



MISC-pt 08
49

WISCONSIN LEGISLATIVE COUNCIL

Mary Matthias, Senior Staff Attorney

mary.matthias@legis.state.wi.us

608/266-0932

Jim -

Here is the Arizona law and a copy of the WI law on the service dog issue.

I looked at the ADA but found no provisions regarding service dogs.

Please let me know if you would like more information.

Mary

One East Main, Suite 401 • P.O. Box 2536 • Madison, WI 53701-2536
608/266-1304 • FAX 608/266-3830
www.legis.state.wi.us/lc

Source: [All Sources](#) > [States Legal - U.S.](#) > [Arizona](#) > [Statutes & Legislative Materials](#) > [AZ - Arizona Revised Statutes Annotated](#) **f**

TOC: [Arizona Revised Statutes Annotated](#) > /.../ > [ARTICLE 6. ANIMAL CONTROL](#) > § 11-1024. **Dog guides and service dogs; rights; procedures; violation; classification; definitions**

Terms: **dog and disabled or assist or training or handicapped** ([Edit Search](#))

Select for FOCUS™ or Delivery



A.R.S. § 11-1024

ARIZONA REVISED STATUTES
Copyright © 2002 by Matthew Bender & Company, Inc.
one of the LexisNexis Companies.
All rights reserved.

* CURRENT THRU THE FIRST AND SECOND SPECIAL SESSION OF THE 45TH LEGISLATURE. *

* (ANNOTATIONS CURRENT THROUGH JANUARY 1, 2002 ADVANCE SERVICE #2.) *

TITLE 11. COUNTIES
CHAPTER 7. INTERGOVERNMENTAL OPERATIONS
ARTICLE 6. ANIMAL CONTROL

♦ **GO TO THE CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION**

A.R.S. § 11-1024 (2001)

STATUS: CONSULT SLIP LAWS CITED BELOW FOR RECENT CHANGES TO THIS DOCUMENT

♦ [LEXSEE 2002 Ariz. HB 2678](#) -- See section 2.

§ 11-1024. **Dog** guides and service **dogs**; rights; procedures; violation; classification; definitions

A. The legally blind, the visually impaired, the deaf and the auditorially impaired and the physically **handicapped** have the same right as all persons to the use of all streets, highways, walkways, common carriers, public lodging places, public eating places, public amusements and other places to which the general public is invited.

B. In any of the places listed in subsection A, every legally blind person may make use of a cane, predominately white or metallic in color, and every legally blind person, deaf person, physically **handicapped** person and **dog** guide trainer or service **dog** trainer may make use of a **dog** guide or service **dog**. These persons shall not be denied admittance nor be required to pay any admission charges for their **dog** guides or service **dogs** to such public places except as provided in subsection C. Such persons shall be liable for any damages done to the premises by their **dog** guides or service **dogs**. Any person using a **dog** guide or service **dog** may be required to identify the **dog** guide or service **dog** by exhibiting the **dog's** laminated identification card before the provisions of this section shall apply.

C. A zoo or wild animal park may prohibit a **dog** guide or service **dog** from any area of the zoo or park where the **dog** guide or service **dog** can come into direct contact with the animals contained in the zoo or park. **Dog** guides and service **dogs** shall not be excluded from public walkways or sidewalks or from any area that allows for physical barriers between

the **dog** guides or service **dogs** and the animals in the zoo or park. Any zoo or wild animal park that prohibits **dog** guides and service **dogs** shall provide without cost adequate facilities for the temporary confinement of **dog** guides and service **dogs**. Such facilities shall be adequate to accommodate the anticipated attendance of legally blind, deaf or physically **handicapped** persons, shall be in an area not accessible to the general public, shall provide water for the **dog** guides and service **dogs** and shall otherwise be safe, clean and comfortable. The zoo or wild animal park on request by the legally blind person who is required to leave his **dog** guide or service **dog** pursuant to this subsection shall provide a sighted escort if the legally blind person is unaccompanied by a sighted person. In this subsection, "wild animal park" means an entity which is open to the public on a regular basis, which is licensed by the United States department of agriculture as an exhibit, and which is operating primarily to conserve, propagate and exhibit wild and exotic animals.

D. The driver of a vehicle approaching a legally blind pedestrian who is carrying a cane, predominately white or metallic in color, who is using a **dog** guide or service **dog** or who is assisted by a sighted person shall yield the right-of-way and take reasonable precautions to avoid injury to the pedestrian and the **dog** guide or service **dog**. The pedestrian has the same rights as any other person whether or not he is carrying the cane, using the **dog** guide or service **dog** or being assisted by a sighted person.

