finding of Emergency

The state of Wisconsin department of agriculture, trade and consumer protection ("department") finds that an emergency exists and that an emergency rule is necessary to protect public health, safety and welfare. The facts constituting the emergency are as follows:

(1) 1995 Wis. Act 79 was published December 8, 1995. Under its provisions, no person may keep farm-raised deer in Wisconsin after June 1, 1996, unless that person is registered with the department.

(2) 1995 Wis. Act 79 requires the department to adopt rules which specify the fee for registration. In addition, rules are necessary to establish the mechanism for registration.

(3) Prior to 1995 Wis. Act 79, persons who kept farm-raised deer were required to be licensed by the department of natural resources (DNR). Many persons who keep farm-raised deer will have become licensed with DNR for calendar year 1996. Those licenses will be transferred to the department as registrations.

(4) Permanent rules implementing 1995 Wis. Act 79 will not take effect until on or about January 1, 1997. This emergency rule establishes an interim procedure for registering herds of farm-raised deer, pending the effective date of the permanent rules. Without this emergency rule, no person would be able to start a farm-raised deer herd in Wisconsin between June 1, 1996, and the effective date of the permanent rules, because there would be no way to register that herd.

(5) 1995 Wis. Act 79 also requires animal owners to provide a means of testing those animals for tuberculosis without endangering the animal or the person performing the test. In addition, a

non-statutory provision of that Act requires all keepers of farm-raised deer to have the deer tested for tuberculosis between December 8, 1995, and June 30, 1997.

(7) Concerns for the safety of farm-raised deer during testing prohibit testing during significant periods of the year. For example, deer should not be tested during the birthing season, the rut season and the season in which the animals are in velvet. Therefore testing is restricted to periods in late August to early October or during January and February.

(8) The department anticipates that many keepers of farm-raised deer will perform their testing in July, August or September of 1996, before a permanent rule can be adopted. This emergency rule establishes three alternative ways in which the animal owner can insure the safety of the persons doing the testing. This is necessary to insure the safety of the person conducting the test and to permit the keeper of farm-raised deer to know what constitutes adequate restraint of the animals.

(9) In September, 1995, the United States department of agriculture adopted new regulations relating to identification and slaughter shipment of bovines or cervidae which are reactors or suspects for bovine tuberculosis. Wisconsin's current administrative rules are in conflict with the current federal regulations. This emergency rule will make Wisconsin's rules consistent with the federal regulations, so that persons who comply with federal law will not be placed in violation of state law.

(10) In March 1996, the department was advised by the United States department of agriculture that the Russian federation intends to prohibit shipment of poultry meat into the Russian federation from any state which does not require veterinarians to report the presence of specific poultry diseases to the state animal health agency. Wisconsin's current administrative rules do not require reporting of 5 of the diseases which concern the Russian federation.

(11) Wisconsin poultry producers ship poultry meat valued in excess of \$1 million per year to the Russian federation. By adopting a provision requiring veterinarians to report the existence of 5 diseases to the department, the department will protect the poultry producers' export market in the Russian federation. The department has proposed a permanent rule requiring reporting of the diseases. This emergency rule protects the export market during the period before the permanent rule is effective.

Publication Date: June 3, 1996
Effective Date: June 3, 1996
Expiration Date: October 31, 1996
Extension Through: December 29, 1996

2. Rule adopted creating **s. ATCP 139.04 (11)**, relating to prohibiting the sale of butane, propane, mixtures of butane and propane, or other gaseous hydrocarbons for use as refrigerants in mobile air conditioners.

Finding of Emergency

(1) On June 2, 1995, the United States Environmental Protection Agency ("EPA") issued a final rule prohibiting the use of HC-12a, a hydrocarbon-based refrigerant containing liquified petroleum gas, as a refrigerant in mobile air conditioning systems. EPA prohibited HC-12a, and a predecessor product called OZ-12, because of safety risks associated with the use of flammable refrigerants in mobile air conditioning systems. According to EPA, the manufacturer of HC-12a did not provide adequate information to demonstrate that the product was safe when used in a mobile air conditioning system.

(2) Despite the current EPA rule, at least one company is currently engaged in manufacturing and distributing HC-12a for

use in motor vehicle air conditioning systems. The Idaho manufacturer argues that EPA lacks jurisdiction to regulate the sale of its product. HC-12a is currently being offered, distributed or promoted for sale at wholesale and retail outlets in Wisconsin and surrounding states, for use as a refrigerant in mobile air conditioning systems.

(3) HC-12a is a highly flammable substance, as defined by the American Society of Testing and Materials (ASTM) standard test procedure for refrigerants, the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE), and Underwriter's Laboratories. Use of HC-12a or its predecessor, OZ-12, in mobile air conditioning systems is inconsistent with standards adopted by the Society of Automotive Engineers. According to those standards, refrigerants used in mobile air conditioning systems must be of low toxicity, and must be nonflammable and nonexplosive.

(4) At least 13 states have enacted legislation prohibiting the sale of refrigerants for use in air conditioning or refrigeration systems unless those refrigerants meet flammability standards or are specifically approved for their intended use.

(5) HC-12a and other hydrocarbon-based refrigerants, when sold for use in motor vehicle air conditioning systems, present a serious risk to public health and safety for the following reasons:

(a) Motor vehicles and mobile air conditioning systems are not currently designed to use flammable refrigerants, or to prevent hazards associated with flammable refrigerants.

(b) Refrigerants in mobile air conditioning systems commonly leak into the engine compartments or passenger compartments of motor vehicles. Leaking refrigerant is often routed into the passenger compartment through the air distribution system from the evaporator. Hydrocarbon refrigerants, which are heavier than air, will tend to accumulate in low or confined spaces of a motor vehicle.

(c) Hydrocarbon refrigerants are flammable at low concentrations.

(d) Internal components of a motor vehicle provide many potential sources of ignition for flammable refrigerants. Passenger activities, such as smoking, may also create ignition sources.

(e) Fires or explosions resulting from the ignition of leaked flammable refrigerant may cause serious bodily injury or death to motor vehicle passengers. Automotive technicians who test for leaks, or who repair or service mobile air conditioning systems containing flammable refrigerants, are also at risk.

(6) The risk to public health and safety cannot be adequately addressed by product packaging or labeling, for the following reasons:

(a) The use of flammable hydrocarbon-based products in motor vehicle air conditioning systems is inherently hazardous. That hazard will not be materially altered by mere packaging or labeling.

(b) Use is hazardous to persons who are not aware that the refrigerant is present, and have not have seen or read the product label.

(c) Current product labels for HC-12a already contain a warning statement that the contents are under pressure and are extremely flammable. Current labels direct use by qualified personnel only, and list other cautions and instructions when recharging a mobile air conditioning system with this substitute refrigerant. These label statements do not materially alter the hazard inherent in the use for which the product is sold. There are few if any protective actions which a customer or technician could take to reduce the hazards associated with use of the product.

(d) There are no automotive industry standards which would allow a flammable refrigerant to be used in a motor vehicle air conditioning system as currently designed.

(7) Flammable hydrocarbon-based refrigerants, including HC-12a, OZ-12, and other refrigerants containing butane, propane, mixtures of butane and propane, or other gaseous hydrocarbons, pose a serious risk to public health and safety when sold for use as refrigerants in mobile air conditioners. At this time, the public health and safety can only be protected by keeping these products

out of the channels of commerce in this state. The department can and should adopt rules, under ss. 93.07(1) and 100.37(2), Stats., prohibiting the sale of such products in this state.

(8) Pending the adoption of rules according normal administrative rulemaking procedures, it is necessary to adopt emergency rules under s. 227.24, Stats., to protect the public health, safety and welfare.

Publication Date: October 9, 1996
Effective Date: October 9, 1996
Expiration Date: March 8, 1997
Hearing Date: November 15, 1996

EMERGENCY RULES NOW IN EFFECT

Department of Corrections

Rules adopted creating s. DOC 309.05 (2)(d), relating to inmate mail.

Finding of Emergency

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

Wisconsin state prison inmates outgoing mail is generally not reviewed or censored. Inmates have used mail to:

1. Contact the victims of their crimes, which has caused severe emotional distress;
2. Threaten and harass elected officials, law enforcement officers, and other persons; and
3. Defraud mail order and other businesses.

Since November 1, 1993, pursuant to Internal Management Procedure #35, the department has stamped outgoing inmate mail to indicate that the mail was sent from the Wisconsin state prison system. IMP #35 was adopted to protect victims of crime, the public, and businesses from inmate harassment and fraud.

