



State of Wisconsin
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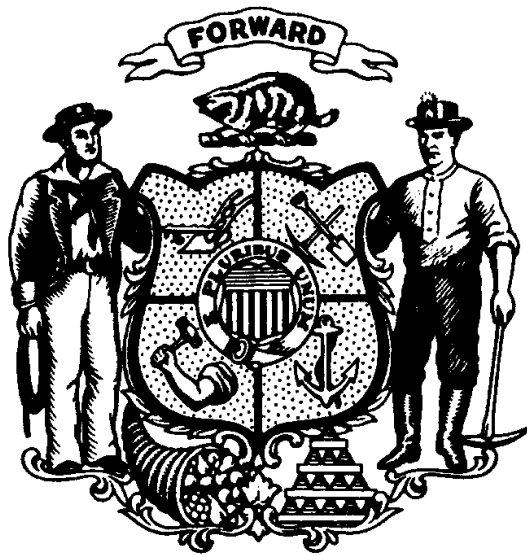
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EMERGENCY RULES NOW IN EFFECT

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

Department of Agriculture, Trade & Consumer Protection

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
Extension Through: July 5, 1997

EMERGENCY RULES NOW IN EFFECT

Department of Commerce

Rules adopted repealing **ch. DOD 13** and creating **ch. Comm 113**, relating to the annual allocation of volume cap.

Finding of Emergency

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

Historically, s. 560.032, Stats. has been interpreted by the legislature and certain legislative attorneys to provide that the annual allocation for the distribution of volume cap established by the Department of Commerce expires at the end of each calendar year. To comply with this interpretation, the Department is required to repeal and recreate the volume cap rule annually. The proposed permanent rule for 1997 is in process. Without this emergency rule, which is effective upon publication in the official state newspaper and filing with the Secretary of State and Revisor of Statutes, there will be several months during which Wisconsin will be unable to take advantage of the approximately \$260 million of volume cap and thus risk losing the jobs and investment that would be created by Wisconsin businesses that otherwise would make use of the federally subsidized financing during the period. Adoption of the rule will insure that there is no gap in the use of this development tool and that the jobs and investment occur.

Publication Date: December 30, 1996
Effective Date: December 30, 1996
Expiration Date: May 29, 1997
Hearing Date: February 13, 1997

EMERGENCY RULES NOW IN EFFECT

Health & Family Services

(Management, Policy and Budget, Chs. HSS 1--)

Rules adopted revising **ch. HSS 1**, relating to parental liability for the cost of care for children in court-ordered substitute care.

Exemption From Finding of Emergency

The Legislature in s. 9126 (2z) of 1993 Wis. Act 481 directed the Department to promulgate rules required under s. 46.25 (9) (b), Stats., 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

Section 46.10 (14) (b), Stats., as created by 1993 Wis. Act 481, requires that parental support for court-ordered placements under s. 48.345, Stats., for children found to be in need of protection or

services, and s. 938.183 (2), 938.34, 938.345 or 938.357, Stats., for youth adjudged delinquent, be established according to the child support percentage of income standard in ch. HSS 80, and s. 46.25 (9) (b), Stats., as created by Wis. Act 481, directs the Department to promulgate rules, separate from ch. HSS 80, for the application of the child support percentage of income standard to court-ordered substitute care cases. The rules are to take into account the needs of any person, including dependent children other than the child going into care, whom either parent is legally obligated to support. The rules proposed here will address these and other issues related to support for children in court-ordered substitute care.

This order creates s. HSS 1.07 relating to parental support for children in court-ordered substitute care and makes related changes in ss. HSS 1.01 to 1.06. However, if a child in care has income or assets, the payment requirements will continue to be assessed according to s. HSS 1.03.

Publication Date: January 22, 1997
Effective Date: January 22, 1997
Expiration Date: June 21, 1997
Hearing Date: April 8, 1997

EMERGENCY RULES NOW IN EFFECT (2)

Health and Family Services

(Health, Chs. HSS 110--)

1. Rules adopted creating **ch. HFS 125**, relating to do-not-resuscitate bracelets to alert emergency health care personnel.

Finding of Emergency

The Department of Health and Family 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:

A recent session law, 1995 Wis. Act 200, created ss. 154.17 to 154.29, Stats., relating to a do-not-resuscitate (DNR) order written by the attending physician for a patient who requests the order and who has a terminal condition or a medical condition such that, if the patient were to suffer cardiac or pulmonary failure, resuscitation would be unsuccessful or would cause significant physical pain or harm that would outweigh the possibility of successful restoration of the function for an indefinite period of time. A DNR order directs emergency health care personnel not to attempt cardiopulmonary resuscitation on a patient for whom the order is issued if that person suffers cardiac or respiratory arrest. Emergency health care personnel will know if there is a do-not-resuscitate order in effect if the patient has on his or her wrist a do-not-resuscitate bracelet which has been affixed there by the patient's attending physician or at the direction of the patient's attending physician. Emergency health care personnel are expected to follow a do-not-resuscitate order unless the patient revokes the order, the bracelet appears to have been tampered with or the patient is known to be pregnant.

Section 154.19 (3) (a), Stats., created by Wis. Act 200, permits the Department to establish procedures by rule for emergency health care personnel to use in following do-not-resuscitate orders, and s. 154.27, Stats., as created by Wis. Act 200, requires the Department to establish by rule a uniform standard for the size, color and design of do-not-resuscitate bracelets.

These rules are being published by emergency order because while most Wis. Act 200 provisions have taken effect and do-not-resuscitate orders are being written for patients who are qualified, as defined in s. 154.17 (4), Stats., as created by Wis. Act 200, and request the order, without rules that establish a uniform standard for the bracelets the Department cannot approve bracelets. If the bracelet is not approved by the Department, it cannot be affixed. In the absence of a DNR bracelet on the wrist of a person in

cardiac or respiratory arrest, emergency health care personnel ordinarily cannot know that a DNR order is in effect, and so must initiate cardiopulmonary resuscitation which in some cases will contravene a DNR order.

The rules establish a uniform standard for do-not-resuscitate bracelets and a procedure for emergency medical technicians (EMTs), first responders and emergency health care facility personnel to use in following do-not-resuscitate orders.

Publication Date: January 18, 1997
Effective Date: January 18, 1997
Expiration Date: June 17, 1997
Hearing Date: March 19, 1997

2. Rules adopted revising **ch. HSS 163**, relating to certification for lead abatement work and lead management activities.

Finding of Emergency

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

Exposure to lead in paint, dust or soil is known to have both short term and long term deleterious effects on the health of children, causing learning disabilities, decreased growth, hyperactivity, impaired hearing, brain damage, and even death. Occupational exposure in adults may result in damage to the kidneys, the central nervous system in general, and the brain in particular, and to the reproductive system. Children born of a parent who has been exposed to excessive levels of lead are more likely to have birth defects, mental retardation or behavioral disorders, or to die during the first year of childhood. About one child in six has a level of lead in the blood that exceeds the threshold for risk.

A residential dwelling or other building built before 1978 may contain lead-based paint. When lead-based paint on surfaces like walls, ceilings, windows, woodwork and floors is broken, sanded or scraped down to dust and chips, the living environment can become a source of poisoning for occupants. When it becomes necessary or desirable to identify lead hazards in order to determine the appropriate method of hazard reduction or abatement, it is imperative that persons who provide lead hazard evaluation and other lead management services be properly trained to ensure accurate lead inspection or assessment results. A reliable lead inspection or assessment is necessary to ensure a lead-safe environment for building occupants, especially children under the age of six, who are the most vulnerable population affected by lead-based paint and lead-contaminated dust and soil.

Under s. 254.176, Stats., the Department may establish training and certification requirements for any person who performs or supervises lead hazard reduction or lead management. In addition, s. 254.178, Stats., states that no person may advertise or conduct a training course in lead hazard reduction or lead management that is represented as qualifying persons for state certification unless the course is accredited by the Department.

