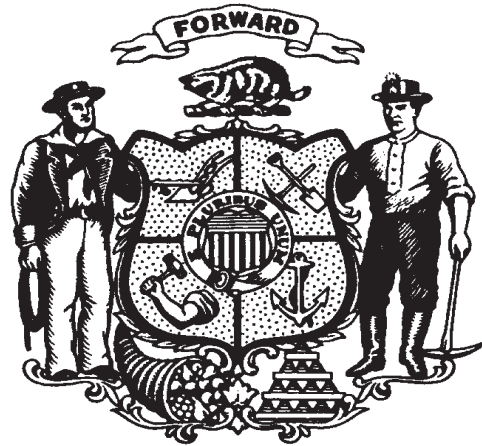


# Wisconsin Administrative Register

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## Emergency rules now in effect

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*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.*

*Copies of emergency rule orders can be obtained from the promulgating agency. The text of current emergency rules can be viewed at [www.legis.state.wi.us/rsb/code](http://www.legis.state.wi.us/rsb/code).*

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### Agriculture, Trade and Consumer Protection

Rules adopted revising **ch. ATCP 77**, relating to certification of drug residue screening laboratories and approval of laboratory analysts to perform drug residue screening tests on milk.

#### Finding of emergency

The Department of Agriculture, Trade and Consumer Protection ("department") finds that an emergency exists and that the following emergency rule is necessary to protect the public welfare. This emergency rule will bring Wisconsin into compliance with federal requirements. Wisconsin must comply with the federal requirements in order for Wisconsin dairy plants to continue shipping milk in interstate commerce. Interstate milk shipments are critical for the state's dairy industry, and for the overall economy and well being of the state. The facts constituting the emergency are as follows:

(1) Grade A milk shipments are governed by the Interstate Pasteurized Milk Ordinance (PMO), jointly administered by the United States Food and Drug Administration (FDA) and the National Conference of Interstate Milk Shippers (representing participating states). In order for Wisconsin dairy plants to ship milk in interstate, Wisconsin must comply with the PMO and FDA mandates related to the PMO. Under s. 97.24, Stats., the Wisconsin Legislature has directed the department to adopt rules that conform to the PMO.

(2) Under the PMO and current state rules, all raw milk received by a dairy plant must be tested for certain drug residues (antibiotics from the penicillin family of drugs).

(3) FDA approves tests used for drug residue testing. There are 15 different tests that are approved for use. Some of these tests use a mechanical reader that determines the test result and then records it on a printer tape or directly to a computer. But other approved tests are "visually read", and involve no

mechanical reader. In these tests, an individual analyst interprets a color change to determine whether drug residues are present.

(4) The department currently certifies laboratories and analysts that conduct confirmatory drug residue tests on raw milk samples. The department certifies these laboratories and analysts under ch. ATCP 77, Wis. Adm. Code. The department does not currently certify laboratories or analysts that perform only preliminary screening tests for drug residues, although it does provide training. Some preliminary screening tests use mechanical readers, while others are "visually read."

(5) On July 2, 2001, FDA issued a new directive requiring states to approve laboratories that conduct screening tests (not just confirmatory tests) for drug residues in milk. A state must conduct an on-site evaluation before approving a laboratory or analyst to conduct "visual read" screening tests. According to the FDA, the department must complete its evaluations and issue its approvals by March 1, 2002. FDA may de-certify Wisconsin milk shippers if the department fails to carry out this directive, or if milk shipments are not tested by approved laboratories and analysts. De-certification could prevent the movement of Wisconsin milk in interstate commerce.

(6) In order to ensure the continued movement of Wisconsin milk in interstate commerce, the department must adopt rules expanding the current lab certification program under ch. ATCP 77, Wis. Adm. Code. The rules will require certification of laboratories conducting drug residue screening tests. The rules will also require on-site evaluation and approval of individual analysts conducting "visual read" screening tests. The rules will create new lab certification fees to pay for the expanded program, including the cost to perform the required on-site evaluations. The department must adopt these rules as soon as possible, in order to complete the required evaluations and issue the required approvals by March 1, 2002.

(7) The department cannot create this new program, by normal rulemaking procedures, in time to meet the March 1, 2002 deadline. The department is therefore adopting this temporary emergency rule under s. 227.24, Stats., pending the adoption of "permanent" rules by normal procedures. This emergency rule is needed to ensure the continued movement of Wisconsin milk in interstate commerce, and to prevent the economic disruption that would occur if that movement were interrupted.

<b>Publication Date:</b>	<b>November 15, 2001</b>
<b>Effective Date:</b>	<b>November 15, 2001</b>
<b>Expiration Date:</b>	<b>April 14, 2002</b>
<b>Hearing Dates:</b>	<b>November 29, December 4, 5 &amp; 6, 2001</b>

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### Commerce (2)

#### (Financial Assistance for Businesses and Communities) (Chs. Comm 105-128)

1. Rules adopted revising **ch. Comm 110** relating to brownfields redevelopment grants.

#### Finding of emergency

The Department of Commerce finds that an emergency exists and that adoption of the rule is necessary for the immediate preservation of public health, safety, and welfare.

The facts constituting the emergency are as follows. Under section 3628 of 2001 Wis. Act 16, the Department must begin accepting applications from trustees and nonprofit organizations, for brownfields redevelopment grants. And, under section 3630 of the Act, the Department must begin disallowing use of the grant funds to pay either delinquent real estate taxes or lien claims of the Department of Natural Resources or the federal Environmental Protection Agency.

The Department's rules for administering the brownfields grant program are currently contained in ch. Comm 110 Wis. Adm. Code. These current rules do not recognize trustees and nonprofit organizations as eligible applicants, and do not include disallowing grant funds for payments on either back taxes, or on state or federal lien claims.

In November, the Department expects to begin promulgating permanent rules for making ch. Comm 110 consistent with Act 16. Due to the mandatory rulemaking procedures under ch. 227, Stats., the permanent rules are not expected to become effective until July 1, 2002. In order to comply with Act 16 by accepting applications and issuing grants for trustees and nonprofit organizations prior to then, emergency rules reflecting these changes are needed, as included herein. These emergency rules also address the above disallowance for grant proceeds, and include some minor updating of the ch. Comm 110 criteria for submitting grant applications and for filing subsequent financial and program reports.

Pursuant to s. 227.24, Stats., this rule is adopted as an emergency rule to take effect upon publication in the official state newspaper and filing with the Secretary of State and Revisor of Statutes.

**Publication Date:** October 27, 2001  
**Effective Date:** October 27, 2001  
**Expiration Date:** March 26, 2002  
**Hearing Date:** January 11, 2002

2. Rules adopted creating **ch. Comm 107**, relating to Wisconsin technology zone program.

**Finding of emergency**

The Department of Commerce finds that an emergency exists and that adoption of a rule is necessary for the immediate preservation of public health, safety and welfare.

Facts constituting the emergency are as follows:

- In accordance with s. 560.02 (4), Stats., the department of Commerce has the responsibility to promulgate rules to provide for the attraction, promotion and expansion of high-technology business in the state.

- Section 560.96, Stats., makes available certain tax benefits for certified businesses within the 8 designated technology zones. Tax benefits are available to certified businesses if their tax year begins on or after January 1, 2002.

- In response to a downturn in the economy and recent economic forecasts, Governor McCallum has prioritized the need to promulgate these rules as part of his economic stimulus package.

- The technology zone program will address several action items identified by the 2000 Wisconsin Economic Summit to ensure Wisconsin's short- and long-term economic vitality and success, including:

1. Combating the state's 'brain drain' by increasing high tech jobs.
2. Linking Wisconsin's research expertise with Wisconsin firms to grow clusters of high-tech jobs.

3. Linking economic strategies across regions for power through collaboration.

- This emergency rule is being created in order that the process of designating the 8 technology zones be commenced as soon as possible and that such eligible businesses may become certified and participate in the tax benefits through the Wisconsin Technology Zone Program.

**Publication Date:** December 5, 2001  
**Effective Date:** December 5, 2001  
**Expiration Date:** May 4, 2002  
**Hearing Date:** January 11, 2002

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**Financial Institutions – Banking**

A rule was adopted creating **s. DFI-Bkg 80.90**, relating to registration fees under the Wisconsin Consumer Act.

**Finding of emergency**

2001 Wis. Act 16 authorizes the Department of Financial Institutions to adopt rules pertaining to registration fees under the Wisconsin Consumer Act. The proposed rule revises the formula for calculating these fees. Without this rule, the department is unable to effectuate the legislature's requirement that registrations be completed by February 28, 2002.

