

ADMINISTRATIVE RULE CORRESPONDENCE

Department of Commerce

Date: February 24, 2009

To: Aaron Olver

From: Greg Jones

Rule No.: Comm 5.12

Relating To: Administrative Forfeitures for POWTS Governmental Unit Employees

Subject: **Announcement of Public Hearing**

I have enclosed the required material for the announcement of a public hearing on the attached proposed rules. We have not scheduled a hearing date at this time. We are submitting this package to you for your review and approval of the proposed rules. We are planning on holding one hearing in Madison.

The 2007 Wisconsin Act 197 affects governmental unit employees who administer and enforce regulations pertaining to design, installation and maintenance of POWTS by limiting the activities that such employees may undertake outside of their governmental employment. The proposed rules implement administrative forfeitures authorized under 2007 Wisconsin Act 197 for violations of these limitations.

Please review the attached material and let me know if you have any questions. If we can proceed with announcing the public hearing, please sign the required forms and letters and return this package to Jim Quast. We will then schedule the hearing date, and prepare and distribute the required packages.

cc: Bob DuPont
Jim Quast



P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018
TDD#: (608) 264-8777

Jim Doyle, Governor
Richard J. Leinenkugel, Secretary

Ronald Sklansky, Director
Administrative Rules Clearinghouse
Wisconsin Legislative Council
1 East Main Street, Suite 401
Madison, WI 53703

Dear Mr. Sklansky:

**TRANSMITTAL OF PROPOSED ADMINISTRATIVE RULES
FOR LEGISLATIVE COUNCIL REVIEW**

RULE NO.: Comm 5.12

RELATING TO Administrative Forfeitures for POWTS Governmental Unit Employees

Pursuant to section 227.15, Stats., agencies are required to submit copies of the proposed rules to the Legislative Council for review.

The attached proposed rules are in the form and style specified by section 227.14, Stats., and are being forwarded to you for review. Also attached are copies of a transmittal letter to the Legislative Reference Bureau, public notice, fiscal estimate, and initial regulatory flexibility analysis.

Respectfully submitted,

Richard J. Leinenkugel
Secretary

ADMINISTRATIVE RULE CORRESPONDENCE

Department of Commerce

Date:

To: Carol Dunn

From: Richard J. Leinenkugel

Rule No.: Comm 5.12

Relating To: Administrative Forfeitures for POWTS Governmental Unit Employees

Subject: **Notification of Proposed Rules Affecting Small Businesses**

The attached proposed rules are in the form and style specified by section 227.14 of Statutes.

I am sending these rules to you for your reference, under section 227.114 (5) of the Statutes. It does not appear that these rules will have a significant effect on small businesses.

Att.



P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018
TDD#: (608) 264-8777

Jim Doyle, Governor
Richard J. Leinenkugel, Secretary

February 25, 2009

Bruce Hoesly
Legislative Reference Bureau
One East Main Street Suite 200
Madison WI 53701-2037

Dear Mr. Hoesly:

**TRANSMITTAL OF WRITTEN NOTICE OF HEARING
AND LEGISLATIVE COUNCIL REVIEW**

RULE NO.: Comm 5.12

RELATING TO: Administrative Forfeitures for POWTS Governmental Unit Employees

AGENCY UNIT RESPONSIBLE: Safety and Buildings Division

PUBLIC HEARING REQUIRED: YES NO

CONTACT PERSON: Jim Quast TITLE: Program Manager

TELEPHONE: (608) 266-9292 EMAIL: Jim.Quast@wisconsin.gov

Pursuant to sections 227.14 (4m) and 227.17, Stats., agencies are required to transmit a written notice of submittal of proposed rules to the Legislative Council and a written notice of hearing to the Legislative Reference Bureau, for publication in the Administrative Register.

On the date on this letter the department is submitting proposed rules to the Legislative Council and is submitting the following material to you:

1. Notice of Public Hearing or 30-Day Notice of Proposed Rulemaking.
2. Fiscal Estimate.
3. Initial Regulatory Flexibility Analysis.
4. Draft of Proposed Rules.

Respectfully submitted,

Richard J. Leinenkugel
Secretary

STATE OF WISCONSIN
DEPARTMENT OF COMMERCE

**NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to ss. 145.12 (5) (a) and 145.20 (6) Stats., as affected by 2007 Wisconsin Act 197 the Department of Commerce will hold a public hearing on proposed rules under Comm 5.12 establishing a schedule of forfeitures for POWTS Governmental Unit Employees.

The public hearing will be held as follows:

Date and Time:

Wednesday, April 15, 2009
10:00 AM

Location:

Conference Room 3B
Thompson Commerce Center
201 West Washington Avenue
Madison

Interested persons are invited to appear at the hearing and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until [date], to permit submittal of written comments from persons who are unable to attend the hearing or who wish to supplement testimony offered at the hearing. Written comments should be submitted to James Quast, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or Email at jim.quast@wisconsin.gov.