In 1993, the Department created ch. HSS 163, Wis. Adm. Code, Certification for Lead Abatement and Other Lead Hazard Reduction, to regulate the training and certification of lead abatement workers and supervisors and to accredit the corresponding training courses. Rules were needed to meet eligibility requirements for a \$6 million federal Department of Housing and Urban Development (HUD) grant to fund lead hazard reduction in low and moderate income housing where children under the age of six are found to have elevated blood lead levels.

Development of rules for training and certifying lead management professionals, including lead inspectors, risk assessors, and project designers, and for accrediting the corresponding courses, was postponed pending publication of U.S. Environmental Protection Agency (EPA) lead training and certification regulations. Initially expected in June 1994, these EPA regulations were not published until August 29, 1996.

Since most lead management work to date has been associated with elevated blood lead level investigations conducted by state and local government employees who received appropriate training from EPA regional lead training centers, the delay in lead management rules was not a health hazard. The creation of the private inspection and risk assessment service market resulting from new federal HUD/EPA disclosure regulations, however, poses a health hazard if that market is not properly regulated.

Joint HUD/EPA regulations (24 CFR Part 35 and 40 CFR Part 745) now require that landlords and home sellers disclose the known presence of lead in rental units and homes being sold. These regulations took effect September 6, 1996, for owners of more than four dwelling units and December 6, 1996, for owners of four or fewer dwelling units. In addition, a home buyer is allowed 10 days to obtain a lead inspection or risk assessment before final obligation to purchase a home under a signed offer to purchase.

Due to the lack of state-accredited training courses and state-certified lead management professionals to fill the demand, lead management services are being offered by persons who may not possess appropriate education, experience or training. Unqualified lead inspectors and risk assessors can have an adverse effect on the state's residential marketplace. Based on an inaccurate inspection, a mortgage company could deny a mortgage loan, a home sale could fall through, or a property owner could expend large sums of money for unnecessary lead abatement actions. Even worse, the health of children may be jeopardized by erroneous findings that a lead hazard is not present, which can result in improper handling of lead-based paint materials.

HUD recently announced it was awarding the State of Wisconsin and the City of Milwaukee additional lead hazard reduction grants totaling over \$6.5 million. The grants require that money be disbursed only for lead-based paint activities performed by state-certified persons who have completed state-accredited lead training courses. Since Wisconsin does not yet certify lead inspectors, risk assessors, or project designers, grant mandates cannot be fully met, which could lead to funding difficulties and delay vital abatement activities.

This emergency order amends ch. HSS 163 to require accreditation of lead inspector, risk assessor and project designer training courses and, beginning April 19, 1997, certification of lead inspectors, risk assessors and project designers. In addition, references to "lead abatement or HUD-funded lead hazard reduction" have been changed to add lead management services. The order also adds accreditation and certification fees.

These rule changes are being published by emergency order to ensure, through Department certification and accreditation, that persons providing lead management services, including lead inspections, risk assessments and project design, are appropriately trained and qualified.

Publishing these rules as emergency rules also enables the State of Wisconsin and the City of Milwaukee to implement the federal grants which require that only trained and certified lead professionals perform lead hazard evaluations and lead hazard reduction and abatement.

Publication Date: February 18, 1997
Effective Date: February 18, 1997
Expiration Date: July 18, 1997
Hearing Date: March 18, 1997

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
Extension Through: June 27, 1997

EMERGENCY RULES NOW IN EFFECT

Commissioner of Insurance

A rule adopted creating s. Ins 3.46 (18), relating to the requirements for tax deductible long term care insurance.

Finding of Emergency

The Commissioner of Insurance finds that an emergency exists and that a rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. Facts constituting the emergency are as follows:

The recently passed federal "Kassebaum-Kennedy" law, P.L. 104-191, set certain standards for allowing favorable tax treatment of long term care insurance policies. The existing Wisconsin administrative rules pertaining to long term care do not meet these criteria and require changes. These changes will allow tax deductible long term care insurance policies to be sold to Wisconsin residents as soon as possible.

Publication Date: December 20, 1996
Effective Date: January 1, 1997
Expiration Date: May 31, 1997
Hearing Date: February 19, 1997

EMERGENCY RULES NOW IN EFFECT (2)

Natural Resources

(Fish, Game, etc., Chs. NR 1--)

1. 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
Hearing Date: January 14, 1997

- 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
Extension Through: June 25, 1997

EMERGENCY RULES NOW IN EFFECT

Public Instruction

Rules adopted revising **ch. PI 35**, relating to the Milwaukee private school choice program.

Finding of Emergency

The Department of Public Instruction finds an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

In his ruling, effective August 15, 1996, Judge Higginbotham prohibited the expansion of the Milwaukee private school choice program to religious private schools provided for under 1995 Wis. Act 27. On January 15, 1997, Judge Higginbotham determined that all other stipulations under the Act are allowed to continue until June 1997. At that time all of the provisions under the Act are suspended and the program reverts to previous statutory language.

Since the provisions under the Act (except for the participation of religious schools) are to be implemented for the remainder of the 1996-97 school year, rules must be in place as soon as possible in order to establish uniform financial accounting standards and financial audit requirements required of the participating private schools as provided for under the Act. The requirements established under this rule have been discussed with the private schools and initial indications reflect an acceptance of these provisions.

Since the private school choice program has yet to be reviewed by the Court of Appeals and possibly the Supreme Court, only emergency rules will be promulgated at this time in order to implement the provisions under the Act through the end of the

1996-97 school year. Permanent rules will be developed when judicial review is finalized.

Publication Date: February 19, 1997
Effective Date: February 19, 1997
Expiration Date: July 19, 1997
Hearing Date: April 1, 1997

EMERGENCY RULES NOW IN EFFECT (3)

Transportation

- 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. Therefore, 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
Extension Through: May 22, 1997

- 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 are 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
Extension Through: May 29, 1997

- Rules were adopted amending an emergency rule revising **ch. Trans 76**, Wis. Adm. Code, relating to uniform cost reporting procedure during calendar year 1996 for general transportation aids to be paid in calendar year 1997.

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.

Therefore, 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, and to limit its application to late filing events in 1996 only, the Department must promulgate this as an emergency rule.

Publication Date: March 25, 1997
Effective Date: March 25, 1997
Expiration Date: May 22, 1997
Hearing Date: May 8, 1997

EMERGENCY RULES NOW IN EFFECT

Veterans Affairs

Rule adopted creating **s. VA 2.01 (2)(b)18.**, relating to the health care aid grant program.

Finding of Emergency

The Wisconsin Department of Veterans Affairs finds that 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:

The department provides payment to dental providers for dentures under the health care aid grant program for needy veterans and their dependents. Under s. VA 2.01 (2)(b)2., Wis. Adm. Code, the Department is restricted to a \$50,000 cap per fiscal year for the payment of claims for dentures. As the result of a significant increase in the use of the health care aid grant program for dentures, the Department has received requests for approval of treatment plans involving dentures which would result in expenditures in excess of the fiscal year cap.

The treatment plans typically encompass the removal of teeth with a resulting need for dentures. Failure to promptly provide denture could have a negative impact upon an individual's health. It is therefore necessary to assure that the Department has sufficient authority to pay for the dentures included in treatment plans already received during this fiscal year. The emergency rule cap will accomplish this goal.

Publication Date: April 7, 1997
Effective Date: April 7, 1997
Expiration Date: September 5, 1997
Hearing Date: April 18, 1997

EMERGENCY RULES NOW IN EFFECT (2)

Workforce Development

(Economic Support, Chs. DWD 11-59)

1. Rules adopted renumbering **subch. VII of ch. HSS 55** and creating **s. DWD 56.08**, relating to the administration of child care funds and required parent copayments.

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 Governor has directed the 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. The Governor has approved a new schedule for child care copayments and this rule places the new schedule into operation. The use of an emergency rule allows the implementation of the new schedule immediately.