**Publication Date:** December 3, 2001  
**Effective Date:** December 3, 2001  
**Expiration Date:** May 2, 2002  
**Hearing Date:** January 28, 2002

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**Health & Family Services**

(Health, Chs. HFS 110—)

Rules adopted creating **s. HFS 119.07 (6m)**, relating to prescription drug coinsurance coverage.

**Exemption from finding of emergency**

These are emergency rules creating s. HFS 119.07 (6m), Wis. Admin. Code to establish for prescription drug coverage a drug benefit separate from the medical benefits for the Health Insurance Risk-Sharing Plan (HIRSP) as authorized by s. 149.14 (5) (e), Stats., as amended by 2001 Wisconsin Act 16, and s. 149.146 (2) (am) 5., Stats., as created by 2001 Wisconsin Act 16. Section 9123 (9w) of the Act authorizes the department to use the emergency rulemaking procedures under s. 227.24, Stats., to promulgate these rules, exempts the department from making a finding of emergency, and from providing evidence that promulgating these rules as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare.

The HIRSP Board of Governors on September 13, 2001, approved the coinsurance rate and out-of-pocket limits established in these rules, as required by s. 149.14 (5) (e) Stats., as amended by 2001 Wisconsin Act 16 and s. 149.146 (2) (am) 5, Stats., as created by 2001 Wisconsin Act 16.

**Analysis Prepared by the Department of Health and Family Services**

The State of Wisconsin in 1981 established a Health Insurance Risk-Sharing Plan for the purpose of making health insurance coverage available to medically uninsured residents of the state. HIRSP health insurance coverage includes prescription drug coverage. Currently, two major

issues affect HIRSP prescription drug coverage. The first issue is that pharmacies have difficulty determining the financial liability of HIRSP policyholders. The second issue is that the current system of HIRSP reimbursement to policyholders for prescription drug costs is financially burdensome to HIRSP policyholders. To resolve these issues, the department proposes to implement effective January 1, 2002, new coinsurance provisions for HIRSP's drug benefit that will clarify the financial liability of HIRSP policyholders for covered prescription drug costs and eliminate the process of reimbursing policyholders for prescription drug expenses by establishing policyholders' minimum and maximum out-of-pocket costs for covered prescription drugs.

The proposed rules will affect approximately 12,000 HIRSP policyholders statewide.

**Publication Date:** December 20, 2001  
**Effective Date:** January 1, 2002  
**Expiration Date:** May 31, 2002  
**Hearing Date:** January 29, 2002

## Natural Resources

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

Rules adopted revising **ch. NR 20**, relating to sturgeon spearing on the Lake Winnebago system.

### Finding of emergency

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

Winter spear harvest of sturgeon has continued to exceed the total allowable harvest goals due to an increase in spearing pressure and the current format of the season, which allows continued spearing for 1 day following the announcement of the season closure (when 80% of the total allowable harvest is reached). Harvest on the final day of the 2001 season resulted in a final harvest that exceeded the total allowable harvest by 52%. An emergency order is needed to protect the sturgeon population by preventing continued overharvest of female sturgeon during the 2002 season while permanent rules are being developed. The early closure should reduce spearing effort by 40%, which should decrease the daily harvest and reduce the risk of exceeding the total allowable harvest on the final day of the season.

**Publication Date:** December 14, 2001  
**Effective Date:** December 14, 2001  
**Expiration Date:** May 13, 2002  
**Hearing Date:** January 14, 2002

## Pharmacy Examining Board

Rules adopted revising **chs. Phar 1 and 2**, relating to a pharmacy internship program.

### Finding of emergency

2001 Wis. Act 16 creates and amends rules relating to a pharmacy internship program.

Section 3608L of Wis. Act 16, Wis. Stats. s. 450.045, which had previously authorized a Pharmacy Internship Board to implement and oversee the practice of pharmacy in this state

by pharmacy interns prior to receiving licensure from the Pharmacy Examining Board.

Section 2154 of Wis. Act 16 mandates that effective December 31, 2001, the repeal of Wis. Stats. s. 450.045 becomes effective. As of December 31, 2001, there will currently be pharmacy interns still serving internships in this state and additional pharmacy students beginning January 1, 2001, who will seek to begin an internship program. However, no standards or oversight will be in place by administrative rule of the Pharmacy Examining Board which is now charged with authority for the pharmacy internship process.

The administrative rule-making process will not allow rules to be in place as of January 1, 2002, without the use of the emergency rule procedure. The emergency rule is needed therefore to effect a transfer of oversight from the extinguished Pharmacy Internship Board to the Pharmacy Examining Board as of January 1, 2001.

**Publication Date:** December 30, 2001  
**Effective Date:** January 1, 2002  
**Expiration Date:** May 31, 2002  
**Hearing Date:** February 12, 2002

## Public Instruction (2)

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

### Finding of emergency

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

In the past, private schools that intended to participate in the Milwaukee parental choice program were required to submit to the state superintendent a notice of intent to participate by May 1, 2001 Wis. Act 16 changed the submission date of the notice from May 1 to February 1. The rules allow a private school to choose from a variety of student application periods. The student application period chosen by the private school must be indicated on its notice. Because the notice is due at the department by February 1, emergency rules must be in place as soon as possible.

**Publication Date:** January 28, 2002  
**Effective Date:** January 28, 2002  
**Expiration Date:** June 27, 2002  
**Hearing Date:** April 9, 2002

2. Rules adopted creating **ch. PI 27**, relating to the commencement of a school term.

### Finding of emergency

Beginning in the 2002-2003 school year, school boards are required to start a school term on or after September 1 unless the board submits a request to the Department of Public Instruction stating the reasons it would like the school term to start earlier. The rules establish a procedure for school boards to use in requesting an earlier start date and gives examples of extraordinary reasons for granting such requests.

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



- School boards are attempting to establish school calendars for the 2002–2003 school year and desire to have rules in place so proper procedures can be followed and requests can be approved or denied.

- School calendars are a mandatory subject of bargaining and more than 300 teacher contracts remain unsettled. Rules need to be in place so school calendars can be set and contracts can be ratified.

- Teacher contracts that have been settled and ratified prior to September 1, 2001, are listed in the rule as a reason school boards may begin the school term prior to September 1. Rules need to be in place so school boards and unions don't have to renegotiate these contracts.

**Publication Date:** March 13, 2002

**Effective Date:** March 13, 2002

**Expiration Date:** August 10, 2002

### Transportation

Rules adopted amending **s. Trans 102.15**, relating to the issuance of driver's licenses and identification cards.

#### Finding of emergency

This rule is adopted in response to the September 11, 2001, terrorist hijackings in the United States, and are intended to help uncover any possible terrorist attempting to obtain identification documents through the Wisconsin Department of Transportation. On November 21, 2001, the New York Times reported that to support their terrorism, terrorists finance applications for political asylum and thus implant terrorist cells in Western Europe. This rule change could interrupt terrorists who have applied for or received asylum in the United States and who attempt to obtain Wisconsin identification documents.

Because of the urgency of current government efforts directed at taking steps to interrupt terrorist workings, this order adopting an emergency rule shall take effect as provided below.

**Publication Date:** December 21, 2001

**Effective Date:** December 21, 2001

**Expiration Date:** May 20, 2002

**Hearing Date:** February 15, 2002

### State Treasurer

Rules adopted creating **ch. Treas 1** relating to the Wisconsin College Savings Program Board.

#### Exemption from finding of emergency

Section 15 (1), 2001 Wis. Act 7 provides an exemption from a finding of emergency for the adoption of ch. Treas 1.

#### Analysis prepared by the Office of the State Treasurer

Statutory authority: Section 14.64 (2) (e), Stats., and section 15, 2001 Wis. Act 7.

Statutes interpreted: s. 14.64 *et seq.*, Stats.

The Wisconsin College Savings Program Board establishes a rule for the operation of the College Savings Program. The rule is designed to grant flexibility to program participants wherever possible, while enabling the State and its private-sector partners to administer the program in a

manner that protects the program's financial integrity and viability. Maintaining eligibility as a "qualified tuition program" pursuant to section 529 of the Internal Revenue Code [26 USC 529] is another primary objective. "529" programs are eligible for a number of federal tax benefits that are attractive to families saving for future college costs. Significant features of the rule are addressed below:

Sections Treas 1.03, 1.04 and 1.05 describe who may open an account and how to open an account. Section Treas 1.06 discusses designating a successor owner and describes how to change ownership of an account. Sections Treas 1.07 and 1.08 define the account beneficiary and how to change the beneficiary on an account.