E. A driver who violates any provision of subsection D is liable for damages for any injury caused the pedestrian or his **dog** guide or service **dog**.

F. Any person who violates any provision of this section is guilty of a class 1 misdemeanor.

G. For purposes of this section:

1. "**Dog** guide" and "service **dog**" includes a **dog** guide or service **dog** in **training**.
2. "**Dog** guide trainer" and "service **dog** trainer" means any person working in conjunction with a **dog** guide or service **dog** training school, including salaried and volunteer trainers.
3. "Service **dog**" means a **dog** which has gone through a formal **training** program, which **assists** its owner in one or more daily living tasks associated with a productive life-style and which is sufficiently conditioned to be of no danger to the health and safety of the general public.

HISTORY: Last year in which legislation affected this section: 1994

Source: [All Sources](#) > [States Legal - U.S.](#) > [Arizona](#) > [Statutes & Legislative Materials](#) > [AZ - Arizona Revised Statutes Annotated](#) 

TOC: [Arizona Revised Statutes Annotated](#) > [/.../](#) > [ARTICLE 6. ANIMAL CONTROL](#) > [§ 11-1024. Dog guides and service dogs; rights; procedures; violation; classification; definitions](#)

Terms: [dog and disabled or assist or training or handicapped](#) ([Edit Search](#))

View: Full

Date/Time: Monday, May 20, 2002 - 1:36 PM EDT

[About LexisNexis](#) | [Terms and Conditions](#)

Copyright © 2002 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

174.056

174.056 Dogs for blind, deaf and mobility-impaired admitted to public places.

174.056(1)

(1) (intro.) No person who is an owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, amusement or recreation, including any inn, hotel, restaurant, eating place, barbershop, billiard parlor, store, public conveyance on land or water, theater, motion picture house, public educational institution or elevator, may refuse to permit entrance into, or use of, any such accommodations, if the accommodations are available, to a blind, deaf or mobility-impaired person for the reason that the person is being led by a dog specially trained, or being specially trained, to lead blind or deaf persons or to provide support for mobility-impaired persons, or to the trainer of that kind of dog for the reason that the trainer is accompanied by that kind of dog if:

174.056(1)(a)

(a) Such dog is wearing a harness or a leash and special cape; and

174.056(1)(b)

(b) The person has presented, for inspection, credentials issued by a school for training dogs for the blind, deaf or mobility-impaired.

174.056(2)

(2) Any person violating sub. (1) may be fined not more than \$100 or imprisoned not more than 30 days or both.

174.056 - ANNOT.

History: 1979 c. 247; 1985 a. 67; 1989 a. 27.

MAY 17 2002

1119 N. 12th St.
Sheboygan, WI 53081
May 16, 2002

Senator Jim Baumgart
Rm 306 South
State Capitol
PO Box 7882
Madison, WI 53707-7882

Dear Sir:

I am very interested in seeing the law changed in Wisconsin regarding providing protection to non-disabled individuals as they train service animals. Do you know how I can find out about how the law reads in Arizona regarding this and how to go about getting such a law here?

I am enclosing an article about how I was apprehended at GMIA while training a Leader Dog puppy and a letter from Rep. James Sensenbrenner.

Any help with this will be appreciated.

Sincerely,


Beth Pinter

F. JAMES SENSENBRENNER, JR.

NINTH DISTRICT, WISCONSIN

COMMITTEE ON THE JUDICIARY,
CHAIRMAN



Congress of the United States
House of Representatives
Washington, DC 20515-4909

WASHINGTON OFFICE:

ROOM 2332
RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-4909
202-225-5101

DISTRICT OFFICE:

120 BISHOPS WAY, ROOM 154
BROOKFIELD, WI 53005-6294
262-784-1111

OUTSIDE MILWAUKEE METRO

CALLING AREA
1-800-242-1119

May 8, 2002

Ms. Beth Pinter
1119 N 12th St
Sheboygan, WI 53081

Dear Ms. Pinter:

Thank you for your recent e-mail regarding the Americans with Disabilities Act (ADA) and protections for guide dogs in training. I appreciate the opportunity to learn of your views.

The ADA provides broad nondiscrimination protection in public services, public accommodations, and services operated by public entities for individuals with disabilities. It is the main federal law overseeing the rights of individuals with disabilities.