Publication Date: December 30, 1996
Effective Date: December 30, 1996
Expiration Date: May 29, 1997

2. Rules were adopted creating **ch. DWD 12**, relating to Wisconsin Works program.

Exemption From Finding of Emergency

The Legislature in s.275(3) of 1995 Wis. Act 289 permitted the Department to promulgate the rules required under ss. 49.143 to 49.157, Stats., as created by Act 289, by using emergency rulemaking procedures but without having to make a finding of emergency.

Analysis Prepared by the Department of Workforce Development

Wisconsin Works (W-2), the replacement program for the Aid to Families with Dependent Children (AFDC) program, is based squarely on work. Rather than offering welfare checks to those who do not work, as AFDC does currently, W-2 offers participants the opportunity to move into the work world and become self-sufficient through employment.

These rules provide the administrative framework under which the Department will implement a W-2 pilot program in two counties, Fond du Lac and Pierce, effective March 1, 1997. As the pilot counties for the Work Not Welfare program which began January 1, 1995, these two counties have had experience in implementing major welfare reform efforts. The W-2 program includes work opportunities, job access loans, education and training activities to enhance employability, intensive case management, child care and child support enforcement and other employment supports such as transportation assistance and access to health care services under the Medical Assistance program.

Wisconsin Works (W-2) was authorized through enactment of 1995 Wis. Act 289 which Governor Thompson signed into law on April 25, 1996. Under s.49.141(2)(b), Stats., if a federal waiver is granted or federal legislation is enacted, the Department of Workforce Development could begin to implement W-2 no sooner than July 1, 1996 and must fully implement the W-2 program statewide in September 1997. The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) was signed into law on August 22, 1996. It creates the Temporary Assistance for Needy Families (TANF) program which ends the entitlement program under Title IV-A of the Social Security Act and creates a block grant program under which states receive monies to provide cash and other benefits to help needy families support their children while at the same time requiring families to participate in work program activities which will help them become self-sufficient. In general, a state may not use any part of the TANF grant to provide assistance to a family for more than 60 months.

States must ensure, under section 114 of P.L. 104-193, that families who meet the AFDC eligibility requirements in effect on July 16, 1996, have access to Medical Assistance. Wisconsin has not yet obtained the necessary waivers or federal legislation that would allow the implementation of the W-2 health plan. Therefore, W-2 participants who meet the July 16, 1996, AFDC eligibility requirements or are eligible under s.49.46 or 49.47, Stats., and the implementing administrative rules, Chs. HFS 101-108, administered by the Department of Health and Family Services, may apply and be determined eligible for Medical Assistance.

Under W-2, there will be a place for everyone who is willing to work to their ability. The program is available to parents with minor children, low assets and low income who need assistance in becoming self-sufficient through employment. The W-2 program provides cash benefits only for those individuals who participate in

W-2 employment and training activities. W-2 agencies have the option, for participants in a community service job or a transitional placement, to aggregate education and training hours for approved programs to allow an individual to participate in education and training activities for more than 10 or 12 hours per week within the first few months of participation. Each eligible W-2 applicant will meet with a Financial and Employment Planner (FEP) who will help the individual develop a self-sufficiency plan and determine their place on the W-2 employment ladder. The ladder consists of four levels of employment options, in order of preference: unsubsidized employment; subsidized employment through a trial job for those participants who need minimal assistance but where unsubsidized employment is not available; a community service job for those participants who need to practice work habits and skills necessary to move into unsubsidized employment; and transitional placement for those unable to perform independent, self-sustaining work. Individuals placed in a trial job will receive wages from an employer. Individuals placed in a community service job will receive a monthly benefit of \$555 and individuals placed in a transitional placement will receive a monthly benefit of \$518. W-2 participants are limited to 24 months in a single subsidized employment position category. Extensions may be granted on a limited basis when local labor market conditions preclude opportunities or when the participant has significant barriers which prevent him or her from obtaining unsubsidized employment. Child care is available for those individuals who have children under the age of 13 and need child care in order to work or participate in a W-2 employment position. The W-2 program will be administered by contracted agencies which may include counties, tribal agencies and private agencies in geographic areas determined by the Department.

These are the rules for implementation of the Wisconsin Works program. The rules include eligibility requirements for those individuals applying for a W-2 employment position or child care, time-limited benefits for participants in W-2 employment positions, good cause for failure or refusal to participate in W-2 employment positions or other required employment and training activities, how sanctions are applied for failure to meet the W-2 employment position participation requirements, and school attendance requirements under the Learnfare program for the children of W-2 employment position participants.

Publication Date: March 1, 1997
Effective Date: March 1, 1997
Expiration Date: July 29, 1997
Hearing Dates: May 21 & 28, 1997

EMERGENCY RULES NOW IN EFFECT

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
Extension Through: June 27, 1997

EMERGENCY RULES NOW IN EFFECT

Workforce Development

(Wage Rates, Chs. ILHR 290-294)

Rules adopted revising **ch. ILHR 290**, relating to the determination of prevailing wage rates for workers employed on state or local public works projects.

Finding of Emergency

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

1995 Wis. Act 213 made a number of major changes to the laws which require the department to determine prevailing wage rates for state and local public works projects. In place of a case-by-case investigations, the Department of Workforce Development is required to conduct an annual survey of employers and issue prevailing wage rate determinations for all trades or occupations in all areas of the state throughout the year based on the survey data. The statutes also provide that members of the public, employers, local governmental units and state agencies may ask the DWD to review prevailing wage rate determinations under a number of specified circumstances.

This emergency rule establishes deadline and appeal criteria for the process that will be used to compile the 1996 survey results and consider requests for review. The use of an emergency rule for this purpose will benefit the public, employers local governments units and state agencies by giving them clear information as to the procedures to be followed, and it will also help the DWD to meet the statutory requirement that prevailing wage rates be compiled and issued promptly.

Publication Date: December 11, 1996
Effective Date: December 11, 1996
Expiration Date: May 10, 1997
Hearing Date: March 31, 1997

STATEMENTS OF SCOPE OF PROPOSED RULES

Agriculture, Trade & Consumer Protection

Subject:

Ch. ATPC 92 – Relating to weighing and measuring devices.

Description of policy issues:

Preliminary objective:

Clarify that a manufacturer of commercial weighing or measuring devices is responsible for correcting latent defects, known to the manufacturer, that cause those devices to weigh or measure inaccurately to the detriment of consumers or retailers.

Preliminary policy analysis:

The Department currently regulates weighing and measuring devices under ch. 98, Stats., and ch. ATPC 92, Wis. Adm. Code. Section 98.26 (1) (b), Stats., currently prohibits any person from “causing” a weight or measure to be incorrect. The Department proposes to modify ch. ATPC 92 to clarify that this prohibition applies to a manufacturer of weighing or measuring devices who:

- ▶ Knows or has reason to know that a design or manufacturing defect will cause the devices to weigh or measure incorrectly; and
- ▶ Fails to take reasonable steps to prevent the incorrect weights or measures.

This change will provide stronger protection for Wisconsin consumers. It will also protect Wisconsin retailers who rely on accurate weighing and measuring devices, and who may not be aware of latent defects in the devices they are using.

Policy alternatives:

● *Make no change in ch. ATPC 92, but pursue case-by-case litigation that may clarify the interpretation of current law.* This alternative will be costly and time-consuming, and may not provide adequate protection for consumers and retailers.

● *Make no change in ch. ATPC 92, but take enforcement action against individual retailers who are using defective and inaccurate devices.* There may be hundreds of retailers throughout the state who have purchased the defective devices. Many of them may be unaware of the defect. Piecemeal action against individual retailers may be unfair and ineffective in correcting a statewide problem which is ultimately caused by the device manufacturer, not by the retailers.

Statutory authority:

The Department is considering amendments to ch. ATPC 92, Wis. Adm. Code (Weighing and Measuring Devices) under authority of ss. 93.07 (1) and 100.20 (2), Stats.

Staff time required:

The Department proposes to include this rule as part of another weights and measures rulemaking proceeding currently in progress. Negligible additional staff time will be needed to develop this rule.