Section Treas 1.09 details how to make contributions to an account, including minimum and maximum contribution limits, and how to "rollover" an account balance to another section 529 program. IRS requirements relating to investment direction are also detailed.

Sections Treas 1.11, 1.12 and 1.13 describe account withdrawals, distributions and refunds. Special circumstances are also provided for in these sections, such as the death or disability of the beneficiary or receipt of a scholarship by a beneficiary. Section Treas 1.14 sets forth conditions under which the Board may terminate an owner's account. Sections Treas 1.15 and 1.16 address related fees and penalties.

**Publication Date:** January 7, 2002

**Effective Date:** January 7, 2002

**Expiration Date:** June 6, 2002

**Hearing Date:** March 5, 2002

### Volunteer Fire Fighter and Emergency Medical Technician Service Award Board

Rules adopted creating **ch. VFF-EMT 1**, relating to the length of service award program.

#### Exemption from finding of emergency

Section 10 (3) (a), 1999 Wis. Act 105.

#### Analysis prepared by the Department of Administration:

Statutory authority: ss. 16.004 (1) and 16.25 (2), (3), (4) and (5), Stats.

Statutes interpreted: s. 16.25 *et seq.*, Stats.

Pursuant to section 16.25 (2) through (5), Stats., the Volunteer Fire Fighter and Emergency Medical Technician Service Award Board ("Board") is required to establish by rule a program ("Length of Service Awards Program" or "Program") to provide length of service awards, as described in 26 USC 457 (e) (11), to volunteer firefighters ("VFF") and municipalities that operate volunteer fire departments or contract with volunteer fire companies, and to volunteer emergency medical technicians ("EMT"). To the extent permitted by federal law, the Program is to be designed to treat length of service awards as a tax-deferred benefit under the Internal Revenue Code. The rules are to include design features for the Program, the requirements for and the qualifications of private sector entities that are eligible to provide administrative services and investment plans under the Program, and an appeal. Significant features of the rule are addressed below:

Section VFF-EMT 1.04 describes eligibility requirements for municipalities wishing to participate in the program, such as adopting a resolution or ordinance authorizing participation, developing standards for determining the

service required of the individuals it sponsors in order to qualify for municipal contributions and providing for circumstances where municipalities wish to jointly operate, or contract with, the same volunteer fire department or volunteer fire company.

Section VFF-EMT 1.05 sets forth requirements and procedures for municipal contributions made on behalf of eligible volunteers, and for the state's matching contribution (up to \$250 per eligible individual annually).

Section VFF-EMT 1.06 sets forth the parameters for municipal contributions for prior service rendered before the municipality began participating in the Program. The minimum contribution for prior service is set at \$100, and those contributions may spread over a number of years. A separate accounting is required for these prior service payments.

Section VFF-EMT 1.07 sets forth the Program's vesting requirements and the various permutations possible between full and partial vesting periods and the minimum age requirement (age 60) for payout. Section VFF-EMT 1.07 (1) establishes that 20 years service is required to fully vest and, upon reaching age 60, the award must be paid. (This requirement insures that the benefit maintains its tax deferred status.) Section VFF-EMT 1.07 (2) provides that a fully vested individual age 60 or older may continue to provide service toward a new length of service award under a new account but, for IRS rule purposes, contributions must be paid immediately and cannot accumulate. Section VFF-EMT 1.07 (3) provides for partial vesting after 10 years' service. Should the individual perform more than 10 but less than 20 years' service, upon reaching age 60, he or she will receive only 50% of the net asset value of the benefit account for the first 10 years of service rendered, and an additional 5% for each year thereafter, up to 19 years. Section VFF-EMT 1.07 (7) allows an individual to provide simultaneous service to two or more separate municipalities but, in such cases, only one year of service credit may be earned.

Section VFF-EMT 1.09 details the notice and procedure for when a VFF-EMT ceases performing service for one participating municipality and begins performing service for another municipality, which utilizes a different program administrator or vendor. Such a transfer is allowed, but the account will be frozen and a new one started with the new program administrator. However, any accumulated years of credited service will continue to count toward the vesting requirements. Section VFF-EMT 1.10 allows for benefits to be received both upon disability, or to the beneficiaries upon death of the VFF-EMT.

Section VFF-EMT 1.12 sets forth minimum program administrator qualifications. These include five years of experience providing a length of service award program, adequate marketing and enrollment services capabilities, various accounting and record keeping procedures and abilities, membership in good standing in various organizations customary in the program administrator's or investment manager's industry that provides protection against loss, and overall financial strength.

Section VFF-EMT 1.13 provides for the administration of plans offered by a program administrator under a contract with the Board, and standard provisions to be included. These include compliance with all pertinent state and federal statutes, rules and regulations, mandatory full disclosure to the Board of all fees and commissions earned directly and indirectly on the operations of the program, audits, and data processing system failure and administrative service interruption contingency plans. Also important are the

required annual statements to participating municipalities and the individuals they sponsor, detailing all contributions made and the fees commissions, and charges paid that affect the individual's account.

Section VFF-EMT 1.17 provides for a two-step appeals process in which a VFF-EMT may first protest service credit issues to the participating municipality, which may consult with the program administrator. Any decision of the municipality may be reviewed at the Board's discretion. An individual who has a substantial interest affected by a Board decision may appeal directly in writing to the Board. All Board decisions are final.

**Publication Date:** September 21, 2001  
**Effective Date:** September 21, 2001  
**Expiration Date:** February 18, 2002  
**Hearing Date:** December 27, 2001  
**Extension Through:** April 18, 2002

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### Workforce Development (Prevailing Wage Rates, Chs. DWD 290-294)

Rules adopted revising **ch. DWD 290** and creating **ch. DWD 293**, relating to the adjustment of thresholds for application of prevailing wage rates and payment and performance assurance requirements.

#### Finding of emergency

The Department of Workforce Development finds that an emergency exists and 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 adjust thresholds for the application of prevailing wage laws on state or local public works projects and the application of payment and performance assurance requirements for a public improvement or public work. The thresholds are adjusted in proportion to any change in the construction cost index since the statutes were effective or the last adjustment.

If these new thresholds are not put into effect by emergency rule, the old thresholds will remain effective for approximately six to seven months, until the conclusion of the permanent rule-making process. The thresholds 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 adjust the thresholds of the application of the prevailing wage rates to avoid imposing an additional administrative burden on local governments and state agencies caused by an effective decrease of the thresholds due solely to inflation in the construction industry. The department is proceeding with this emergency rule to adjust the thresholds of the application of the payment and performance assurance requirements in s. 779.14, Stats., to avoid imposing an additional administrative burden on contractors for the same reason. Adjusting the thresholds by emergency rule will also ensure that the adjustments are effective on a date certain that is prior to the time of year that the relevant determinations are generally made.

**Publication Date:** December 27, 2001  
**Effective Date:** January 1, 2002  
**Expiration Date:** May 31, 2002  
**Hearing Date:** February 27, 2002

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## Scope statements

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### Employee Trust Funds

#### Subject

ETF 20.25 specifies that the Wisconsin Retirement System fixed annuity dividends and variable annuity adjustments based on surpluses and/or deficiencies in the annuity reserve shall be effective on April 1 of each year. The proposed rulemaking would change the effective date of these annuity changes to March 1 of each year. The proposed rulemaking will also make changes related to prorating dividends under s. ETF 20.35, reducing the minimum percentage by which an annuity can be adjusted.

#### Policy analysis

*Objectives of the rule.* The proposed amendment would result in the investment returns for the funds in the annuity reserve being distributed more quickly and equitably to Wisconsin Retirement System annuitants.

When the rule specifying the effective date of annuitant dividends was promulgated, an April 1 effective date was administratively reasonable. However, improved automation of both calculating and distributing the fixed and variable dividends would now make it feasible to make the annuitant dividend adjustments a month earlier, and to calculate and distribute the dividends in smaller increments. This is desirable both from an equity and customer service perspective.

#### Policy Alternatives to the Proposed Rule

The alternative to promulgating this rule would be that annuitant dividends would continue to be granted effective April 1 of each year, and distribution of investment returns would continue to be delayed unnecessarily.

#### Statutory authority

Sections 40.03 (1) (m), (2) (i), (7) (d), and (8) (d), 40.27 (2) (b) and 40.28 (2).

#### Staff time required

The Department estimates that state employees will spend 5 hours developing this rule.