The Wisconsin Court of Appeals ruled in an unpublished decision that IMP #35 had to be promulgated as an administrative rule.

In order to protect the public welfare of the state, it is necessary for the department to adopt the following emergency rule to ensure that victims of crime are not further victimized by inmate mail, that members of the public are not threatened or harassed, and that businesses are not defrauded.

Publication Date: August 15, 1996
Effective Date: August 15, 1996
Expiration Date: January 12, 1997

EMERGENCY RULES NOW IN EFFECT (3)

Health and Social Services

(Community Services, Chs. HSS 30--)

1. Rules were adopted revising ss. HSS 55.70 to 55.76, relating to administration of child care funds.

Exemption From Finding of Emergency

The Legislature in s. 275 (2) of 1995 Wis. Act 289 directed the Department to promulgate rules relating to public assistance required under chs. 46, 48 and 49, Stats., as affected by the Acts of 1995, before July 1, 1996, for the period before permanent rules take

effect, by using emergency rulemaking procedures but without having to make a finding of emergency. These are public assistance–related rules. They are for administration of health care funds. They will take effect on July 1, 1996.

Analysis

The Department's rules for county agency, tribal agency and other child care administrative agency administration of funds for child day care under s. 46.98, Stats., are revised by this order to bring the rules into compliance with statute changes made by 1995 Wis. Acts 27 and 289 and changes in federal regulations, including federal regulations for child care and development block grant funding, 45 CFR Parts 98 and 99, and at–risk child care, 45 CFR Part 257, since the rules were last revised in late 1991; to make policies relating to eligibility for low–income child care more like child care eligibility policies under the Job Opportunities and Basic Skills (JOBS) training program under 42 USC 682 and s. 49.193, Stats.; to prevent and deal with fraud; and to clarify the applicability of certain policies.

Key changes are the following:

1. Income Eligibility

Income eligibility for low income child care is changed to be in compliance with changes made in s. 46.98 (4), Stats., by Act 289.

2. Costs Charged to Parents

Parent co–payment responsibilities are revised to be those established in state law based on family income and the cost of care.

3. Eligibility for Parents in Training or Educational Programs

Parent eligibility to received low–income child care funds when the parents are in training or educational programs is modified so that only parents under 20 years of age enrolled in high school or an equivalent program are eligible, in compliance with Act 289 changes in the statutes.

4. Loss of Eligibility

A local agency is permitted to determine that a parent is no longer eligible for child care funds if the parent fails to make required co–payments or provides false information to the agency about income or other matters affecting eligibility.

5. Recovery of Funds

Rules are added in compliance with 1995 Wis. Act 27 to provide for recovery of funds from a parent if the parent was not eligible for child care funds, and for recovery of an overpayment made to a provider when the provider is responsible for the overpayment.

6. Reimbursement

Local agencies are permitted to reimburse parents under certain circumstances for the cost of health care services or to make funds available to parents for the purchase of child care services, and local agencies are directed when to reimburse child care providers on the basis of authorized units of service or for days of attendance.

7. Authorized Child Care Providers

Local agencies are permitted to make payments, under certain conditions, to child care providers who are not licensed or certified, including:

- a. When an AFDC recipient is involved in orientation, enrollment or initial assessment in the JOBS program.
- b. When child care is on–site and short–term for parents in training or education programs.
- c. When short–term care is needed for a child who is ill and not allowed to receive care from a regulated provider.

8. Higher Rates for Higher Quality Care

Local agencies are required to pay higher for child care to providers who meet higher quality of care standards, as allowed under federal regulations.

9. Reimbursement Rate Categories

Reimbursement rates are required to two age categories and five provider types, a change from earlier policy.

10. Elimination of Rules for Respite Child Care

Rules for respite child care are eliminated, now that there is no longer a separate fund program. The 1995–97 state budget folded funding for respite child care into general community aids allocations for counties.

Publication Date: June 29, 1996

Effective Date: July 1, 1996

Expiration Date: November 28, 1996

Extension Through: January 26, 1997

2. Rules adopted revising ss. HSS 55.55 to 55.63, relating to certification of child care providers.

Exemption From Finding of Emergency

The Legislature in s. 275 (2) of 1995 Wis. Act 289 directed the Department to promulgate rules relating to public assistance required under chs. 46, 48 and 49, Stats., as affected by the Acts of 1995, before July 1, 1996, for the period before permanent rules take effect, by using emergency rulemaking procedures but without having to make a finding of emergency. These are public assistance–related rules. They are for certified child care. They will take effect on July 1, 1996.

Analysis

The Department's current rules for certification of family day care providers, in–home day care providers and school–age day care programs are amended by this order to bring the rules into compliance with recent statute changes, in particular the changes made by 1995 Wis. Act 289 in establishing Wisconsin Works (W–2), a new system of assistance for families with dependent children which will replace Aid to Families with Dependent Children (AFDC), and to add needed protections for children, reduce or eliminate unnecessary requirements and clarify the authority of certifying agencies.

Key changes include:

1. Provisional Certification

Modifying standards for provisional certification so that no training is required, in compliance with Act 289 changes in the statutes.

2. Limited Certification

Deleting the category of limited certification, in compliance with Act 289 changes in the statutes.

3. Training for Regular Certification

Deleting the optional requirement to add 5 hours of initial training for regular certification, in order to standardize regulation statewide.

4. Criminal Records Check

Adding requirements for state criminal records checks and FBI criminal record check under certain circumstances, as required by Act 289 changes in the statutes.

5. Certification Fee

Permitting counties and tribal agencies to charge certification fees, as allowed under Act 289, not to exceed licensing fees for family day care centers plus the cost of criminal record checks.

6. Acceptance of Certification

Providing that certification issued by one certifying agency is to be accepted as valid by other certifying agencies.

7. Certification Exemption

Exempting specified child care arrangements from certification because those arrangements are short–term.

8. Sanction Authority

Giving sanction authority to certifying agencies when there is danger to the health, safety or welfare of children in care.

9. School–Age Programs

Adding requirements related to swimming pools and water safety.

Adding requirements for the safety of vehicles transporting children.

Deleting requirements for:

- a. Physical exams for children and staff (replaced by a health history requirement).
- b. 75 square feet of outdoor space per child.
- c. Daily outdoor activities.
- d. A place for rest or relaxation.
- e. Ongoing communication with the child's parent.
- f. Making copies of the certification standards available to all parents.

10. Parochial and Private Schools

Deleting rules related to certification of parochial and private schools since those programs can become licensed in order to receive public child care funding.

11. Parent Checklist

Deleting the rules requirement that parents in certified family day care and in-home day care complete and return a checklist of basic certification standards but permitting counties and tribes to continue to require it.

12. Other New or Changed Rules

- a. Clarifying what is acceptable supervision and limiting the number of hours a provider can provide child care per day.
- b. Requiring TB tests for all certified providers.
- c. Requiring proper hand washing for child care providers and children.
- d. Changing the water testing requirement when a public water supply is not available to be a one-time test prior to or within 3 months of initial certification.
- e. Requiring certified providers to report relevant information to the certifying agency.
- f. Prohibiting consumption of alcoholic beverages or controlled substances on the premises during hours of operation.
- g. Prohibiting discrimination.

Publication Date: June 29, 1996
Effective Date: July 1, 1996
Expiration Date: November 28, 1996
Extension Through: January 26, 1997

3. Rules adopted repealing s. HSS 55.76 (5), created as an emergency rule relating to the administration of child care funds and required co-payments.

Finding of Emergency

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

Congress has just enacted welfare reform legislation which makes major changes to the federal welfare system, in many cases replacing federal entitlements with block grants to the states. The Governor has directed the creation of a Child Care Working Group to analyze the impact that the federal legislation will have on child care in Wisconsin and on the Wisconsin works program, and to analyze and identify effective methods and funding sources to increase child care options and expand the availability of affordable child care. Under these circumstances, it is necessary to withdraw the schedule for child care co-payments and the phase-in co-payment formula which were implemented by emergency rule on July 1 of this year. This will avoid the administrative problems and costs that would otherwise be incurred if these rules are changed again as a result of the new federal law.

Publication Date: August 13, 1996
Effective Date: August 13, 1996
Expiration Date: November 28, 1996
Extension Through: January 26, 1997

EMERGENCY RULES NOW IN EFFECT

Health and Family Services

(Medical Assistance, Chs. HSS 100-)

Rules adopted revising chs. HSS 101, 105 and 107, relating to Medical Assistance coverage of school-based medical services.

