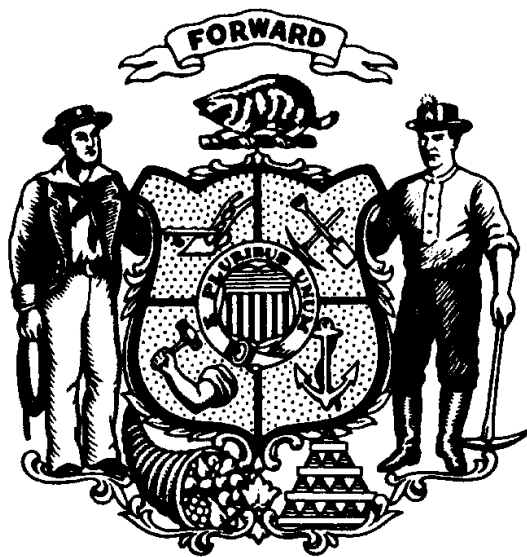


WISCONSIN ADMINISTRATIVE REGISTER

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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 (2)

Commerce

(PECFA – Chs. Comm 46–47)

1. Rules adopted creating **ch. Comm 46**, relating to “Petroleum Environmental Cleanup Fund Interagency Responsibilities,” and relating to site contaminated with petroleum products from petroleum storage tanks.

Exemption From Finding of Emergency

On September 22, 1999, the Joint Committee for Review of Administrative Rules adopted a motion pursuant to s. 227.26 (2) (b), Stats., that directs the Departments Commerce and Natural Resources to promulgate as an emergency rule, no later than October 22, 1999, the policies and interpretations under which they intend to administer and implement the shared elements of the petroleum environmental cleanup fund program.

In administering the fund, the Departments had previously relied upon a Memorandum of Understanding for classifying contaminated sites and addressing other statements of policy that affect the two Departments. The rule that is being promulgated details the policies and interpretations under which the agencies intend to administer and guide the remedial decision making for sites with petroleum product contamination from petroleum product storage tank systems.

The rule defines “high priority site,” “medium priority site,” and “low priority site,” and provides that the Department of Natural Resources has authority for high priority sites and that the Department of Commerce has authority for low and medium priority sites. The rule requires transfer of authority for sites with petroleum contamination in the groundwater below the enforcement standard in ch. NR 140 from the Department of Natural Resources to the Department of Commerce. The rule also establishes

procedures for transferring sites from one agency to the other when information relevant to the site classification becomes available.

Publication Date: October 20, 1999
Effective Date: October 20, 1999
Expiration Date: March 18, 2000
Hearing Date: November 18, 1999
Extension Through: May 16, 2000

2. Rules adopted amending **s. Comm 47.53**, relating to appeals of decisions issued under the Petroleum Environmental Cleanup Act (PECFA) program.

Finding of Emergency

The Department of Commerce 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 is receiving funds from a bonding initiative to enable it to issue approximately 3,500 decisions on applications for PECFA funding which had been awaiting the availability of funding. Because these decisions will be issued over a very short time frame, parties receiving decisions and law firms representing them, will be required to review and analyze a large volume of decisions to determine whether they wish to appeal specific departmental decisions. Given the large number of decisions and the normal rate of appeals, it is reasonable to expect that the public will be required to prepare and file a large volume of appeals within a short time period. Attorneys, lenders and consultants representing multiple claimants have expressed concern about the workload associated with having to review decisions and draft appeals on the higher volume of decisions issued by the department within the current 30 day window. The emergency rule temporarily expands the filing period from 30 days to 90 days to provide additional time to evaluate decisions and determine whether an appeal should be filed. The rule covers the time period when the highest volume of decisions are to be issued.

Publication Date: February 15, 2000
Effective Date: February 15, 2000
Expiration Date: July 14, 2000
Hearing Date: March, 27, 2000

EMERGENCY RULES NOW IN EFFECT

Crime Victims Rights Board

Rules adopted creating **ch. CVRB 1**, relating to the rights of crime victims.

Finding of Emergency

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

The Crime Victims Rights Board was created by 1997 Wis. Act 181, effective December 1, 1998, to enforce victims’ rights established by Wis. Const. Art. I, s. 9m, adopted in 1993. The Wisconsin Constitution states that the Legislature shall provide remedies for the violation of victims’ constitutional rights. The Board’s process represents the only means of enforcing the remedies

available to victims of crime who are not provided with the rights guaranteed to them by the Wisconsin Constitution and the Wisconsin statutes. The Board can issue reprimands to correct violations of victims' rights, seek forfeitures in egregious cases, and seek equitable relief to enforce victims' rights. The Board can also work to prevent future violations of victims' rights by issuing reports and recommendations on crime victims' rights and services.

Complaints must be presented to the Department of Justice before they can be presented to the Board. The Department estimates that it receives 200 complaints annually involving the treatment of crime victims. The Department has no authority to enforce victims' rights; the Department can only seek to mediate disputes. Of those complaints, approximately 25 per year cannot be resolved to the parties' satisfaction, and are therefore ripe for the Board's consideration. There are presently 5 complaints that could be referred to the Board if the Board were able to receive and act on complaints.

Until the Board establishes its complaint process by administrative rule, it is unable to provide the remedies constitutionally guaranteed to crime victims.

Publication Date: September 17, 1999
Effective Date: September 17, 1999
Expiration Date: February 14, 1999
Hearing Date: November 9, 1999
Extension Through: April 13, 2000

EMERGENCY RULES NOW IN EFFECT

Employe Trust Funds

Rules adopted revising s. **ETF 20.25 (1)**, relating to the distribution to annuitants from the transaction amortization account to the annuity reserve under 1999 Wis. Act 11.

Finding of Emergency

The Department of Employe Trust Funds, Employe Trust Fund Board, Teacher Retirement Board and Wisconsin Retirement Board find that an emergency exists and that administrative rules are necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

The Public Employe Trust Fund was created for the purpose of helping public employes to protect themselves and their beneficiaries against the financial hardships of old age, disability, death, illness and accident. The Trust Fund thus promotes economy and efficiency in public service by facilitating the attraction and retention of competent employes, by enhancing employe morale, by providing for the orderly and humane departure from service of employes no longer able to perform their duties effectively, and by establishing equitable benefit standards throughout public employment. There are approximately 102,000 annuitants of the Wisconsin Retirement System, of whom about 80% reside throughout the State of Wisconsin. The Department of Employe Trust Funds estimates that up to 7,000 public employes covered by the Wisconsin Retirement System will retire and take annuity benefits effective during 1999.

WRS participants who retire during 1999 are not eligible to have their retirement benefits calculated using the higher formula factors for pre-2000 service which are provided by the treatment of Wis. Stats. 40.23 (2m) (e) 1. through 4. by 1999 Wis. Act 11. Section 27 (b) 2. of the Act directs that any funds allocated to the employer reserve in the Trust Fund as a result of the \$4 billion transfer mandated by the Act, which exceed \$200,000,000 shall be applied towards funding any liabilities created by using the higher formula factors with respect to pre-2000 service.

If the existing administrative rule mandating proration is not revised, then the distribution of the funds transferred into the annuity reserve by Act s. 27 (1) (a) of 1999 Wis. Act 11 will be prorated with respect to annuities with effective dates after December 31, 1998, and before January 1, 2000. The extraordinary transfer of funds from the Transaction Amortization Account (TAA) mandated by 1999 Wis. Act 11 causes funds, which would otherwise have remained in the TAA to be recognized and fund annuity dividends in later years, to instead be transferred into the annuity reserve in 1999 and paid out as an annuity dividend effective April 1, 2000. Normally, annuities effective during 1999 would receive only a prorated dividend. If this occurred with respect to this extraordinary distribution, then annuitants with annuity effective dates in 1999 would be deprived of a portion of the earnings of the Public Employe Trust Fund that would otherwise have affected their annuities as of April 1, 2001 and in subsequent years.

Promulgation of an emergency rule is the only available option for revising the effect of Wis. Adm. Code s. ETF 20.25 (1) before December 31, 1999. Accordingly, the Department of Employe Trust Funds, Employe Trust Funds Board, Teacher Retirement Board and Wisconsin Retirement Board conclude that preservation of the public welfare requires placing this administrative rule into effect before the time it could be effective if the Department and Boards were to comply with the scope statement, notice, hearing, legislative review and publication requirements of the statutes.

Publication Date: December 27, 1999
Effective Date: December 31, 1999
Expiration Date: May 29, 2000
Hearing Date: February 11, 2000

EMERGENCY RULES NOW IN EFFECT

Department of Financial Institutions **Division of Securities**

Rules adopted revising s. **DFI-Sec 5.01 (4)**, relating to investment adviser representative competency examination grandfathering provisions.

Finding of Emergency and Analysis

The Division of Securities of the Department of Financial Institutions for the State of Wisconsin finds that an emergency exists and that rules are necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency follows:

The Division recently adopted for January 1, 2000 effectiveness as part of its annual rule revision process for 1999, a new administrative rule in s. DFI-Sec 5.01(3) that prescribes a new examination requirement for investment advisers and investment adviser representatives seeking licensure in Wisconsin on or after January 1, 2000. That new examination requirement, which includes completely revised Series 65 and Series 66 examinations, was developed over a 3-year period by a Project Group of the North American Securities Administrators Association ("NASAA").

The new NASAA examination requirement (which also included certain "grandfathering"/examination-waiver provisions) was approved by vote of NASAA member states (including Wisconsin) at the NASAA 1999 Spring Conference to become effective on December 31, 1999. The NASAA membership vote was accompanied by a recommendation that for uniformity purposes, each NASAA member state complete the necessary steps to adopt and have effective by January 1, 2000, the new examination requirement conforming to the NASAA format in all respects.

Following the adoption on November 18, 1999 by the Division of the new investment adviser examination requirement in s. DFI-Sec 5.01(3) as part of the Division's annual rule revision process, it was noted that the "grandfathering"/examination waiver

provisions that had been included in s. DFI–Sec 5.01(4) did not track the NASAA Model language in two respects.

Because it is critical that the grandfathering provisions for the new Wisconsin investment adviser examination requirement be uniform with those of the other NASAA member states as of the coordinated January 1, 2000 date so that applicants for licensing in Wisconsin receive equivalent treatment to that accorded them by other states in which they may be seeking licensure, this emergency rulemaking for January 1, 2000 effectiveness is necessary.

The emergency rulemaking action is comprised of two provisions which do the following: (1) provide an examination waiver in new section DFI–Sec 5.01(4)(e) for any applicant licensed as an investment adviser or investment adviser representative in any jurisdiction in the U.S. on January 1, 2000; and (2) provide an examination waiver in amended section DFI–Sec 5.01(4)(b) for any applicant that has been licensed as an investment adviser or investment adviser representative in any jurisdiction in the U.S. within two years prior to the date the application is filed.

Publication Date: December 28, 1999
Effective Date: January 1, 2000
Expiration Date: May 30, 2000
Hearing Date: March 13, 2000

EMERGENCY RULES NOW IN EFFECT (2)

Gaming Division

1. Rules adopted creating **ch. Game 27**, relating to the conduct of pari–mutuel snowmobile racing.

Finding of Emergency

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

In January of 2000 a snowmobile promoter proposes to offer pari–mutuel wagering on snowmobile races conducted in Wisconsin. Section 562.124, Stats., allows for pari–mutuel snowmobile racing with the requirement that the Division of Gaming regulate the racing and promulgate all rules necessary to administer the statutory provision in the statutes.

Since this will be the first occasion within the United States that there will be pari–mutuel wagering on a motor sport or mechanical event, the Division of Gaming took extra time in preparing and reviewing the proposed rules with emphasis and attention directed toward the health, welfare and safety of the participants, workers and the public. Additionally, the Division of Gaming is incorporating standards by reference, specifically the Oval Sprint Racing Rules; Sno–Cross Racing Rules; and the General Competition Rules, excluding Enforcement, Discipline and Violation, of International Snowmobile Racing, Incorporated as identified in the 1999–2000 *ISR Snowmobile Racing Yearbook*. These rules, which were made public in October of 1999 were reviewed extensively, once again with an emphasis on the health, welfare and safety of the prior noted individuals.

The conduct of pari–mutuel snowmobile racing will create additional jobs, increase tourism within the State of Wisconsin and generate revenues for the Division of Gaming.

Publication Date: December 23, 1999
Effective Date: December 23, 1999
Expiration Date: May 21, 2000

2. Rule adopted repealing **ch. Game 27**, relating to the conduct of pari–mutuel snowmobile racing, which was created by emergency rule on December 23, 1999.

Finding of Emergency

Based upon the public opposition to this emergency rule, the Department has reconsidered its creation of ch. Game 27 as an emergency rule. The Department will instead pursue creation of the proposed rule under the permanent rulemaking procedures.

Publication Date: January 15, 2000
Effective Date: January 15, 2000
Expiration Date: May 21, 2000

EMERGENCY RULES NOW IN EFFECT (2)

Health & Family Services

(Management, Technology, etc., Chs. HFS 1–)

1. A rule was adopted revising **chapter HFS 12 and Appendix A**, relating to caregiver background checks.

Finding of Emergency

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

Since October 1, 1998, the Department has been implementing ss. 48.685 and 50.065, Stats., effective on that date, that require use of uniform procedures to check the backgrounds of persons who apply to the Department for regulatory approval, to a county social services or human services department that licenses foster homes for children and carries out adoption home studies, to a private child–placing agency that does the same or to a school board that contracts for day care programs, to provide care or treatment to persons who need that care or treatment, or who apply to a regulated entity to be hired or contracted with to provide services to the entity's clients or who propose to reside as a non–client at the entity. The statutes direct the regulatory agencies and regulated entities to bar persons, temporarily or permanently, depending on the conviction or finding, who have in their backgrounds a specified conviction or finding substantially related to the care of clients, from operating a service provider organization, providing care or treatment to persons who need that care or treatment or from otherwise having contact with the clients of a service provider.

To implement the new Caregiver Law, the Department on October 1, 1998, published administrative rules, ch. HFS 12, Wis. Adm. Code, by emergency order. The October 1998 emergency rules were modified in December 1998 and February 1999 by emergency order, and were replaced by permanent rules effective July 1, 1999. On September 12, 1999, the Department issued another emergency order again modifying ch. HFS 12, but only the Crimes List and not the text of the chapter. The number of specified crimes was reduced to 79, with 6 of them, all taken from ss. 48.685 and 50.065, Stats., being crimes that permanently barred persons for all programs. The change to the ch. HFS 12 Crimes List was made at that time because the 1999–2001 Budget Bill, subsequently passed by the Legislature as 1999 Wisconsin Act 9, was expected to provide for a more modest list of crimes than the one that was appended to ch. HFS 12. The more modest crimes list published by an emergency rulemaking order on September 12, 1999 reflected the Legislature's intent that some persons who under the previous rules would lose their jobs effective October 1, 1999, were able to keep their jobs.

The 1999–2001 Biennial Budget Act, 1999 Wisconsin Act 9, made several changes to ss. 48.685 and 50.065, Stats., the Caregiver Law. These changes were effective on October 29, 1999. The Department's current rules, effective July 1, 1999, as amended on September 16, 1999, have been in large part made obsolete by those statutory changes. Consequently, the Department through this order is repealing and recreating ch. HFS 12 to bring its rules for operation of the Caregiver Law into conformity with the revised statutes. This

is being done as quickly as possible by emergency order to remove public confusion resulting from administrative rules, which have been widely relied upon by the public for understanding the operation of the Caregiver Law, that are now in conflict with current statutes.

The revised rules minimize repetition of ss. 48.685 and 50.065, Stats., and are designed to supplement those statutes by providing guidance on:

- Sanctions associated with the acts committed under the Caregiver Law;
- Determining whether an offense is substantially related to client care;
- Reporting responsibilities; and
- The conduct of rehabilitation review.

Publication Date: February 12, 2000

Effective Date: February 13, 2000

Expiration Date: July 12, 2000

Hearing Date: April 13, 2000

2. Rules adopted creating **ch. HFS 10**, relating to family care.

Exemption From Finding of Emergency

The Legislature in s. 9123 (1) of 1999 Wis. Act 9 directed the Department to promulgate rules required under ss. 46.286 (4) to (7), 46.288 (1) to (3) and 50.02 (2) (d), Stats., as created by 1999 Wis. Act 9, but exempted the Department from the requirement under s. 227.24 (1) and (3), Stats., to make a finding of emergency.

Analysis Prepared by the Department of Health and Family Services

Legislation establishing a flexible Family Care benefit to help arrange or finance long-term care services to older people and adults with physical or developmental disabilities was enacted as part of 1999 Wis. Act 9. The benefit is an entitlement for those who meet established criteria. It may be accessed only through enrollment in Care Management Organizations (CMOs) that meet requirements specified in the legislation.

The Act also authorizes the Department of Health and Family Services to contract with Aging and Disability Resource Centers to provide broad information and assistance services, long-term care counseling, determinations of functional and financial eligibility for the Family Care benefit, assistance in enrolling in a Care Management Organization if the person chooses to do so, and eligibility determination for certain other benefits, including Medicaid, and other services.

Until July 1, 2001, the Department of Health and Family Services is authorized to contract with CMOs and Resource Centers in pilot counties to serve up to 29% of the state's eligible population. Further expansion is possible only with the explicit authorization of the Governor and the Legislature.

When Aging and Disability Resource Centers become available in a county, the legislation requires nursing homes, community-based residential facilities, adult family homes and residential care apartment complexes to provide certain information to prospective residents and to refer them to the Resource Center. Penalties are provided for non-compliance.

