

# 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**

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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/](http://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](mailto: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](mailto:carol.dunn@wisconsin.gov).