### Health and Family Services

#### Subject

The Department proposes to create a new chapter of rules, HFS 109, that addresses SeniorCare, a new prescription drug assistance program for Wisconsin residents who are 65 years of age or older and who meet the program's eligibility criteria.

#### Policy Analysis

The high cost of prescription drugs has been recognized as a problem in Wisconsin and nationwide. These high costs are especially burdensome on the elderly, many of whom live on a fixed income. Through 2001 Wis. Act 16, Wisconsin has addressed the problem those increasingly high costs pose to the elderly. The administrative rules will address issues associated with operating the program, including:

- the covered prescription drugs;
- how the Department will determine household income for the program's eligibility determination;

- how the Department will monitor compliance by pharmacists and pharmacies; and

- mechanisms for preventing fraud and abuse.

To the extent appropriate, the Department intends to draft the proposed rules to parallel the prescription drug provisions of the existing Medicaid rules in chapters HFS 101 to 108.

The Department intends to develop the program's administrative elements in consultation with an advisory committee composed of representatives of physicians, counties, seniors and pharmacies.

#### Statutory authority

The Department's authority to promulgate these rules is under s. 49.688, Stats., which was established by 2001 Wis. Act 16, and s. 227.11 (2) (a), Stats.

#### Staff time required

The Department estimates that it will take approximately 120 hours of staff time to draft the proposed ch. HFS 109 SeniorCare rules.

### Insurance

#### Subject

*Objective of the rule.* To propose modifications to s. Ins 3.46 (13), Wis. Adm. Code, amending commission compensation limitations to permit reasonable compensation to agents for proper long-term care policy replacements.

#### Policy analysis

The current rule was promulgated to protect consumers from inappropriate long-term care insurance policy replacements through the use of high commissions. Prior to the current rule, agents could be rewarded financially for inappropriately or unnecessarily replacing existing long-term care insurance policies. Due to positive product development, the commission limitations contained in the current rule may have resulted in the unwillingness of agents to suggest proper replacement policies to consumers thereby limiting consumers' ability to upgrade their long-term care insurance coverage. The Office intends to review the current rule and determine if the rule can be modified without harm to consumer protections that currently exist.

#### Statutory authority

Sections 601.41 (3), 628.34 (12), 628.38, and 632.81, Stats.

#### Staff time required

200 hours.

### Natural Resources

#### Subject

Modifications to ch. NR 428 – the ozone emission reduction rule.

#### Policy analysis

A rule to clarify provisions of ch. NR 428 and to modify the emission trading provisions for NO<sub>x</sub> to meet minimal criteria established by US EPA. After submitting ch. NR 428 as a SIP

revision to US EPA, US EPA published guidance on minimal expectations for emissions averaging and trading programs. In order to obtain US EPA approval of Wisconsin's SIP revision under this guidance, ch. NR 428 needs to be revised. The language in ch. NR 428 needs to be modified to clarify and establish a minimal environmental benefit from averaging and trading and to establish a cap on mass emissions that is consistent with the emissions modeled in the attainment demonstration. After discussions with affected sources, two modifications to ch. NR 428 are being proposed. First, instead of a 30-day rolling average, an ozone season limit will be established for sources that participate in emissions averaging and trading. Second, a new definition will be established for re-powered units. Re-powered units shall meet the requisite emission limits for new sources in ch. NR 428, but will also be allowed to average and trade emissions consistent with the emissions cap and applicable emissions limits in ch. NR 428. In addition, discussion with affected sources has revealed a need to define a coal to gas combustion process so an appropriate emission limit may be established.

**Statutory authority**

Section 285.11 (6), Stats., and 42 USC 7410, 7511(1) and 7515.

**Staff time required**

Approximately 300 hours will be needed.

**Natural Resources**

**Subject**

Modifications to ch. NR 440 to incorporate new New Source Performance Standards (NSPS) and to update existing standards to reflect changes made by the US EPA.

**Policy analysis**

There are no policy issues to be resolved. The effort to update ch. NR 440 is extensive and will affect many NSPS, representing a wide range of industries. All of the proposed rule changes are already in effect at the federal level.

**Statutory authority**

Sections 227.11 (2) (a), 285.11 (1) and 285.27 (1) (a), Stats.

**Staff time required**

Approximately 750 hours will be needed.

**Natural Resources**

**Subject**

Amendments to ch. NR 191 on lake protection and classification grants and ch. NR 190 on lake management planning grants.

**Policy analysis**

The department will be considering changes to the code based on changes to the enabling statutes and take the opportunity to consider other amendments to make the codes easier to understand and administer. Eligibility and application requirements, as well as priority and project selection policies will most likely be reviewed, in addition to conducting minor housekeeping amendments.

**Statutory authority**

Sections 281.68 and 281.69, Stats.

**Staff time required**

Approximately 250 hours will be needed.

**Natural Resources**

**Subject**

Revisions to ch. NR 140 on groundwater quality.

**Policy analysis**

The proposed amendments to ch. NR 140 continue the existing policy of protecting Wisconsin's groundwater by utilizing the procedures in ch. 160, Stats. The proposed amendments add 2 substances of health concern (Alachlor-ESA and Molybdenum) to Table 1 of NR 140, and revise the existing groundwater quality standards for 3 substances of health concern (Butylate, Dacthal and Naphthalene) currently listed on Table 1 of NR 140. The addition of groundwater quality standards for new substances and the revisions of existing groundwater quality standards for substances currently listed in NR 140 is consistent with the provisions of ch. 160, Stats.

**Statutory authority**

Sections 160.07, 160.13, 160.15, 281.12 (1), 281.15 (1) and (2) and 281.19 (1), Stats.

**Staff time required**

Approximately 250 hours will be needed.

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## Submittal of rules to legislative council clearinghouse

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*Please check the Bulletin of Proceedings – Administrative Rules for further information on a particular rule.*

### **Financial Institutions–Credit Unions**

#### **Rule Submittal Date**

On March 11, 2002, the Department of Financial Institutions–Credit Unions submitted a proposed rule to the Legislative Council Rules Clearinghouse.

#### **Analysis**

Statutory Authority: s. 227.14 (4m), Stats.

The proposed rule–making order relates to member business loans.

#### **Agency Procedure for Promulgation**

A public hearing is scheduled for April 12, 2002.

#### **Contact Person**

Ginger Larson, Director, Office of Credit Unions,  
(608) 266–8893.

### **Revenue**

#### **Rule Submittal Date**

On March 6, 2002, the Department of Revenue

submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

#### **Analysis**

The proposed rule revises Tax 2.03, 2.12 and 3.91, relating to corporation returns, claims for refund and other amended returns, and petitions for redetermination.

#### **Agency Procedure for Promulgation**

A public hearing is not required. The proposed rule will be published under the 30–day notice procedure, pursuant to 227.16 (2) (e), Stats.

The Office of the Secretary is primarily responsible for the promulgation of the proposed rule.

#### **Contact Person**

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

Mark Wipperfurth  
Income, Sales, and Excise Tax Division  
Telephone (608) 266–8253  
E–mail [mwipperf@dor.state.wi.us](mailto:mwipperf@dor.state.wi.us)

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## Rule-making notices

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### Notice of Hearing

#### Financial Institutions – Credit Unions [CR 02–034]

Pursuant to s. 227.17, Stats., notice is hereby given that the Office of Credit Unions will hold a public hearing at the time and place indicated below to consider creating a rule relating to member business loans.

#### Hearing Date, Time and Location

**April 12, 2002** Tommy G. Thompson Conference Room  
Friday 5th Floor  
10:00 a.m. Department of Financial Institutions  
345 West Washington Avenue  
Madison, WI 53703

This facility is accessible to individuals with disabilities through levels A, B or the first floor lobby. If you require reasonable accommodation to access any meeting, please call Mark Schlei at (608) 267–1705 or TTY (608) 266–8818 for the hearing impaired at least 10 days prior to the hearing date. Reasonable accommodation includes materials prepared in an alternative format, as provided by the Americans with Disabilities Act.

Written comments in lieu of public hearing testimony must be received not later than the hearing date and should be addressed to Ginger Larson, Office of Credit Unions, P.O. Box 14137, Madison, WI 53714–0137.