This hearing is held in an accessible facility. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 266-8741 or contact through Relay at least 10 days prior to the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon a request from a person with a disability.

The proposed rules and an analysis of the proposed rules are available on the Internet at the Safety and Buildings Division Web site at www.commerce.wi.gov/SB/. Paper copies may be obtained without cost from Roberta Ward, at the Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, WI 53701-2689, or Email at roberta.ward@wisconsin.gov, or at telephone (608) 266-8741 or contact through Relay. Copies also will be available at the public hearing.

The small business regulatory coordinator for the Department of Commerce is Carol Dunn, who may be contacted at telephone (608) 267-0297, or Email at carol.dunn@wisconsin.gov.

FISCAL ESTIMATE
DOA-2048 (R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
Comm 5.12
Amendment No. if Applicable

Subject

Administrative Forfeitures for POWTS Governmental Unit Employees

Fiscal Effect

State: No State Fiscal Effect

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

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

Increase Costs - May be Possible to Absorb Within Agency's Budget Yes No
 Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:

Towns Villages Cities

2. Decrease Costs
 Permissive Mandatory

4. Decrease Revenues
 Permissive Mandatory

Counties Others _____

School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

The 2007 Wisconsin Act 197 affects governmental unit employees who administer and enforce regulations pertaining to design, installation and maintenance of POWTS by limiting the activities that such employees may undertake outside of their governmental employment. The proposed rules implement administrative forfeitures authorized under 2007 Wisconsin Act 197 for violations of these limitations. The department does not anticipate that the rules will substantially increase its workload and the workload can be accommodated within current resources.

Long-Range Fiscal Implications

No long range fiscal implications are anticipated.

Agency/Prepared by: (Name & Phone No.)
Commerce/James Quast, 266-9292

Authorized Signature/Telephone No.

Date

FISCAL ESTIMATE WORKSHEET
 Detailed Estimate of Annual Fiscal Effect
 DOA-2047(R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No. Comm 5.12	Amendment No.
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Subject
 Administrative Forfeitures for POWTS Governmental Unit Employees

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs By Category		
State Operations - Salaries and Fringes	\$ 0	\$ -0
(FTE Position Changes)	(0 FTE)	(- 0 FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs By Category	\$ 0	\$ -0
B. State Costs By Source of Funds		
GPR	\$	\$ -
FED		-
PRO/PRS	0	-0
SEG/SEG-S		-
III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		
	Increased Rev.	Decreased Rev.
GPR Taxes	\$	\$ -
GPR Earned		-
FED		
PRO/PRS	0	-0
SEG/SEG-S		
TOTAL State Revenues	\$ 0	\$ -0

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ 0	\$ 0
NET CHANGE IN REVENUES	\$ 0	\$ 0

Agency/Prepared by: (Name & Phone No.)
 Commerce/James Quast, 266-9292

Authorized Signature/Telephone No.

Date

INITIAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

RULE NO.: Comm 5.12

RELATING TO: Administrative Forfeitures for POWTS Governmental Unit Employees

1. Types of small businesses that will be affected by the rules.

The 2007 Wisconsin Act 197 affects governmental unit employees who administer and enforce regulations pertaining to design, installation and maintenance of POWTS by limiting the activities that such employees may undertake outside of their governmental employment relative to the design, installation and maintenance of POWTS. The proposed rules implement administrative forfeitures authorized under 2007 Wisconsin Act 197 for violations of these limitations. The proposed rules may to a degree affect POWTS design and/or contract businesses.

2. Reporting, bookkeeping and other procedures required for compliance with the rules.

There are no reporting or bookkeeping procedures required for compliance with the rules.

3. Types of professional skills necessary for compliance with the rules.

There are no new types of professional skills necessary for compliance with the rules.

4. Rules have a significant economic impact on small businesses.

No Rules not submitted to Small Business Regulatory Review Board

Yes Rules submitted to Small Business Regulatory Review Board

COM-10547 (R.05/05)

COM-10527 (N.03/97)

NOTICE of ENVIRONMENTAL ANALYSIS

Department of Commerce

Rule No.: Comm 5.12

Relating to: Administrative Forfeitures for POWTS Governmental Unit Employees

Notice is hereby given that the Department has considered the environmental impact of the proposed rules. In accordance with chapter Comm 1, the proposed rules are a Type III action. A Type III action normally does not have the potential to cause significant environmental effects and normally does not involve unresolved conflicts in the use of available resources. The Department has reviewed these rules and finds no reason to believe that any unusual conditions exist. At this time, the Department has issued this notice to serve as a finding of no significant impact.