Exemption From Finding of Emergency

The Legislature in s. 9126 (7m) of 1995 Wis. Act 27 directed the Department to promulgate rules required under s. 49.45 (39), Stats., as created by Act 27, by using emergency rulemaking procedures, but exempted the Department from the requirement under s. 227.24 (1) and (3), Stats., to make a finding of emergency.

Analysis

The 1995-97 Budget Act, 1995 Wis. Act 27, created s. 49.45 (39), Stats., which requires the Department of Health and Social Services to reimburse school districts and Cooperative Educational Service Agencies (CESAs) for Medical Assistance school-based services. This rule-making order describes the covered services: speech, language, audiology and hearing services; occupational therapy; physical therapy; nursing services; psychological services, counseling and social work; developmental testing and assessments; transportation; and certain durable medical equipment. The order also explains the recordkeeping collaboration with other health care providers required of school-based service providers.

Publication Date: June 15, 1996
Effective Date: June 15, 1996
Expiration Date: November 12, 1996
Hearing Dates: June 26, 27, 1996
Extension Through: January 10, 1997

EMERGENCY RULES NOW IN EFFECT (3)

Health and Family Services

(Health, Chs. HSS 110-)

1. Rules adopted revising chs. HSS 172, 175, 178, 195 to 198, relating to permits and permit fees.

Finding of Emergency

The Department of Health & Social Services finds that an emergency exists and that the adoption of the rules is necessary for the immediate preservation of the public, peace, health, safety or welfare. The facts constituting the emergency are as follows:

The Department and agent local government health departments regulate campgrounds, camps, the operation of swimming pools that serve the public, restaurants, hotels and motels, tourist rooming houses, bed and breakfast establishments and food vending operations, under the authority of ss. 254.47 and 254.61 to 254.88, Stats., to ensure that these facilities comply with health, sanitation and safety standards established by the Department by rule. The Department's rules are in chs. HSS 172, 175, 178, 195, 196, 197 and 198, Wis. Adm. Code. None of these facilities may operate without receiving a permit from the Department or an agent local government health department. A permit is evidence that a facility complies with the Department's rules on the date of issuance of the permit. All permits except those for bed and breakfast establishments are one-year permits. A facility is charged a permit fee. Permit fee revenues support the regulatory program.

In 1993 the Budget Act for 1993-95 directed the Department to establish permit fees by rule beginning July 1, 1994. Until then the fees had been set by statute.

This rulemaking order increases permit fees effective July 1, 1996, by about 10% for campgrounds; recreational and educational camps; swimming pools that serve the public; restaurants; hotels, motels and tourist rooming houses; bed and breakfast establishments; and food vending operators and commissaries. It also increases preinspection fees for restaurants; hotels, motels and tourist rooming houses; bed and breakfast establishments; and food vending commissaries.

The fees are increased to cover higher costs for these regulatory programs.

The rules are being promulgated as emergency rules to protect public health and safety. The fee increases will take effect on July 1, 1996, which is the beginning of a new permit period. Raising the fees as provided in this order will enable the Department to avoid running a deficit in program revenue and so avoid having to reduce inspections of food-serving, lodging and recreational facilities and taking longer to respond to foodborne and waterborne disease outbreaks.

The fees established by this order do not apply to facilities regulated by local health departments granted agent status under s. 254.69, Stats. Permit fees for those facilities are established by the local health departments, pursuant to s. 254.69 (2) (d), Stats.

Publication Date: June 8, 1996
Effective Date: July 1, 1996
Expiration Date: November 28, 1996
Hearing Date: August 28, 1996
Extension Through: January 26, 1997

2. Rules adopted revising **ch. HSS 172**, relating to public swimming pools.

Finding of Emergency

The Department of Health and Social Services finds that an emergency exists and that the rules are necessary for the immediate preservation of the public peace, health, safety or welfare. The facts constituting the emergency are as follows:

The Department and agent local government health departments regulate the operation of public swimming pools under the authority of s. 257.47, Stats, to ensure that these facilities comply with health, sanitation and safety standards established by the Department by rule. The Department rules are in ch. HSS 172, Wis. Adm. Code. No public swimming pool may operate without having a permit from the Department or an agent local government health department.

This rulemaking order clarifies and updates the definition of public swimming pool, updates requirements for lifeguards and adds rescue tubes as required lifeguard equipment.

Section 254.47 (1), Stats., directs the Department to define "public swimming pool," in rule, for purposes of the regulatory program. The current rule definition has not been changes for many years and has some resulting ambiguity, one reason being that some types of facilities are called by new names.

The requirements under s. HSS 172.05 (2) (a)3. for lifeguard certification have to be modified due to changes in American Red Cross and the American Heart Association courses. The rules changes will ensure that all lifeguards are qualified to fulfill their duties as specified in ch. HSS 172. The exception under s. HSS 172.05 (2) (c) to lifeguard certification for persons holding a current American Red Cross Water Safety Instructor certificate is removed. This is because the American Red Cross Water Safety Instructor certification course no longer includes course work in lifesaving methods. The change, however, will allow persons currently certified under the old program to the use of that certification until it expires.

New lifeguard training incorporates use of rescue tubes. These tubes are therefore made required equipment when lifeguards are provided.

These changes are needed to protect the health and assure the safety of persons using public swimming pools.

Publication Date: June 22, 1996
Effective Date: June 22, 1996
Expiration Date: November 19, 1996
Hearing Date: August 28, 1996
Extension Through: January 17, 1997

3. Rules adopted revising **chs. HSS 124, 132 and 134**, relating to fees for certain facility construction plans.

Finding of Emergency

The Department of Health & Social Services finds that an emergency exists and that the adoption of the rules is necessary for the immediate preservation of the public peace, health, safety or welfare. The facts constituting the emergency are as follows:

Until the enactment of the State Budget for 1995-97, 1995 Wis. Act 27, construction plans for nursing homes, hospitals and facilities for the developmentally disabled (FDDs) were subject to review and approval by two state agencies. The Department of Industry, Labor and Human Relations (DILHR) reviewed the plans for conformance to the State Building Code, chs. ILHR 50-64. The Department of Health and Social Services (DHSS), the licensing agency, reviewed the plans for conformance to the Life Safety Code as adopted by reference in chs. HSS 124, 132 and 134. Act 27 provided for consolidation of plan review and approval responsibility in the Department of Health and Social Services effective October 1, 1995. On that date, DILHR's nursing home and hospital facilities construction plan review responsibility and functions were transferred to DHSS. The State Building Code, however, remained a DILHR responsibility because it applies to other buildings in addition in addition to those health care facilities.

Through this rulemaking order, the Department is establishing hospital, nursing home and FDD construction plan review fees that, as required by ss. 50.02 (2) (b) and 50.36 (2), Stats., as affected by Act 27, are less than the sum of the amount that were charged on September 30, 1995, by the Department for review under ch. 50, Stats., and by DILHR for review under ch. 101, Stats.

For the period October 1, 1995 through, at the latest, June 30, 1996, s. 9126 of Act 27 authorized the Department to collect fees for the new consolidated review of hospital, nursing home and FDD construction plans that were equal to the sum of the fees collectible on September 30, 1995, when the two state agencies were reviewing the plans separately. By July 1, 1996, the Department was expected to have the new fee schedule in effect in the form of administrative rules.

The Department is publishing these rules as emergency rules so that the Department can continue to collect the necessary fees revenue for consolidated review of hospital, nursing home and FDD construction plans which will enable the Department to continue consolidated review of those plans. Fee revenue supports plan review. Without provision in rule for collecting fees for review plans for compliance with the State Building Code, the Department cannot continue doing that review pending the promulgation of permanent rules. This would mean delay in approval given to projects, which could delay improvements in health care for hospitals, patients and nursing home and FDD residents. Proposed permanent rules will not take effect for several months because it has taken the Department a long time to develop the policies and procedures included in the rules and these had to be developed before the lengthy process for making permanent rules could begin.

Included in this order, in addition to fees for consolidated plan review, are amendments to the Department's rules for hospitals, nursing homes and FDDs that incorporate by reference the State Building Code and make clear that it is now the Department that

reviews hospital, nursing home and FDD construction plans for compliance with the State Building Code.

Publication Date: June 29, 1996
Effective Date: July 1, 1996
Expiration Date: November 28, 1996
Hearing Date: August 30, 1996
Extension Through: December 31, 1996

EMERGENCY RULES NOW IN EFFECT

Health & Social Services

(Economic Support, Chs. HSS 200-)

Rules adopted creating s. HSS 201.135, relating to time limits on benefits for AFDC recipients participating in the JOBS program.