These proposed rules interpret this new legislation, the main body of which is in newly enacted ss. 46.2805 to 46.2895, Stats. The Department of Health and Family Services is specifically directed to promulgate rules by ss. 46.286 (4) to (7), 46.288 (1) to (3), 50.02 (2) (d) and 50.36 (2) (c), Stats. Non-statutory provisions in section 9123 of 1999 Wis. Act 9 require that the rules are to be promulgated using emergency rulemaking procedures and exempts the Department from the requirements under s. 227.24 (1) (a), (2) (b) and (3) of the Stats., to make a finding of emergency. These are the rules required under the provisions cited above, together with related rules intended to clarify and implement other provisions of

the Family Care legislation that are within the scope of the Department's authority. The rules address the following:

- Contracting procedures and performance standards for Aging and Disability Resource Centers.
- Application procedures and eligibility and entitlement criteria for the Family Care benefit.
- Description of the Family Care benefit that provides a wide range of long-term care services.
- Certification and contracting procedures for Care Management Organizations.
- Certification and performance standards and operational requirements for CMOs.
- Protection of client rights, including notification and due process requirements, complaint, grievance, Department review, and fair hearing processes.
- Recovery of incorrectly and correctly paid benefits.
- Requirements of hospitals, long-term care facilities and Resource Centers related to referral and counseling about long-term care options.

Publication Date: February 1, 2000

Effective Date: February 1, 2000

Expiration Date: June 30, 2000

Hearing Dates: April 25, & 27, May 2, 4 & 8, 2000

[See Notice this Register]

EMERGENCY RULES NOW IN EFFECT

Health & Family Services

(Community Services, Chs. HFS 30-)

- Rules adopted revising **ch. HFS 50**, relating to adoption assistance programs.

Finding of Emergency

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

This rulemaking order amends ch. HFS 50, the Department's rules for facilitating the adoption of children with special needs, to implement changes to the adoption assistance program statute, s. 48.975, Stats., made by 1997 Wisconsin Act 308. Those changes include permitting a written agreement for adoption assistance to be made following an adoption, but only in "extenuating circumstances;" permitting the amendment of an adoption assistance agreement for up to one year to increase the amount of adoption assistance for maintenance when there is a "substantial change in circumstances;" and requiring the Department to annually review the circumstances of the child when the original agreement has been amended because of a substantial change in circumstances, with the object of amending the agreement again to either continue the increase or to decrease the amount of adoption assistance if the substantial change in circumstances no longer exists. The monthly adoption assistance payment cannot be less than the amount in the original agreement, unless agreed to by all parties.

The amended rules are being published by emergency order so that adoption assistance or the higher adoption assistance payments, to which adoptive parents are entitled because of "extenuating circumstances" or a "substantial change in circumstances" under the statutory changes that were effective on January 1, 1999, may be made available to them at this time, now that the rules have been developed, rather than 7 to 9 months later which is how long the promulgation process takes for permanent rules. Act 308 directs the Department to promulgate rules that, among other things, define

extenuating circumstances, a child with special needs and substantial change in circumstances.

Publication Date: November 16, 1999
Effective Date: November 16, 1999
Expiration Date: April 13, 2000
Hearing Dates: February 24, & 28, 2000

EMERGENCY RULES NOW IN EFFECT

Health & Family Services

(Medical Assistance, Chs. HFS 101–108)

Rules adopted creating ss. **HFS 106.12 (9) and 108.02 (9)(f)**, relating to discovery rights in contested case proceeding involving health care providers under the MA program.

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:

In Wisconsin, contested case proceedings for which state agencies must hold administrative hearings are by statute divided into three categories. Class 1 cases involve situations in which the agency has substantial discretionary authority (such as rate setting or the grant or denial of a license) but no imposition of a sanction or penalty is involved; Class 2 contested cases involve the imposition of a sanction or penalty; and Class 3 cases are those not included in Class 1 or Class 2. Under s. 227.45(7), Stats., in a Class 2 proceeding the parties have an automatic right to take and preserve evidence prior to the hearing by using discovery procedures such as depositions and interrogatories, but in a Class 1 or Class 3 proceeding the parties generally do not have the right to use discovery unless rules of the agency specifically provide for that right.

The Department of Health and Family Services does not have rules providing for discovery in a Class 1 or Class 3 contested case. Accordingly, discovery has not been available for Class 1 or Class 3 cases except with respect to certain witnesses identified in s. 227.45 (7), Stats. The Department of Administration's Division of Hearings and Appeals handles cases delegated from this Department. Recently, a hearing examiner in the Division of Hearings and Appeals issued an order in a Class 3 case which held that, because the Division of Hearings and Appeals has its own rules allowing discovery in all cases, those rules override the absence of any mention of discovery in the Department of Health and Family Services' rules concerning hearing rights and procedures.

This Department believes that an emergency exists. If other hearing examiners issue similar rulings, the Department of Health and Family Services would be subject to discovery in all cases. This means that in the absence of Department rules that provide otherwise, the process of litigation for Class 1 and Class 3 cases would be significantly prolonged for all parties and the additional administrative costs to the Department associated with that process (including the need to hire additional program staff, attorneys, and support staff to handle the depositions, interrogatories, and other discovery procedures) would be considerable.

There is a particularly high volume of Class 1 and Class 3 cases involving Medical Assistance program providers. Accordingly, these rules are issued to make clear that discovery remains

unavailable in Class 1 and Class 3 Medical Assistance contested case proceedings involving providers.

Publication Date: December 23, 1999
Effective Date: December 23, 1999*
Expiration Date: May 21, 2000
Hearing Date: March 8, 2000

*On January 20, 2000, the Joint Committee for Review for Administrative Rules suspended these emergency rules under s. 227.19 (4) (d)1., Stats.

EMERGENCY RULES NOW IN EFFECT

Natural Resources

(Environmental Protection – General, Chs. NR 100–)

Rules adopted creating **ch. NR 195**, relating to establishing river protection grants.

Finding of Emergency

The department of natural resources finds that an emergency exists and a rule is necessary for the immediate preservation of the public health, safety or welfare. The facts constituting the emergency are:

These grants are funded from a \$300,000 annual appropriation that lapses into other programs at the end of each fiscal year. Due to delays in approving the biennial budget, there is not enough time remaining in the current fiscal year to develop a permanent rule, following standard procedures, to allow grants to be awarded with the current fiscal year appropriation. Potential river protection grant sponsors have been anticipating these grants and are ready to apply and make use of these funds. An emergency order will prevent the loss of \$300,000 for protecting rivers that the legislature clearly intended to make available to these organizations. Initiating this much-anticipated program through emergency order, while permanent rules are being developed, is a positive step toward successful implementation.

Publication Date: February 17, 2000
Effective Date: February 17, 2000
Expiration Date: July 16, 2000
Hearing Dates: March 16, 17, 21 & 22, 2000

EMERGENCY RULES NOW IN EFFECT

Natural Resources

(Environmental Protection–Investigation and Remediation, Chs. NR 700–)

Rules adopted creating **ch. NR 746**, relating to sites contaminated with petroleum products from petroleum storage tanks.

Finding of Emergency

The Wisconsin Natural Resources Board 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 contributing to the emergency is:

The Department of Commerce has adopted administrative rules under ss. 101.143 and 101.144, Stats., to implement the Petroleum Environmental Cleanup Fund Act (PECFA). The purpose of PECFA is to reimburse responsible persons for the eligible costs

incurred to investigate and remediate petroleum product discharges from a petroleum product storage system or home oil tank system. The recent emergency rule, ch. Comm 46, was adopted by both the Department of Natural Resources and the Department of Commerce in January 1999, incorporating parts of a Memorandum of Understanding between the two agencies that relates to the classification of contaminated sites and creating risk screening criteria for assessing petroleum-contaminated sites. However, ch. Comm 46 expired on September 27, 1999, prior to publication of the permanent rule. The emergency rule, ch. NR 746, is being proposed in order to ensure rules continue in effect during the time period between now and when the permanent rule is published. This action is also in response to a resolution adopted by the Joint Committee for Review of Administrative Rules (JCRAR), which directed the Department of Commerce and the Department of Natural Resources to promulgate a new emergency rule for this interim time period.

The emergency rule was approved and adopted by the State of Wisconsin Natural Resources Board on September 29, 1999.

Publication Date: October 20, 1999
Effective Date: October 20, 1999
Expiration Date: March 18, 2000
Hearing Date: November 18, 1999
Extension Through: May 16, 2000

EMERGENCY RULES NOW IN EFFECT (6)

Public Instruction

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

Finding of Emergency

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

Emergency rules are necessary to clarify the eligibility criteria and requirements for parents and participating private schools in time for schools to properly establish procedures for the 2000–2001 school year. Furthermore, emergency rules are necessary to allow the private schools to begin planning summer school programs. The department is in the process of developing permanent rules, but such rules will not be in place prior to January 2000.

The requirements established under this rule have been discussed with the private schools and initial indications reflect an acceptance of these provisions.

Publication Date: January 4, 2000
Effective Date: January 4, 2000
Expiration Date: June 2, 2000
Hearing Date: March 20, 2000

2. Rules adopted creating **ch. PI 10**, relating to supplemental aid for school districts with a large area.

Finding of Emergency

The Department of Public Instruction finds that 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:

1999 Wis. Act 9 appropriated \$125,000 to be awarded by the department to eligible school districts in the 1999–2000 school year. Emergency rules are necessary to clarify the eligibility criteria and procedures for school districts to apply for funds under the program.

The rules contained in this order shall take effect upon publication as emergency rules pursuant to the authority granted by s. 227.24, Stats.

Publication Date: January 28, 2000
Effective Date: January 28, 2000
Expiration Date: June 26, 2000
Hearing Date: March 15, 2000

3. Rules adopted creating **ch. PI 24**, relating to state aid for achievement guarantee contracts and aid for debt service.

Finding of Emergency

The Department of Public Instruction finds that 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:

State Aid for Achievement Guarantee Contracts:

The department will send SAGE contract information to school districts by mid–February and require proposed contracts to be submitted to the department by April 1, 2000. Emergency rules are necessary to clarify the eligibility criteria and requirements for school districts applying for state aid for achievement guarantee contracts in time for the 2000–2001 school year.

Partial Debt Service Reimbursement:

On or after October 29, 1999, a school board must adopt an initial resolution under s. 67.05 (6a), Stats., for issuance of bonds where the purpose for borrowing includes providing funds for classroom expansion necessary to fulfill a contract under s. 118.43, Stats. Emergency rules are necessary to clarify the criteria and procedures for SAGE school districts to receive partial debt service reimbursement for the 2000–2001 school year.

The proposed rules contained in this order shall take effect upon publication as emergency rules pursuant to the authority granted by s. 227.24, Stats.

Publication Date: January 28, 2000
Effective Date: January 28, 2000
Expiration Date: June 26, 2000
Hearing Date: March 15, 2000

4. Rules adopted creating **ch. PI 44**, relating to alternative education grants.

Finding of Emergency

The Department of Public Instruction finds that 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:

1999 Wis. Act 9 appropriated \$5,000,000 to be awarded by the department to eligible school districts or consortia of school districts in the 2000–2001 school year. Emergency rules are necessary to clarify the eligibility criteria and procedures for school districts or consortia of school districts to apply for funds under the program.

The rules contained in this order shall take effect upon publication as emergency rules pursuant to the authority granted by s. 227.24, Stats.

Publication Date: January 28, 2000
Effective Date: January 28, 2000
Expiration Date: June 26, 2000
Hearing Dates: March 9, 14 & 15, 2000

5. Rules adopted creating **s. PI 6.07**, relating to the public library system aid payment adjustments.

Finding of Emergency

The Department of Public Instruction finds that 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 accordance with s. 43.24 (1)(b), Stats., the rules adjust public library aid payments to be consistent with system services areas after territorial changes occur. Using the formula created under the rule, an aid adjustment will be paid by the department in April for a territorial change. Emergency rules must be in place before the formula may be used.

Publication Date: March 4, 2000
Effective Date: March 4, 2000
Expiration Date: August 1, 2000

6. Rules adopted revising **ch. PI 32**, relating to grants for alcohol and other drug abuse programs.

Finding of Emergency

The Department of Public Instruction finds that 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:

For the upcoming school year, the department will send grant application materials to school districts in March. Grant applications must be returned to the department in the spring of 2000 and grants will be awarded prior to July 1, 2000. In order for applicants to development proposals and for the state superintendent to review the proposals and make grant awards in time for the 2000–2001 school year, rules must be in place as soon as possible.

Publication Date: March 4, 2000
Effective Date: March 4, 2000
Expiration Date: August 1, 2000

EMERGENCY RULES NOW IN EFFECT (2)

Revenue

1. Rule adopted creating **s. Tax 18.08 (4)**, relating to assessment of agricultural land.

Finding of Emergency

The Wisconsin Department of Revenue 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 facts constituting the emergency is:

1995 Wisconsin Act 27 changed the way agricultural land is valued for property tax purposes. The law requires the Farmland Advisory Council to make recommendations regarding the transition from valuation under prior law to valuation under current law, and requires the department to promulgate rules to implement those recommendations.

On October 18, 1999, the Farmland Advisory Council recommended that agricultural land be assessed as of January 1, 2000 and thereafter according to value in agricultural use. Major Wisconsin farm organizations, among others, have petitioned the Department under s. 227.12, Stats., to promulgate an administrative rule implementing the Council's recommendation.

Since the Department holds assessor schools in November and typically publishes the next years use–value guidelines prior to January 1 of that year, an emergency rule requiring assessment of each parcel of agricultural land according to its value in agricultural

use is necessary for the efficient and timely assessment of agricultural land as of January 1, 2000.

Publication Date: November 30, 1999
Effective Date: November 30, 1999
Expiration Date: April 27, 2000
Hearing Date: January 7, 2000

2. Rules were adopted revising **ch. WGC 61**, relating to the implementation and maintenance of the retailer performance program of the Wisconsin lottery.

Finding of Emergency

The Department of Revenue 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:

Sections 565.02 (4)(g) and 565.10 (14)(b)3m., Stats., as created by 1999 Wis. Act 9, provide for the implementation of a retailer performance program, effective January 1, 2000. The program may be implemented only by the promulgation of rules.

This rule is therefore promulgated as an emergency rule and shall take effect upon publication in the official state newspaper. The retailer performance program is being implemented retroactively to January 1, 2000, pursuant to Section 9443 (1) of 1999 Wis. Act 9.

Publication Date: March 3, 2000
Effective Date: March 3, 2000
Expiration Date: July 31, 2000

EMERGENCY RULES NOW IN EFFECT

Wisconsin Technical College System

Rules adopted creating **ch. TCS 16**, relating to grants for students.

Finding of Emergency

The Wisconsin Technical College System (WTCS) Board 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 facts constituting the emergency is:

1999 Wis. Act 9 (the 2000–2001 biennial budget bill) took effect on October 29, 1999. That act created ss. 20.292(1)(ep) and 38.305, Stats. An annual appropriation of \$6,600,000 GPR in the second fiscal year of the 2000–2001 biennium was established. These funds are to be awarded by the WTCS Board as grants to students who are attending a Wisconsin technical college on a full–time basis and who are enrolled in a vocational diploma or associate degree program.

The Act requires the WTCS Board to promulgate rules to implement and administer the awarding of these grants. The Board has begun the permanent rule making process for establishing administrative rules for these student grants, but cannot complete the required public hearing and review of these rules prior the start of the upcoming school year, which begins on July 1, 2000. Moreover, prospective students evaluate their educational options, including costs, as early as February preceding their graduation from high school. Therefore, for the TOP Grant program to be implemented and the funds distributed to each technical college district, and in turn to each eligible student, in time for the upcoming school year, emergency administrative rules must be established immediately.

Publication Date: February 1, 2000
Effective Date: February 1, 2000
Expiration Date: June 30, 2000
Hearing Date: May 1, 2000

[See Notice this Register]

EMERGENCY RULES NOW IN EFFECT (2)

Transportation

1. Rules adopted revising **ch. Trans 4**, relating to requiring the use of a fully allocated cost methodology when evaluating bids solicited for transit service in a competitive process.

Exemption From Finding of Emergency

Chapter Trans 4 establishes the Department's administrative interpretation of s. 85.20, Stats. and prescribes administrative policies and procedures for implementing the state urban public transit operating assistance program authorized under s. 85.20, Stats. 1999 Wis. Act 9, section 9150(2bm), requires the Department to adopt an emergency rule to amend Chapter Trans 4 by adding a section that requires that cost proposals submitted by a publicly owned transit system in response to a request for proposals issued by a public body for the procurement of transit services to be funded under the state urban transit operating assistance program must include an analysis of fully allocated costs. The analysis must include all of the publicly owned system's costs, including operating subsidies and capital grants. This analysis shall be the basis for evaluating costs when ranking proposals.

Pursuant to 1999 Wis. Act 9, section 9150(2bm)(b), the Department is not required to provide evidence that the rule is necessary for the preservation of the public peace, health, safety or welfare, and is not required to provide a finding of emergency.

Publication Date: December 12, 1999
Effective Date: December 12, 1999
Expiration Date: See 1999 Wis. Act 9, section 9150 (2bm)
Hearing Date: February 14, 2000

2. Rule adopted creating **s. Trans 4.09 (4)**, relating to cost-efficiency standards for systems participating in the Urban Mass Transit Operating Assistance program.

Finding of Emergency

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

1999 Wis. Act 9 specifies that the Department may not enter into a contract for the payment of state aids until cost-efficiency standards have been incorporated into an administrative rule, which is "in effect" for calendar year 2000 contracts, and unless the contract requires the transit system to comply with those rules as a condition of receiving state aid. The Department is promulgating this emergency rule making so that state aid contracts can be executed prior to the scheduled first quarter payment date (March

31) in calendar year 2000 to ensure that payments are not delayed causing undue hardship to Wisconsin municipalities.

Publication Date: March 23, 2000
Effective Date: March 23, 2000
Expiration Date: See 1999 Wis. Act 9, section 9150 (2bm)
Hearing Date: April 12, 2000

EMERGENCY RULES NOW IN EFFECT

Workforce Development

(Prevailing Wage Rates, Ch. DWD 290-294)

A rule was adopted revising **s. DWD 290.155**, relating to the annual adjustment of thresholds for application of the prevailing wage rates for state or local public works projects.