Corrections

Subject:

DOC Code – Rule promulgation to establish policies, procedures, and standards for the sex offender community notification program and honesty testing of sex offenders program.

Description of policy issues:

Description of the objectives of the rule:

The objective of the rule is to establish procedures for registering sex offenders in the Wisconsin Sex Offender Registry, storage of that information, and the dissemination of that information to law enforcement and the public. The rule will delineate the responsibilities of both the Department of Corrections and offender to whom the law is applicable. The rule is intended to protect victims and the public by denying anonymity to sex offenders. This rule is designed to aid law enforcement in monitoring sex offenders in Wisconsin communities.

In addition, the objective of the rule is to establish standards for the use of honesty testing devices in the supervision of sex offenders. Further, the objective of the rule is to provide for assessment of fees upon offenders to partially offset the costs of the program.

The alternatives to the proposed policy would result in not establishing procedures for the registration of sex offenders as required by statute.

The alternatives to the proposed policy would result in not establishing standards for the use of honesty testing devices in the supervision of sex offenders.

Statutory authority for the rule:

Sex Offender Community Notification: ss. 301.45 and 301.46;
Honesty Testing of Sex Offenders: ss. 51.375 and 301.132

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

The Department estimates that it will take approximately 300 hours to develop the rule for both sex offender community notification and honesty testing of sex offenders, including drafting and complying with rulemaking requirements.

Employee Trust Funds

Subject:

ETF Code – Provisions relating to restoration of an employee’s group insurance coverage under chapter 40, Stats., when the employee is reinstated to participating employment as a result of a court order or compromise settlement.

Description of policy issues:

Objectives of the rule:

To clarify enrollment eligibility, deadlines, and effective dates of insurance coverage when an employee is reinstated to participating employment after a period of termination of employment as a result of a court order or compromise settlement.

Policy analysis:

This rule was originally proposed as part of [Clearinghouse Rule 96-127](#), relating to conditions under which the Department of Employee Trust Funds will treat payments received under a court order or compromise settlement as earnings for retirement benefit purposes. Sections of the draft rule pertaining to insurances were deleted before the rule was submitted to the Employee Trust Funds Board, because under s. 40.03 (2) (ig), Stats., the Group Insurance Board is authorized to approve rules pertaining to insurances under subchapters IV to VI of chapter 40, Stats.

The rule will clarify current Department practice regarding reinstatement of insurances when an employee returns to work after a period of termination which is expunged by a court order or compromise settlement. The employee is entitled to enroll for any insurance plan under which he or she was insured at the time of termination, and for any plan newly-offered by the employer during the period of termination. The deadlines for application and the effective dates of coverage are the same as those that would apply to a new employee who had already served any required waiting period.

Policy alternatives to the proposed rule:

This rule is intended to codify and systematize current practice rather than to introduce changes. If the rule were not promulgated, the result would be less certainty and less efficiency in the administration of the insurance programs established under chapter 40, Stats.

Statutory authority for rule-making:

S. 40.03 (2) (ig), Stats.

Staff time required:

The Department estimates that state employes will spend 20 hours to develop this rule.

Insurance, Commissioner of**Subject:**

Section Ins 18.07 (5) (bg) — Relating to HIRSP (health insurance risk-sharing plan) rate increase for fiscal year 1997–1998.

Description of policy issues:*A statement of the objective of the proposed rule:*

By law rates are to be adjusted each fiscal year in accordance with plan experience, actuarial projections and statutory mandates. This proposed rule takes those factors into account to slightly raise rates for the subsidized HIRSP population.

A description of existing policies relevant to the rule and of new policies proposed to be included in the rule, and an analysis of policy alternatives:

This proposed rule seeks to raise some rates and leave others unchanged, according to established statutory procedures. No new policies will be implemented.

A statement of the statutory authority for the rule:

SS. 601.41 (3), 619.11, 619.14 (5) (a) and (e) and 619.15 (5), Stats.

An estimate of the amount of time state employes will spend to develop the rule and a description of other resources necessary to develop the rule:

25 hours

Public Instruction**Subject:**

Chs. PI 3, 4 and 8 – Relating to teacher licensing and development.

Description of policy issues:*Rationale for proposed rule development:*

Section 115.28 (7), Stats., requires the state superintendent of public instruction to license all teachers for the public schools and to make rules establishing standards of attainment for licensure. Licensing rules and rules for preparation of school personnel are continually updated.

The proposed rules will make changes relating to the following:

- ☛ Educational interpreters license renewal;
- ☛ General requirements for a license;
- ☛ Driver education license;
- ☛ Cognitive disabilities license;
- ☛ Speech and language license and program requirements;
- ☛ Assistive technology license;
- ☛ Human relations, relating to genocide, slavery and the Holocaust;
- ☛ Special education program requirements.

Describe the objective(s) of the proposed rule:

Educational interpreter: Amend s. PI 3.03 (2) (e), relating to educational interpreter license renewal criteria. This amendment would incorporate an educational interpreter performance assessment as a requirement for license renewal. Educational interpreters who work as oral or cued speech interpreters would be exempt from this renewal requirement.

General requirements for a license: Amend s. PI 3.05 (3m) (g), relating to special subject areas, special education and pupil services requirements pertaining to the general requirements to receive a license. This amendment would replace the requirement that applicants complete 6 semester credits in reading and language arts with a requirement that one discrete course be completed in reading and language arts.

Driver education: Amend s. PI 3.13, relating to driver education licenses. This amendment would allow the Department to take action on individuals holding a driver education license who do not maintain an acceptable driving record. This amendment would also add another option to the driver education license renewal criteria.

Cognitive disabilities: Amend s. PI 3.26, relating to mild or moderate cognitive disabilities licenses, and eliminate s. PI 3.27, relating to severely handicapped licenses. Current rules allow individuals holding a mild or moderate cognitive disabilities – 806 license to teach severely handicapped children but does not allow individuals holding a severely handicapped – 807 license to teach children with mild or moderate cognitive disabilities. This amendment would combine the two licenses into one comprehensive license covering the full range of severity of cognitive disabilities. Corresponding changes will be made to cognitive disability program requirements under ss. PI 4.65 and 4.66.

Speech and language: Amend s. PI 3.35, relating to speech and language pathology licenses. This amendment would eliminate redundancy, provide clarity, and consolidate rules so that they can be more easily read and understood. Corresponding changes will be made to the speech and language pathology program requirements under s. PI 4.78.

Assistive technology: Create s. PI 3.38 (3), relating to a license in assistive technology. This proposal would require specialized training in the applications of assistive technology to facilitate communication for students with exceptional educational needs. This proposal would also allow physical and occupational therapists, in addition to special education teachers, to receive such a license.

Human relations, relating to genocide, slavery and the Holocaust: Amend ss. PI 3.05 (2m) (a), 4.11 (2) and 8.01 (2) (L), relating to human relations and instruction requirements.

This amendment would:

- ☛ Require the study of human rights issues related to genocide, slavery and the Holocaust in order to receive a license to teach.
- ☛ Require a licensure program to require the study of human rights issues related to genocide, slavery and the Holocaust.
- ☛ Require instruction in human rights issues related to genocide, slavery and the Holocaust in grades 5–12.

Special education program requirements: Repeal and recreate subch. VII of ch. PI 4, relating to special education programs. Several minor amendments will be made to program areas relating to special education common rules, early childhood, emotional disturbance, hearing impaired, learning disabilities, cognitive disabilities, and speech and language to ensure that future special education teachers will be both available and adequately prepared to meet the challenges identified by the field. These changes are also based on the Department's evaluation of licensure programs made every five years. Most licensure programs have already amended their programs based on the Department's evaluation findings.

Describe policy alternatives:

Retain current rule language. This would not be advisable since the rules, in most cases, are being modified to provide for clarity and flexibility. Also, most of the rules have been modified by and reviewed by various task forces and study committees. All of the rules have been reviewed by the State Superintendent's Council on Teacher Education and Certification.