#### Analysis prepared by the Department of Financial Institutions, Office of Credit Unions

An order to create ch. DFI–CU 72 relating to member business loans. Analysis: Statutes interpreted: ss. 186.115 (1) and (2), 186.235 (8), Stats. Summary: The rule provides certain criteria, exemptions, prohibitions and waivers;

establishes procedures for programs and criteria for policies; sets forth collateral, security and record keeping requirements; and sets forth limitations, calculations and classifications relating to member business loans. The rule would be the implementing provision under state law authorizing credit unions to make loans to their members. The promulgation of this rule has been approved by the Credit Union Review Board.

#### Statutory Authority

Sections 186.115 (1) and (2), 186.235 (8) and 227.11 (2), Stats.

#### Fiscal estimate

There is no state fiscal effect, and there are no local government costs. No funding sources or ch. 20 appropriations are affected. There are no long-range fiscal implications.

#### Initial Regulatory Flexibility Analysis

The proposed rule will not have an effect on small businesses.

#### Copies of Rule and Contact Person

A copy of the full text of the proposed rules and fiscal estimate may be obtained through the following:

Mark Schlei, Deputy General Counsel  
Department of Financial Institutions  
Office of the Secretary  
P.O. Box 8861  
Madison, WI 53708–8861  
Tel. (608) 267–1705  
TTY (608) 266–8818

A copy of the full text of the proposed rule may also be obtained at the Department of Financial Institutions' website, [www.wdfi.org](http://www.wdfi.org).

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## Submittal of proposed rules to the legislature

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

**Commerce**

(CR 01-109)

Ch. Comm 62, relating to building construction accessibility requirements.

**Commerce**

(CR 01-139)

Chs. Comm 2, 3, 5, 7, 9, 10, 14, 16, 30, 32, 34, 41, 45, 61 to 65, 71, 75, 81, 82, 84, 90 and 91, relating to construction of public buildings and places of employment.

**Natural Resources**

(CR 01-054)

Ch. NR 326, relating to the regulation of swim rafts and the definition of "Impoundment" and "Similar Conveyance."

**Natural Resources**

(CR 01-128)

Ch. NR 16, relating to permitting the use of natural bodies of water as fish farms.

**Natural Resources**

(CR 01-146)

Ch. NR 47, relating to forest fire protection grants and sustainable forestry grants for county forests.

**Transportation**

(CR 02-003)

Chs. Trans 325 and 326, relating to motor carrier safety regulations.

**Workforce Development**

(CR 02-011)

Chs. DWD 290 and 293, relating to adjustment of thresholds for application of prevailing wage rates and payment and performance assurance requirements.

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## Rule orders filed with the revisor of statutes bureau

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*The following administrative rule orders 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 date of these rules could be changed. Contact the Revisor of Statutes Bureau at gary.poulson@legis.state.wi.us or (608) 266-7275 for updated information on the effective dates for the listed rule orders.*

### **Employment Relations (CR 00-140)**

An order affecting chs. ER 29 and 30, relating to career executive employment and various technical changes to bring the rules into consistency with the statutes and compensation plan.

Effective 5-1-02

### **Employment Relations – Merit Recruitment and Selection (CR 01-141)**

An order affecting ch. ER-MRS 30, relating to

certification for employment consideration, probationary periods, transfers of career executive employees and various technical changes to bring the rules into consistency with the statutes and compensation plan.

Effective 5-1-02

### **Financial Institutions – Banking (CR 02-001)**

An order affecting ch. DFI-Bkg 80, relating to registration fees under the Wisconsin Consumer Act.

Effective 5-1-02



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## Rules published with this register and final regulatory flexibility analyses

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*The following administrative rule orders have been adopted and published in the March 31, 2002, Wisconsin Administrative Register. Copies of these rules are sent to subscribers of the complete Wisconsin Administrative Code and also to the subscribers of the specific affected Code.*

*For subscription information, contact Document Sales at (608) 266-3358.*

### **Agriculture, Trade and Consumer Protection (CR 01-042)**

An order affecting chs. ATCP 55 and 56, relating to meat and meat food products.

Effective 4-1-02

#### **Summary of Final Regulatory Flexibility Analysis**

This rule will not, by itself, have a major impact on small business. This rule merely implements state and federal law changes that have already been enacted. This rule also recodifies existing requirements, so they will be easier to read and understand. DATCP currently licenses, registers, and inspects about 500 meat and poultry establishments, mobile slaughterers, mobile processors and meat distributors. The establishments range from very small one and two-person operations to multi-product operations that manufacture and wholesale substantial amounts of meat and poultry products.

This rule incorporates current federal requirements under 9 CFR sections 307 to 311, 313 to 315, 317 to 319, 416, 417, and 381 subparts G, H, I, K, L, O and P. This is required by s. 97.42 (4m), Wis. Stats. and federal law, so that Wisconsin's meat inspection program will be "equal-to" the federal program.

The newly incorporated federal requirements will have negligible impact on Wisconsin meat establishments at this time because most of the requirements have already been implemented in Wisconsin meat establishments. One of the changes will save money for Wisconsin licensed meat establishments. Since this rule now makes ratites and squabs subject to Wisconsin's meat inspection law, the department will no longer charge the hourly inspection rate it must charge for inspecting animals not subject to Wisconsin's meat inspection law when it inspects ratites and squabs slaughtered and processed for sale for human consumption. This cost was previously borne by the licensed meat establishment or passed on to the animal owner. Between October 1, 1999, and September 30, 2000, the department charged for the inspection of 430 ratites.

#### **Summary of Comments of Legislative Standing Committees**

On October 30, 2001, DATCP transmitted the above rule for legislative committee review. The rule was assigned to the Senate Committee on Labor and Agriculture and the Assembly Committee on Agriculture.

- The Assembly committee took no action on this rule.
- The Senate committee took no action on this rule.

### **Commerce (CR 01-113)**

An order affecting ch. Comm 108, relating to the community development block grant program.

Effective 4-1-02

#### **Summary of Final Regulatory Flexibility Analysis**

These rules impact communities and not businesses.

#### **Summary of Comments of Legislative Standing Committees**

No comments received.

### **Commerce (CR 01-126)**

An order affecting ch. Comm 95, relating to mobile home parks.

Effective 4-1-02

#### **Summary of Final Regulatory Flexibility Analysis**

The statutes require the department to charge fees to cover the costs of providing the department's services. The proposed revisions in the department's fees for administering the manufactured home park water and sewer service program are necessary to meet the directives of the statutes, and any less stringent requirements would be contrary to the statutory objectives which are the basis for the rules.

#### **Summary of Comments of Legislative Standing Committees**

No comments received.

### **Health and Family Services (CR 01-105)**

An order affecting ch. HFS 145, relating to control of communicable diseases.

Effective 4-1-02

#### **Summary of Final Regulatory Flexibility Analysis**

Some of the laboratories may be in hospitals that may be considered "small businesses" as defined under s. 227.114, Stats. However, the requirements contained in the proposed rules elaborate on changes made to ss. 252.07 and 252.10, Stats., that were created or amended in 1999 Wis. Act 9. Moreover, the department considers the procedures specified in the proposed rules to be necessary for the preservation of the public's health. Consequently, the department is not proposing variations from these public's health. Consequently, the department is not proposing variations from these procedures and requirements for laboratories that may be considered "small businesses."

#### **Summary of Comments of Legislative Standing Committees**

No comments received.

### **Natural Resources (CR 00-112)**

An order creating s. NR 7.088, relating to the recreational boating facilities program.

Effective 4-1-02

#### **Summary of Final Regulatory Flexibility Analysis**

The proposed rule does not regulate small business; therefore, a final regulatory flexibility analysis is not required.

#### **Summary of Comments of Legislative Standing Committees**

The proposed rule was reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Environmental Resources. On March 15, 2001, the Senate Committee on Environmental Resources voted to ask the department to modify s. NR 7.088. The Committee requested the department to consider further modifying the rule and consider establishing a cap on the amount of funds that could be awarded at the increased cost sharing rate in one year and limit the projects eligible to receive the increased cost-share rate to more significant projects.

The Wisconsin Waterways Commission, at its September 25, 2001 meeting, recommended establishing caps consistent with the recommendation of the Senate Committee on Environmental Resources. At the same time, the Commission modified the criteria for river sites, increasing the number of car/trailer parking units from 15 to 30. The Natural Resources Board adopted the proposed modifications at its meeting on December 5, 2001. The modified rule was acceptable to the legislative committees.

#### **Natural Resources (CR 00-175)**

An order affecting chs. NR 460, 464, and 484, relating to hazardous air pollutant emissions from pulp and paper mills.

Effective 4-1-02

#### **Summary of Final Regulatory Flexibility Analysis**

The department does not anticipate that this rule will impact any small businesses.