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, or welfare. A statement of facts constituting the emergency is:

The Department of Workforce Development is acting under its statutory authority to annually adjust thresholds for the application of prevailing wage laws on state or local public works projects. The thresholds are adjusted in accordance with any change in construction costs since the last adjustment. The last adjustment was by emergency rule in January 1999 based on construction costs in December 1998. The Department uses the construction cost index in the December issue of the Engineering News-Record, a national construction trade publication, to determine the change in construction costs over the previous year. The current construction cost index indicates a 2.3% increase in construction costs over the previous year. This increase in construction costs results in an increase in the threshold for application of the prevailing wage laws from \$33,000 to \$34,000 for single-trade projects and from \$164,000 to \$168,000 for multi-trade projects.

If these new thresholds are not put into effect by emergency rule, the old thresholds will remain effective for approximately six months, until the conclusion of the permanent rule-making process. Between January 1, 2000, and July 1, 2000, a single-trade project with a minimum estimated project cost of more than \$33,000 but less than \$34,000 or a multi-trade project with an estimated cost of more than \$164,000 but less than \$168,000 would not be exempt from the prevailing wage laws, as they would be if the emergency rule were promulgated. The threshold adjustments for application of the prevailing wage laws are based on national construction cost statistics and are unlikely to be changed by the permanent rule-making process. The Department is proceeding with this emergency rule to avoid imposing an additional administrative burden on local governments and state agencies.

Publication Date: December 29, 1999
Effective Date: January 1, 2000
Expiration Date: May 30, 2000
Hearing Date: February 28, 2000

STATEMENTS OF SCOPE OF PROPOSED RULES

Insurance, Commissioner of

Subject:

SS. Ins 17.01 and 17.28 – Relating to annual patients compensation fund and mediation fund fees for the fiscal year beginning July 1, 2000.

Description of policy issues:

A proposed rule affecting sections Ins 17.01 (3) and 17.28 (6), Wis. Adm. Code, relating to annual patients compensation fund and mediation fund fees for fiscal year beginning July 1, 2000.

a) A statement of the objective of the proposed rule:

To establish the annual fees which participating health care providers must pay to the patients compensation fund as required by statute for the fiscal year beginning July 1, 2000.

b) 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:

Existing policies are as set forth in the statutes cited in the next section and in the rules themselves; no new or alternate policies are contemplated at this time.

A statement of the statutory authority for the rule:

Sections 601.41 (3), 655.004, 655.23 (3) (b), (c) and (4), 655.27 (3) and 655.61, Stats.

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

40–60 hours estimated state employee time to promulgate these rules; other resources will include the review and recommendation of the Board's actuarial committee based on the analysis and recommendations of the fund's actuaries and the Director of State Courts.

Natural Resources

Subject:

NR Code – Relating to the Municipal Flood Control and Riparian Restoration Program.

Description of policy issues:

Description of policy issues to be resolved, include groups likely to be impacted or interested in the issue:

Pursuant to s. 281.665, Stats., the Department is charged with writing rules and administering a program to provide financial assistance to local governmental units for facilities and structures for the collection and transmission of stormwater and groundwater, including the purchase of perpetual flowage and easement rights on land within floodways, and for the floodproofing of public and private structures in the 100–year floodplain. This rule will affect local government units, floodplain property owners, river conservation organizations, sport fishing and recreational river users, and regional planning organizations.

This rule/Board action does not represent a change from past policy.

Explain the facts that necessitate the proposed change:

Section 281.665, Stats., was passed and signed into law during the 1999–2000 legislative session. This bill authorized the creation of a municipal flood control and riparian restoration grant program and directed the Department to write rules to administer such a program.

This rule/Board action does not represent an opportunity for pollution prevention and/or waste minimization.

This is a grant program for stormwater and flood control measures.

Statutory authority:

Section 281.665 (5), Stats.

Anticipated time commitment:

The anticipated time commitment is 246 hours. Three public hearings are proposed to be held in October 2000 at Milwaukee, Wausau and LaCrosse.

Natural Resources

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

Subject:

Ch. NR 7 – Relating to the recreational boating facilities program and legislative changes impacting the program.

Description of policy issues:

Description of policy issues to be resolved, include groups likely to be impacted or interested in the issue:

The major policy issues stem from changes in statutory changes contained in both 1997 Wis. Act 27 and 1999 Wis. Act 9. New rule provisions are required for:

- Criteria for determining projects of statewide or regional significance which may result in higher cost sharing rates;
- The addition of in-kind contributions as part of the local cost share; and
- The addition of a new eligible component of the program, chemical treatment to remove Eurasian water milfoil.

Major groups involved in these rule changes will be lake groups, local municipalities, Department aquatic plant managers and the Wisconsin Waterways Commission.

This rule/Board action represents a change from past policy.

Explain the facts that necessitate the proposed change:

The changes are a result of provisions in both 1997 Wis. Act 27 and 1999 Wis. Act 9 to promulgate rules for new provisions in the enabling statute of the recreational boating facilities program, s. 30.92, Stats.

This rule/Board action does not represent an opportunity for pollution prevention and/or waste minimization.

The rule does not deal with actions that impact pollution prevention or waste minimization.

Statutory authority:

Section 30.92, Stats.

Anticipated time commitment:

The anticipated time commitment is 49 hours. One public hearing will be held in mid–August 2000 in central Wisconsin.

Natural Resources

(Environmental Protection--Hazardous Waste Management, Chs. NR 600--)

Subject:

Chs. NR 600–685 – Relating to management of certain hazardous wastes through development of revisions in order to maintain federal program authorization and keep up with federal rules.

Description of policy issues:

Description of policy issues to be resolved, include groups likely to be impacted or interested in the issue:

The purpose of this rule-making will be to incorporate changes in Federal hazardous waste regulations that have been promulgated since the last round of rule revisions (1997). These new Federal regulations must be incorporated into Wisconsin rules to maintain consistency with USEPA and qualify for continued EPA authorization and funding. In addition to technical amendments that have been promulgated by USEPA, new substantive rules have been promulgated by USEPA, and the DNR intends to adopt them. The DNR expects little need for substantive input from an advisory committee since it will not be undertaking any rule-making beyond the scope of the federal rules which it will be incorporating.

This rule/Board action does not represent a change from past policy.

This rule/Board action does not represent an opportunity for pollution prevention and/or waste minimization.

This action is an adoption of federal requirements that do not include or allow for pollution prevention.

Statutory authority:

Sections 291.001, 291.05 and 291.07, Stats.

Anticipated time commitment:

The anticipated time commitment is 408 hours. Two public hearings will be held in November 2000 at Milwaukee and Wausau.

Public Service Commission**Subject:**

Ch. PSC 185 – Relating to standards for water public utility service, concerning consumer protection for water customers [Docket 1–AC–194].

Description of policy issues:*A. Objective of the rules:*

Chapter PSC 185 contains rules, policies, and standards governing the provision of utility service for all water public utilities, both privately and publicly owned. The Public Service Commission will propose new policies with respect to ch. PSC 185, which will concern a household disconnection rule, the testing of water meters, and the exercising of hydrants and valves.

B. Existing policies relevant to the proposed rules:

The Public Service Commission's present policy with respect to water utilities include:

- Establishment of equitable rates and rules filed with the Commission;
- Record-keeping requirements;
- Engineering and operating requirements;
- Meter accuracy and testing standards; and
- Customer service policies which include but are not limited to:
 - 1) Applications for service,
 - 2) Deposits for residential and nonresidential service,
 - 3) Customer billing,
 - 4) Adjustment of bills,
 - 5) Payment arrangements,
 - 6) Deferred payment agreements,
 - 7) Late payment charges,
 - 8) Service restrictions,
 - 9) Disconnection and refusal of service,
 - 10) Customer complaints, and
 - 11) Dispute procedures.

C. New policies proposed:

The Public Service Commission will propose new policies concerning ch. PSC 185, which relate to a household disconnection rule, the testing of water meters, the exercising of hydrants and valves, and the amount of late payment charge a utility may use. Also, two changes are proposed to clarify s. PSC 185.33 (9) (e) regarding billing and s. PSC 185.37 (2)(L) regarding disconnection and refusal of service. Any new or updated rules concerning these areas will use the present rules as a basis for beginning.

The objective of the household disconnection rule is to prevent the switching of water service from one member of a household to another to avoid delinquent bill payments. This policy exists in the energy utilities' ss. PSC 113.132 and 134.062 (1) (h). With respect to water meters, the PSC intends to add code that will reflect new water utility trends concerning water meter replacement. Existing water code requiring utilities to exercise hydrants and valves is a duplication of a Department of Natural Resources s. NR 811.08 (5) and the PSC will examine whether to eliminate the duplicate rule.

D. Analysis of alternatives:

No rules have been drafted at this point, but when preliminary rules are drafted, the Commission will solicit comments and alternatives from representatives from the water utility industry, customers and consumer groups.

Statutory authority:

As stated in s. PSC 185.11 (1), the rules in that chapter are authorized by ss. 196.02 (3), 196.03, and 196.16 (2), Stats. Any proposed revisions of the chapter will be based on the same statutory authority and on s. 227.11 (2), Stats.

Time estimates for rule development:

The Commission estimates that three to four months will be taken up in meeting with various groups for the advice and consultation in drafting the rules prior to issuance of the notice of rule-making hearing, with the rule-making process lasting another eight to ten months.

Other resources necessary to develop the rules:

No additional staff or other agency resources are anticipated for this rule-making.

Contact information:

If you have specific questions or comments regarding the proposed rule-making, please contact Steve Levine at (608) 267–2890.

Transportation**Subject:**

Ch. Trans 142 – Relating to trade practices, facilities, and record requirements of licensed Wisconsin recreational vehicle dealers.

Description of policy issues:*Description of the objective of the rule:*

The objective of ch. Trans 142 is to establish the Department's administrative interpretation of ch. 218, Stats., related to the trade practices, facilities, and record requirements of licensed Wisconsin recreational vehicle dealers.

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:

Existing policies within this rule relate to advertising and sales representations, the required purchase contract, the required pre-sale disclosures, and the dealer facilities and record requirements.

1999 Wis. Act 9 changed the definition of "mobile homes" to "recreational vehicle" in ch. 218, Stats. These changes also removed reference to the regulation of mobile home dealers, which are regulated by the Department of Administration, from ch. 218, Stats. There are no new policies in the proposed rule amendment.

The purpose of the proposed rule amendment is to bring the rule wording into compliance with the statutory definitions.

Statutory authority for the rule:

Sections 218.12 (6) and 227.11, Stats.

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

The time spent by state employees will be minimal due to the non–controversial nature of the changes. No other resources will be necessary.

Veterinary Examining Board**Subject:**

VE Code – Relating to the computerized national examination.

Description of policy issues:*Objective of the rule:*

The objective of the rule is to set forth the deadlines for eligibility to sit for the new computerized national examination.

Policy analysis:

The current national examination for veterinarians is a paper and pencil examination. The examination will be changed to a computerized examination in the year 2000. Changes to the current rule as to when applications need to be completed.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) and 453.03 (1), Stats.

Estimate of the amount of state employee time and any other resources that will be necessary to develop the rule:

60 hours.

Workforce Development**Subject:**

Ch. DWD 13 – Relating to public assistance overpayment collections.

Description of policy issues:*Objective of the rule:*

The objective of the rule is to develop a comprehensive rule on collection of W–2, AFDC, and food stamp overpayments.

Existing policies and new policies included in the proposed rule and an analysis of policy alternatives:

The proposed rule will implement lien and levy provisions of 1999 Wis. Act 9 and describe collection procedures such as recovery, recoupment, and tax intercept to be used in the collection of W–2, AFDC, and food stamp overpayments. The rule will also define the conditions under which counties and tribes may retain a portion of overpayments for collections due to their efforts.

Statutory authority for the proposed rule:

Sections 49.195, 49.161, 49.125, and 49.147 (6), Stats.

Estimate of the amount of state employee time and any other resources that will be necessary to develop the rule:

150 hours.

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.

Agriculture, Trade and Consumer Protection

Rule Submittal Date

On March 16, 2000, the Wisconsin Department of Agriculture, Trade and Consumer Protection referred a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed rule affects ch. ATCP 75, Wis. Adm. Code, relating to retail food establishments.

Agency Procedure for Promulgation

A public hearing is required and the Department will hold hearings on this rule after the Wisconsin Legislative Council Rules Clearinghouse completes its review. The Department's Food Safety Division is primarily responsible for this rule.

Contact Information

If you have questions, you may contact:

Byron Dennison
Telephone (608) 224-4715

Arts Board

Rule Submittal Date

On March 29, 2000, the Wisconsin Arts Board submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed rule amends s. AB 2.09 (5), Wis. Adm. Code, relating to the distribution of arts challenge initiative incentive grant funds.

Agency Procedure for Promulgation

A public hearing is required and is scheduled for Wednesday, April 26, 2000 at 10:00 a.m. in Room 132B, 101 E. Wilson Street, Madison, Wisconsin.

Contact Information

For additional information or to obtain a copy of the proposed rule contact:

Dennis Fay, General Counsel
Telephone (608) 266-6747

Employe Trust Funds

Rule Submittal Date

Notice is hereby given that, on March 28, 2000, the Department of Employe Trust Funds submitted to the Wisconsin Legislative Council Rules Clearinghouse a proposed order affecting s. ETF 10.62 (2).

Analysis

The subject matter of the proposed rule relates to the electronic reporting for the Wisconsin Retirement System (WRS).

Agency Procedure for Promulgation

A public hearing is scheduled for Monday, May 1, 2000 at 9:00 a.m. in Room 2B at the Department of Employe Trust Funds, 801 West Badger Road, P.O. Box 7931, Madison, WI 53707-7931.

Contact Information

If you have any questions, you may contact :

Mary Hensen
Program and Policy Analyst
Division of Employer Services
Telephone (608) 266-8411

Health and Family Services

Rule Submittal Date

On March 15, 2000, the Wisconsin Department of Health and Family Services referred a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse affecting ch. HFS 196, relating to restaurants.

Analysis

Statutory authority:

Sections 254.71 (6) and 254.74 (1), Stats.

Reason for rules, intended effects, requirements:

This order proposes to revise the Department's rules for restaurants, ch. HFS 196, Wis. Adm. Code, mainly to incorporate the 1999 Federal Food Code. The Food Code is issued by the U.S. Food and Drug Administration and contains model requirements for safeguarding public health with respect to purchased food. Adherence to the Code by restaurants promotes the offering of food that is unadulterated and honestly presented to consumers. The Federal Food Code, adapted to Wisconsin, is Appendix A to ch. HFS 196 and takes the place of current ss. HFS 196.05 to 196.19, relating to food supplies; food protection; food storage; food preparation; food display service and transportation; personnel; equipment and utensils; equipment installation and location; cleaning, sanitization and storage of equipment and utensils; sanitary facilities and controls; construction and maintenance of physical facilities; mobile restaurants; temporary restaurants; special organizations serving meals; and food protection practices certification of a restaurant operator or manager.

The Wisconsin Food Code, Appendix A, is simultaneously being included by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) as an Appendix A to the DATCP's proposed revision of ch. ATCP 75, relating to retail food establishments. The effect of having a common Wisconsin Food Code for restaurants and retail food establishments, including convenient stores, delicatessens and bakeries, is that the same rules will apply to all types of food establishments, including combinations.

The operator of every restaurant in the state must have a permit from the Department of Health and Family Services or an agent local health department before the restaurant is opened for business and in order for it to continue in business. A permit is a type of approval that signifies that the restaurant complies with the requirements intended to protect public health and safety that are set forth in

ch. HFS 196. The requirements of this chapter are enforced by either the Department or a local health department that has been designated by the Department as the Department's agent.

The Department's current rules for restaurants were established in 1985 and were formatted to be similar to the U.S. Food and Drug Administration's 1976 Food Service Sanitation Manual.

Forms:

1) HFS 196.04 (1) (a) Application for permit.

Agency Procedure for Promulgation

Public hearings (conducted jointly with the DATCP) under ss. 227.16, 227.17 and 227.18, Stats.; approval of rules in final draft form by the DHFS Secretary; and legislative standing committee review under s. 227.19, Stats.

Contact Information

Ed Rabotski
Division of Public Health
Telephone (608) 266–8294

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 March 20, 2000.

Analysis

These changes will affect ss. Ins 17.01 (3), 17.28 (6) and 17.28 (6a), Wis. Adm. Code, relating to annual patients compensation fund and mediation fund fees for the fiscal year beginning July 1, 2000.

Agency Procedure for Promulgation

The date for the public hearing is Friday, May 5, 2000.

Contact Information

A copy of the proposed rule may be obtained from the OCI internet WEB site at: <http://www.state.wi.us/agencies/oci/ocirules.htm> or by contacting Tammi Kuhl at (608) 266–0110 in OCI Central Files.

For additional information, please contact Alice M. Shuman–Johnson at (608) 266–9892 or e–mail at Alice.Shuman-Johnson@oci.state.wi.us in the OCI Legal Unit.

Public Service Commission

Rule Submittal Date

On March 31, 2000, the Wisconsin Public Service Commission referred a proposed rule [Docket 1–AC–192] to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

At its open meeting of March 30, 2000, the Commission approved proposed rules creating ch. PSC 117, Wis. Adm. Code. These proposed rules would establish requirements for the use of renewable resource credits, which may be sold by electric providers that produce more renewable energy than the minimum percentages specified by s. 196.378 (2), Stats.

Agency Procedure for Promulgation

A hearing on these rules is required and will be scheduled. The organizational unit within the Commission responsible for preparing the rules is the Electric Division.

Contact Information

If you have any substantive questions regarding the proposed rules, you may contact ElectricDivision Assistant Administrator Jacqueline Reynolds at (608)266–1267.

If you have any questions regarding the Commission's internal processing of the proposed rules, you may contact Attorney David A. Ludwig at (608) 266–5621.