Exemption From Finding of Emergency

The Legislature in s. 275 (3) of 1995 Wis. Act 289 directed the Department to promulgate the rule required under s. 49.145 (2) (n), Stats., as created by Wis. Act 289, by using emergency rulemaking procedures but without having to make a finding of emergency. The rule will take effect on October 1, 1996.

Analysis Prepared by the Department of Workforce Development

Under the Aid to Families with Dependent Children (AFDC) program an individual may apply and be determined eligible for AFDC benefits with no regard to whether the individual has received benefits in the past or the number of months an individual may have already received benefits. Wisconsin Works (W-2), the replacement program for AFDC, as created by 1995 Wis. Act 289, includes a provision limiting the amount of time an individual may receive AFDC benefits, W-2 employment position benefits or a combination thereof. Under s. 49.145 (2) (n), Stats., as created by 1995 Wis. Act 289, the total number of months in which an adult has actively participated in the Job Opportunities and Basic Skills (JOBS) program under s. 49.193, Stats., or has participated in a W-2 employment position or both may not exceed 60 months. The months need not be consecutive. Extensions to the 60 month time limit may be granted only in unusual circumstances in accordance with rules promulgated by the Department. Section 49.141 (2) (b), Stats., as created by 1995 Wis. Act 289, provides that if a federal waiver is granted or federal legislation is enacted, the Department may begin to implement the W-2 program no sooner than July 1, 1996. Participation in JOBS under s. 49.193, Stats., begins to count toward the 60-month limit beginning on October 1, 1996.

The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) was signed into law by President Clinton on August 22, 1996. It creates the Temporary Assistance for Needy Families (TANF) program which proves that a state may not use any part of the TANF grant to provide assistance to a family that includes an adult who has received assistance for 60 months, whether consecutive or not, under a state program funded by the TANF block grant. Wisconsin submitted its TANF Block Grant State Plan to the Federal Administration for Children and Families on August 22, 1996. The Department will implement time limits October 1, 1996, for AFDC recipients who are actively participating in the Job Opportunities and Basic Skills (JOBS)

Training Program. Implementation of the time limits is part of the continuing transition from AFDC to the W-2 program. W-2 will be implemented statewide in September 1997.

Time limits reinforce the idea that AFDC is a temporary support for families, rather than a long-term source of income. Wisconsin's Work Not Welfare (WNW) demonstration project which is operating in Fond du Lac and Pierce Counties, has shown that time limits create a sense of urgency for families to actively seek alternatives to AFDC. Time limits stress mutual responsibility: government provides support and services designed to promote employment and participants who are able must prepare for and enter employment.

The rule defines the term "actively participating" in the JOBS program and includes criteria county or tribal economic support agency would use to determine whether an extension of the 60 month time limit should be granted. The Department retains the right to review an economic support agency's decisions related to extensions.

Publication Date: September 30, 1996
Effective Date: October 1, 1996
Expiration Date: February 28, 1997
Hearing Date: November 19, 1996

EMERGENCY RULES NOW IN EFFECT

Industry, Labor & Human Relations

(Uniform Dwellings, Chs. ILHR 20-25)

Rules adopted revising chs. ILHR 20 and 21, relating to one- and two-family dwellings constructed in flood hazard zones.

Finding of Emergency

The Department of Industry, Labor and Human Relations finds that an emergency exists and that the adoption of the rule is necessary for the immediate preservation of public health, safety and welfare. The facts constituting the emergency are as follows:

The Federal Emergency Management Agency (FEMA) has informed some municipalities that it will no longer allow variances to a local ordinance that prohibits the construction of homes in flood fringe areas where the foundation extends below the base flood elevation. FEMA regulations allow this type of construction in some locations but require the construction to meet a suitable building code. The Uniform Dwelling Code, which regulates new home construction in Wisconsin, has never addressed this issue. FEMA's actions have halted some residential projects, causing serious financial hardship for those affected Wisconsin builders and residents.

The proposed rules add requirements to the Uniform Dwelling Code for construction in flood fringe areas in order to meet FEMA requirements. The primary source of these rules is the National Building Code published by Building Officials and Code Administrators International, Incorporated (BOCA).

Publication Date: May 8, 1996
Effective Date: May 8, 1996
Expiration Date: October 5, 1996
Hearing Date: July 17, 1996
Extension Through: February 1, 1997

EMERGENCY RULES NOW IN EFFECT

Industry, Labor & Human Relations

(Building & Heating, etc., Chs. ILHR 50–64)

(Multi–Family Dwellings, Ch. ILHR 66)

Rule adopted delaying the effective date of a rule revision to portions of **chs. ILHR 50 to 64 and 66**, relating to energy efficiency.

Note: A lawsuit has been filed challenging the validity of this emergency rule action.

Finding of Emergency

The Department of Industry, Labor and Human Relations finds that an emergency exists and that the adoption of a rule is necessary for the immediate preservation of public health, safety and welfare. The facts constituting the emergency are as follows:

1. On August 8, 1995, the Department adopted revised rules relating to ventilation and energy conservation in public buildings and places of employment. The purpose of these rules was to improve indoor air quality in buildings and to comply with the federal Energy Policy Act of 1992 which requires all states to revise their commercial building codes to meet or exceed the American Society of Heating, Refrigerating and Air–Conditioning Engineers/Illuminating Engineering Society (ASHRAE/IES) standard 90.1–1989. The rules went into effect on April 1, 1996.

2. Information has been recently provided to the Department that indicates that two of the provisions of the rules will cause excessive costs for building owners without commensurate benefit.

3. The emergency rule is being promulgated to avoid economic hardship caused by imposing unnecessary building construction and operating costs on building owners and operators.

Emergency Rule Analysis

The emergency rule will delay the effective date of the Energy Conservation related and Heating, Ventilating and Air Conditioning related rules for one year to give the Department and its advisory committee time to study the effect of the rules and make any necessary changes.

Publication Date: April 6, 1996
Effective Date: April 6, 1996
Expiration Date: September 3, 1996
Hearing Date: May 28, 1996
Extension Through: December 31, 1996

EMERGENCY RULES NOW IN EFFECT

Industry, Labor & Human Relations

[Workforce Development]

(Labor Standards, Chs. ILHR 270–279)

Rules adopted revising **ch. ILHR 272**, relating to the minimum wage.

Finding of Emergency

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

The minimum wage set by federal law will be raised to \$4.75 per hour effective October 1, 1996. The federal minimum wage covers

many but not all of the employers and employees in the state, and it is not always easy for a particular employer to know if it is covered by state or federal law. If the state did not act quickly to adjust its minimum wage rules in response to the change in federal law, many employers and employees would be subjected to confusion and uncertainty in the calculation and payment of wages.

Publication Date: August 28, 1996
Effective Date: October 1, 1996
Expiration Date: February 28, 1997
Hearing Date: December 17, 1996

EMERGENCY RULES NOW IN EFFECT

Commissioner of Insurance

Rule adopted revising **s. Ins 18.07 (5) (b)**, relating to a decrease in 1996–97 premium rates for the health insurance risk–sharing plan.

Exemption From Finding of Emergency

Pursuant to s. 619.14 (5) (e), Stats., the commissioner is not required to make a finding of an emergency to promulgate this emergency rule.

1996–97 Premium Adjustments

The Commissioner of Insurance, based on the recommendation of the Health Insurance Risk–Sharing Plan (“HIRSP”) board, is required to set the annual premiums by rule. The rates must be calculated in accordance with generally accepted actuarial principles and must be set at 60% of HIRSP’s operating and administrative costs. This rule adjusts the premium rates for the period of October 1, 1996 through June 30, 1997, based upon a recalculation of costs and subsidy payments for the 1996–1997 fiscal year. This adjustment represents a 12% reduction in premium payments for the both the non–subsidized major medical and medicare plans for person under age 65. The rates for low–income persons entitled to a premium reduction under s. Ins 18.07 (5) (b) are not affected.