#### **Summary of Comments of Legislative Standing Committees**

The proposed rule was reviewed by the Assembly Committee on Environment and the Senate Committee on Environmental Resources. There were no comments or recommendations on the proposed rule.

#### **Natural Resources (CR 01-067)**

An order affecting ch. NR 809, relating to safe drinking water standards for radionuclides.

Effective 4-1-02

#### **Summary of Final Regulatory Flexibility Analysis**

Typically, the department has little flexibility with drinking water regulations since Wisconsin rules can be no less stringent than the federal regulations. The department will use the flexibility in the rule to reduce monitoring costs and complexity wherever possible.

#### **Summary of Comments of Legislative Standing Committees**

The rules were reviewed by the Assembly Committee on Environment and the Senate Committee on Environmental Resources. There were no comments.

#### **Public Service Commission (CR 00-184)**

An order affecting ch. PSC 163, relating to telecommunications utility price regulation.

Effective 4-1-02

#### **Summary of Final Regulatory Flexibility Analysis**

These rules may have an effect on small telecommunications utilities, which are small businesses under s. 196.216, Stats., for the purposes of s. 227.114, Stats., because they may elect to become price-regulated under s. 196.196 (1), Stats., which would result in these rules becoming applicable to them. The agency has considered the methods in s. 227.114 (2), Stats., for reducing the impact of the rules on small telecommunications utilities and finds that incorporating any of these methods into the proposed rules would be contrary to the statutory objectives which are the basis for the proposed rules. In addition, the election of price regulation under this chapter is voluntary, and more flexibility and less stringent compliance requirements for small telecommunications utilities are available in ss. 196.195 (12) and 196.196 (4), Stats.

There are 84 local exchange companies in Wisconsin, 77 of which are small telecommunications utilities. The agency finds that the availability of a voluntary price regulation election under s. 196.196, Stats., and the process set forth in this chapter to govern the price regulation election are in the public interest for all telecommunications utilities in the state.

#### **Summary of Comments of Legislative Standing Committees**

No comments received.

#### **Social Workers, Marriage and Family Therapists and Professional Counselors Examining Board (CR 01-059)**

An order affecting ch. SFC 3, relating to course descriptions for students applying for social worker training certificates.

Effective 4-1-02

#### **Summary of Final Regulatory Flexibility Analysis**

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

#### **Summary of Comments of Legislative Standing Committees**

No comments received.

#### **Social Workers, Marriage and Family Therapists and Professional Counselors Examining Board (CR 01-095)**

An order affecting ch. SFC 3, relating to the social worker temporary certificate to conform to a new procedure for computerized examinations.

Effective 4-1-02

#### **Summary of Final Regulatory Flexibility Analysis**

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

#### **Summary of Comments of Legislative Standing Committees**

No comments received.

#### **Transportation (CR 01-117)**

An order affecting ch. Trans 28, relating to the Harbor Assistance Program.

Effective 4-1-02

#### **Summary of Final Regulatory Flexibility Analysis**

This proposed change is not expected to have a significant impact on small businesses.

#### **Summary of Comments of Legislative Standing Committees**

No comments received.

**Transportation  
(CR 01-121)**

An order affecting ch. Trans 131, relating to vehicle emission inspections.

Effective 4-1-02

**Summary of Final Regulatory Flexibility Analysis**

This proposed change is not expected to have a significant direct affect on small businesses.

**Summary of Comments of Legislative Standing Committees**

No comments received.

**Workforce Development  
(CR 01-099)**

An order repealing ch. DWD 11, relating to the aid to families with dependent children program.

Effective 4-1-02

**Summary of Final Regulatory Flexibility Analysis**

The proposed rules have no significant impact on small businesses as defined in s. 227.114 (1) (a), Stats.

**Summary of Comments of Legislative Standing Committees**

No comments received.

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## Sections affected by rule revisions and corrections

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The following administrative rule revisions and corrections have taken place in **March 2002**, and will be effective as indicated in the history note for each particular section. For additional information, contact the Revisor of Statutes Bureau at (608) 266-7275.

### Revisions

#### **Agriculture, Trade and Consumer Protection:**

**Ch. ATCP 55** (entire chapter)

**Ch. ATCP 56** (entire chapter)

#### **Commerce:**

**Ch. Comm 95**

S. Comm 95.04 (3)

S. Comm 95.05

**Ch. Comm 108**

S. Comm 108.01

S. Comm 108.02 (2)

S. Comm 108.03 (2), (4) to (27)

S. Comm 108.04 (1) and (3)

S. Comm 108.05

S. Comm 108.06 (1) and Table 108.06-1

SS. Comm 108.07 to 108.09

S. Comm 108.11 to 108.13

S. Comm 108.19 (1) (intro.), (c) and (f), and (2) (f) and (g)

S. Comm 108.20 (2) and (4)

S. Comm 108.24

#### **Health and Family Services:**

**Ch. HFS 145**

S. HFS 145.01

SS. HFS 145.08 to 145.12

#### **Natural Resources:**

**Ch. NR 7**

S. NR 7.088

**Ch. NR 439**

S. NR 439.08 (1) (a) to (f) and (2) (b)

S. NR 439.085 (2) (a) to (c)

**Ch. NR 460**

S. NR 460.01 (1) (e)

S. NR 460.02 (intro.) (5), (5m), (14m), (22), (22g), (22r), (23e), (23m), (23s), (24e), (24m) and (24s)

S. NR 460.06 (4) (b), (5) (a) to (c)

S. NR 460.07 (6) (a), (c), and (7) (e)

S. NR 460.08 (2) (d)

S. NR 460.09 (2) (b), (5) (c), (6) (a) to (d)

S. NR 460.10 (2) (f) and (h)

**Ch. NR 464** (entire chapter)

**Ch. NR 484**

S. NR 484.03 (intro.) and Table 1

S. NR 484.04 (intro.) and Table 2

S. NR 484.10 (intro.) and Table 5

S. NR 484.11 (intro.) and (9)

**Ch. NR 809**

S. NR 809.50

S. NR 809.515

S. NR 809.52 (2) to (5)

S. NR 809.53

S. NR 809.905

#### **Public Service Commission:**

**Ch. PSC 163**

S. PSC 163.02 (2m), (3m) and (10)

S. PSC 163.03 (3)

S. PSC 163.04 (1) (c), (2) (a), (bm), (c), (intro.), (cd), (ch), (cp), (d), (dc), (dg), (dn), (dr), (dw), (e), (f) and (g) and Table 1, (8) (a),

S. PSC 163.06 (1) and (2)

#### **Social Workers, Marriage & Family Therapists & Counselors:**

**Ch. SFC 3**

S. SFC 3.11

S. SFC 3.13 (6)

#### **Transportation**

**Ch. Trans 28**

S. Trans 28.01

S. Trans 28.02 (1m) and (9m)

S. Trans 28.04

S. Trans 28.05 (1) (a), (c) and (3)

S. Trans 28.07 (4)

S. Trans 28.09 (2) (a) and (j)

**Ch. Trans 131**

S. Trans 131.03 (2) (a)

S. Trans 131.04 (1) (b)

S. Trans 131.08 (1)

S. Trans 131.10 (1)

#### **Workforce Development:**

**Ch. DWD 11** (entire chapter)

**Editorial corrections**

Corrections to code sections under the authority of s. 13.93 (2m) (b), Stats., are identified in section history notes and listed below:

**Health and Family Services:**

**Ch. HFS 145**

S. HFS 145.01

**Transportation–Rustic Roads:**

**Ch. Trans–RR 1**

S. Trans–RR 1.04 (3)

**Natural Resources:**

**Ch. NR 460**

S. NR 460.02 (4) and (38)

S. NR 460.05 (4) (c), (6) (b), (d), (f) and (g)

S. NR 460.06 (5) (b)

S. NR 460.07 (6) (e)

S. NR 460.09 (4) (c)

S. NR 460.10 (2) (d) and (g)

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## Sections affected by revisor's corrections not published

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### Revisor's corrections under s. 13.93 (2m) (b), Stats., identified in this Wis. Adm. Register.

**Subscriber's note:** Please make corrections (manually) in your printed code. The affected sections are shown as corrected on the Revisor of Statutes Internet site, <http://www.legis.state.wi.us/rsb/>, and on the WisLaw® CD-ROM. Printed code will be shown as corrected in its next printing.