Transportation

Rule Submittal Date

On April 4, 2000, the Wisconsin Department of Transportation submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed rule amends s. Trans 131.03 (2) (b), Wis. Adm. Code, relating to emission tests.

Agency Procedure for Promulgation

A hearing on these rules is not required. The organizational unit responsible for promulgation of the proposed rule is the Division of Motor Vehicles/Bureau of Vehicle Services.

Contact Information

For questions regarding the proposed rule, please contact:

Julie A. Johnson, Paralegal
Dept. of Transportation
Telephone (608) 266–8810

Transportation

Rule Submittal Date

On April 4, 2000, the Wisconsin Department of Transportation submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed rule amends chs. Trans 325, 326 and 328, Wis. Adm. Code, relating to motor carrier safety regulations.

Agency Procedure for Promulgation

A hearing on these rules is not required. These rules are adopted under s. 227.16 (2) (b), Stats., and are exempt from notice and publication requirements. The organizational unit responsible for promulgation of the proposed rule is the Division of State Patrol/Bureau of Field Services and Training.

Contact Information

For questions regarding the proposed rule, please contact:

Julie A. Johnson, Paralegal
Dept. of Transportation
Telephone (608) 266–8810

Workforce Development

Rule Submittal Date

On April 3, 2000, the Wisconsin Department of Workforce Development submitted proposed rules to the Legislative Council Rules Clearinghouse.

Analysis

Statutory authority: ss. 49.138 (1m) (am) and 227.11 (2), Stats.

The proposed rules affect ch. DWD 16, Wis. Adm. Code, relating to emergency assistance for families facing impending homelessness.

Agency Procedure for Promulgation

A public hearing on these rules is required and will be held on Friday, April 28, 2000. The organizational unit responsible for promulgation of the proposed rules is the DWD Division of Economic Support.

Contact Information

For questions regarding the proposed rules, please contact:

Elaine Pridgen
Dept. of Workforce Development
Telephone (608) 267–9403
Email: pridgel@dwd.state.wi.us

Workforce Development**Rule Submittal Date**

On April 3, 2000, the Wisconsin Department of Workforce Development submitted proposed rules to the Legislative Council Rules Clearinghouse.

Analysis

Statutory authority: s. 59.52 (4) (a) 18., Stats.

The proposed rules affect chs. HSS 245 and DWD 18, Wis. Adm. Code, relating to public assistance record retention.

Agency Procedure for Promulgation

A public hearing on these rules is required and will be held on Friday, April 28, 2000. The organizational unit responsible for promulgation of the proposed rules is the DWD Division of Economic Support.

Contact Information

For questions regarding the proposed rules, please contact:

Elaine Pridgen
Dept. of Workforce Development
Telephone (608) 267-9403
Email: pridgel@dwd.state.wi.us

NOTICE SECTION

Notice of Hearings

Agriculture, Trade & Consumer Protection [CR 00–58]

► Reprinted from March 31, 2000 *Wis. Adm. Register*.

The State of Wisconsin Department of Agriculture, Trade and Consumer Protection announces that it will hold a public hearing on proposed rule changes to ATCP 35, Wis. Adm. Code. The hearing will be held at the times and places shown below. The public is invited to attend the hearing and make comments on the proposed rule. Following the public hearing, the hearing record will remain open until **April 25, 2000**, for additional written comments.

A copy of this rule may be obtained free of charge, from the Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Agricultural Resource Management, 2811 Agriculture Drive, P.O. Box 8911, Madison WI 53708 or by calling (608)224–4523. Copies will also be available at the public hearing.

An interpreter for the hearing impaired will be available on request for the hearing. Please make reservations for a hearing interpreter by April 5, 2000 either by writing Karen Ayers, 2811 Agriculture Drive, P.O. Box 8911, Madison, WI 53708, (608/224–4523), or by contacting the message relay system (TTY) at 608/224–5058. Handicap access is available at the hearing.

Hearing Information

One hearing is scheduled:

April 11, 2000
Tuesday
1:00 p.m. – 3:00 p.m.

Conference Room 472
Department of Agriculture, Trade
and Consumer Protection Office
Building
2811 Agriculture Drive
Madison, WI

Evening session
5:00 p.m. – 7:00 p.m.

April 11, 2000
Tuesday
1:00 p.m. – 3:00 p.m.

(via Video Conference to Madison)
Conference Room 4
Wisconsin Rapids State Office
Building
2610 Industrial Street
Wisconsin Rapids, WI

Analysis Prepared by the Department of Agriculture, Trade and Consumer Protection

Statutory Authority: ss. 93.07(1) and 94.73 (11)

Statute Interpreted: s. 94.73

This rule modifies current rules related to the department's agricultural chemical cleanup program. The program is designed to clean up spills of agricultural chemicals and minimize environmental contamination. Under the program, the Department of Agriculture, Trade and Consumer Protection (DATCP) may reimburse a portion of the cleanup cost. Cleanups, reimbursement applications and reimbursement payments must comply with DATCP rules under ch. ATCP 35, Wis. Adm. Code.

This rule makes the following changes to the current rules:

- Clarifies landspreading requirements, and expands DATCP's authority to reimburse landspreading costs incurred in a cleanup project.

- Clarifies and expands DATCP's authority to reimburse the cost of removing or relocating utilities and other fixtures.

- Modifies competitive bidding and other cost control procedures.

- Requires consultants to identify, in their project bids to persons needing cleanup services, any contract services and costs that are not eligible for DATCP reimbursement.

- Authorizes DATCP to reimburse a person for some reasonable and necessary cleanup costs, even if the person fails to comply with competitive bidding or other cost control requirements.

- Creates an advisory council to advise DATCP on the cleanup program.

Landspreading

Current rules authorize landspreading of soils contaminated with fertilizers or pesticides if those fertilizers or pesticides can be legally applied to land. Landspreading reduces the concentration of the fertilizer or pesticide, and provides an economical and potentially useful disposal option in many cases. Persons proposing to landspread soils contaminated with fertilizers or pesticides must obtain a permit from DATCP. This rule clarifies permit application requirements, and describes the documentation required. This rule also authorizes DATCP to reimburse some additional landspreading costs.

Costs to Move Utilities, Equipment and Other Fixtures

This rule authorizes DATCP to reimburse costs for moving utilities, equipment and other fixtures, so that contaminated soils can be removed. Current rules prevent reimbursement of these costs. This rule authorizes DATCP to reconsider these cost claims that were not previously eligible for reimbursement.

Bidding for Services

Under current rules, a person seeking DATCP reimbursement of cleanup costs must use a competitive bidding process to contract for cleanup services. This rule modifies the current bidding requirements. Under this rule:

- The applicant must submit the initial bids to DATCP. DATCP must also approve any revised cost estimate.

- The general contractor (consultant) must give the responsible person written notice of any cleanup costs that are ineligible for reimbursement.

Failure to Implement Cost Controls; Partial Reimbursement

Under current rules, DATCP must deny a reimbursement claim if the applicant fails to comply with competitive bidding and other cost control measures. This rule authorizes DATCP to reimburse a portion of the reasonable and necessary cleanup costs, even if the claimant fails to comply with cost control measures. Under this rule, DATCP may pay up to 75% of the reimbursement that would have been available, had the claimant complied with all required cost control measures.

Advisory Council

This rule creates an advisory council for the agricultural chemical cleanup program. The agricultural chemical cleanup council will advise DATCP on reimbursement decisions, program funding and rulemaking needs. This advisory council will replace a statutory advisory council that was recently eliminated.

Fiscal Estimate

See page 23 of the March 31, 2000 *Wis. Adm. Register*.

Initial Regulatory Flexibility Analysis

See page 24 of the March 31, 2000 *Wis. Adm. Register*.

Draft Environmental Assessment

The Department has prepared a draft environmental assessment (EA) for the proposed 2000 amendments to the rules on the Agricultural Chemical Cleanup Program. Copies are available from the Department on request and will also be available at the public hearing. Comments on the EA should be directed to the Agricultural Resource Management Division, Wisconsin Department of Agriculture, Trade and Consumer Protection, P.O. Box 8911, Madison, WI 53708 in care of Duane Klein. Phone 608/224-4519. Written comments on the EA will be accepted until **April 25, 2000**.

Notice of Hearings

Agriculture, Trade & Consumer Protection

[CR 00-60]

► Reprinted from March 31, 2000 *Wis. Adm. Register*.

The State of Wisconsin Department of Agriculture, Trade and Consumer Protection announces that it will hold public hearings on the proposed repeal and recreation of chapter ATCP 75, Wisconsin Administrative Code, relating to Retail Food Establishments. Included in the revisions is the adoption of the "Wisconsin Food Code" as Appendix A. The hearings will be held at the times and places shown below. The public is invited to attend the hearings and make comments on the proposed rule. Following the public hearings, the hearing record will remain open until **May 15, 2000**, for additional written comments. The hearings will be held in conjunction with hearings held by the Department of Health and Family Services, which has proposed the repeal and recreation of its rule for restaurants (chapter HFS 196). The DHFS rule includes the identical "Wisconsin Food Code" as appendix A to its proposed rule.

A copy of this rule may be obtained free of charge, from the Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Food Safety, 2811 Agriculture Drive, P.O. Box 8911, Madison WI 53708, or by calling (608) 224-4700. Copies will also be available at the public hearings.

An interpreter for the hearing impaired will be available on request for these hearings. Please make reservations for a hearing interpreter by **April 10, 2000**, either in writing to Debbie Mazanec, 2811 Agriculture Drive, P.O. Box 8911, Madison WI 53708, (608) 224-4712, or by contacting the message relay system (TTY) at (608) 266-4399 to forward your call to the department at (608) 224-5058. Handicap access is available at all locations for the hearings.

Hearing Information

Five hearings are scheduled:

April 25, 2000
Tuesday
 9:30 a.m. until 12:30 p.m.
 Eau Claire
 Eau Claire Health Department
 Room G 30-31
 720 Second Avenue
 Eau Claire WI 54703

Handicapped accessible through front door.

April 27, 2000
Thursday
 9:30 a.m. until 12:30 p.m.
 Appleton
 Appleton Public Library
 Lower Level
 125 N Oneida Street
 Appleton WI 54911

Handicapped accessible through front door.

April 28, 2000
Friday
 9:30 a.m. until 12:30 p.m.
 Milwaukee
 Milwaukee Health Department
 Northwest Health Center
 Basement Conference Room
 7630 W. Mill Road
 Milwaukee WI 53218

Handicapped accessible front door.

The hearing is scheduled for video-conference participation from each of the five locations shown below.

May 2, 2000
Tuesday
 9:30 a.m. until 12:30 p.m.

Madison
 Wis. Department of Agriculture,
 Trade and Consumer Protection
 Prairie Oak State Office Building
 Room 472
 2811 Agriculture Drive
 Madison WI 53718

Handicapped accessible through front door.
 (NOTE: A LIVE HEARING IS ALSO SCHEDULED IN MADISON ON MAY 5, 2000.)

LaCrosse
 LaCrosse State Office Building
 Room B-29
 3550 Morman Coulee Road
 LaCrosse WI 54601

Handicapped accessible through front door.

Wisconsin Rapids State Office Bldg
 2610 Industrial Street
 Conference Room #4
 Wisconsin Rapids WI 54495

Handicapped accessible through front door.

Department of Transportation – Superior
 1701 N. 4th Street
 Conference Room
 Superior WI 54880

Handicapped accessible through front door.

Rhineland
 DNR Northcentral Regional
 Headquarters
 107 Sutliff Avenue, Room #1
 Rhineland WI 54501

Handicapped accessible through front door.

May 5, 2000
Friday
 9:30 a.m. until 12:30 p.m.

Madison
 Wis. Department of Agriculture,
 Trade and Consumer Protection
 (Prairie Oak State Office Building)
 Conference Room 106
 (Board Room)
 2811 Agriculture Drive
 Madison WI 53718

Handicapped accessible through front door.

Analysis Prepared by the Department of Agriculture, Trade and Consumer Protection

Statutory Authority: ss. 93.07(1), 97.30(5) and 227.14(1s), Stats., as created by s. 2355mm., 1999 Wis. Act 9

Statute Interpreted: s. 97.30

This rule repeals and recreates current rules related to retail food establishments, such as grocery stores. The department of Agriculture, Trade and Consumer Protection ("DATCP") licenses and inspects retail food establishments under s. 97.30, Stats.

Uniform Rules Based on Model Food Code

Many retail food establishments also include restaurants, and vice-versa. The department of health and family services ("DHFS") licenses and inspects restaurants under s. 254.64., Stats. DATCP and DHFS now coordinate their activities so that a combined grocery store and restaurant is licensed and inspected by DATCP or DHFS, but not both. In metropolitan areas, agent counties or municipalities often license and inspect grocery stores and restaurants as agents of DATCP and DHFS.

Although DATCP and DHFS have coordinated their activities to avoid duplicate licensing and inspection, they still enforce

somewhat different rules. This makes it difficult to administer a coordinated program, and makes it difficult for food businesses to comply. The current rules of both agencies are also outdated in certain respects.

DATCP and DHFS are therefore proposing uniform rules for retail food establishments. DATCP is proposing this rule for retail food establishments, while DHFS is proposing a nearly identical rule for restaurants. The proposed rule is based on the 1999 model food code published by the United States food and drug administration (FDA). The model food code is applicable to retail food establishments as well as restaurants. The FDA has recommended that state and local governments adopt the model food code. The model food code is based on the best science currently available to FDA.

Rule Contents

The format of the model food code differs from that of state administrative rules. Under s. 227.14(1s), Stats., created by 1999 Wis. Act 9, DATCP and DHFS are authorized to adopt administrative rules in the format of the model food code. This rule, like the DHFS rule, has two parts:

- The first part contains DATCP licensing and administrative procedures related retail food establishments. This part is drafted in the normal state format. This rule does not change current licensing or administrative procedures for retail food establishments. Nor does it change current license fees.
- The second part, attached as an appendix, is the model food code. The model food code is written in the federal format, as authorized by the Wisconsin legislature. The food industry is familiar with the model food code format. DATCP and DHFS have jointly reviewed the model food code, and have made minor modifications to adapt it for use in Wisconsin.

Retail Food Establishments; Rule Coverage

This rule applies to retail food establishments licensed under s. 97.30, Stats., including grocery stores and retail food processing operations. It does not apply to activities conducted under a dairy plant license (s. 97.20, Stats.), a meat or poultry establishment license (s. 97.42, Stats.) or a food processing plant license (s. 97.29, Stats.).

Licensing and Fees

DATCP currently licenses retail food establishments under s. 97.30, Wis. Stats. A retail food establishment operator must pay fees specified by statute and rule. This rule incorporates statutory licensing requirements and fees without change. This rule continues current provisions that eliminate overlapping license requirements between DATCP and DHFS.

Definitions

The food code defines key terms. When a defined term is used in the code, it appears in SMALL CAPS.

Variances

Under the state version of the model food code, DATCP may grant variances from specific code requirements. A variance request must be reasonable and the requester must document that the variance will not compromise food safety.

Potentially Hazardous Foods

The food code revises the current definition of “potentially hazardous foods,” and requires that they be kept at safe temperatures. Under the code:

- Potentially hazardous foods must be refrigerated at or below 41° F. or kept frozen.
- Hot–held potentially hazardous foods must be kept at or above 140° F. during handling and storage.
- Raw animal foods, cooked plant foods, wild game species and exotic game species must be cooked at or above specified minimum temperatures.
- Potentially hazardous foods that have been cooked must be rapidly cooled to 41° F. or less, according to one or more specified cooling methods.

- Cooked potentially hazardous food must be heated to a temperature of at least 145° F. for at least 15 seconds, except as otherwise provided in the code. The code provides specific cooking times and temperatures for various foods including poultry, pork, ground meats and rare roast beef.

- Potentially hazardous foods must be thawed in a refrigerated space at a temperature of 41° F. or less, or under running water at a temperature of 70° F. or less for no more than 4 hours, or in a microwave oven or other cooking equipment as part of the cooking process.

- Potentially hazardous food, if previously cooked and cooled, must be reheated to a temperature of at least 165° F. for at least 15 seconds.

- Potentially hazardous foods cooked or reheated in a microwave oven must be cooked or reheated according to specified standards.

- Refrigerated potentially hazardous foods must be received at safe temperatures of 41° F. or less, except that milk or milk products, molluscan shellfish, eggs and smoked fish must be received according to other applicable laws.

- Cooked, hot potentially hazardous foods must be received at safe temperatures of 140° F. or more.

Construction, Equipment and Maintenance

The food code, like current rules, establishes construction and equipment standards for retail food establishments. The code makes the following changes to current rules:

- It prohibits the use of living quarters for food establishment operations.
- It clarifies handwashing facility requirements for toilet rooms and processing rooms.
- It describes acceptable procedures for garbage recycling and refuse handling.
- It reconciles equipment standards between DATCP and DHFS.
- It regulates the operation and maintenance of live fish and crustacean display tanks.

Management and Personnel Standards

This food code includes management and personnel standards. Management must understand principles for preventing foodborne disease or illness, must understand the use of a Hazard Analysis Critical Control Point (HACCP) program. The code also addresses employee health, personal cleanliness and hygienic practices

Food Sources

Under the food code:

- Food must be obtained from approved sources.
- Eggs offered for sale as “ungraded” must be grade “B” or better.
- Shellfish must comply with the National Shellfish Sanitation Program.

The food code prohibits a retail food establishment operator from doing any of the following:

- Vacuum packaging foods unless authorized in writing by DATCP or its agent.
- Vacuum packaging fish.
- Selling fish, shellfish or crustaceans unless they are commercially and legally harvested.

Date Marking and Food Labels

The food code requires date marking of ready–to–eat potentially hazardous food held in a food establishment for longer than 24 hours. The food must be clearly marked to ensure that it will be consumed or discarded within 7 calendar days. If the food is received frozen or is subsequently frozen by the establishment, it must be discarded within 24 hours after thawing. Aged hard cheeses and whole, unsliced portions of cured and processed sausage are exempt from date marking.