Publication Date: September 4, 1996
Effective Date: October 1, 1996
Expiration Date: February 28, 1997
Hearing Date: November 8, 1996

EMERGENCY RULES NOW IN EFFECT (8)

Natural Resources

(Fish, Game, etc., Chs. NR 1–)

1. Rules adopted amending **s. NR 20.038**, relating to special size and bag limits for the Lac du Flambeau reservation.

Finding of Emergency

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

The department has recently come to an interim agreement with the Lac du Flambeau band regarding their off–reservation harvest goals. This rule change is needed for the 1996 fishing season in order to meet our obligation in the agreement, thus, an Emergency Order is required. This agreement will promote preservation and protection of public peace, safety, and welfare in the ceded territory of Wisconsin by minimizing regional social and economic

disruption known to be associated with reductions in walleye bag limits on off-reservation waters. Pursuant to litigation arising from *Lac Courte Oreilles v. Voight*, 70 F. 2d 341 (7th Cir. 1983), the Chippewa bands of Wisconsin, which includes the Lac du Flambeau, have the right to take walleye from off-reservation waters using efficient methods such as spearing and netting. The Lac du Flambeau have made initial 1996 harvest declarations for off-reservation lakes that are sufficiently high to require the department to reduce the daily bag limit to 0 on several lakes, consistent with the formula of s. NR 20.037. The Lac du Flambeau have agreed to reduce harvest declarations to a level commensurate with a daily bag limit of 2 walleye this year and a daily bag limit of 3 in future years, provided that the state reduces its daily bag limits for walleye to 3, with a minimum length limit of 18" and increase the muskellunge minimum length limit to 40" on waters within the Lac du Flambeau reservation. The state has agreed to do so in order to provide more socially acceptable sports fishing opportunity on off-reservation waters. This will lessen tensions caused by severely reduced bag limits and will assist local businesses dependent on the sport fishery.

Publication Date: May 3, 1996
Effective Date: May 3, 1996
Expiration Date: September 30, 1996
Hearing Date: June 12, 1996
Extension Through: November 28, 1996

2. Rules were adopted revising **chs. NR 10 and 11**, relating to the 1996 deer hunting seasons.

Finding of Emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public welfare. This emergency rule is needed to control deer populations that are significantly over goal levels in order to prevent substantial deer damage to agricultural lands and to minimize deer nuisance problems, thereby protecting the public peace, health, safety or welfare. Normal rule-making procedures will not allow the establishment of these changes by August 1. Failure to modify our rules will result in the failure to provide hunting opportunity and comply with administrative rules.

Publication Date: May 3, 1996
Effective Date: August 12, 1996
Expiration Date: January 9, 1997
Hearing Date: June 11, 1996

3. Rules adopted amending **ss. NR 20.02 (1) (c) and 25.05 (1) (e)**, relating to sport and commercial fishing for yellow perch in lake Michigan.

Finding of Emergency

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

The yellow perch population in Lake Michigan is rapidly declining. This decline reflects six consecutive years of extremely poor reproduction. Sport and commercial harvests of adult yellow perch must be limited immediately in order to maximize the probability of good reproduction in the near future.

Publication Date: July 1, 1996
Effective Date: July 1, 1996
Expiration Date: November 28, 1996
Hearing Dates: August 14 & 15, 1996
Extension Through: January 26, 1997

4. Rules adopted revising emergency rules relating to the 1996 deer hunting seasons

Finding of Emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public welfare. This emergency rule is needed to control deer populations that are significantly over goal levels in order to prevent substantial deer damage to agricultural lands and to minimize deer nuisance problems, thereby protecting the public peace, health, safety or welfare. Normal rule-making procedures will not allow the establishment of these changes by August 1. Failure to modify our rules will result in the failure to provide hunting opportunity and comply with administrative rules.

Publication Date: August 9, 1996
Effective Date: August 12, 1996
Expiration Date: January 9, 1997
Hearing Date: September 12, 1996

5. Rules adopted revising **ch. NR 10**, relating to the 1996 migratory game bird season.

Finding of Emergency

The emergency rules procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public welfare. The federal government and state legislature have delegated to the appropriate agencies rule-making authority to control the hunting of migratory birds. The State of Wisconsin must comply with federal regulations in the establishment of migratory bird hunting seasons and conditions. Federal regulations are not made available to this state until mid-August of each year. This order is designed to bring the state hunting regulations into conformity with the federal regulations. Normal rule-making procedures will not allow the establishment of these changes by September 1. Failure to modify our rules will result in the failure to provide hunting opportunity and continuation of rules which conflict with federal regulations.

Publication Date: September 3, 1996
Effective Date: September 3, 1996
Expiration Date: January 31, 1997
Hearing Date: October 14, 1996

6. Rules adopted amending **s. NR 25.05 (1) (e)**, relating to sport and commercial fishing for yellow perch in Lake Michigan.

Finding of Emergency

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

The yellow perch population in Lake Michigan is rapidly declining. This decline reflects six consecutive years of extremely poor reproduction. Commercial harvests of adult yellow perch must be limited immediately in order to maximize the probability of good reproduction in the near future.

Publication Date: October 1, 1996
Effective Date: October 1, 1996
Expiration Date: February 28, 1997
Hearing Date: November 11, 1996

7. Rule adopted creating **s. NR 27.07**, relating to notice of receipt of an application to incidentally take an endangered or threatened species.

Exemption From Finding of Emergency

1995 Wis. Act 296 establishes authority in the department of natural resources to consider applications for and issue permits authorizing the incidental take of an endangered or threatened species while a person is engaged in an otherwise lawful activity.

Section 29.415 (6m) (e), Stats., as created, requires the department to establish by administrative rule a list of organizations, including nonprofit conservation groups, that have a professional, scientific or academic interest in endangered species or in threatened species. That provision further provides that the department then give notification of proposed takings under that subsection of the statutes to those organizations and establish a procedure for receipt of public comment on the proposed taking.

The proposed rule lists a number of organizations the department is familiar with as being interested in endangered and threatened species; a notification procedure to be used to notify them, and others, of a proposed taking; and a public comment procedure to be used for consideration of public comments. The notification procedure is not limited to mail distribution, but is broad to allow other forms of notification, such as electronic mail.

Publication Date: November 18, 1996
Effective Date: November 18, 1996
Expiration Date: See section 12m, 1996 Wis. Act 296

- Rules adopted revising **chs. NR 25** and **26**, relating to the Lake Superior fisheries management plan.

Finding of Emergency

The waters of Lake Superior were not part of the extensive off-reservation treaty rights litigation known as the Voigt case. The parties stipulated that the Lake Superior rights would be dealt with, to the extent possible, by agreement rather than litigation. This rule represents the implementation of the most recent agreement between the State and the red Cliff and Bad River Bands. In order to comply with the terms of the agreement, the State must change its quotas and commercial fishing regulations at the earliest possible date. In accordance with the agreement, the Bands have already made these changes. Failure of the State to do so will not only deprive state fishers of the increased harvest opportunities available under the agreement, but could also jeopardize the agreement, putting the entire Lake Superior fishery at risk of litigation.

Publication Date: November 18, 1996
Effective Date: November 28, 1996
Expiration Date: April 27, 1997
Hearing Date: December 17, 1996

EMERGENCY RULES NOW IN EFFECT (2)

Public Instruction

- Rules adopted revising **ch. PI 11**, relating to dispute resolution concerning children with exceptional educational needs between school boards and parents.

Finding of Emergency

Wisconsin is required under state and federal law to provide a due process hearing system for the resolution of special education disputes between parents and school districts. 1996 Wis. Act 431 will significantly revise that process and will require the department rather than school districts to conduct the due process hearings. Although the Act outlines the process, it does not fully describe the manner in which hearings are to be initiated, the manner in which hearing officers will be appointed, their qualifications and duties. The current rules addressing those issues will not apply under the new statutory process. It is, therefore, necessary to adopt an emergency rule addressing these issues so that the due process

hearing system will remain available to parents and districts when the Act becomes effective.

Publication Date: June 25, 1996
Effective Date: June 25, 1996
Expiration Date: November 22, 1996
Hearing Dates: September 9 & 10, 1996
Extension Through: January 20, 1997

- Rules were adopted revising **ch. PI 11**, relating to the handicapping condition of significant developmental delay.

Finding of Emergency

1995 Wis. Act 298 adds an alternative category of significant developmental delay for the identification of disabled preschoolers when the diagnosis is not clear. The Act becomes effective July 1 and requires the department to conduct inservice training for early childhood special education teachers and directors and pupil services personnel in identifying children with significant developmental delay to ensure that only children meeting the criteria established by the department by rule are so identified.

In order to establish identification criteria under the significant developmental delay category and in order to conduct the required training sessions prior to the 1996–97 school year, rules must be in place as soon as possible.