Statutory reference/authority:

S. 115.28 (7), Stats.

Estimate of the amount of time/staff resources necessary to develop rule:

The amount of time needed for rule development by Department staff and the amount of other resources necessary is indeterminable. The time needed in creating the rule language, itself, will be minimal; however, the time involved with guiding the rule through the required rule promulgation process is fairly significant. The rule process takes more than 6 months to complete.

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.

Accounting Examining Board

Rule Submittal Date

On April 29, 1997, the Accounting Examining Board submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

Statutory authority: ss. 15.08 (5) (b) and 227.11 (2)

The proposed rule—making order relates to the education required of candidates to take the examination leading to receipt of a credential as a certified public accountant after December 31, 2000.

Agency Procedure for Promulgation

A public hearing is required and is scheduled for June 20, 1997.

Contact Person

Pamela Haack, Rules Center Coordinator
Telephone (608) 266-0495

Corrections

Rule Submittal Date

Notice is hereby given that pursuant to s. 227.14 (4m), Stats., on April 23, 1997, the Department of Corrections submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rule affects ch. DOC 306, relating to security procedures at correctional institutions.

Agency Procedure for Promulgation

A public hearing is required under s. 227.16 (1), Stats., and will be scheduled at a later date. The organizational unit that is primarily responsible for promulgation of the rule is the Division of Adult Institutions.

Contact Person

Deborah Rychlowski
Telephone (608) 266-8426

Corrections

Rule Submittal Date

Notice is hereby given that pursuant to s. 227.14 (4m), Stats., on April 18, 1997, the Department of Corrections submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rule affects s. DOC 309.15, relating to inmate access to legal materials and legal services.

Agency Procedure for Promulgation

A public hearing is required under s. 227.16 (1), Stats., and will be scheduled at a later date. The organizational unit that is primarily responsible for promulgation of the rule is the Division of Adult Institutions.

Contact Person

Deborah Rychlowski
Telephone (608) 266-8426

Corrections

Rule Submittal Date

Notice is hereby given that pursuant to s. 227.14 (4m), Stats., on April 18, 1997, the Department of Corrections submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rule affects ch. DOC 309, relating to resources for inmates.

Agency Procedure for Promulgation

A public hearing is required under s. 227.16 (1), Stats., and will be scheduled at a later date. The organizational unit that is primarily responsible for promulgation of the rule is the Division of Adult Institutions.

Contact Person

Deborah Rychlowski
Telephone (608) 266-8426

Employe Trust Funds

Rule Submittal Date

Notice is hereby given that, on April 30, 1997, the Department of Employe Trust Funds submitted to the Wisconsin Legislative Council Rules Clearinghouse a proposed order affecting s. ETF 10.08.

Analysis

The subject matter of the proposed rule relates to the definition of termination of employment for purposes of eligibility for Wisconsin Retirement System benefits.

Agency Procedure for Promulgation

A public hearing is scheduled for June 2, 1997.

Contact People

If you have any questions, you may contact:

Linda Owen
Retirement Services Division
Telephone (608) 261-8164

Health & Family Services

Rule Submittal Date

On May 1, 1997, the Department of Health and Family Services submitted a proposed rule order affecting s. HFS 107.07 to the Wisconsin Legislative Council Rules Clearinghouse, relating to the coverage of dental services under the Medical Assistance program.

Analysis

Statutory authority: Section 49.45 (10), Stats.

Reason for Rules, Intended Effects, Requirements

These are updating changes to rules for Medical Assistance (MA) program coverage of dental services.

Section HFS 107.07 is organized in much the same way as other sections of rules for MA covered services, that is, the section is divided into subsections on:

- Covered Services;
- Services Requiring Prior Authorization;
- Other Limitations; and
- Non-covered Services.

In the current rules, there is a fifth subsection, Unusual Circumstances, which in the revised rules is given a more descriptive title, Coverage to Substantiate a Prior Authorization Request.

The rule-making order updates dental terminology, improves the organization of the section to facilitate use, removes some rule language that is better included in provider handbooks and bulletins, and makes alveoplasty and osteoplasty covered services if prior-authorized.

Agency Procedure for Promulgation

Public hearing under ss. 227.16, 227.17 and 227.18, Stats.; approval of rules in final draft form by DHFS Secretary; and legislative standing committee review under s. 227.19, Stats.

Contact Person

Marjorie Hannon Pifer
Division of Health
Telephone (608) 266-5635

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 April 29, 1997.

Analysis

These changes will affect sections Ins 17.01 (3) (intro.), 17.28 (3) (c), 17.28 (6) and 17.28 (6e), Wis. Adm. Code, relating to annual patients compensation fund and mediation fund fees for the fiscal year beginning July 1, 1997.

Agency Procedure for Promulgation

The date for the public hearing is May 30, 1997.

Contact People

To obtain a copy of the proposed rule, contact:

Meg Gunderson
OCI Central Files
Telephone (608) 266-0110

For additional information, please contact:

Alice M. Shuman, OCI Legal Unit
Telephone (608) 266-9892
e-mail at ashuman@mail.state.wi.us

Revenue

Rule Submittal Date

Notice is hereby given, pursuant to s. 227.14(4m), Stats., that on April 22, 1997, the Wisconsin Department of Revenue submitted a proposed rule order to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed rule order revises ss. Tax 11.39 and 11.41, relating to the definition of manufacturing, and taxation of items consumed or destroyed in manufacturing for sales and use tax purposes.

Agency Procedure for Promulgation

The Department intends to promulgate the proposed rule order without a public hearing, pursuant to s. 227.16 (2) (e), Stats. The Office of the Secretary is primarily responsible for the promulgation of the rule order.

Contact Person

If you have questions regarding this rule, you may contact:

Mark Wipperfurth
Income, Sales, and Excise Tax Division
Telephone (608) 266-8253.

NOTICE SECTION

Notice of Hearing

Employe Trust Funds

The Wisconsin Department of Employee Trust Funds will hold a public hearing to review this proposed rule, which amends s. ETF 20.02 (1) and (3) (a) 3; repeals s. ETF 20.02 (3) (a) 2., (3) (b), (4) and (5); repeals and recreates s. ETF 20.02 (2), Wis. Adm. Code, relating to rehired annuitants in accordance with the provisions of s. 227.16 (1), Stats.

Hearing Information

The public hearing will be held on:

June 2, 1997	Room 042
Monday	801 W. Badger Rd.
10:30 a.m.	MADISON, WI

Written Comments

The public record on this proposed rule will be held open until **4:30 p.m. on June 3, 1997** to permit the submission of written comments from people unable to attend the public hearing in person, or who wish to supplement testimony offered at the hearing. Any such written comments should be addressed to:

Mary Hensen
Department of Employee Trust Funds
P.O. Box 7931
Madison, WI 53707-7931

Analysis Prepared by the Wis. Dept. of Employee Trust Funds

Statutory authority for rule: Section 40.03 (1) (m) and (2) (i)

General Summary of Rule:

The rule amends the definition of re-hired annuitants to include reference to the requirements for retirement annuity entitlement enacted by 1995 Wis. Act 302. As a result of 1995 Wis. Act 302, a rehired annuitant is no longer required to exceed the earnings limit in order to qualify to participate in the WRS. The rehired annuitant can elect to participate in the WRS at any time after being rehired in a WRS eligible position.

Fiscal Estimate

The Department estimates that there will be no direct fiscal impact from this proposed rule upon the state and anticipates no effect upon the fiscal liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education school district or sewerage district.

Initial Regulatory Flexibility Analysis

The Department anticipates that the provisions of this proposed rule will have no direct adverse effect on small businesses.

Copies of Rule

Copies of this rule are available without cost by making a request to:

Office of the Secretary
Telephone (608) 266-1071
Department of Employee Trust Funds
P.O. Box 7931
Madison, WI 53707-7931

Contact Person

For questions about this proposed rule, please call Mary Hensen, Program & Policy Analyst, (608) 266-8411.