This food code prohibits a retail food establishment operator from receiving molluscan shellfish that are not properly labeled as required by federal law.

Time as a Public Health Control

The food code allows a retail food establishment to hold potentially hazardous food for up to 4 hours without temperature control if the food is being prepared for cooking or if it is being held for immediate sale and consumption as ready-to-eat food.

Receiving, Handling, Storing and Displaying Food

The food code updates and clarifies basic requirements related to food receipt, handling, storage and display. A retail food establishment operator must:

- Handle, package and display food using the risk-based Hazard Analysis Critical Control Point (HACCP) system, if the food is specially processed (such as smoking, curing, brewing, or reduced-oxygen packaging). DATCP or its agent must approve HACCP plans.
- Protect food from contamination during receipt.
- Receive only clean, live shellfish, and store shellfish in their original shipping container.
- Provide an accurate thermometer for frequent food temperature monitoring.
- Identify containers holding food that has been removed from its original package.
- Protect food condiments from contamination while they are being dispensed.
- Refrain from storing packaged foods in direct contact with ice or water if water may enter the food.
- Designate a trained employee to monitor consumer self-service operations.
- Provide disposable, single service tissues or serving utensils at customer self-service display containers. Serving utensils must be removable for cleaning.
- Refrain from using sulfiting agents, except under certain defined circumstances.
- Present food for sale in a way that does not mislead or misinform the consumer.
- Thoroughly wash raw fruits and vegetables before cutting and offering them for consumption in ready-to-eat form.
- Keep produce-fogging devices clean and sanitary.

Consumer Advisory

The food code requires the operator of a food establishment to inform consumers about the increased risk associated with eating certain raw or undercooked animal foods. The operator may inform consumers by brochures, deli counter or menu advisories, label statements, table tents, placards or other effective written means.

Highly Susceptible Populations

The food code includes special requirements for food establishments serving highly susceptible populations. Highly susceptible populations may include infants, elderly people, pregnant women and people whose immune systems are compromised. The code restricts the serving of certain foods such as raw animal food and partially cooked food. Other high-risk foods may be served if they are prepared and served according to an approved HACCP plan.

Cleaning, Sanitizing and Cross-Contamination

This rule updates and clarifies basic cleaning and sanitizing requirements, as well as requirements to minimize cross-contamination of food. A retail food establishment operator must:

- Clean equipment and utensils every 4 hours when processing potentially hazardous foods. The cleaning interval may be extended, up to 24 hours if the processing area is refrigerated.
- Wash equipment and utensils thoroughly in clean water at 110°F. if the equipment and utensils are washed manually.

- Clean equipment and utensils when there is a change in processing from raw foods to ready-to-eat foods.
- Clean equipment and utensils between uses when processing raw fruits and vegetables and potentially hazardous foods.
- Clean equipment and utensils whenever contamination may have occurred.
- Rinse equipment and utensils to remove abrasives and cleaning compounds.
- Use warewashing sinks only to clean equipment and utensils. A sink may be used for activities such as washing produce or thawing foods if the sink is cleaned and sanitized before and after use.
- Use warewashing sinks that are self-draining and equipped with self-draining drain boards.
- Immerse equipment and utensils for at least one minute in 150 parts-per-million quaternary ammonium when quaternary ammonium is used as a sanitizing agent.
- Use approved sanitizers in a safe manner.
- Provide accurate thermometers to measure washing and sanitizing solution temperatures.
- Store clean and sanitized equipment and utensils at least 6 inches above the floor in a self-draining position.
- Prohibit bare hand contact with ready-to-eat food, unless otherwise approved by the regulatory authority.
- Separate raw animal foods from ready-to-eat foods.
- Separate different species of raw animal foods.
- Clean and sanitize equipment and utensils between uses.
- Separate unwashed raw fruits and vegetables from ready-to-eat foods.

Other Requirements

The food code establishes requirements for:

- Mobile and temporary food establishments.
- Public toilet rooms.
- Food manager certification.

Records and Reports

The food code requires the operator of a retail food establishment to keep records related to:

- Molluscan shellfish sources and sale dates.
- HACCP plans required by the code.
- Microbiological analyses of water obtained from private wells.

Technical Changes

The food code makes a large number of technical changes to current rules.

Fiscal Estimate

See page 27 of the March 31, 2000 *Wis. Adm. Register*.

Initial Regulatory Flexibility Analysis

See page 27 of the March 31, 2000 *Wis. Adm. Register*.

Notice of Hearing

Arts Board

[CR 00-63]

Notice is hereby given that pursuant to s. 44.565 (4), Stats., the Wisconsin Arts Board will hold a hearing at the time and place shown below to consider a proposed order to amend s. AB 2.09 (5), relating to the distribution of arts challenge initiative incentive grant funds.

Hearing Information

The public hearing will be held:

April 26, 2000
Wednesday
at 10:00 a.m.

Meeting Room 132B
Arts Board
101 East Wilson St.
Madison, WI

Written Comments

Written comments on the proposed rules may be sent to the contact person by **Thursday, May 25, 2000**. Written comments will receive the same consideration as written or oral testimony presented at the hearing.

Analysis Prepared by the Wisconsin Arts Board

Statutory authority: s. 44.565 (4)

Statute interpreted: s. 44.565

Current rules that govern the distribution of arts initiative funding under the incentive program for large arts organizations provide that each eligible recipient receives a “raw award” one dollar for each four dollars of growth in eligible income during the previous fiscal year. If there is insufficient funding, the final awards are determined by proration. When proration is employed to determine the distribution of funding, the total funding available is divided by the total of all “raw awards”. Each eligible recipient receives that fractional amount of its “raw award”.

During each year of the program proration has been required for distribution of the funds. In the most current distribution, one organization received \$203,846 (approximately 35%) of the \$573,860 funding available. The smallest award during that same distribution was \$14.

The proposed rule establishes maximum and minimum grant amounts for the incentive program when proration is required to be employed to determine the distribution. The maximum proposed by the rule is 12% of the available funding, and the minimum is the greater of \$1,000 or 0.1743% of the available funding.

The proposed rule will produce a more equitable distribution of the arts challenge initiative funding and eliminate the situation where the administrative cost of providing a grant substantially exceeds the grant amount.

Text of Rule

Pursuant to the authority vested in the Arts Board by s. 44.565 (4), Stats., and interpreting s. 44.565, Stats., the Board hereby creates rules as follows:

SECTION 1. AB 2.09 (5) is amended to read:

AB 2.09 (5) When the total amount of raw awards exceeds the total amount of available board funds, final awards shall be determined by proration as specified in s. 44.565 (3), Stats. When proration is required under this subsection, the maximum award shall not exceed 12% of available board funds, and the minimum award shall not be less than the greater of \$1,000 or .1743% of available board funds.

Initial Regulatory Flexibility Analysis

Notice is hereby given that pursuant to s. 227.14, Stats., the proposed rule will have minimal impact on small businesses. The initial regulatory flexibility analysis as required by s. 227.17 (3) (f), Stats., is as follows:

- 1) Type of small business affected by the rule: None
- 2) The proposed reporting, bookkeeping and other procedures required for compliance with the rule: None
- 3) The types of professional skills necessary for compliance with the rule: None.

Fiscal Estimate

The proposed rule has no fiscal effect.

Contact Information

For additional information about or for copies of the proposed rules contact:

Dennis Fay, General Counsel
Telephone (608)266-6747
Wis. Dept. of Tourism
P.O. Box 7976
Madison, WI 53707-7976

Notice of Hearing

Employe Trust Funds [CR 00-62]

The Wisconsin Department of Employe Trust Funds will hold a public hearing to review this proposed rule, which renumbers s. ETF 10.60 (2) and (3), and creates s. ETF 10.60 (2), Wis. Adm. Code, relating to electronic reporting for the Wisconsin Retirement System (WRS) in accordance with the provisions of s. 227.16 (1), Stats.

Hearing Information

The public hearing will be held:

May 1, 2000
Monday
at 9:00 a.m.

Room 2B
801 West Badger Rd.
Madison, WI

Written Comments

The public record on this proposed rule-making will be held open until **4:30 p.m. on Friday, May 5, 2000** to permit the submission of written comments from persons 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 Employe Trust Funds, 801 West Badger Road, P.O. Box 7931, Madison, Wisconsin 53707-7931.

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

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

Currently, s. ETF 10.60 (2) states “The secretary may, for specified employers or types of coverage, provide for summary reporting on a monthly basis to accompany the monthly remittance required in sub. (1) (b), and detailed reporting on a quarterly, semiannual, or annual basis.”

The above rule does not spell out the manner in which employers should report their annual employe detail to the Wisconsin Retirement System (WRS). Currently, many large employers participating in the WRS continue to report annual detail transactions on paper. This is an inefficient use of time and due to keying errors, can result in participant account errors, which must be corrected at a later date.

This requirement for electronic reporting is similar to that of the Internal Revenue Service (IRS), which requires employers having more than 250 employes to report earnings information on an electronic basis.

General summary of rule.

The rule requires employers with 250 or more employes to submit WRS detailed annual earnings reports electronically.

Text of Rule

SECTION 1. Section ETF 10.60 (2) is created to read:

ETF 10.60 (2) Every employer which employs 250 or more employes shall submit the detailed annual earnings report required in the administration of subch. II of ch. 40, Stats., in an electronic format designated by the department.

SECTION 2. Section ETF 10.60 (2) is renumbered to s. ETF 10.60 (3).

SECTION 3. Section ETF 10.60 (3) is renumbered to s. ETF 10.60 (4).

Fiscal Estimate

The Department estimates that there will be no direct fiscal impact from this proposed rule upon the state or sewerage districts. The Department anticipates some effect upon the fiscal liabilities or revenues of certain counties, cities, villages, towns, school districts, vocational, technical and adult education school districts. The Department is aware that there are between 35 and 40 employers out of 241 employers with 250 or more employees that may possibly have a fiscal impact as a result of this rule.

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 and Contact Information

Copies of this rule are available without cost by making a request to the Department of Employee Trust Funds, Office of the Secretary, P.O. Box 7931, Madison, Wisconsin 53707–7931, telephone (608) 267–2929. For questions about this proposed rule, please call Mary Hensen, Program & Policy Analyst, (608) 266–8411.

Notice of Hearings

Health & Family Services (Management & Technology, Strategic Finance, Chs. HFS 1–) [CR 00–55]

Notice is hereby given that, pursuant to ss. 46.286 (4) to (7), 46.288 (1) to (3), 50.02 (2) (d) and 50.36 (2) (c), Stats., as created by 1999 Wis. Act 9, and ss. 227.11 (2) (a) and 227.24 (4), Stats., the Department of Health and Family Services will hold public hearings to consider the amendment of ss. HFS 68.04 (1) and 105.47 (1), and the creation of ch. HFS 10, ss. HFS 82.06 (2m), 83.06 (7), 88.06 (1) (a) 4. and (4), 89.29 (1m), 89.295, 105.47 (3), 107.28 (1) (c), 124.255, 132.52 (7), and 134.52 (5), relating to the Family Care benefit for long–term care, and emergency rules published on February 1, 2000 on the same subject.

Hearing Information

April 25, 2000 Tuesday 1:00 p.m.	Jackson Co. Dept. of Health and Human Services 420 Highway 54 West Black River Falls, WI
April 27, 2000 Thursday 10:00 a.m.	Liberty Hall 800 Eisenhower Drive Kimberly, WI
May 2, 2000 Tuesday 10:00 a.m.	Washington park Senior Center 4420 W. Vliet Street Milwaukee, WI
May 4, 2000 Thursday 1:00 p.m.	The Pointe 8269 S. Highway 51 Minocqua, WI
May 8, 2000 Monday 10:00 a.m.	WI Dept. of Health & Family Service Bldg., Room 751 1 W. Wilson Street Madison, WI

The hearing sites are fully accessible to people with disabilities.

Analysis Prepared by the Department of Health and Family Services

Legislation establishing a flexible Family Care benefit to help arrange or finance long–term care services to older people and adults

with physical or developmental disabilities was enacted as part of 1999 Wis. Act 9. The benefit is an entitlement for those who meet established criteria. It may be accessed only through enrollment in Care Management Organizations (CMOs) that meet requirements specified in the legislation.

The Act also authorizes the Department of Health and Family Services to contract with Aging and Disability Resource Centers to provide broad information and assistance services, long–term care counseling, determinations of functional and financial eligibility for the Family Care benefit, assistance in enrolling in a Care Management Organization if the person chooses to do so, and eligibility determination for certain other benefits, including Medicaid, and other services.

Until July 1, 2001, the Department of Health and Family Services is authorized to contract with CMOs and Resource Centers in pilot counties to serve up to 29% of the state’s eligible population. Further expansion is possible only with the explicit authorization of the Governor and the Legislature.

When Aging and Disability Resource Centers become available in a county, the legislation requires nursing homes, community–based residential facilities, adult family homes and residential care apartment complexes to provide certain information to prospective residents and to refer them to the Resource Center. Penalties are provided for non–compliance.

These proposed rules interpret this new legislation, the main body of which is in newly enacted ss. 46.2805 to 46.2895, Stats. The Department of Health and Family Services is specifically directed to promulgate rules by ss. 46.286 (4) to (7), 46.288 (1) to (3), 50.02 (2) (d) and 50.36 (2) (c), Stats. Related rules, also in the rulemaking order and within the Department’s authority, clarify and implement other provisions of the Family Care legislation. The rules address the following:

- Contracting procedures and performance standards for Aging and Disability Resource Centers.
- Application procedures and eligibility and entitlement criteria for the Family Care benefit.
- Description of the Family Care benefit that provides a wide range of long–term care services.
- Certification and contracting procedures for Care Management Organizations.
- Certification and performance standards and operational requirements for CMOs.
- Protection of client rights, including notification and due process requirements, complaint, grievance, Department review, and fair hearing processes.
- Recovery of incorrectly and correctly paid benefits.
- Requirements of hospitals, long–term care facilities and Resource Centers related to referral and counseling about long–term care options.

Contact Person and Availability of Emergency and Proposed Permanent Rules

The hearing agenda, emergency rules and proposed permanent rules are all available through the Department’s web site at: <http://www.dhfs.state.wi.us/LTCare/index.htm>.

To find out more about the hearing or to request a written copy of the emergency or proposed permanent rules, write, phone or e–mail:

Bonnie Niemann
Office of Strategic Finance
P.O. Box 7850
Madison, Wisconsin 53707–7850
Telephone: 608–266–3816
or, if you are hearing impaired, 608–266–3683 (TTY)
Fax: 608–267–0358
niemaba@dhfs.state.wi.us

If you are hearing or visually impaired, do not speak English, or have circumstances which might make communication at a hearing difficult and if you, therefore, require an interpreter or a non–English, large print or taped version of the hearing document, contact the person at the address or phone number shown above. Persons requesting a non–English or sign language interpreter should contact the person at the address or phone number given above at least 10 days before the hearing. With less than 10 days notice, an interpreter may not be available.

Written comments received by mail, fax or e–mail at an above address no later than **5:00 p.m., May 12, 2000**, will be given the same consideration as testimony presented at a hearing.

Fiscal Estimate

This order creates rules that specify how the family care benefit, established under ss. 46.2805 to 46.2895, as created by 1999 Wis. Act 9, will be implemented.

These rules provide specificity relating to eligibility and entitlement for the family care benefit, application for the benefit, cost sharing requirements, standards for aging and disability resource centers and for care management organizations, protections of the rights of family care applicants and enrollees, recovery of correctly and incorrectly paid family care benefits, and requirements for hospitals, nursing homes, community–based residential facilities, residential care apartment complexes, and adult family homes to provide information to certain patients, residents and prospective residents and to refer them to aging and disability resource centers.

These rules will not affect the expenditures or revenues of state governmental or local governments. These rules add specificity to the statutory requirements enacted by the Legislature and do not create new requirements that would affect expenditures or revenues. All costs of implementing the family care benefit were taken into consideration by the Legislature during development of the 99–01 biennial budget.

Initial Regulatory Flexibility Analysis

These rules apply to the following organizations: The Department of Health and Family Services, the Division of Hearings and Appeals in the Department of Administration, county agencies designated by the department to determine financial eligibility for the family care benefit; all organizations seeking or holding contracts with the department to operate an aging and disability resource center or a care management organization; and hospitals, nursing homes, community–based residential facilities, residential care apartment complexes and adult family homes in areas where an aging and disability resource center is under contract with the Department.

Some affected community–based residential facilities and adult family homes may be “small businesses” as defined in s. 227.114 (1) (a), Stats. These rules implement requirements, established in 1999 Wis. Act 9, that these facilities and homes provide certain information to residents and prospective residents and make certain referrals to an aging and disability resource center. The rules specify that the facility provide to prospective residents information, provided by the Department or by a resource center, obtain written verification that the information was provided and refer the prospective resident to the resource center. The Department has considered the methods for reducing the impact of these rules on small businesses specified in s. 227.114 (2), Stats., and has determined that establishing other standards for small businesses would be contrary to the statutory objectives that are the basis for the proposed rules.

No new professional skills are necessary for facilities and homes to comply with these requirements.

Notice of Proposed Rules

Health and Family Services

(Community Services, Chs. HFS 30–)

(Health, Chs. HFS 110–)

[CR 00–55]

Notice is hereby given that pursuant to ss. 50.02 (2), 50.36 (1), 50.51 (2), 50.95, Stats., and according to the procedures set forth in s. 227.16 (2) (e), Stats., the Department of Health and Family Services will repeal s. HSS 133.03 (6); renumber s. HSS 133.03 (7) to (9); amend ss. HSS 82.03 (2) (a) and Note and (7) and 82.04 (4) (b) and (5), HFS 83.07 (6) (b) 2., (11) (intro.), (13) and Note and (14), HSS 88.03 (2) (a) and Note, (b) 1. and (c), (3) (d) and (7) (a) and 88.04 (4), HSS 131.14 (5) (table) and (5), (6) (title) and (intro.), (8), (10) and (11) (a), HFS 132.14 (6) and 132.31 (6) (e) and HFS 134.14 (5); repeal and recreate ss. HSS 82.03 (4) (a) and (b), HFS 83.07 (7) and Note, HSS 88.03 (4), HSS 131.14 (7) and HSS 133.03 (5); and create ss. HFS 124.03 (7), HFS 132.14 (8), HSS 133.03 (9) and HFS 134.14 (5m), relating to non–expiring licenses for community–based residential facilities (CBRFs), hospices, nursing homes, home health agencies, facilities for the developmentally disabled (FDDs), rural medical centers and certain adult family homes, and for certifying certain adult family homes and for approving hospitals, as herein proposed, without public hearing, unless a petition for a hearing is received by the Department within 30 days after the publication of this notice on **April 15, 2000**.