Location of invalid cross-reference	Invalid cross-reference	Correction
APP 1.03 (2)	15.195 (5)	15.105 (11)
ATCP 50.24 (3) (b)	92.14 (3m) or (4) (c)	92.14 (3) (b) or (e)
ATCP 134.06 (3) (a) 5.	66.058 (3)	66.0435 (3)
ATCP 161.32 (3) (intro.)	20.115 (3) (d)	20.115 (1) (d)
ATCP 161.36	20.115 (3) (d)	20.115 (1) (d)
Comm 3.03 (5) (f) 2.	Comm 50.12 or 83.07 and 83.08	Comm 50.12 or 83.22
Comm 3.03 (5) (f) 2.	Comm 50.12 (5) and 83.07 (1) (d)	Comm 50.12 (5) and 83.22 (3) (a)
Comm 10.01 (5)	101.01 (1) (d)	101.01 (2m)
Comm 10.26 (1)	Chs. Comm 41 to 42	Ch. Comm 41
Comm 10.34	Chs. Comm 41 to 42	Ch. Comm 41
Comm 15.03 (1)	Ch. ILHR 50	Ch. Comm 50
Comm 20.05 (5)	21.08 (5)	21.08 (1)
Comm 34.02	ILHR 34.03	Comm 34.03
Comm 34.10 (1)	101.01 (1) (f)	101.01 (8)
Comm 34.23 (2) (a)	Ch. ILHR 53	Ch. Comm 53
Comm 34.285 (2)	Ch. ILHR 33	Ch. Comm 33
Comm 34.39	ILHR 53.53	Comm 53.53
Comm 45.18 (4) (b) 3. c.	Chs. ILHR 50 to 64	Chs. Comm 50 to 64
Comm 45.19 (8), (9) and Note	Chs. ILHR 50 to 64	Chs. Comm 50 to 64
Comm 45.20 (3), (5), (6), (7) and (11)	Chs. ILHR 41 to 42	Ch. Comm 41
Comm 47.02 (1) (e)	101.143 (4) (ei) 1. a.	101.143 (4) (ei) 1m. a.
Comm 48.10 (1) (b) 2.	144.3716 (1)	285.37 (1)
Comm 66.11 (1) (b)	66.036	145.195
Comm 71.21 (2) and (6)	Chs. ILHR 20 to 25 and 50 to 64	Chs. Comm 20 to 25 and Chs. Comm 50 to 64
Comm 71.24 (1) (d) 1.	ILHR 23.08	Comm 23.08
Comm 71.24 (1) (d) 1.	ILHR 64.31 to 64.35 and 64.41	Comm 64.31 to 64.35 and 64.41
Comm 71.25 (3) (c) 2.	Chs. Comm 41 to 42	Ch. Comm 41
Comm 83.25 (2) (a)	66.036	145.195

Location of invalid cross-reference	Invalid cross-reference	Correction
Comm 96.02 (9)	101.91 (2k)	101.91 (10)
Comm 97.02 (8)	101.91 (2k)	101.91 (10)
Comm 113.07 (1) (i)	66.521	66.1103
Comm 122.04 (intro.)	20.143 (1) (f)	20.143 (1) (kr)
Comm 128.03 (2) (intro.)	20.143 (1) (f)	20.143 (1) (kr)
DOC 327.09 (2) (d) (intro.)	DOC 303.21	DOC 303.05
DOC 327.09 (2) (m) 1.	DOC 303.02 (11)	DOC 303.02 (14)
DOC 327.17 (intro.)	DOC 306.06	DOC 306.07
DOC 327.17 (1)	DOC 306.06 (3)	DOC 306.07 (2)
DOC 328.14 (3)	DOC 331.03 (1) (d)	DOC 331.03 (4)
DOC 333.07 (2) (e) (intro.)	DOC 303.21	DOC 303.05
DOC 333.07 (2) (n) 1.	DOC 303.02 (11)	DOC 303.02 (14)
DOC 333.13 (7)	DOC 309.05 (4)	DOC 309.04 (4)
DOC 333.14 (intro.)	DOC 306.06	DOC 306.07
DOC 333.14 (1)	DOC 306.06 (3)	DOC 306.07 (2)
DOC 346.05	HSS 350.04	DOC 350.04
DOC 346.05	ILHR 50-64	Comm 61 to 65
DOC 346.05	ILHR 50.12	Comm 50.12
DFI-Bkg 10.03	Chs. 220, 221, 222 and 223	Chs. 220, 221, and 223
DFI-Bkg 10.06	220.035 (2) (c)	220.035 (1) (c)
DFI-Bkg 43.04 (5)	Ch. 440, subch. VI, Stats.	subch. III of ch. 224, Stats.
DFI-CU 56.06	220.035 (2) (c), 1973 Stats.	220.035 (1) (c)
WGC 4.05 (2) (d)	Ch. WGC 3	Ch. Game 3
WGC 11.04 (1) (b)	Ch. WGC 3	Ch. Game 3
WGC 14.08 (2)	Ch. 161	Ch. 961
HFS 12.02 (1) (b)	Ch. HSS 56	Ch. HFS 56
HFS 12.03 (22) (c)	HSS 56.01 (4) (b)	HFS 38.02 (2) (d)
HFS 38.01 (3)	Ch. HSS 56 (twice)	Ch. HFS 56 (twice)
HFS 38.03 (17) and (28)	Ch. HSS 56	Ch. HFS 56
HFS 38.03 (28)	HSS 56.01 (4) (b)	HFS 38.02 (2) (d)
HFS 38.04 (4)	HSS 56.03 (4)	HFS 56.04 (4)
HFS 38.05 (1)	HSS 56.04	HFS 56.05
HFS 38.08 (1) (h)	HSS 56.04 (4m)	HFS 56.06 (8)
HFS 38.10 (1) (c)	Ch. HSS 56	Ch. HFS 56
HFS 38.11 (1)	HSS 56.05 amd 56.06	HFS 56.07, 56.08

Location of invalid cross-reference	Invalid cross-reference	Correction
HFS 38.11 (2) (a) and (4) (a)	Ch. HSS 56	Ch. HFS 56
HFS 50.01 (4) (t)	HSS 56.09	HFS 56.11
HFS 50.03 (1) (b) 3.	HSS 56.09 (3)	HFS 56.11 (3)
HFS 50.044 (3) (c)	HSS 56.09 (2) and (3) (twice)	HFS 56.11 (2) and (3) (twice)
HFS 50.045 (3) (c)	HSS 56.09 (2) and (3) (twice)	HFS 56.11 (2) and (3) (twice)
HFS 50.05 (1) (a)	HSS 56.09 (3)	HFS 56.11 (3)
HFS 51.07 (1) (e)	HSS 56.04 (4m)	HFS 56.06 (8)
HFS 51.07 (3) (a) 1., (8) (a)	Ch. HSS 56	Ch. HFS 56
HFS 51.07 (7)	HSS 56.04 (1) (b) 4. and 5.	HFS 56.05 (1) (c) 4. and 5.
HFS 51.07 (8) (c)	HSS 56.04 (4)	HFS 56.05 (1) (e)
HFS 56.07 (4) (g)	Comm 21.03 (6m)	Comm 21.03 (6)
HFS 68.03 (1) (intro.) and (2)	20.435 (7) (kw)	Delete the reference
HFS 82.10 (3)	51.61 (1) (c)	51.61 (1m) (cm) 1.
HFS 88.02 (4) (a)	Ch. HSS 56	Ch. HFS 56
HFS 94.19 (1)	51.61 (1) (c)	51.61 (1m) (cm) 1.
HFS 103.04 (5) (e)	Ch. HSS 56	Ch. HFS 56
HFS 106.07	par. (1) (a), (2) (a) or (3) (a)	sub. (1) (a), (2) (a) or (3) (a)
HFS 120.04 (2) (c)	20.435 (1) (hi)	20.435 (4) (hi)
HFS 127.01 (2)	HFS 127.02 (22)	HFS 127.02 (21)
HFS 127.03 (2) (a)	HFS 127.02 (23)	HFS 127.02 (21)
HFS 163.10 (3) (d) 1.	Ch. HFS 157	Ch. HSS 157
HFS 175.07 (1) (b)	Ch. HFS 165	Ch. HSS 165
HSS 230.03 (15)	49.177	49.77
Ins 3.67 (1) (e)	609.01 (3c)	609.01 (1b)
Ins 4.01 (2) (c)	66.058 (1) (d)	66.0435 (1) (d)
Ins 6.40 (5) (b)	7.01 (24) (m)	Ins 7.02
Ins 9.01 (12)	609.01 (3c)	609.01 (1b)
Ins 9.32 (1) (a)	Ins 9.33	Delete the reference
Ins 18.03 (2) (c) 1.	609.01 (3c)	609.01 (1b)
Ins 18.03 (5) (d)	146.86	146.84
Ins 25.60 (1) (intro.)	24.10 (1) (b)	25.10 (1) (b)
Ins 52.07 (3)	Ins 14.02	Ins 51.80
Med 8.03	15.407 (1) and (2)	15.407 (2)
NR 13.04 (1) (b) 2.	NR 10.03 (1) and (2)	NR 12.05 (1) and (2)
NR 13.30 (2) (c) (intro.)	NR 10.03	NR 12.05