Text of Rule

SECTION 1. ETF 20.02 (1) is amended to read:

ETF 20.02 Re-hired annuitants. (1) In this section, "re-hired annuitant" means a participant to whom a retirement annuity is payable under s. 40.23, Stats., who was separated from all employment meeting the qualifications for inclusion under the Wisconsin retirement system specified in s. 40.22, Stats., on the date he or she became an annuitant, and who is employed by a participating employer after becoming an annuitant who has applied for and is eligible to receive a monthly annuity under s. 40.23, including satisfying the requirement to remain separated from participating employment for the period specified under s. 40.23 (1) (a) 1. and who subsequently is employed by a participating employer in employment which would meet the eligibility criteria for inclusion under the provisions of the Wisconsin retirement system specified in s. 40.22 but for the exclusion of s. 40.02 (2) (L).

SECTION 2. ETF 20.02 (2) is repealed and recreated to read:

ETF 20.02 (2) The minimum break in service period required under s. 40.23 (1) (a) is satisfied when the re-hired annuitant returns to work no earlier than the latest of the following dates:

- (a) The day after the annuity effective date.
- (b) The thirty-first day after the date participating employment terminated.
- (c) The thirty-first day after the date the benefit application was received by the department.

Note: See s. ETF 10.08 concerning the required termination of employment.

SECTION 3. ETF 20.02 (3) (a) 2. is repealed.

SECTION 4. ETF 20.02 (3) (a) 3. is amended to read:

ETF 20.02 (3) (a) 3. The rehired annuitant files with the department a written election to be included under the provisions of the Wisconsin retirement system as a participating employee. The election shall be on a form provided by the department ~~and shall include employer certification of the date on which the earnings limit was exceeded.~~

Note: A "Rehired Annuitant Election," form ET-2319, is available from the department of employee trust funds.

SECTION 5. ETF 20.02 (3) (b) is repealed.

SECTION 6. ETF 20.02 (4) and (5) are repealed.

Notice of Hearing

Commissioner of Insurance

Notice is hereby given that pursuant to authority granted under s. 601.41 (3), Stats., and the procedure set forth under s. 227.18, Stats., OCI will hold a public hearing to consider the adoption of the

attached proposed rulemaking order affecting s. Ins 17.01 (3) (intro.), 17.28 (3) (c), 17.28 (6) and 17.28 (6e), Wis. Adm. Code, relating to annual patients compensation fund and mediation fund fees for the fiscal year beginning July 1, 1997.

Hearing Information

May 30, 1997
Friday
10:00 a.m.

Room 23, OCI
121 E. Wilson St.
MADISON, WI

Written Comments

Written comments on the proposed rule will be accepted into the record and will receive the same consideration as testimony presented at the hearing if they are received at OCI by 4:30 p.m. on the date of the hearing. Written comments should be addressed to:

Alice M. Shuman, OCI
P.O. Box 7873
Madison, WI 53707

Summary of Proposed Rule and Fiscal Estimate

For a summary of the rule, see the analysis given later in this notice. 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:

Corporations, partnerships and cooperative HMO's under this rule may be required to pay additional fees for fund coverage to cover their liability for certain of their employees, based on "past and prospective loss and expense experience" as directed by s. 655.27 (3) (a) 4., Stats.

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 full 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 St.
P.O. Box 7873
Madison, WI 53707-7873

Analysis Prepared by the Office of the Commissioner of Insurance

Statutory authority: ss. 601.41 (3), 655.004, 655.27 (3) (b) and 655.61

Statutes interpreted: ss. 655.27 (3) and 655.015

The Commissioner of Insurance, with the approval of the Board of Governors (Board) of the Patients Compensation Fund (Fund), is required to establish by administrative rule the annual fees which participating health care providers must pay to the Fund. This rule establishes those fees for the fiscal year beginning July 1, 1997. These fees represent an overall 5% increase over the fees paid for the current fiscal year. The Board approved this increase at its meeting on February 26, 1997, based on the recommendation of the Board's actuarial and underwriting committee.

The Board also approved additional fees in this rule for partnerships, corporations, and cooperative HMOs as required by 1995 Wis. Act 473 (now s. 655.27 (3) (a) 4, Stats.) based on risk factors and past and prospective loss experience attributable to employees of these providers other than physicians and nurse anesthetists.

The Board is also required to promulgate by rule the annual fees for the operation of the patients compensation mediation system, based on the recommendation of the director of state courts. This rule implements the director's funding level recommendation by establishing mediation panel fees for the next fiscal year at \$32.00 for physicians and \$2.00 per occupied bed for hospitals, representing a 16.7% decrease from current year fees.

This rule also makes technical edits in ss. Ins 17.28 (3) (c) and 17.28 (6e), adding certain physician specialties to those currently listed in s. Ins 17.28 (3) (c) and providing UW hospital and clinics residents' fees be calculated on a full-time-equivalent basis in the same manner as medical college of Wisconsin resident fees are calculated as provided in s. Ins 17.28 (6e).

Notice of Proposed Rules

Revenue

Notice is hereby given that pursuant to s. 227.11(2)(a), and interpreting 73.09(4)(b) Stats., and according to the procedure set forth in s. 227.16(2)(e), Stats., the Department of Revenue will adopt the following rules as proposed in this notice without public hearing unless, within 30 days after publication of this notice on **May 15, 1997**, it is petitioned for a public hearing by 25 natural persons who will be affected by the rule, a municipality which will be affected by the rule, or an association which is representative of a farm, labor, business or professional group which will be affected by the rule.

Contact Person

Please contact Wallace T. Tews at (608) 266-9759, if you have any questions regarding this proposed rule order.

Analysis by the Department of Revenue

Statutory authority: s. 227.11(2)(a)

Statutes interpreted: s. 73.09(4)(b)

SECTION 1. Tax 12.065(2)(c) and 12.065(5)(a)2 are amended to reflect an effort by the Department of Revenue to better service their customers by allowing customers more time to meet continuing education requirements within their five-year assessor certification period by *first* removing the requirement that recertification be applied for two months prior to the expiration of certification and *second*, by removing the thirty day requirement for notifying the Department upon completion of a credit program.

Section 73.09(4) states that the application is *contingent* upon submission of the application at least 60 days prior to certification expiration. Webster's New World dictionary defines *contingent* as "possible" or "not always or necessarily true". The department does not view the requirement as a strict deadline (as is connoted by the administrative rule language, *shall*). It is a physical impossibility, for example, for an individual whose certification expires on December 1 and who is legally required to attend the annual Assessor Conference held in November, to comply with such a rigid requirement. When read in its entirety, the law contemplates that an individual has a full 5 years to complete the educational requirements (not 5 years minus two months).

Note: The revisions stated above will facilitate the continuing education approval process for individuals by removing unnecessary arbitrary filing deadlines, and will reduce paperwork and processing time for the Department of Revenue.

Text of Rule

SECTION 1. Tax 12.065(2)(c) and (5)(a)2 are amended to read:

Tax 12.065(2)(c) The program shall be attended and completed ~~not later than 2 months~~ prior to the expiration of the applicant's current certification period.

Tax 12.065(5)(a)2. Individuals attending the course shall provide evidence of satisfactory completion to the department ~~within~~

~~30 days of conclusion of this course, prior to the expiration of the applicant's current certification period.~~

Initial Regulatory Flexibility Analysis

This rule order does not have a significant economic impact on a substantial number of small businesses.

Fiscal Estimate

Under the current rule, assessors and property appraisers must apply to the Department of Revenue for recertification at least two months before their 5-year certification period expires. In addition, assessors and property appraisers must notify the Department within 30 days of completing a continuing education course for credit toward recertification.

Under the proposed rule, assessors and property appraisers must apply for recertification and notify the Department regarding completion of continuing education courses prior to the expiration of their current certification.

The proposed rule does not have a fiscal effect, since it only changes the points in time at which the Department processes recertification applications and continuing education course credits.