A petition for a hearing will be accepted if signed by any of the following who will be affected by the proposed rule: 25 persons; the representative of an association that represents a farm, labor, business or professional group; or a municipality.

Contact Information

If you have any questions about this rule or about filing a written petition for a hearing, contact:

Julie Hagen
Telephone (608) 266–3306
Bureau of Quality Assurance
P.O. Box 2969
Madison, WI 53701

Analysis Prepared by the Dept. of Health & Family Services

Statutory authority: The Department’s authority to repeal, renumber, amend, repeal and recreate and create these rules is found in ss. 50.02 (2), 50.032 (2), 50.033 (2), 50.36 (1), 50.49 (2), 50.51 (2) and 50.95, Stats.

Statutes interpreted: The rules interpret ss. 50.03 (4) (c) 1. and 2., 50.032 (2) and (2r), 50.033 (2) and (2m), 50.355, 50.49 (6) (b) and (d), 50.52 (4), 50.535 and 50.93 (2) (a) and (3m), Stats.

This order amends the Department’s rules for licensing community–based residential facilities (CBRFs), hospices, nursing homes, home health agencies, facilities for the developmentally disabled (FDDs), rural medical centers and certain adult family homes, for certifying certain adult family homes and for approving hospitals, to do the following:

- 1) Provide for non–expiring licenses and certification;
- 2) Replace a process for applying for renewal of a license or certification with a requirement that the licensee or certificate holder submit an annual or biennial report to the Department in the form and containing the information that the Department requires; and
- 3) In regard to hospitals, for which there has not been a requirement in statute or rule for renewal of an approval, add a requirement that the approval holder submit an annual report to the Department in the form and containing the information that the Department requires.

These are changes made in the program statutes by 1997 Wis. Act 27.

The order also clarifies in ss. HSS 82.03 (7) and HFS 83.07 (13) (b) that the referenced days are calendar days.

Text of Proposed Rules

SECTION 1. HSS 82.03 (2) (a) and (2) (Note) are amended to read:

HSS 82.03(2) APPLICATION FOR CERTIFICATION. (a) Application for certification ~~or renewal of certification~~ shall be made on a department-approved form provided by the certifying agency. The application form shall be signed by the applicant.

Note: To obtain a copy of the application form, contact the certifying agency in the county in which the prospective family home is located or write or call: ~~Program Certification Unit, Bureau of Community Programs, Division of Community Services, P.O. Box 7851, Madison, WI 53707, (608) 266-0120~~ Resident Care Review Section, Bureau of Quality Assurance, P.O. Box 2969, Madison, WI 53701-0309; (608) 266-8481.

SECTION 2. HSS 82.03 (4) (a) and (b) are repealed and recreated to read:

HSS 82.03 (4) (a) An adult family home certification is valid indefinitely unless suspended or revoked.

(b) Every 12 months, on a schedule determined by the department, a certified adult family home shall submit an annual report to the certifying agency in the form and containing the information that the department requires. If a complete annual report is not timely filed, the certifying agency shall issue a warning to the sponsor of the certified adult family home. If a certified adult family home that has not filed a timely report fails to submit a complete report to the certifying agency within 60 days after the date established under the schedule determined by the department, the certifying agency may decertify the adult family home.

SECTION 3. HSS 82.03 (7) is amended to read:

HSS 82.03 (7) ADMINISTRATIVE REVIEW. If an applicant or sponsor desires to contest a decision not to certify a home under sub. (3), ~~not to renew a certification under sub. (4) (b) or to decertify a home under sub. (6),~~ the applicant or sponsor shall, within 15 calendar days after the date of the notice of the decision, submit to the certifying agency a written request for an administrative review of the decision. The request shall include the applicant's or sponsor's reason why he or she disagrees with the action. The administrator of the certifying agency or his or her designee shall review the facts and send a written decision to the applicant or sponsor and, if the certifying agency is not the department, to the department, within 30 calendar days after receipt of the request for review. If the certifying agency is not the department, the applicant or sponsor may, within 15 calendar days after the date of the certifying agency's decision, submit to the department a written request for an administrative review of the applicant or sponsor's original request and the certifying agency's decision. The department shall review the facts and send a written decision to the applicant or sponsor and to the certifying agency within 45 calendar days after the receipt of the request for review. The department's decision shall be final.

SECTION 4. HSS 82.04 (4) (b) and (5) are amended to read:

HSS 82.04 (4) (b) If the certifying agency suspects or has reason to believe that the applicant, sponsor, substitute provider or other household member may pose a threat to the health, safety or welfare of residents, the certifying agency may require a physical examination, an alcohol or drug abuse assessment or a mental health evaluation of the person as a condition of initial or continued certification ~~or renewal of certification~~.

(5) VEHICLE LIABILITY INSURANCE. An applicant for initial certification or renewal of certification or sponsor who plans to transport residents in his or her vehicle shall provide the certifying agency with documentation of current automobile liability insurance coverage ~~and with documentation of renewal so that coverage is in force for the entire term of certification. The sponsor shall maintain that coverage in force.~~

SECTION 5. HFS 83.07 (6) (b) 2. is amended to read:

HFS 83.07 (6) (b) 2. A license is issued only for the premises and persons named in the application and is not transferable or assignable. The license shall be visibly displayed in a public area in

the CBRF readily accessible to residents, staff and visitors. Any license granted shall state the maximum resident capacity allowed, which shall include the number of respite care residents, the client group or groups the CBRF may serve, the name of the licensee, the date, ~~the expiration date,~~ any condition of licensure and any additional information that the department may prescribe.

SECTION 6. HFS 83.07 (7) and Note are repealed and recreated to read:

HFS 83.07 (7) REPORTING. A license is valid indefinitely unless suspended or revoked. Every 24 months, on a schedule determined by the department, a licensee shall submit a biennial report in the form and containing the information that the department requires, including payment of the fees required under s. 50.037 (2) (a), Stats. If a complete biennial report is not timely filed, the department shall issue a warning to the licensee. If a licensee who has not filed a timely report fails to submit a complete report to the department within 60 days after the date established under the schedule determined by the department, the department may revoke the license.

Note: For copies of the application form and the annual report form, DCS 310, write or phone the appropriate regional office of the Department's Division of Supportive Living. See Appendix A for the addresses and telephone numbers of those offices.

SECTION 7. HFS 83.07 (11) (intro.), (13) and (14) are amended to read:

HFS 83.07 (11) LICENSE DENIAL, OR REVOCATION OR NON-RENEWAL. The department may refuse to grant a license ~~or may refuse to renew a license~~ if it determines that the applicant is not fit and qualified pursuant to s. 50.03 (4) (a) 1., Stats., and s. HFS 83.11 (1) or fails to meet the requirements for licensure in this chapter and ch. 50, Stats. The department may revoke ~~or refuse to renew~~ a license pursuant to s. 50.03 (5g), Stats., if the applicant or licensee or any administrator, employe, or any other person affiliated with or living in the CBRF who has contact with residents:

(13) APPEAL. (a) Any person whose application for a license is denied or whose license is revoked ~~or not renewed~~ may request a hearing on that decision under ss. 227.42 and 50.03 ~~(g)~~ (5g) ~~(f)~~, Stats.

(14) POSTING OF CITATIONS AND NOTICES. (a) The licensee shall post next to the CBRF license any citation of deficiency, notice of revocation, ~~notice of non-renewal~~ and any other notice of enforcement action initiated by the department on forms and in correspondence received from the department. Citations of deficiency, notices of revocation ~~and non-renewal~~ and other notices of enforcement action shall be posted immediately upon their receipt. Citations of deficiency shall remain posted for 30 days following receipt or until compliance is achieved, whichever is longer. Notices of revocation, ~~non-renewal~~ and other notices of enforcement action shall remain posted until a final determination is made.

(b) The licensee shall make available, upon request, to a resident or prospective resident, the resident's or prospective resident's guardian, and the resident's or prospective resident's family members, designated representative and case manager, the results of all department ~~license renewal~~ surveys, monitoring visits and complaint investigations, if any, for the period of 12 months preceding the request.

SECTION 8. HSS 88.03 (2) (a) and Note, (b) 1. and (c) and (3) (d) are amended to read:

HSS 88.03 (2) APPLICATION. (a) Application for a license ~~or for renewal of a license~~ shall be made on a department-approved form available from the licensing agency.

Note: To obtain a copy of the application form, contact the county agency in which the home is located ~~or write or phone the~~ appropriate regional office of the Department's Division of Supportive Living. See Appendix A for the addresses and phone numbers of the Division of Supportive Living regional offices.

(b) 1. Before an applicant ~~for an initial~~ license may be licensed to operate an adult family home, the applicant shall submit to the licensing agency a completed and signed application form, the program statement described under subd. 2., the licensure fee

required under s. 50.033 (2), Stats., and a check or money order in an amount sufficient to cover the fees for conducting the criminal records check required under sub. (3) (b).

(c) An applicant requesting a license ~~or renewal of a license~~ shall provide any additional information requested by the licensing agency that may assist the agency in evaluating the applicant or licensee's character or qualifications. In assessing character and qualifications, the licensing agency may consider evidence of abuse or fraud, substantial or repeated violations of applicable or related statutes and rules in the licensee's operation of or employment in any service or facility serving adults or children or in the licensee's care of dependent persons, or a conviction or a pending criminal charge for a crime substantially related to caring for a dependent population or the funds or property of adults or minors or activities of the adult family home.

(3) (d) *Health check.* If the licensing agency suspects or has reason to believe that a license applicant, licensee, service provider or household member may pose a threat to the health, safety or welfare of residents, the licensing agency may require a physical examination, an alcohol or drug abuse assessment or a mental health evaluation of the person as a condition for issuance ~~or renewal of~~ a license.

SECTION 9. HSS 88.03 (4) is repealed and recreated to read:

HSS 88.03 (4) LICENSE ISSUANCE. (a) An adult family home license is valid indefinitely unless suspended or revoked.

(b) Every 24 months, on a schedule determined by the department, a licensed adult family home shall submit a biennial report to the licensing agency in the form and containing the information that the department requires, including payment of the fee required under sub. (2). If a complete biennial report is not timely filed, the department shall issue a warning to the licensee. If a licensed adult family home that has not filed a timely report fails to submit a complete report to the licensing agency within 60 days after the date established under the schedule determined by the department, the licensing agency may revoke the license.

SECTION 10. HSS 88.03 (7) (a) is amended to read:

HSS 88.03 (7) (a) Any person whose application for a license is denied under sub. (3) ~~or whose license is not renewed under sub. (4)~~ or revoked under sub. (6) (d) or suspended under sub. (6) (e) may request a hearing on that decision under s. 227.42, Stats.

SECTION 11. HSS 88.04 (4) is amended to read:

HSS 88.04 (4) INSURANCE. (a) *Vehicle.* An applicant for ~~an initial or a~~ license ~~or for renewal of a license~~ who plans to transport residents in his or her vehicle shall provide the licensing agency with a certificate of insurance documenting liability coverage. If a service provider transports residents under direction of the licensee, the service provider shall have vehicle insurance and a valid driver's license and, if requested by the licensing agency, shall provide evidence to the licensing agency ~~on at 12 month intervals, on a form provided by the licensing agency of a that the vehicle is in safe operating condition on a form provided by the licensing agency.~~

(b) *Home.* An applicant for an initial license ~~or for renewal of a license~~ A license applicant shall provide the licensing agency with documentation of homeowners or renters insurance coverage. The licensee shall maintain coverage in force for the entire term of the license.

SECTION 12. HFS 124.03 (7) is created to read:

HFS 124.03 (7) Every 12 months, on a schedule determined by the department, a hospital shall submit to the department an annual report in the form and containing the information that the department requires, including payment of the fee required under s. 50.135 (2) (a), Stats. If a complete annual report is not timely filed, the department shall issue a warning to the holder of the certificate of approval. If a hospital that has not filed a timely report fails to submit a complete report to the department within 60 days after the date established under the schedule determined by the department, the department may revoke the approval of the hospital.

SECTION 13. HFS 131.14 (5) and (6) (title) and (intro.) are amended to read:

HFS 131.14 (5) ~~INITIAL REGULAR LICENSE.~~ The department shall inspect a hospice prior to ~~issuance of an initial issuing a~~ regular license unless under sub. (3) (a) applies and the hospice need not be inspected. A regular license ~~shall be is~~ valid for ~~12 months from the date of issuance indefinitely~~ unless sooner revoked or suspended, ~~and may be renewed.~~

(6) PROVISIONAL AND ~~INITIAL REGULAR LICENSING FEE.~~ The fee for a provisional or ~~initial~~ regular license shall be \$300, except that:

SECTION 14. HFS 131.14 (7) (intro) and (a) is repealed and recreated to read:

HFS 131.14 (7) ONGOING LICENSURE. A regular license shall be valid indefinitely if both of the following conditions are satisfied:

(a) Every 12 months, on a schedule determined by the department, the hospice submits an annual report to the department in the form and containing the information that the department requires, including payment of the fee required under par. (b). If a complete annual report is not timely filed, the department shall issue a warning to the licensee. If a hospice that has not filed a timely report fails to submit a complete report to the department within 60 days after the date established under the schedule determined by the department, the department may revoke the license.

SECTION 15. HFS 131.14 (8), (10) and (11) (a) are amended to read:

HFS 131.14 (8) ACTION BY THE DEPARTMENT. Within 60 days after receiving a complete application for a license ~~or for renewal of a license~~, the department shall either approve the application and issue a license or deny the application. The department shall deny a license to any applicant who has a history, determined under sub. (3) (b) 1. to 3., of substantial noncompliance with federal or this state's or any state's requirements, who fails under sub. (3) (b) 4. to 9. to qualify for a license, or who is found not in substantial compliance with this chapter. If the application for a license is denied, the department shall give the applicant reasons, in writing, for the denial and shall identify the process under sub. (11) for appealing the denial.

(10) SUSPENSION; OR REVOCATION ~~OR NONRENEWAL.~~ The department by written notice to the applicant or recipient may suspend, or revoke ~~or refuse to renew~~ a license if the department finds that there has been a substantial failure to comply with the requirements of ss. 50.90 to 50.98, Stats., or this chapter. The notice shall identify the violation and the statute or rule violated, and shall describe the process under sub. (11) for appealing the decision.

(11) (a) Any person aggrieved by the department's decision to deny ~~an initial a~~ license ~~or the renewal of a license~~ or to suspend or revoke a license may request a hearing on that decision under s. 227.42, Stats., which shall be limited to the issues stated as the bases for denial, suspension or revocation in the written notice under sub. (10).

SECTION 16. HFS 132.14 (6) is amended to read:

HFS 132.14 (6) TYPES OF LICENSE. (a) *Probationary license.* If the applicant has not been previously licensed under this chapter or if the facility is not in operation at the time application is made, the department shall issue a probationary license. A probationary license shall be valid for 12 months from the date of issuance unless sooner suspended or revoked under s. 50.03 (5), Stats. If the applicant is found to be fit and qualified under sub. (4) and in substantial compliance with this chapter, the department shall issue a regular license upon expiration of the probationary license. The regular license ~~shall be is~~ valid for a period of one year ~~from date of issue indefinitely~~ unless sooner suspended or revoked.

(b) *Regular license.* If the applicant has been previously licensed, the department shall issue a regular license if the applicant is found to be in substantial compliance with this chapter. A regular license ~~shall be is~~ valid for a period of one year ~~from the date of issuance indefinitely~~ unless sooner suspended or revoked.

SECTION 17. HFS 132.14 (8) is created to read:

HFS 132.14 (8) REPORTING. Every 12 months, on a schedule determined by the department, a nursing home licensee shall submit a report to the department in the form and containing the information

that the department requires, including payment of the fee required under s. 50.135 (2) (a), Stats. If a complete report is not timely filed, the department shall issue a warning to the licensee. If a nursing home licensee who has not filed a timely report fails to submit a complete report to the department within 60 days after the date established under the schedule determined by the department, the department may revoke the license.

SECTION 18. HFS 132.31 (6) (e) is amended to read:

HFS 132.31 (6) (e) *Summary of complaints.* The facility shall attach a statement which summarizes complaints or allegations of violations of rights established under this section to an application for a new license or a renewal of its license. Such ~~The~~ statement shall contain the date of the complaint or allegation, the names of the persons involved, the disposition of the matter, and the date of disposition. The department shall consider the statement in reviewing the application.

SECTION 19. HSS 133.03 (5) is repealed and recreated to read:

HSS 133.03 (5) LICENSURE TERM. (a) A home health agency regular license is valid indefinitely unless suspended or revoked.

SECTION 20. HSS 133.03 (6) is repealed.

SECTION 21. HSS 133.03 (7) to (9) are renumbered HSS 133.03 (6) to (8).

SECTION 22. HFS 133.03 (9) is created to read:

HFS 133.03 (9) REPORTING. Every 12 months, on a schedule determined by the department, a licensed home health agency shall submit to the department an annual report in the form and containing the information that the department requires, including payment of the fee required under s. 50.135 (2) (a), Stats. If a complete annual report is not timely filed, the department shall issue a warning to the licensee. If a licensed home health agency that has not filed a timely report fails to submit a complete report to the department within 60 days after the date established under the schedule determined by the department, the department may revoke the license.