Location of invalid cross-reference	Invalid cross-reference	Correction
NR 13.30 (2) (c) 1.	NR 10.03 (3)	NR 12.05 (2) (b)
NR 13.30 (2) (c) 2.	NR 10.03 (4)	NR 12.05 (2) (a)
NR 13.30 (2) (j) 5.	NR 10.101 (4)	NR 10.101 (3)
NR 46.15 (13)	409.105 (1) (g)	409.102 (1) (hs)
NR 48.02 (3)	29.01 (5)	29.001 (33)
NR 48.02 (4)	29.01 (10)	29.001 (60)
NR 48.02 (6)	29.10 (14)	29.001 (90)
NR 51.002 (5m)	23.0197 (7) (b) to (d)	23.0917 (7) (b) to (d)
NR 103.04 (6)	29.415	29.604
NR 149.21	809.41	809.76
Trans 138.01 (1)	342.16 (1m) and (2)	342.16 (2)
Trans 142.01 (7) (a) 1.	Adm 67.02 (7)	Comm 97.02 (7)
Trans 195.02 (4)	943.70 (1) (a)	943.70 (1) (am)
Trans 330.11	330.10 (19) (a)	330.10 (19)
VE 12.02 (9)	49.855 (7), Stats.	Note: 1999 Wis. Act 9 repealed s. 49.855 (7), Stats.

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## Executive orders

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**The following are recent Executive Orders issued by the Governor.**

**Executive Order 40.** Relating to the creation of the task force on state and local government.

# Public notice

## Workforce Development

Effective April 28, 2002

### Child Care Co-Payment Schedule for Licensed and Certified Care

Look down the column of the appropriate family size until you find the gross family monthly income level at or just less than the family income. Look to the right to find the appropriate co-payment by family and type of care.

	Gross Monthly Family Income										WEEKLY LICENSED CARE CO-PAY AMOUNT					WEEKLY CERTIFIED CARE CO-PAY AMOUNT							
	FAMILY SIZE										CHILDREN IN SUBSIDIZED CARE:					CHILDREN IN SUBSIDIZED CARE:							
	2	3	4	5	6	7	8	9	10 or more	1	2	3	4	5 or more	1	2	3	4	5 or more				
70% FPL	\$697	\$876	\$1,056	\$1,236	\$1,415	\$1,595	\$1,775	\$1,954	\$2,134	4	8	12	15	20	2	6	9	11	14				
75% FPL	\$746	\$939	\$1,131	\$1,324	\$1,516	\$1,709	\$1,901	\$2,094	\$2,286	4	10	14	18	23	3	7	10	13	15				
80% FPL	\$796	\$1,001	\$1,207	\$1,412	\$1,617	\$1,823	\$2,028	\$2,233	\$2,439	6	11	15	21	25	5	8	11	15	18				
85% FPL	\$846	\$1,064	\$1,282	\$1,500	\$1,718	\$1,937	\$2,155	\$2,373	\$2,591	10	14	18	23	28	6	10	13	15	20				
90% FPL	\$896	\$1,127	\$1,358	\$1,589	\$1,820	\$2,051	\$2,282	\$2,513	\$2,744	11	18	23	28	34	8	12	15	20	24				
95% FPL	\$945	\$1,189	\$1,433	\$1,677	\$1,921	\$2,164	\$2,408	\$2,652	\$2,896	14	21	28	34	42	10	15	20	24	29				
100% FPL	\$995	\$1,252	\$1,508	\$1,765	\$2,022	\$2,278	\$2,535	\$2,792	\$3,048	15	23	29	37	44	11	15	21	26	31				
105% FPL	\$1,045	\$1,314	\$1,584	\$1,853	\$2,123	\$2,392	\$2,662	\$2,931	\$3,201	18	25	33	39	46	13	17	23	27	33				
110% FPL	\$1,095	\$1,377	\$1,659	\$1,942	\$2,224	\$2,506	\$2,789	\$3,071	\$3,353	21	28	34	42	48	15	20	24	28	34				
115% FPL	\$1,144	\$1,439	\$1,735	\$2,030	\$2,325	\$2,620	\$2,915	\$3,210	\$3,506	23	29	37	44	50	15	21	26	31	36				
120% FPL	\$1,194	\$1,502	\$1,810	\$2,118	\$2,426	\$2,734	\$3,042	\$3,350	\$3,658	25	33	39	46	54	17	23	27	33	37				
125% FPL	\$1,244	\$1,565	\$1,885	\$2,206	\$2,527	\$2,848	\$3,169	\$3,490	\$3,810	28	34	42	48	55	20	24	29	34	38				
130% FPL	\$1,294	\$1,627	\$1,961	\$2,295	\$2,628	\$2,962	\$3,296	\$3,629	\$3,963	29	38	46	54	62	21	26	33	37	44				
135% FPL	\$1,343	\$1,690	\$2,036	\$2,383	\$2,729	\$3,076	\$3,422	\$3,769	\$4,115	32	41	50	60	69	23	28	36	42	48				
140% FPL	\$1,393	\$1,752	\$2,112	\$2,471	\$2,830	\$3,190	\$3,549	\$3,908	\$4,268	34	44	54	62	72	24	31	37	44	50				
145% FPL	\$1,443	\$1,815	\$2,187	\$2,559	\$2,931	\$3,304	\$3,676	\$4,048	\$4,420	37	46	54	64	74	26	33	38	46	51				
150% FPL	\$1,493	\$1,878	\$2,263	\$2,648	\$3,033	\$3,418	\$3,803	\$4,188	\$4,573	39	48	58	66	77	27	34	41	47	54				
155% FPL	\$1,542	\$1,940	\$2,338	\$2,736	\$3,134	\$3,531	\$3,929	\$4,327	\$4,725	41	50	60	69	79	28	36	41	48	55				
160% FPL	\$1,592	\$2,003	\$2,413	\$2,824	\$3,235	\$3,645	\$4,056	\$4,467	\$4,877	44	54	62	72	81	30	37	44	51	57				
165% FPL	\$1,642	\$2,065	\$2,489	\$2,912	\$3,336	\$3,759	\$4,183	\$4,606	\$5,030	45	55	64	73	83	32	38	46	51	58				
170% FPL	\$1,692	\$2,128	\$2,564	\$3,001	\$3,437	\$3,873	\$4,310	\$4,746	\$5,182	46	58	67	77	86	33	41	47	54	59				
175% FPL	\$1,741	\$2,190	\$2,640	\$3,089	\$3,538	\$3,987	\$4,436	\$4,885	\$5,335	47	59	69	79	87	33	41	48	55	61				
180% FPL	\$1,791	\$2,253	\$2,715	\$3,177	\$3,639	\$4,101	\$4,563	\$5,025	\$5,487	49	61	72	81	90	34	43	51	57	63				
185% FPL	\$1,841	\$2,316	\$2,790	\$3,265	\$3,740	\$4,215	\$4,690	\$5,165	\$5,639	50	63	73	83	92	35	46	51	58	64				
				185% of the Federal Poverty Level																			
				200% of the Federal Poverty Level																			

**2002 Child Care Copay Schedule**

NOTE: The copayment rate for teen parents who are not Learnfare participants is minimum copay and is found by selecting the lowest income line (70% FPL) and then finding the copayment listed under either licensed care or certified care for the appropriate number of children. Parents who have left a W-2 employment position for unsubsidized work also qualify for the minimum copay for one month. Families with children who are authorized for 20 hours or less are subject to one half of their share of the family copay listed above for those children. No copay is required for parents who participate in Learnfare or Food Stamp Employment and Training. Foster parents do not have a copayment responsibility for the foster children in their care. Kinship care relatives caring for a child under a court order do not have a copayment responsibility. Kinship care relatives caring for a child without a court order pay the minimum copay, unless they are receiving a child care subsidy for another child who is subject to a copayment greater than the minimum copay.

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