Notice of Proposed Rules

Revenue

Notice is hereby given that pursuant to s. 227.11(2)(a), and interpreting 236.12(7) Stats., and according to the procedure set forth in s. 227.16(2)(e), Stats., the Department of Revenue will adopt the following rule as proposed in this notice without public hearing unless, within 30 days after publication of this notice on **May 15, 1997**, it is petitioned for a public hearing by 25 natural persons who will be affected by the rule, a municipality which will be affected by the rule, or an association which is representative of a farm, labor, business or professional group which will be affected by the rule.

Contact Person

Please contact Wallace T. Tews at (608) 266-9759, if you have any questions regarding this proposed rule order.

The Wisconsin Department of Revenue proposes to repeal ch. ATCP 53 and to create ch. Tax 53 to replace ch. ATCP 53. Chapter Tax 53 will change the agency acronym to reflect the program transfer from the Department of Ag, Trade & Consumer Protection to the Department of Revenue and to increase plat review fees to cover all of the current costs of activities and services provided by the Department under s. 236.12, Stats., and s. 70.27, Stats.

(The Department of Revenue, in accordance with the 1996 Memorandum of Understanding between the Department of Revenue and the Department of Commerce, is in the process of promulgating a rule relating to Ch. ATCP 53.)

Analysis by the Department of Revenue

Statutory authority: s. 227.11(2)(a)

Statutes interpreted: s. 236.12(7)

SECTION 1. ATCP 53 is repealed. The unit which developed this rule was transferred from DATCP to the Department of Commerce in the 1995-97 budget. Through a Memorandum of Understanding, the work unit in question was transferred to the Department of Revenue who retains authority to administer rules and the rules process. Having been given this authority, the Department of Revenue hereby repeals ATCP 53.

SECTION 2. The Department of Revenue creates Ch. Tax 53 to replace the repealed ATCP 53. Under the proposed rule, certain fees charged for plat review would be increased, beginning on the first day of the month following publication, which include:

The fee schedule which applies to the submission of final plat or assessor's plat to the department under s. 236.12 (2), (6) or s. 70.27 (8), Stats., has increased from \$15.00 to \$20.00 per parcel, or from \$60.00 to \$80.00 per plat whichever is greater.

Under s. 236.12 (6), Stats., the fee increase to cover reproduction and postage costs apply to the submission to the department of a original drawing for preliminary plat from \$15.00 to \$30.00 per sheet and for final plat or assessor's plat form \$20.00 to \$30.00 per sheet.

Under s. 236.12 (2), Stats., the fee increase to cover copy and postage costs, apply to the submission to the department of copies of a final plat from \$20.00 to \$30.00 per sheet and for preliminary from \$10.00 to \$30.00 per sheet.

Text of Rule

SECTION 1. ATCP 53 is repealed.

SECTION 2. Tax 53 is created to read:

53.01 Applicability.

The department shall review preliminary, final or assessors' plats under s. 70.27 or ch. 236, Stats., upon payment of the fees specified in this chapter.

53.02 Definitions.

In this chapter:

- (1) "Department" means the Wisconsin department of revenue.
- (2) "Parcel" means a lot, outlot or public dedication. 'Public dedication' includes parks, greenways and other similar dedications but does not include streets or easements.
- (3) "Plat" means the total assemblage of sheets comprising a preliminary or final subdivision or assessor's plat.
- (4) "Sheet" includes each page of a preliminary or final plat drawing.

53.03 Review fee.

(1) The following fee schedule applies to the submission of plats to the department, either as copies under s. 236.12 (2), Stats., or as original drawings under s. 236.12 (6), Stats.

(a) Initial filing fee for preliminary, final or assessor's plats.....\$100.00.

(b) Preliminary plat (each submission)\$ 35.00 per plat.

(c) Final plat or assessor's plat (each submission)\$20.00 per parcel, or \$80.00 per plat, whichever is greater.

(2) The following additional fees, to cover reproduction and postage costs, apply to the submission to the department of an original drawing of a preliminary or final plat under s. 236.12 (6), Stats.

(a) Preliminary plat (each submission)\$30.00 per sheet.

(b) Final plat or assessor's plat (each submission)\$30.00 per sheet.

(3) The following additional fees, to cover copy and postage costs, apply to the submission to the department of copies of a preliminary or final plat under s. 236.12 (2), Stats.

(b) Preliminary (each submission)\$30.00 per sheet.

(4) The fee for review of a certified survey map, if a waiver is requested under s. 236.20 (2) (1), Stats., is \$50.00.

(5) If a subdivider or agent seeks an advisory opinion relative to conditions affecting a proposed plat which requires staff research and written response in the form of a presubmission consultation, the fee is \$50.00, \$25.00 of which the department shall credit toward the review fee when the plat is submitted.

53.06 Procedure for fee submission.

(1) The subdivider or the subdivider's agent shall provide required fees in the form of a check or money order in advance or with each plat submittal.

(2) The department may not accept any plat submitted to it until it receives all fees required for processing of that plat from the subdivider or agent. None of the time periods specified by ch. 236, or s. 70.27 (8), Stats., for plat review commence until the department receives all required fees.

(3) The department may, when warranted by unusual circumstances, waive part or all of the fees required under s. Tax 53.03. The subdivider or the subdivider's agent shall obtain any such waiver in writing from the department prior to plat submittal.

Initial Regulatory Flexibility Analysis

The rule order does not have a significant economic impact on a substantial number of small businesses.

Fiscal Estimate

Under the proposed rule, certain fees charged for plat review would be increased, beginning on the first day of the month following publication.

Based on estimates provided by the Plat Review Unit, program revenues of Plat Review would increase on an annual basis by \$69,000, from \$293,000 under the current rule to \$362,000 under the proposed rule:

○ Fees for final plat or assessor's plat submissions would increase by \$62,500.

○ Fees for reproduction and postage costs for submission of an original drawing of a preliminary or final plat under s. 236.12 (6), Stats., would increase by \$2,000.

○ Fees for copy and postage costs for submission of copies of a preliminary or final plat under s. 236.12 (2), Stats., would increase by \$4,500.

Notice of Proposed Rule

Revenue

Notice is hereby given that pursuant to s. 227.11(2)(a), Stats., and interpreting s. 77.52(2)(a)5. and (2m), Stats., and according to the procedure set forth in s. 227.16(2)(e), Stats., the Department of Revenue will adopt the following rules as proposed in this notice without public hearing unless, within 30 days after publication of this notice on **May 15, 1997**, it is petitioned for a public hearing by 25 natural persons who will be affected by the rule, a municipality which will be affected by the rule, or an association which is representative of a farm, labor, business or professional group which will be affected by the rule:

Contact Person

Please contact Mark Wipperfurth at (608) 266-8253, if you have any questions regarding this proposed rule order.

Analysis by the Department of Revenue

Statutory authority: s. 227.11(2)(a)

Statutes interpreted: s. 77.52(2)(a)5. and (2m)

SECTION 1. Tax 11.66(2)(intro.) and (5), relating to telecommunications services, are amended for the following reasons:

a. To reflect the amendment to s. 77.52(2)(a)5., Stats., by 1995 Wisconsin Act 351, relating to taxation of telecommunications services paid for by the insertion of coins in a coin-operated telephone.

b. To reflect the repeal of s. 77.54(24), Stats., by 1995 Wis. Act 27, relating to the exemption for equipment in central offices of telephone companies.

Text of Rule

SECTION 1. Tax 11.66 (2)(intro.) and (5) are amended to read:

Tax 11.66(2)(intro.) GENERAL. The sale of telecommunications services, ~~not including services paid for by the insertion of coins in a coin-operated telephone,~~ is subject to Wisconsin sales or use tax if both of the following occur:

(5) PURCHASES BY PERSONS PROVIDING SERVICE. Persons engaged in the business of providing ~~communications~~ telecommunications services are consumers, not retailers, of the tangible personal property used by them or transferred incidentally by them in providing those services. The tax applies to the sale of property to them. ~~However, s. 77.54(24), Stats., exempts "apparatus, equipment and electrical instruments, other than station equipment, in central offices of telephone companies, used in transmitting traffic and operating signals."~~

Note to Revisor: Change the first note at the end of Tax 11.66 to read:

Note: Section Tax 11.66 interprets ss. 77.51(17m) and (21m) and 77.52(2)(a)5. and 12. and (am) and (2m), Stats.