SECTION 23. HFS 134.14 (5) is amended to read:

HFS 134.14 (5) TYPES OF LICENSE. (a) *Probationary license.* If the applicant has not previously been licensed under this chapter or if the facility is not in operation at the time application is made, the department shall issue a probationary license. A probationary license shall be valid for 12 months from the date of issuance unless sooner suspended or revoked under s. 50.03 (5), Stats. If the applicant is found to be in compliance with this chapter, a regular license shall be issued for a period of one year beginning on the date of issuance of the probationary license.

(b) *Regular license.* If the applicant has been previously licensed, the department shall issue a regular license if the applicant is found to be in compliance with this chapter. A regular license shall be valid for a period of one year beginning on the date of issuance indefinitely unless sooner suspended or revoked.

SECTION 24. HFS 134.14 (5m) is created to read:

HFS 134.14 (5m) ANNUAL REPORT. Every 12 months, on a schedule determined by the department, a facility for the developmentally disabled licensee shall submit a report to the department in the form and containing the information that the department requires, including payment of the fee required under s. 50.135 (2) (a), Stats. If a complete report is not timely filed, the department shall issue a warning to the licensee. If the licensee of a facility for the developmentally disabled who has not filed a timely report fails to submit a complete report to the department within 60 days after the date established under the schedule determined by the department, the department may revoke the license.

Fiscal Estimate

These rule changes will not affect the expenditures or revenues of state government or local governments. Although the Department of Veterans Affairs operates a nursing home and several county governments operate nursing homes, FDDs, hospitals, and home health agencies, these changes the rules are the result of statutory changes and any savings or costs from those changes were considered by the Legislature when the bill that became 1997 Wis. Act 27 was passed.

Initial Regulatory Flexibility Analysis

The rule changes will not affect small businesses as defined in s. 227.114 (1) (a), Stats.

Notice of Hearings

Health and Family Services

(Community Services, Chs. HFS 30–) *[CR 00–20]*

Notice is hereby given that, pursuant to ss. 48.62 (4), 48.64 (4), 48.66 (1), 48.67 and 48.675 (2), Stats., the Department of Health and Family Services will hold public hearings to consider the repeal of ch. HSS 56, Wis. Adm. Code, and the creation of ch. HFS 56, Wis. Adm. Code, relating to foster care licensure.

Hearing Information

The public hearings will be held:

Date and Time	Location
April 28, 2000 Friday 1:00 p.m. to 4:00 p.m.	Pines Room Stoney Creek Inn 1100 Imperial Ave. MOSINEE, WI
May 8, 2000 Monday 1:00 p.m. to 4:00 p.m.	Sister Bay Room Holiday Inn Airport 2580 South Ashland Ave. GREEN BAY, WI
May 9, 2000 Tuesday 1:00 p.m. to 4:00 p.m.	Madison Room Comfort Inn 4822 East Washington Ave. MADISON, WI
May 10, 2000 Wednesday 1:00 p.m. to 4:00 p.m.	Large Conference Room BMCW Site 3 61111 North Teutonia Ave. MILWAUKEE, WI
May 23, 2000 Tuesday 1:00 p.m. to 4:00 p.m.	Room C County Inn & Suites 1029 Highway 27 South HAYWARD, WI
May 24, 2000 Wednesday 1:00 p.m. to 4:00 p.m.	Best Western Midway 2851 Hendrickson Dr. EAU CLAIRE, WI

The hearing sites are fully accessible to people with disabilities.

Analysis Prepared by the Dept. of Health & Family Services

Pursuant to ss. 48.66 (1) and 48.62 (4), Stats., the Department of Health and Family Services is required to promulgate administrative rules relative to the licensing of foster homes in the State of Wisconsin. Under Title IV–E of the Social Security Act and best practices implemented in this state, these administrative rules are to be reviewed periodically and updated as necessary. The last major revisions to ch. HSS 56 occurred in 1990.

Due to the significant number of changes proposed in this revision to the rules, the Department is proposing to repeal the existing ch. HSS 56 and recreate the rules as ch. HFS 56. The primary changes to the rule include:

- 1) Many clarifications of previously existing requirements;
- 2) The creation of the Department Exceptions Panel;
- 3) Requirements related to the foster parent insurance program and rate setting;
- 4) Prohibitions on discrimination;
- 5) Qualitative requirements for potential foster parents;

- 6) Mandatory reporting of child abuse and neglect by foster parents;
- 7) Searches of children's belongings and living areas;
- 8) Restrictions of physical confinement of children;
- 9) The use of tobacco products by foster children; and
- 10) Requirements related to school attendance.

Contact Information

To find out more about the hearings, write, phone or e-mail:

Mark S. Mitchell, Manager
 Child Welfare Services Section
 Bureau of Programs and Policies
 P. O. Box 8916
 Madison, WI 53708–8916
 Telephone (608) 266–2860
 or, if you are hearing–impaired,
 (608) 266–1511 (TDD)
 e-mail: mitchms@dhsf.state.wi.us

To obtain copies of the proposed rules, call (608) 266–3036.

If you are hearing– or visually–impaired, do not speak English, or have other personal circumstances which might make communication at the hearings difficult and if you, therefore, require an interpreter, or a non–English, large print or taped version of the hearing document, contact the person at the address or phone number above. A person requesting a non–English or sign language interpreter should make that request at least 10 days before the hearing. With less than 10 days notice, an interpreter may not be available.

Written Comments

Written comments on the proposed rules received at the above address no later than **Wednesday, May 31, 2000** will receive the same consideration as testimony presented at the hearings.

Fiscal Estimate

Assumptions used in arriving at fiscal estimate:

This order updates the Department's rules for licensing foster homes for children. A foster home provides care and maintenance for up to 4 children placed in the home either by a court or by arrangement between their parents and the foster parents, or for up to 6 children if necessary to keep siblings together. The Department's rules have not been updated since 1990.

The revised rules establish a Department Exceptions Panel of at least 3 members to consider requests that the Department make an exception to any nonstatutory requirement that the licensing agency cannot grant on its own; give more attention to the qualifications of foster parents; make it easier to modify a license; require that the licensing agency have written acknowledgement from a foster parent that the foster parent has received specified information from the agency; require that foster parents inform the licensing agency if they hold other pertinent licenses; give guidance to foster parents for searches of the private belongings of foster children; prohibit the use of mechanical restraints on foster children; expand requirements relating to bath and toilet facilities to reduce the need for rule interpretation; require compliance with the Caregiver Background Check Law and implementing administrative rules; and incorporate a recent statute change that permits placement of up to 6 children in a foster home if necessary to keep siblings together.

Licensing agencies are the Department, county social service and human service departments and private child–placing agencies. Department staff will operate the Department Exceptions Panel but the panel will consider only requests for exceptions that licensing agencies do not have the authority to grant. The panel will likely average 2 requests a month.

The rules will not affect the expenditures or revenues of state government or local governments. The rules will have little or no effect on individuals who apply for a foster home license under these rules.

Initial Regulatory Flexibility Analysis

These proposed rules will affect all persons applying for or renewing a license to operate a foster home or treatment foster home. The proposed rules will also affect the Department of Health and Family Services, county agencies under ss. 46.215, 46.22 and 46.23, Stats., and licensing child–placing agencies.

These proposed rules do not affect small businesses as defined in s. 227.114 (1) (a), Stats., because foster homes are not small businesses. Payments to foster parents are not income for tax purposes, but rather are for meeting the needs of the foster child.

Notice of Hearing

Insurance

[CR 00–61]

Notice is hereby given that pursuant to the authority granted under s. 601.41(3), Stats., and the procedure set forth in under s. 227.18, Stats., OCI will hold a public hearing to consider the adoption of the attached proposed rulemaking order affecting ss. 17.01 (3), 17.28 (6), and 17.28 (6a), Wis. Adm. Code, relating to annual patients compensation and mediation fund fees for the fiscal year beginning July 1, 2000.

Hearing Information

May 5, 2000	Room 23
Friday	Commissioner of Insurance
10:00 a.m., or as soon	121 East Wilson Street
thereafter as the matter	Madison, WI
may be reached	

Written comments on the proposed rule will be accepted into the record and receive the same consideration as testimony presented at the hearing if they are received at OCI by 4:30 p.m. on the date of the hearing. Written comments should be addressed to: Alice M. Shuman–Johnson, OCI, P. O. Box 7873, Madison, WI 53707.

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

Statute interpreted: s. 655.27 (3)

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, 2000. These fees represent a 25% decrease compared with fees paid for the 1999–00 fiscal year. The board approved these fees at its meeting on February 23, 2000, based on the recommendation of the board's actuarial and underwriting committee.

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 \$ 38.00 for physicians and \$2.00 per occupied bed for hospitals, representing an increase of more than 100% and 100% respectively, from 1999–00 fiscal year mediation panel fees.

Fiscal Estimate

There will be no state or local government fiscal effect.

Initial Regulatory Flexibility Analysis

This rule does not impose any additional requirements on small businesses.

Contact Person

A copy of the full text of the proposed rule changes and fiscal estimate may be obtained from the OCI internet WEB site at <http://www.state.wi.us/agencies/oci/rule.htm> or by contacting

Tammi Kuhl, Services Section, Office of the Commissioner of Insurance, at (608) 266-0110 or at 121 East Wilson Street, P O Box 7873, Madison WI 53707-7873.

Notice of Hearing

Pharmacy Examining Board

[CR 00-47]

Notice is hereby given that pursuant to authority vested in the Pharmacy Examining Board in ss. 15.08 (5) (b) and 227.11 (2), Stats., and interpreting s. 450.02 (3) (a) and (e), Stats., the Pharmacy Examining Board will hold a public hearing at the time and place indicated below to consider an order to amend s. Phar 7.01 (1) (e), relating to delivery of prescriptions.

Hearing Information

The public hearing will be held:

May 10, 2000	Room 179A
Wednesday	1400 East Washington Ave.
9:15 a.m.	Madison, WI

Written Comments

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Regulation and Licensing, Office of Administrative Rules, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received by **Wednesday, May 24, 2000** to be included in the record of rule-making proceedings.

Analysis Prepared by the Dept. of Regulation and Licensing

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2)

Statute interpreted: s. 450.02 (3) (a) and (e)

Rules of the Pharmacy Examining Board identify in s. Phar 7.01 (1) (e) that prescription drugs may be delivered by an agent of the pharmacist to a patient's residence where the delivery is accompanied by appropriate directions and an offer that consultation is available by contacting the pharmacist. The rule amendment proposed will expand the patient's options for choice in designating a location of delivery.

Section Phar 7.01 (1) (e) is amended to expand the exception for delivery of prescription drugs and will allow the patient to designate other locations for delivery in addition to the patient's residence. In the case of delivery to a location other than the patient's residence the requirement to offer consultation is expanded to apply to any other location designated by the patient.

Text of Rule

SECTION 1. Phar 7.01 (1) (e) is amended to read:

Phar 7.01 (1) (e) Give the patient or agent appropriate consultation relative to the prescription except that prescriptions may be delivered by an agent of the pharmacist to a patient's residence or other locations designated by the patient if the delivery is accompanied by appropriate directions and an indication that consultation is available by contacting the pharmacist. The consultation requirement applies to original and renewal prescription orders and, except when prescriptions are delivered to a patient's residence or other location designated by the patient, is not satisfied by only offering to provide consultation.

Fiscal Estimate

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.

2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.

3. The projected net annualized fiscal impact on state funds of the proposed rule is: These rules would increase agency costs due to printing and postage costs for mailings for approximately 6,000 pharmacists. A copy of the rules and a cover letter would need to be mailed and associated with this mailing would be approximately \$15,000. This cost to print and mail each rule is estimated at \$2.50 multiplied by 6,000. This is a one-time cost.

Initial Regulatory Flexibility Analysis

These proposed rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

Copies of Rule and Contact Information

Copies of this proposed rule are available without cost upon request to:

Pamela Haack
Dept. of Regulation and Licensing
Office of Administrative Rules
1400 East Washington Ave., Room 171
P.O. Box 8935
Madison, WI 53708
Telephone (608) 266-0495

Notice of Proposed Rule

Transportation

[CR 00-68]

Notice is hereby given that pursuant to the authority of ss. 110.06, 110.20 and 227.11 (2), Stats., and according to the procedure set forth in s. 227.16 (2) (e), Stats., the Wisconsin Department of Transportation will adopt the following rule amending ch. Trans 131 without public hearing unless, within 30 days after publication of this notice on **April 15, 2000**, the Department of Transportation 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 Information

Questions about this rule and any petition for public hearing may be addressed to:

Carson Frazier, Division of Motor Vehicles
Telephone (608) 266-7857
Bureau of Vehicle Services, Room 253
P. O. Box 7911
Madison, WI 53707-7911

Analysis Prepared by the Wis. Dept. of Transportation

Statutory authority: ss. 110.06, 110.20 and 227.11(2)

Statute interpreted: s. 110.20

General Summary of Proposed Rule. Ch. Trans 131 governs the operation of the Vehicle Emission Inspection Program. This rule making proposes to amend s. Trans 131.03 (2) (b) which requires a vehicle purchaser to obtain an emission test within 45 days after purchase, unless the vehicle had passed the emission test within 90 days before purchase. Existing policy is that the vehicle has to have been tested within 90 days before vehicle purchase. This provision was intended to assure that no more than 15 months would have passed between a vehicle's testing. However, the requirement dates from the time that tests were done manually. Currently, tests

are done every two years, and the 90–day window is more restrictive than necessary. The Department proposes making the window 180 days instead of 90 days.

Text of Rule

Under the authority vested in the state of Wisconsin Department of Transportation by ss. 110.06, 110.20 and 227.11 (2), Stats., the Department of Transportation hereby proposes to amend a rule interpreting s. 110.20, Stats., relating to emission tests.

SECTION 1. Trans 131.03 (2) (b) is amended to read:

Trans 131.03 (2) (b) Within 45 days of an ownership change registration issuance for vehicles more than 5 model years old at the time of ownership change, unless the vehicle passed inspection within ~~90~~ 180 days prior to such ownership change registration, or

Fiscal Estimate

The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district or sewerage district. The Department estimates that there will be no fiscal impact on state revenues or liabilities.

Initial Regulatory Flexibility Analysis

This proposed rule will have no adverse impact on small businesses.

Copies of Rule

Copies of this proposed rule can be obtained, without cost, by writing to Carson Frazier, Division of Motor Vehicles, Bureau of Vehicle Services, Room 253, P. O. Box 7911, Madison, Wisconsin 53707–7911, or by calling (608) 266–7857. Alternative formats of the proposed rule will be provided to individuals at their request.

Notice of Hearing

Technical College System Board

[CR 00–44]

Notice is hereby given that pursuant to ss. 38.305 (4), and 227.11, Stats., and interpreting s. 38.305, Stats., the Wisconsin Technical College System Board will hold a public hearing at the time and place indicated below to consider the creation of ch. TCS 16, relating to Technical and Occupational Program grants to students.

Hearing Information

The public hearing will be held:

Date and Time	Location
May 1, 2000 Monday 1:00 p.m.	WTCSB Board Room 310 Price Place MADISON, WI

Analysis Prepared by the Technical College System Board

Statutory authority: s. 38.305 (4)

Statute interpreted: s. 38.305

The purpose of the rule is to implement and administer the awarding of grants to first–year students who are enrolled full–time at a technical college within three years of graduating from a Wisconsin high school and who maintain a grade point average of 2.0.

Section 38.305 (4), Stats., authorizes the Technical College System Board to establish, by administrative rule, policies and procedures to implement, and thereafter administer, the awarding of grants of \$500 per school year for educational programs in occupational and technical areas. An eligible student may also receive a subsequent award of \$500 for a second year of study.

When granting an award, the Board must determine the eligibility of the prospective student using the following criteria:

- The student has enrolled in a technical college within 3 years of graduating from a Wisconsin high school;
- The student is a first–year student at a technical college;
- The student is enrolled full–time in an associate degree program or a vocational (technical) diploma program; and
- The student maintains a grade point average of at least 2.0.

Certain policies and procedures, including the right to appeal adverse decisions affecting a student’s initial or continued eligibility for receiving a grant, are contained in the rule.

Text of Rule

Section 1. Chapter TCS 16 (title) is created to read:

Chapter TCS 16

TECHNICAL AND OCCUPATIONAL PROGRAM GRANTS

TCS 16.01 Purpose. The purpose of this chapter is to establish procedures to implement and administer grants to students enrolling in technical and occupational educational programs at a Wisconsin technical college as authorized under s. 38.305, Stats.

TCS 16.02 Definitions. In this chapter:

- “Associate degree program” has the meaning given in s. 38.01 (1), Stats.
- “Board” means the Wisconsin technical college system board.
- “State director” means the person appointed by the board under s. 38.04 (2), Stats.
- “District” means a technical college district established under ch. 38, Stats.
- “District board” means the district board in charge of the technical colleges of a district.
- “District director” means the person employed by a district board under s. 38.12 (3) (a), Stats.
- “Initial eligibility end date” is the date that a student’s period of eligibility for an initial TOP grant ends. It is calculated from the first full month immediately following the date of high school graduation and ends on the last day of the 36th month.
- “First–year student” for purposes of eligibility for a TOP grant, means any technical college student who has earned, completed, or received no more than 18 (eighteen) program credits from or at a technical college after graduating from high school. Any postsecondary program credit earned while serving on active duty shall not be counted against this credit limitation.
- “Enrolled full–time” for purposes of TOP grant eligibility, means enrolled in at least 12 (twelve) program credits per semester.
- “Grade point average or GPA” means the semester grade earned by a student, calculated by dividing the total grade points earned by the number of credits earned during the semester.
- “Graduated from high school” for purposes of TOP grant eligibility, means having received a diploma in satisfaction of school board requirements under s. 118.33, Stats., or a high school equivalency diploma under s. 115.29 (4), Stats.
- “Grant applicant” means any person who has applied for a TOP grant under this chapter.
- “Grant or TOP grant” means a technical and occupational program grant for students as authorized under s. 38.305, Stats.
- “Grant recipient” means a student who has been awarded a TOP grant under this chapter.
- “Program credits” are those academic credits that count toward a board approved degree or diploma program.
- “School year” has the meaning given in s. 38.01 (9), Stats.
- “Student” means a person enrolled at a technical college.
- “Technical college” means a Wisconsin technical college established under ch. 38, Stats.