Publication Date: July 31, 1996
Effective Date: July 31, 1996
Expiration Date: December 28, 1996
Hearing Dates: September 9 & 10, 1996
Extension Through: February 25, 1997

EMERGENCY RULES NOW IN EFFECT (3)

Transportation

- Rules adopted revising **ch. Trans 269**, relating to transportation of garbage or refuse permits.

Finding of Emergency

The Department of Transportation finds that an emergency exists and that a rule is necessary for the immediate preservation of the public peace, safety and welfare. A statement of the facts constituting the emergency is: Interstate status of this portion of I-39 that had been USH 51 became effective upon completion of signage. Signage was completed on August 23, 1996. Without this emergency rule in place, overweight movement of garbage, which had been allowed, will no longer be allowed on this highway segment, while overweight movement of scrap will be allowed. This will force garbage trucks to move on surface streets, creating safety hazards for other traffic and creating economic hardship for garbage haulers (and municipalities which pay for garbage and refuse hauling), as there are no nearby detours paralleling this stretch of highway.

Publication Date: September 9, 1996
Effective Date: September 9, 1996
Expiration Date: February 6, 1997
Hearing Date: October 30, 1996

- Rules adopted revising **ch. Trans 76**, relating to general transportation aids.

Finding of Emergency

The Department of Transportation finds that an emergency exists for the following reason: In *Schoolway Transp. Co. v. Division of*

Motor Vehicles, 72 Wis. 2d 223 (1976), a changed interpretation of a statute was held to be a rule. The interpretation is being administered as law and the Department will rely upon it to make aids payments. This interpretation is in direct contrast to the manner in which the statute was previously administered by the Department. Therefor, the Department must promulgate the changed interpretation as a rule or it is invalid. In order to make the change in time to implement it for aids estimates and payment purposes, the Department must promulgate this interpretation as an emergency rule.

Publication Date: **October 25, 1996**
Effective Date: **October 25, 1996**
Expiration Date: **March 24, 1997**
Hearing Date: **December 16, 1996**

3. Rules adopted revising **ch. Trans 117**, relating to occupational driver's license.

Finding of Emergency

1995 Wis. Act 269 rewrote state law regarding the issuance of occupational licenses. That Act goes into effect on November 1, 1996. Absent this emergency rule making, the Department will lack rule authority necessary to administer the new law. This emergency rule will permit the Department to issue occupational licenses until the permanent rule establishing procedures for issuing occupational licenses is in place. Therefore, the Department of Transportation finds that an emergency exists and that the rule is necessary.

Publication Date: **November 1, 1996**
Effective Date: **November 1, 1996**
Expiration Date: **March 31, 1997**
Hearing Date: **November 26, 1996**

STATEMENTS OF SCOPE OF PROPOSED RULES

Commerce

The Department of Commerce gives notice, pursuant to s. 227.135, Stats., that it proposes to modify an administrative rule as follows:

Subject:

Ch. ATCP 53 – Relating to plat review fees. The Department will renumber this rule.

Description of policy issues:

Preliminary objectives:

Update ch. ATCP 53 plat review fees to cover all of the current costs of activities and services provided by the Department under s. 236.12, Wis. Stats., and s. 70.27, Wis. Stats. Change the agency acronym to reflect the program transfer to the Department of Commerce.

Preliminary policy analysis:

The plat review program has been 100% funded by program revenues since 1980. Chapter ATCP 53 plat review fees were last increased in 1985. Developers (subdivision plats) and local units of government (assessor plats) pay fees based on the number of parcels and number of sheets of plat drawing.

Operating costs have outpaced the program revenues received. Increases in staff salaries, fringe benefits, and supplies and services since 1985 warrant plat review fee increases.

Policy alternatives:

No change. If the Department does not change ch. ATCP 53, the current fee structure will remain in effect. Significant cutbacks in service to customers, the public, other state agency programs, and local units of government will be necessary. With such cutbacks, state-certified plats with saleable but not buildable lots could result.

Statutory authority:

The Department proposed to modify the current ch. ATCP 53 plat review fees rules under authority of s. 236.12 (7), Wis. Stats.

Staff time required:

The Department estimates that it will use less than 0.1 FTE staff to revise this rule. This includes coordinating meetings, drafting the rule, preparing related documents, organizing and holding public hearings and communicating with affected persons and groups.

Natural Resources

Subject:

Chs. NR 400, 406 and 407 – Relating to air construction permit and operation permit rules.

Description of policy issues:

Policy issues to be resolved (include groups likely to be impacted or interested in the issue):

The proposed order will revise air construction and operation permit rules to grant new and modified sources, consistent with recently enacted state statutes, the same application shield and operational flexibility that the rules grant to existing sources. It will also define what records a facility must keep to qualify for certain exemptions from the requirement to obtain an operation permit. To keep the requirements of the construction permit program consistent with those of the operation permit program, similar language will be added to the construction permit rules. In addition, exemptions from both programs for small grain handling facilities will be added to the rules. The construction permit rules will also be revised to allow additional operational flexibility for rock crushing facilities, temporary replacement boilers and facilities that voluntarily take a Plantwide Emission Limit (PEL). There are also several other minor changes to the permit rules to clarify them or make them consistent with federal policy changes that have occurred since they were written, and some clarifying changes to definitions.

The rules will affect anyone who needs a construction or operation permit, owners of small grain handling facilities, owners of facilities who are exempt from permitting based on actual production rates rather than facility capacity, owners of rock crushing plants, facilities needing a temporary replacement boiler (historically these have been primarily in the pulp and paper industry) and facilities wishing to avoid construction permit requirements by accepting a PEL (the printing and coating industries have shown a keen interest in this). Environmental groups may have an interest in the PEL concept.

Explain the facts that necessitate the proposed change:

The federal Clean Air Act (CAA) allows states to adopt and obtain EPA approval of an operation permit program, consistent with criteria in the CAA and federal regulations. In granting the Wisconsin operation permit interim approval, EPA listed deficiencies that prevented full approval. Most of the proposed rule revisions are being made to correct program deficiencies noted in the interim approval. These include those that require treating new and modified sources the same as existing sources for the purposes of the application shield and operational flexibility and defining what records need to be kept by sources to exempt them from the program, based on actual production rates. Similar changes are also proposed for the construction permit program, to keep the two air permit programs consistent with each other. With implementation of the operation permit program, it was found that small grain handling facilities were overlooked when exemptions from permitting were created, and that it would be appropriate to create and exemption for them. Implementation also brought about the understanding that some of the regulatory functions accomplished through the construction permitting program could be shifted to the operation permit program, reducing the burden for both the sources and the Department without sacrificing environmental protection. The shift in implementing the requirements from construction permits to operation permits for rock crushers and sources accepting PEL's is a shift in policy that should be beneficial to all affected parties.

Statutory authority:

Sections 144.31 (1) (a), 144.391 (4m) and (6), 144.3925 (1), (6) and (7), 144.395 and 227.11 (2) (a), Stats.

Staff time required:

The anticipated time commitment is 304 hours.

Recommended public participation:

Review by the Permit and Fees Committee of the CAA Task Force and two rule hearings in April of 1997, one at Madison and one at Waukesha.

Natural Resources

Subject:

Ch. NR 37 – Relating to harvesting timber on lands within the Lower Wisconsin State Riverway.

Description of policy issues:

Policy issues to be resolved (include groups likely to be impacted or interested in the issue):

1995 Wis. Act 211 requires the Department to amend ch. NR 37. Chapter NR 37 contains the administrative rules for cutting and harvesting timber in the Lower Wisconsin State Riverway. The rules are designed to integrate timber management with other uses of the riverway, while maintaining the natural character and scenic beauty within the riverway. The existing rules provide that timber harvest or cutting may only be conducted on the land when authorized by a permit issued by the Lower Wisconsin State Riverway Board. The cutting specifications are currently designed to assure timber cutting will be visually inconspicuous. Four vegetative management zones were established in ch. NR 37, with specific restrictions or recommendations regarding timber harvest and cutting for each zone.

1995 Wis. Act 211 specifies that the minimum amount of residual timber that must be left standing after timber harvest in the area known as the bluff zone and the river edge zone of the riverway be reduced from 70 to 60 square feet basal area per acre. The statutory change specifies that timber harvesting in these zones will be done by selection cutting. 1995 Wis. Act 211 also deletes a county's authority for issuing timber harvest permits, so the rule would delete references to counties. The rule would also add the River Edge Zone to s. NR 37.04 (2), which pertains to time requirements and road construction for harvesting timber.

Groups interested in this rule include landowners, consulting foresters, loggers, and environmental groups.