Note to Revisor: In the third note at the end of Tax 11.66, delete the word "and" before part (f) and add the following at the end of the note:

; (g) The repeal of the exemption for equipment in central offices of telephone companies became effective September 1, 1995, pursuant to 1995 Wis. Act 27; and (h) Telecommunications services paid for by the insertion of coins in a coin-operated telephone became taxable August 1, 1996, pursuant to 1995 Wis. Act 351.

Initial Regulatory Flexibility Analysis

The proposed rule order does not have a significant economic impact on a substantial number of small businesses.

Fiscal Estimate

The rule order updates s. Tax 11.66 with respect to the sales and use tax treatment of certain telecommunications services and equipment. Section 1 includes as a taxable service telecommunications purchased with coins from coin operated equipment as required by 1995 Wis. Act 351. Section 2 reflects 1995 Wis. Act 27 by repealing the tax exemption for central office equipment purchased by telecommunication firms. These changes have no fiscal effect.

Notice of Proposed Rule

Financial Institutions

(Savings Banks)

The Division of Savings Institutions in the Department of Financial Institutions proposes an order to renumber and amend s.DFI-SB 3.08(3) and to adopt s.DFI-SB 3.08(4) (i), relating to the definition of "primary liquid assets" in the liquidity rule for savings banks.

Notice is hereby given that pursuant to s.215.02(7) (a), Stats., and according to the procedure set forth in s.227.16(2) (e), Stats., the Division of Savings Institutions in the Department of Financial Institutions will adopt the following rule as proposed in this notice, without public hearing unless, within 30 days after publication of this notice on **May 15, 1997**, the Division of Savings Institutions in the Department of Financial Institutions is petitioned for a public hearing by 25 natural persons who will be affected by the rule; a municipality which will be affected by the rule; or an association which is representative of a farm, labor, business or professional group which will be affected by the rule.

Analysis Prepared By the Division of Savings Institutions in the Department of Financial Institutions

Statutory authority: s.214.715 (1) (d)

Statute interpreted: s.214.715(1) (d)

This rule makes adjustments to the definition of "primary liquid assets" in the liquidity rule for savings banks. In calculating liquidity, the rule authorizes a savings bank to include, as a primary liquid asset, marketable corporate debt instruments with characteristics prescribed in the rule.

The 4 highest ratings of a nationally recognized rating service (such as Moody's or Standard & Poor's) are commonly referred to as "investment grade." These 4 ratings are described as follows:

(1) highest rating: Obligor's capacity to meet its commitment on the obligation is strong. (2) 2nd highest rating: Somewhat more susceptible to the adverse affects of changes in circumstances and economic conditions; however, the obligor's capacity to meet its financial commitment on the obligation is satisfactory. (3) 3rd highest rating: Obligation exhibits adequate protection parameters; however, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation. (4) 4th highest rating:

Having significant speculative characteristics; obligor currently has the capacity to meet its financial commitment on the obligation; however, it faces major ongoing uncertainties which could lead to the obligor's inadequate capacity to meet its financial commitment on the obligation. (These summarize Standard & Poor's ratings.)

Fiscal Estimate

This rule will have no fiscal impact on the Division of Savings Institutions. The required review of a savings bank's compliance with this rule will be done as part of routine examinations with existing personnel and resources.

Initial Regulatory Flexibility Analysis

This rule will impose on all savings banks — including savings banks covered by the definition of "small business" under s.227.114(1)(a), Stats. — with the requirement of maintaining sufficient liquidity to meet cash demands. Exempting small businesses from this rule would be contrary to this objective and not in the best interests of the public.

Text of Rule

Pursuant to the authority in the Division of Savings Institutions in the Department of Financial Institutions by s.214.715(1)(d), Stats.,

the division administrator renumbers and amends s.DFI-SB 3.08(3) and adopts s.DFI-SB 3.08(4) (i) relating to the definition of "primary liquid assets" in the liquidity rule for savings banks.

SECTION 1. SB 3.08 (3) is renumbered and amended to read:

DFI-SB 3.08 (3) A liquid asset shall be either cash or an obligation authorized for investment by a savings bank. Liquid assets do not include equity investments, loans, except marketable corporate debt instruments which are rated in one of the 4 highest ratings by a nationally recognized rating service, and loan receivables and equity investments.

SECTION 2. DFI-SB 3.08 (4) (i) is created to read:

DFI-SB 3.08 (4) (i) Marketable corporate debt instruments which are rated in one of the 4 highest ratings by a nationally recognized rating service. In this par., marketable corporate debt instruments shall have a remaining maturity of no more than 36 months.

NOTE: "DFI-SB" will prefix the numbers of all savings bank administrative rules (currently prefixed "SB") to indicate the merger of the agency regulating savings banks into the department of financial institutions as the savings institutions division.

**NOTICE OF SUBMISSION OF PROPOSED RULES TO THE PRESIDING OFFICER OF EACH HOUSE OF THE LEGISLATURE,
UNDER S. 227.19, STATS.**

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

Corrections (CR 96-92):

Ch. DOC 326 – Relating to leave for qualified inmates.

Corrections (CR 96-105):

Ch. DOC 325 – Relating to the temporary release of an inmate under supervision.

Corrections (CR 96-176):

Ch. DOC 324 – Relating to the inmate work and study release program.

Health and Family Services (CR 97-2):

Ch. HFS 125 – Relating to do-not-resuscitate (DNR) bracelets to alert emergency health care personnel of do-not-resuscitate orders.

Health and Family Services (CR 97-8):

Ch. HSS 70 – Relating to loans to help establish group homes for recovering substance abusers.

Insurance, Commissioner of (CR 96-182):

Ch. Ins 23 – Relating to minimum standards for life insurance policies sold to fund prearranged funeral plans.

Natural Resources (CR 96-148):

Chs. NR 102, 105, 106 and 207 – Relating to surface water quality standards, criteria and their implementation procedures.

Natural Resources (CR 96-178):

Chs. NR 502, 503, 506, 512, 514, 516 and 520 – Relating to solid waste management.

Public Defender (CR 97-31):

Ch. PD I – Relating to the certification of private bar attorneys.

Public Defender (CR 97-32):

S. PD 2.06 – Relating to the assignment of trial division cases to the private bar.

Workforce Development (CR 97-23):

S. DWD 56.08 – Relating to administration of child care funds and required parent copayments.

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.

Financial Institutions-Banking (CR 96-122):

An order amending s. Bkg 73.01, relating to adjustment service companies.
Effective 07-01-97.

Commerce (CR 97-4):

An order repealing ch. DOD 13 and creating ch. Comm 113, relating to the annual allocation of volume cap on tax-exempt private activity bonds.
Effective 07-01-97.

State Emergency Response Board (CR 96-129):

An order creating ch. ERB 6, relating to reimbursement procedures for regional and local hazardous materials emergency response teams when a person responsible cannot be found or when the person responsible is unable or unwilling to pay.
Effective 06-01-97.

Public Defender (CR 97-12):

An order amending s. PD 3.02, relating to the cost of retained counsel.
Effective 06-01-97.

Workforce Development (CR 94-122):

An order creating ch. DWD 58, relating to higher quality of care standards for child care providers, and the administration of staff retention grants for providers who meet the higher quality of care standards and quality improvement grants for providers who need assistance in meeting the higher quality of care standards.
Effective 07-01-97.

Workforce Development (CR 96-181):

An order affecting chs. ILHR 272 and DWD 272, relating to the minimum wage.
Effective 06-01-97.

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