(19) “Technical diploma” is synonymous with vocational diploma.

(20) “Vocational diploma program” has the meaning given in s. 38.01 (11), Stats.

TCS 16.02 Period of initial eligibility. (1) The eligibility period for an initial TOP grant begins on the date a person graduates from high school and ends on his or her initial eligibility end date.

(2) Unless a deferment has been granted under s. TCS 16.06 (1) (a) or (2), a student may not be awarded an initial TOP grant beyond his or her initial eligibility end date.

TCS 16.03 Initial TOP grant eligibility. A student is eligible for an initial TOP grant only upon meeting all of the following eligibility requirements:

(1) The student has graduated from high school as verified by the district;

(2) The student is a first–year student at a technical college;

(3) The student has enrolled full–time in a technical diploma or associate degree program; and

(4) The student is registered for classes that are scheduled to begin at the technical college on or before the student’s initial eligibility end date, unless a deferment has been approved under s. TCS 16.06 (1) (a) or (2).

TCS 16.04 Awarding of the TOP grant. (1) A grant applicant meeting all of the eligibility criteria under s. TCS 16.03(1)–(4) shall receive an initial TOP grant of \$250 to be applied toward a student’s costs of tuition and fees at the beginning of the semester in which the student is eligible.

(2) A grant applicant meeting the eligibility criteria for the continuation of a TOP grant under s. TCS 16.05 (1) shall receive a TOP grant of \$250 to be applied toward a student’s costs of tuition and fees at the beginning of the semester in which a student is eligible.

(3) A grant recipient is eligible to receive up to 2 (two) TOP grants totaling no more than \$500 (five hundred) per school year. In no case shall a grant recipient be awarded more than 4 (four) TOP grants in total.

(4) A student must receive all 4 (four) TOP grants within 6 (six) consecutive semesters, unless a general deferment has been approved under s. TCS 16.06 (1) in which case the following applies:

(a) If a student has received 1 (one) general deferment, then he or she must receive all TOP grants within 6 (six) consecutive semesters, plus 1 (one) fall or spring semester, whichever first follows these 6 (six) semesters.

(b) If a student has received 2 (two) general deferments, then he or she must receive all 4 (four) TOP grants within 6 (six) consecutive semesters, plus 1 (one) fall and 1 (one) spring semester immediately following those 6 (six) semesters.

TCS 16.05 Continuation of TOP grant eligibility. To receive a TOP grant for a 2nd, 3rd, or 4th semester after receiving an initial grant award, a student shall meet all of the following eligibility requirements:

(1) The student is not serving a probationary semester under s. TCS 16.07; and

(2) The student has enrolled full–time in a technical diploma or occupational associate degree program.

TCS 16.06 Deferment. (1) General. General deferments are given to either postpone a student’s initial eligibility end date or extend the number of semesters in which a student must receive all of his or her TOP grants.

(a) Postponing initial eligibility. A person, who may otherwise meet the eligibility requirements for an initial TOP grant award under s. TCS 16.03, may request a general deferment for reasons owing to personal hardship, as determined by the district, anytime before the start of the semester for which a general deferment is requested and before a student’s initial eligibility end date. A deferment approved under this paragraph shall stop the running of a student’s initial eligibility date for the duration of that semester and

any remaining TOP grant eligibility time shall be recalculated from the last day of the semester for which the deferment was approved.

(b) Extending continued eligibility. A student who has received a TOP grant under ss. TCS 16.03 or 16.05 may request a general deferment for reasons owing to personal hardship, as determined by the district, anytime before the start of the semester for which a general deferment is requested. A deferment approved under this paragraph shall extend the time in which a student has to receive all of his or her TOP grants. Deferments approved under this paragraph are subject to the provisions of s. TCS 16.04 (4).

(c) Number of deferments allowed. A person may apply for up to 2 general deferments under this subsection.

(2) Military deferment. A high school graduate, who may otherwise meet the eligibility requirements for a TOP grant under s. TCS 16.03 and who enters the U.S. armed forces on active duty before his or her initial eligibility end date, shall be eligible for a military deferment for up to 2 years. The time that a student serves on active duty in the U.S. armed forces shall stop the running of his or her initial eligibility end date and any remaining TOP grant eligibility time shall be calculated from the date of discharge from active duty. A deferment under this subsection shall be in addition to a deferment under sub. (1).

(3) Application. In order to receive a deferment, a student shall apply to the district director or designee. Application for a general deferment must be made before the start of the semester for which the deferment is requested. Application for a military deferment must be made within 30 days of discharge from active duty in the military service or before the end of the member’s original initial eligibility end date, whichever is later.

(4) Approval. Each district shall establish policies for approving TOP grant deferments other than military deferments under sub. (2).

TCS 16.07 Probationary semester. (1) A student who either fails to attain a 2.0 GPA or does not complete at least 12 (twelve) program credits during the semester in which he or she was awarded a TOP grant shall be placed on probation for the following semester in which he or she is eligible for a TOP grant unless an exemption is approved under s. TCS 16.07 (4). No grant award will be given to a student during a probationary semester.

(2) A student who either fails to attain a 2.0 GPA or does not complete at least 12 (twelve) program credits during a probationary semester forfeits any remaining eligibility for subsequent TOP grant awards.

(3) A student who attains a 2.0 GPA and completes at least 12 (twelve) program credits during a probationary semester shall be eligible for subsequent TOP grant awards based on the following:

(a) If a student’s probationary semester follows the semester in which he or she received his or her 1st TOP grant, then a student may be eligible to receive up to 2 (two) additional TOP grants.

(b) If a student’s probationary semester follows the semester in which he or she received his or her 2nd TOP grant, then a student may be eligible to receive up to 1 (one) additional TOP grant.

(c) If a student’s probationary semester follows the semester in which he or she received his or her 3rd TOP grant, then a student is no longer eligible to receive a TOP grant award.

(4) Probation exemption. (a) A student who has received a TOP grant under ss. TCS 16.03 or 16.05 may request a probation exemption for reasons owing to personal hardship as determined by the district during the semester in which he or she received the grant.

(b) Such a request must be approved before the end of the semester in which the grant was received.

(c) A student who has received approval for a probation exemption is not subject to the provisions of sub. (1) for the subsequent semester in which he or she is eligible for a TOP grant, following the approval of the exemption.

(d) A student may apply for up to 2 probation exemptions under this subsection.

TCS 16.08 Appeals. (1) District policies. Districts shall establish policies and procedures for students to appeal grant eligibility, deferment approvals, probation determinations, and probation exemptions. Such policies and procedures shall be

approved by the district board and filed with the office of the state director.

(2) **Decision of state director.** Decisions by the district director or designee may be appealed to the state director. Review of a district decision is limited to a review of the record established at the district level.

(3) **Time limit.** The time limit for filing an appeal to the state director shall be 30 days after a student is notified of the district's decision.

Note: The address for filing appeals to the state director is: Wisconsin Technical College System Board, 310 Price Place, P.O. Box 7874, Madison, Wisconsin 53707–7874.

Written Comments

The public record on this proposed rule will held open until the close of business on **Thursday, May 4, 2000**. Written comments from people unable to attend the public hearing or who want to supplement testimony offered at the hearing may be submitted for inclusion in the summary of public comments submitted to the Legislature. Any such comments should be submitted to the contact person listed below. Written comments will be given the same consideration as testimony presented at the hearing. People submitting comments will not receive individual responses.

Initial Regulatory Flexibility Analysis

This proposed rule will have no adverse impact on small businesses.

Copies of Rule and Fiscal Estimate

A copy of the proposed rules and the full fiscal estimate may be obtained from the Wisconsin Technical College System Board upon request.

Contact Information

Questions concerning these rules may be directed to Jesús G.Q. Garza, Legal Counsel, Wisconsin Technical College System Board, 310 Price Place, P.O. Box 7874, Madison, Wisconsin 53707–7874.

It is the policy of the WTCSB to provide accommodations to persons with disabilities which may affect their ability to access or participate in WTCSB activities. Persons may request assistance or accommodation for the scheduled public hearing by contacting Mr. Garza at (608) 267–9540, or accessing the TTY line at (608) 267–2483 on or before **Tuesday, April 25, 2000**.

Notice of Hearing

*Workforce Development
(Economic Support,
Chs. DWD 11 to 59)
[CR 00–66]*

Notice is hereby given that pursuant to ss. 49.138(1m)(am) and 227.11, Stats., the Department of Workforce Development proposes to hold a public hearing to consider the revision of ch. DWD 16, relating to emergency assistance for families facing impending homelessness.

Hearing Information

April 28, 2000
Friday
1:30 p.m.

Madison
GEF #1, Room 400X
201 E. Washington Ave.

Interested persons are invited to appear at the hearing and will be afforded the opportunity to make an oral presentation of their positions. Persons making oral presentations are requested to submit their facts, views, and suggested rewording in writing.

An accessible entrance to the building is available via a ramp from the corner of Washington Avenue and Webster Street to the

Butler Street entrance. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 267–9403 at least 10 days prior to the hearing date. Accommodations such as ASL interpreters, English translators, or materials in audiotape format will be made available on request to the fullest extent possible.

Analysis Prepared by the Department of Workforce Development

Statutory authority: ss. 49.138(1m)(am) and 227.11

Statute interpreted by the rule: s. 49.138(1m)(am)

The proposed rules implement the provision of 1999 Wis. Act 9 that extends eligibility for Emergency Assistance to families facing impending homelessness. Emergency Assistance is a program that has provided financial assistance to low-income families in need due to homelessness, fire, flood, natural disaster, or energy crisis and will now also include families facing impending homelessness. The maximum payment per family is \$150 per member in cases of need due to fire, flood, natural disaster, homelessness, and impending homelessness and unlimited in cases of need due to energy crisis. Assistance is available once every 36 months for homelessness and impending homelessness and once every 12 months for families in need due to fire, flood, natural disaster, energy crisis, or homelessness when a member of the family is a victim of domestic abuse.

The proposed rules instruct W–2 agencies on the conditions for eligibility and the type of verification required to implement the provision of assistance to families facing impending homelessness. The rules provide that assistance may be provided to families 1) who have received a notice terminating tenancy for nonpayment of rent or a notice of foreclosure from a bank or local government and 2) who are experiencing a financial crisis as defined by the department. A financial crisis is defined as loss of wages due to illness or injury, loss of employment that does not include voluntarily leaving appropriate employment without good cause, loss of income due to a second parent leaving the household, car repair expenses necessary for transportation to work, medical expenses, and other conditions as determined by the W–2 agency.

The proposed rules also require a qualified caretaker relative to be 18 years of age or older, except in limited circumstances. These circumstances include a minor emancipated due to marriage; an individual with no living parent, legal guardian, or other appropriate adult relative whose whereabouts are known; an individual's whose parent, guardian, or appropriate relative does not allow the individual to live with him or her; an individual or individual's child has been abused or is subject to abuse in the residence of the individual's parent or legal guardian; an individual or minor child face imminent or serious harm if they live in the same residence as the parent or guardian; or the W–2 agency otherwise determines that it is in the best interest of the individual's child to waive the general prohibition of assistance to unmarried caretakers who are under 18 years of age. The prohibition of assistance to teenage parents not living in adult-supervised settings, except in limited circumstances, is required for programs funded by Temporary Assistance to Needy Families (TANF) at 42 USC 608(a)(5).

Initial Regulatory Flexibility Analysis

Privately-run W–2 agencies will be affected by the rule change, but the rule will not have a significant economic impact because there is no material change from current procedures.

Fiscal Impact

The proposed rules have no fiscal impact. The rules instruct W–2 agencies on the conditions for eligibility and the type of verification required to implement the statutory expansion of the program to families facing impending homelessness. The expansion of the program may result in additional program costs or a slightly higher workload for counties that administer Emergency Assistance, but these additional costs were contemplated with the enactment of the statutory amendments and are not a result of the proposed rules.

Contact Information

The proposed rules are available on the DWD web site at <http://www.dwd.state.wi.us/dwd/hearings.htm>. A paper copy may be obtained at no charge by contacting:

Elaine Pridgen
Office of Legal Counsel
Dept. of Workforce Development
P.O. Box 7946
Madison, WI 53707–7946
(608) 267–9403
pridgel@dwd.state.wi.us

Written Comments

Written comments on the proposed rules received at the above address no later than **May 3, 2000**, will be given the same consideration as testimony presented at the hearing.

Notice of Hearing

*Workforce Development
(Economic Support,
Chs. DWD 11 to 59)
[CR 00–67]*

Notice is hereby given that pursuant s. 59.52 (4)(a)18., Stats., the Department of Workforce Development will hold a public hearing to consider the repeal of ch. HSS 245 and creation of ch. DWD 18, relating to public assistance record retention.

Hearing Information

April 28, 2000
Friday
1:30 p.m.

Madison
GEF #1, Room 400X
201 E. Washington Ave.

Interested persons are invited to appear at the hearing and will be afforded the opportunity to make an oral presentation of their positions. Persons making oral presentations are requested to submit their facts, views, and suggested rewording in writing.

An accessible entrance to the building is available via a ramp from the corner of Washington Avenue and Webster Street to the Butler Street door. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 267–9403 at least 10 days prior to the hearing date. Accommodations such as ASL interpreters, English translators, or materials in audio tape format will be made available on request to the fullest extent possible.

Analysis Prepared by the Department of Workforce Development

Statutory authority: s. 59.52(4)(a)18.

Statute interpreted: s. 59.52(4)(a)18.

The proposed rule shortens the retention period for certain public assistance case records from six years after the date of closing to the statutory minimum of three years after the date of closing, when a historical record is maintained in the department's computer system, CARES. This change is proposed to reduce storage costs and was approved by the State Public Records Board in March 1999.

The case records that must be retained for three years after the date of closing are written case comments, medical examination forms, third–party verifications received from outside agencies, child care information, school attendance and financial aid information, and documentation of unusual or unique assets that are difficult to duplicate. Income maintenance agencies may be required to maintain case records until the department permits destruction in cases involving overpayment, fraud, intentional program violation, federal quality control review, or divestment and asset allocation for Medicaid.

Certain records must be retained until the earlier of six months or the next certification period, including verification of income, assets, rent and utility expenses, and medical expenses and medical insurance coverage. Items that must be verified once are Social Security number, birth certificate, alien status, and Medicare card.

Original copies of case records reproduced in microfilm, optical disk, or electronic format in accordance with statutory requirements and the requirements of the Department of Administration may be destroyed. The retention requirements in this rule would then apply to the microfilm, optical disk, or electronic format copies.

Destruction of records must be by burning, shredding, or another method as effective as burning or shredding.

Initial Regulatory Flexibility Analysis

The rule does not have a significant economic impact on a substantial number of small businesses. Privately–run W–2 agencies will be affected by the rule change, but the only significant change from current procedures is to shorten the retention period for closed cases from six years to three years, which should decrease storage costs.

Fiscal Estimate

The proposed rule shortens the retention period for certain public assistance case records from six years after the date of closing to the statutory minimum of three years after the date of closing, when a historical record is maintained in the department's computer system, CARES. This change is expected to reduce storage costs for counties and privately–run W–2 agencies.

Contact Information

The proposed rules are available on the DWD web site at <http://www.dwd.state.wi.us/dwd/hearings.htm>. A paper copy may be obtained at no charge by contacting:

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Written Comments

Written comments on the proposed rules received at the above address no later than **May 3, 2000**, will be given the same consideration as testimony presented at the hearing.

***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 97–158):

Chs. DOC 371, 373 to 376, 379 to 381, 383, 392 to 394, and 396 to 399 – Relating to juvenile corrections.

Dentistry Examining Board (CR 99–99):

S. DE 3.04 – Relating to the oral systemic premedications and subgingival sustained release chemotherapeutic agents that may be administered by a licensed dental hygienist.

Tourism (CR 00–37):

S. Tour 1.03 (3) (a) – Relating to the Joint Effort Marketing Program.

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.

Administration (CR 99-154):

An order repealing and recreating ch. Adm 47, relating to the Wisconsin Land Information Program grants-in-aid to local government.

Effective 06-01-00.

Health and Family Services (CR 99-55):

An order creating ch. HFS 181, relating to reporting of blood lead test results.

Effective 06-01-00.

Natural Resources (CR 99-43):

An order affecting ss. NR 10.02, 19.26 and 19.27, relating to regulating the harvest, possession and sale of native amphibians and reptiles.

Effective 06-01-00.

Natural Resources (CR 99-95):

An order amending s. NR 812.05, relating to disposal of pollutants, injection prohibition.

Effective 06-01-00.

Public Instruction (CR 98-139):

An order affecting ss. PI 11.02, 11.07 and 11.14, relating to transfer pupils with disabilities and surrogate parents.

Effective 06-01-00.

Public Instruction (CR 99-73):

An order affecting ss. PI 19.03, 19.05 and 19.06, relating to education for school-age parents.

Effective 06-01-00.

Public Instruction (CR 99-103):

An order creating ch. PI 17, relating to summer school programs.

Effective 06-01-00.

Public Instruction (CR 99-118):

An order amending s. PI 11.24, relating to occupational therapy.

Effective 06-01-00.

Public Instruction (CR 99-129):

An order affecting s. PI 6.03, relating to public librarian certification.

Effective 06-01-00.

Public Instruction (CR 99-130):

An order creating ch. PI 37, relating to grants for national teacher certification.

Effective 06-01-00.

Transportation (CR 99-152):

An order creating ch. Trans 320, relating to calculation of fees for special events, security, traffic enforcement and escort services.

Effective 06-01-00.

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