

SECTION 1. Comm 14.02 (10) is created to read:

Comm 14.02 (10) “Substantial compliance,” for the purposes of s. 101.575 (4) (a) 1. and 2., Stats., means an ample amount of the required activity was performed through a concerted effort aimed at total compliance. A determination of substantial compliance is obtained through a common-sense approach to evaluating whether enough effort was made to comply with the applicable statute or code requirements. Substantial compliance is not a specific number or percent of compliance. A determination of substantial compliance in any one year or regulatory standard does not mean that the same amount of compliance or effort in the following year or in another area of the code automatically equals substantial compliance.

Note: Under section 101.575 (4) (a) 1. of the statutes, the Department may not pay fire department dues to a city, village, town or fire department, unless the Department determines that the city, village, town or fire department is in substantial compliance with sections 101.575 (6) and 101.14 (2) of the statutes.

SECTION 2. Comm 14.48 (1) (a) 1., (2) (a), (3) (c), and (4) (a) are amended to read:

Comm 14.48 (1) (a) 1. In order to be eligible to receive a fire department dues payment, a municipality shall ~~ensure that~~ be in substantial compliance with the requirements for fire protection and fire prevention services specified in ss. 101.14 and 101.575, Stats., and this chapter, ~~are provided to~~ throughout the entire municipality.

(2) (a) *General.* The department shall determine substantial compliance with the fire department dues entitlement program through the self-certification audit process specified in sub. (3) and the onsite audit process specified in sub. (4).

(3) (c) The chief of the fire department that provided the fire protection and fire prevention services and the clerk of the municipality shall sign the self-certification audit form and indicate whether or not the municipality is in substantial compliance ~~or noncompliance~~ with state regulations regarding the fire department dues entitlement program. In first class cities, the commissioner of the building inspection department shall also sign the self-certification audit form.

(4) (a) In addition to the self-certification audit process, the department shall periodically conduct onsite audits of fire department dues entitlement records to determine substantial compliance with the fire department dues entitlement program for the previous calendar year.

SECTION 3. Comm 14.50 is created to read:

Comm 14.50 (1) For the appropriation under s. 20.143 (3) (La), Stats., the term “administrative expenses” means expenditures for the direct costs and indirect costs of administering ss. 101.14, 101.141 and 101.573, Stats.

(2) In this section:

(a) "Direct costs" means the cost of salaries, limited term employees, fringe benefits and supplies to administer ss. 101.14, 101.141 and 101.573, Stats.

(b) "Indirect costs" means the cost, determined on a pro rata basis, of management and administrative services provided to administer ss. 101.14, 101.141 and 101.573, Stats.

(c) "Supplies" means equipment, memberships, postage, printing, rent, subscriptions, telecommunications, travel, utilities and similar outfitting and services, directly related to administering ss. 101.14, 101.141 and 101.573, Stats.

(END)

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.) and (a), Stats., these rules shall take effect on either December 1, 2004, or on the first day of the month following publication in the Wisconsin administrative register, whichever occurs later.

File reference: Comm 14/rules4, 2003 Act 219