Explain the facts that necessitate the proposed change:

There was concern by landowners that the timber harvesting specifications in ch. NR 37 were too restrictive.

Statutory authority:

Section 30.42 (1) (d) 1., Stats., as amended by 1995 Wis. Act 211.

Staff time required:

The anticipated time commitment is 17.5 hours. Public hearings were conducted when the bill was being considered by the legislature; therefore, no additional public participation was planned, since the rule change is being done to be consistent with statutes.

Revenue

The Department of Revenue gives notice, pursuant to s. 227.135, Stats., that it proposes to modify an administrative rule as follows:

Subject:

Section Tax 6.50 – Relating to full market value.

Description of policy issues:

Preliminary objectives:

Update rule s. Tax 6.50 to include the new appraisal standards developed by the National Conference on Unit Valuation Standards. Change one appraisal term in the rule to current term used by the International Association of Assessing Officers; the new terminology is generally recognized by the appraisal community.

Preliminary policy analysis:

Appraisal standards and terminology developed nationally, since the promulgation of this original rule, should be incorporated therein to reflect the dynamics of the appraisal process.

Policy alternatives:

No change. If the rule is not updated, it will reflect antiquated language and not direct its users to the set of appraisal standards accepted nationally.

Statutory authority:

The Department proposed to modify the current rule s. Tax 6.50 under authority of s. 76.07 (5) (b).

Staff time required:

The Department estimates that it will use less than .1 FTE staff to revise this rule. This includes coordinating meetings, drafting the rule, preparing related documents, organizing and holding public hearings and communicating with affected persons and groups.

Revenue

The Department of Revenue gives notice, pursuant to s. 227.135, Stats., that it proposes to modify an administrative rule as follows:

Subject:

Ch. Tax 15 – Relating to updating to reflect changes in ch. 77, Stats.

Description of policy issues:

Preliminary policy analysis:

With the addition of new exemptions and other changes to ch. 77, Stats., the additions to ch. Tax 15 are needed so that it does not conflict with the related statutes.

Policy alternatives:

If ch. Tax 15 is not updated, it will reflect antiquated language and not direct its users to the correct application of ch. 77, Stats.

Statutory authority:

The Department proposed to modify the current rules under ch. Tax 15, Wis. Adm. Code, under authority of s. 77.30, Stats.

Staff time required:

The Department estimates that it will use less than .1 FTE staff to revise this rule. This includes coordinating meetings, drafting the rule, preparing related documents, organizing and holding public hearings and communicating with affected persons and groups.

SUBMITTAL OF RULES TO LEGISLATIVE COUNCIL CLEARINGHOUSE

Notice of Submittal of Proposed Rules to Wisconsin Legislative Council Rules Clearinghouse

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

Funeral Directors Examining Board

Rule Submittal Date

On December 2, 1996, the Department of Regulation and Licensing submitted to the Legislative Council Rules Clearinghouse a proposed order creating ch. FD 6.

Analysis

Statutory authority: SS. 15.08 (5) (b) and 227.11 (2), Stats., and S. 445.125 (3m) (b) 2. b. and (j) 1. and 2., Stats., as created by 1995 Wis. Act 295.

In this proposed rule–making order, the Funeral Directors Examining Board creates rules relating to the registration and regulation of agents authorized to represent funeral directors or funeral establishments in the sale or solicitation of burial agreements that are funded with the proceeds of a life insurance policy. These rules are the result of 1995 Wis. Act 295, which created a new category of sales agents and gave the Board the authority to promulgate rules regarding them.

Section FD 6.01 sets forth the statutory authority and purpose for the proposed rules. Section FD 6.02 provides definitions of terminology used in the proposed rules. Section FD 6.03 specifically outlines the registration process for sales agents. Section FD 6.04 requires a funeral director to notify the board when an agency relationship is terminated. Section FD 6.05 sets forth the training requirements for agents. Section FD 6.06 identifies the procedure for obtaining approval for educational training programs. Section FD 6.07 creates the standards for burial agreements funded by the proceeds of life insurance. Section FD 6.08 sets out the contractual standards necessary for an agent and operators of funeral establishments. Section FD 6.09 identifies the requirements that are essential before a burial trust can be terminated. Section FD 6.10 outlines the restrictions on the solicitation of burial agreements that are funded by the proceeds of life insurance.

Agency Procedure for Promulgation

The date for the public hearing is January 21, 1997.

Contact Person

Pamela Haack, Rules Center Coordinator, (608) 266–0495

Insurance, Commissioner of

Rule Submittal Date

In accordance with ss. 227.14 and 227.15, Stats., the Office of the Commissioner of Insurance is submitting a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse on November 26, 1996.

Analysis

These changes will affect chapter Ins 23, Wis. Adm. Code, relating to life insurance sold to fund prearranged funeral plans.

Agency Procedure for Promulgation

The date for the public hearing is January 7, 1997.

Contact Person

To obtain a copy of the proposed rule, contact Meg Gunderson at (608) 266–0110 in OCI Central Files. For additional information, please contact Diane Ramthun at (608) 264–8101 or e–mail at dramthun@mail.state.wi.us in the OCI Legal Unit.

Insurance, Commissioner of

Rule Submittal Date

In accordance with ss. 227.14 and 227.15, Stats., the Office of the Commissioner of Insurance is submitting a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse on November 26, 1996.

Analysis

These changes will affect section Ins 2.17, Wis. Adm. Code, relating to life insurance illustrations.

Agency Procedure for Promulgation

The date for the public hearing is January 17, 1997.

Contact Person

To obtain a copy of the proposed rule, contact Meg Gunderson at (608) 266–0110 in OCI Central Files. For additional information, please contact Stephen Mueller at (608) 267–2833 or e–mail at smueller@mail.state.wi.us in the OCI Legal Unit.

NOTICE SECTION

Notice of Hearing Commissioner of Insurance

The Commissioner of Insurance, pursuant to the authority granted under s. 601.41 (3), Stats., and according to the procedure set forth under s. 227.18, Stats., the Office of the Commissioner of Insurance (OCI) will hold a public hearing at the time and place indicated below, or as soon thereafter as the matter may be reached, to consider the adoption of rules affecting s. Ins 2.17, Wis. Adm. Code, relating to life insurance illustrations.

Hearing Information

January 17, 1997 Friday 10:00 a.m.	Room 23 121 East Wilson St. MADISON, WI
--	---

This hearing site is fully accessible to people with disabilities. Notice is given that reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please contact Stephen Mueller at OCI, P.O. Box 7873, Madison, WI 53707 with specific information on your request at least 10 days before the hearing.

Written Comments

Written comments on the proposed rule will be accepted into the record and receive the same consideration as testimony presented at the hearing, if they are received at the Office of the Commissioner of Insurance (OCI) within 14 days following the date of the hearing. Written comments should be addressed to:

Stephen Mueller, OCI
P.O. Box 7873
Madison, WI 53707

Fiscal Estimate

There will be no state or local government fiscal effect.

Initial Regulatory Flexibility Analysis

This rule will impose additional requirements on small businesses.

It requires additional disclosure to be provided to customers by insurance companies and agents. Since this is a consumer protection rule, all disclosure must be uniform and it would be impossible to treat small business any different. It is expected that the cost to small business will be minimal since the form disclosures will need to be developed by the life insurance companies. It is not likely that any of them are small businesses.

Copies of Rule and Contact Person

A copy of the text of the proposed rule and fiscal estimate may be obtained from:

Meg Gunderson, Services Section
Telephone (608) 266-0110
Office of the Commissioner of Insurance
121 East Wilson Street
P. O. Box 7873
Madison, WI 53707-7873

Analysis Prepared by the Office of the Commissioner of Insurance

Statutory authority: ss. 601.41, 601.42, 628.34 (12), 628.38, 631.01 and 631.20

Statutes interpreted: ss. 601.41, 601.42, 628.34 (12), 628.38, 631.01 and 631.20

This rule is identical in content to the National Association of Insurance Commissioners ("NAIC") Model Regulation adopted on December 4, 1995. The purpose of this rule is to protect consumers and foster consumer education by providing standardized formats for illustrating life insurance policies.

Notice of Hearing Commissioner of Insurance

The Commissioner of Insurance, pursuant to the authority granted under s. 601.41 (3), Stats., and according to the procedures under s. 227.18, Stats., will hold a public hearing at the time and place indicated below, or as soon thereafter as the matter may be reached, to consider the creation of ch. Ins 23, Wis. Adm. Code, relating to life insurance sold to fund prearranged funeral plans.

Hearing Information

January 7, 1997 Tuesday 10:00 a.m.	Room 23 121 East Wilson St. MADISON, WI
--	---

This hearing site is fully accessible to people with disabilities.

Fiscal Estimate

There will be no state or local government fiscal effect.

Initial Regulatory Flexibility Analysis

Notice is hereby further given that pursuant to s. 227.114, Stats., the proposed rule may have an impact on small businesses. The initial regulatory flexibility analysis is as follows:

a. Types of small businesses affected: Insurance agents and funeral establishments.

b. Description of reporting and bookkeeping procedures required: None beyond those currently required.

c. Description of professional skills required: None beyond those currently required.

Contact Person

A copy of the text of the proposed rule and fiscal estimate may be obtained from:

Meg Gunderson, Services Section
Telephone (608) 266-0110
Office of the Commissioner of Insurance
121 East Wilson Street
P. O. Box 7873
Madison, WI 53707-7873

Analysis Prepared by the Office of the Commissioner of Insurance

Statutory authority: s. 632.41 (2) (b)

Statute interpreted: s. 632.41 (2) (b) 2

Section 632.41 (2) (b) 2., Stats., of 1995 Wis. Act 295 requires the Commissioner of Insurance to create minimum standards for life insurance policies that provide for the assignment of the proceeds to

a funeral director or operator of a funeral establishment. The minimum standards must address the following areas: benefits, claims, marketing, compensation, and reporting practices. The proposed rule creates a chapter of the Insurance Code, governing the sale of funeral policies and establishing minimum standards in the above areas.

General

This rule requires that any agent who sells a funeral policy to fund a prearranged funeral plan be either an authorized and appointed agent of the funeral director or funeral establishment or have no direct or indirect relationship to the sale of the prearranged funeral plan. The rule further prohibits any misrepresentation by an agent that he or she is affiliated with or representing a funeral home, when the agent in fact has no such affiliations.

Funeral Policy Forms

The rule sets forth standards for funeral policies, including the type of policy which may be marketed for this purpose, the policy's death benefit value over time, the relationship between the policy's death benefit and premium costs, and the relationship between the costs of the policy and the costs of the prearranged funeral plan. A funeral policy is required to provide the following: a grace period; the payment of death benefits as specified; and a free-look period. An insurer may not require cancellation of a life insurance policy based on cancellation of the prearranged funeral plan.

Minimum Benefit Standards

The rule establishes minimum benefits standards for funeral policies which apply to death benefits in relation to premium payments and requires that death benefits equal or exceed cumulative premiums at a 3 percent interest rate compounded annually over ten years. The subsection excludes limited payment whole life insurance policies from this requirement.

Commissions

Under the rule, the Commissioner may review and disapprove consideration arrangements and a standard is established for insurers to use in structuring consideration arrangements.

Claim Payments

The rule sets forth minimum standards for claims payments under a funeral policy. This section prohibits payment of death benefits to a funeral director or funeral establishment unless the prearranged plan is in effect and prohibits the insurer from paying more than the actual costs of the burial expenses to the funeral director or funeral establishments.

Advertising

The rule sets forth the requirements for advertisements of funeral policies. These requirements include compliance with ch. Ins 2, disclosures as outlined, and responsibility of the insurer whose policy is advertised for ensuring that each advertisement complies with the laws and regulations and for approval of each advertisement prior to dissemination and use.

Marketing

The rule outlines requirements for the insurer in marketing funeral policies. These requirements include establishing and implementing written marketing procedures, training and monitoring its agent force to ensure compliance with the marketing procedures, and not accepting an application unless the application is on a completed approved form. The insurer is further required to make specified disclosures, statements, and questions on the application form.

Suitability

The rule requires an insurer to establish suitability standards. The rule specifies the subjects the standards must address. The insurer must train and monitor its agent force to ensure compliance with the standards. The section prohibits an insurer or agent from taking an application or issuing a funeral policy unless the policy is suitable for the applicant.

Solicitation

The rule details the requirements applicable to agents in soliciting funeral policies. The section requires agents to comply with the home solicitation rule and further outlines the disclosures that the agent is to make at the time of initial contact with a prospective buyer. Agents are prohibited from using certain solicitation practices which include:

- Making any misleading representations, inducing the purchase of insurance through force, fright or threat;
- Failing to disclose that a purpose of solicitation is the sale of insurance;
- Using unapproved advertisement;
- Interfering with the filing of a complaint with the Office of the Commissioner of Insurance; or
- Interfering with an investigation or proceeding before the Office of the Commissioner of Insurance.

The agent further is required to provide the insurer with a list of funeral goods and services and comply with the outlined policy delivery requirements.

ADMINISTRATIVE RULES FILED WITH THE REVISOR OF STATUTES BUREAU

The following administrative rules have been filed with the Revisor of Statutes Bureau and are in the process of being published. The date assigned to each rule is the projected effective date. It is possible that the publication of these rules could be delayed. Contact the Revisor of Statutes Bureau at (608) 266-7275 for updated information on the effective dates for the listed rules.

Commerce (CR 96-80):

An order affecting chs. ILHR 63 and 64, relating to ventilation and energy conservation.

Effective 01-01-97.

Health & Family Services (CR 96-93):

An order affecting ss. HSS 172.04, 175.04, 178.05, 195.04, 196.04, 197.04 and 198.04, relating to permit fees for the operation of public swimming pools, recreational and educational camps, campgrounds, hotels, motels and tourist rooming houses, restaurants, bed and breakfast establishments, and food and beverage vending operations.

Effective 02-01-97.

Health & Family Services (CR 96-119):

An order affecting ss. HSS 172.03 and 172.05, relating to operation of public swimming pools.

Effective 02-01-97.

Natural Resources (CR 96-112):

An order affecting ss. NR 20.03, 20.036, 20.13 and 20.18, relating to sturgeon spearing.

Effective 02-01-97.

Natural Resources (CR 96-114):

An order amending ss. NR 20.02 (1) (c) and 25.05 (1) (e), relating to sport and commercial fishing for yellow perch in Lake Michigan.

Effective 01-01-97.

Natural Resources (CR 96-116):

An order amending s. NR 20.08 (10), relating to fishing tournament permitting.

Effective 01-01-97.

Public Instruction (CR 96-111):

An order affecting ss. PI 11.02 and 11.35, relating to the definition of handicapping conditions, including significant developmental delay.

Effective 02-01-97.

Public Instruction (CR 96-121):

An order affecting ch. PI 11, relating to the method of resolving disputes concerning children with exceptional educational needs (EEN) between school boards and the parents of those children.

Effective 02-01-97.

Public Service Commission (CR 96-17):

An order repealing and recreating ch. PSC 185, relating to standards for water public utility service.

Effective 02-01-97.

Transportation (CR 96-70):

An order affecting ch. Trans 139.05 (8), relating to fee for title and registration processing contractors.

Effective 02-01-97.

PUBLIC NOTICE

*Workforce Development
(Wisconsin Works)*

Background

The Wisconsin Department of Workforce Development, through its Division of Economic Support, will administer the Wisconsin Works program, the assistance program for families with dependent children, under ss. 49.141 to 49.161, Stats., as created by 1995 Wisconsin Act 289. Under s. 49.141(2)(b), Stats., if federal legislation has been enacted and the Department determines that sufficient funds are available, the Department may begin to implement the Wisconsin Works program no sooner than July 1, 1996, for selected counties or groups determined by the Department and must implement the program statewide for all groups no later than September 1997. Authorizing federal legislation, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193), was enacted August 22, 1996.

Section 49.141(2)(d), Stats., directs the Department to, before implementing the Wisconsin Works program, publish a notice in the Wisconsin Administrative Register that states the date on which the Department will begin to implement the Wisconsin Works program statewide.

W-2 Implementation

Through this notice the Department is announcing that the Department will begin to implement the Wisconsin Works program statewide in September 1997. The Department will now begin the phase-in of the Wisconsin Works program in selected counties and for selected groups as part of the transition to statewide implementation.

Contact Person

For more information about the implementation of the Wisconsin Works program, write:

Gary Kuhnen
Bureau of Welfare Initiatives
Division of Economic Support
P.O. Box 7935
Madison, WI 53707-7935

THE STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOCUMENT SALES UNIT
P.O. BOX 7840
MADISON, WISCONSIN 53707-7840

First Class
U.S. POSTAGE PAID
Madison, Wisconsin
Permit Number 1369

First Class Mail

*Wisconsin
Administrative
Registrar*

DATED MATERIAL. PLEASE DO NOT DELAY!