While the ADA protects the rights of individuals with disabilities to be accompanied by guide dogs in businesses and public places, it does not provide protections to non-disabled individuals as they train service animals. However, several states, including Arizona, have passed legislation to protect individuals in these circumstances. If you are interested in such legislation, you may wish to contact your representatives in the Wisconsin State Legislature. I have listed their addresses below.

Senator Jim Baumgart
Room 306 South
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Representative Joseph Liebham
Room 123 West
State Capitol
P.O. Box 8952
Madison, WI 53708-8952

Thanks again for taking the time to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "F. James Sensenbrenner, Jr.", written over a circular stamp.

F. JAMES SENSENBRENNER, JR.,
Member of Congress

FJS/ba

April 29, 2002

Re: Airport Security/Dogs and Citation

This is about a puppy from Leader Dogs For The Blind out of Rochester, MI. Leader Dogs places their breeding stock pups in private homes (volunteers) to be raised for one year. The dogs are returned to Leader Dogs for further guide dog training with the plan that they will become someones' eyes making a huge positive difference in a blind person's quality of life.

On Saturday, April 6, 2002 I went to Milwaukee's General Mitchell Intl. Airport with Duke, Leader Dog Puppy # 5387. The first line of Airport Security was at the parking garage where my van was opened up for a search. The guard was able to view Duke, a German Shepherd Dog, in his open wire crate.

I explained to the guard why I was at the airport - that I was training a future Leader Dog and part of the training of a pup was to expose him to airports, malls, etc. We talked about the Leader Dog Program and how important it is to socialize the animal and get the dog out in public and mutually agreed that it was a good idea to bring Duke to the airport to do this.

Had the guard told me I would have even a hint of a problem inside the terminal I would have driven through the parking garage to the nearest exit but it appeared that a green light to proceed had been given. If he had suggested that I park the van, go into airport Operations without the dog to get permission I certainly could and would have done that.

I spent approximately 20 minutes covering the entire terminal. The dog had on his official training scarf and ID tag. As we were turning to leave the terminal for the parking garage I spotted a German Shepherd Dog with a female uniformed officer who yelled out for us to "Stop".

She asked us why we were there and I told her. She was very upset and told me I was not supposed to be in the terminal without prior permission and that I would be cited. She got on her radio phone and called for reinforcements. After speaking with a polite uniformed gentleman who took down information we left the terminal building.

On Friday, April 12, I received a notice in my mailbox to go the post office and pick up a Certified letter. It was from the Office of the Sheriff of Milwaukee. In it was a citation stating the offense and that I would need to appear in Milwaukee's Circuit Court on May 8 and the fine could possibly be \$500.00 plus court costs.

Does an open van search by Airport Security Guards not constitute permission to enter? How many times do you need permission to enter? Are the outside guards not part of Airport Security? If the parking garage security is different than the terminal security why is each agency not aware of the other's regulations?

It says at the terminal entrances, "NO DOGS ALLOWED OTHER THAN SEEING EYE DOGS AND PETS FOR SHIPMENT. The dog in question is a Leader Dog owned by Leader Dogs For The Blind. Where is it posted that a person needs prior permission to enter the terminal? Too many questions; not enough answers.

Beth Pinter
1119 N. 12th St.
Sheboygan, WI 53081
920-208-6976
920-208-1395 (fax)
tanapearl@aol.com

May 21, 2002

Beth Pinter
1119 North 12th Street
Sheboygan, WI 53081

Dear Ms. Pinter:

Thank you for letting me know about your interest in legislation related to the protection for non-disabled persons as they train service animals.

Your experience at the Milwaukee airport was most unfortunate and I can understand your desire to remedy this situation. As you have requested, I am sending along a copy of the Arizona law regarding service dogs and training. Although the Legislature has adjourned its regular session for the remainder of this year, I will keep a copy of the Arizona statute in my file for possible introduction next session at your request. Enclosed also is a copy of Wisconsin law in this area. I hope you find this material useful.

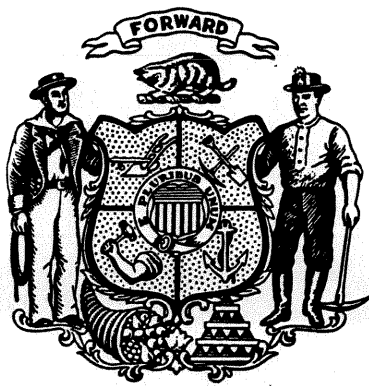
Sincerely,

JIM BAUMGART
State Senator
9th Senate District

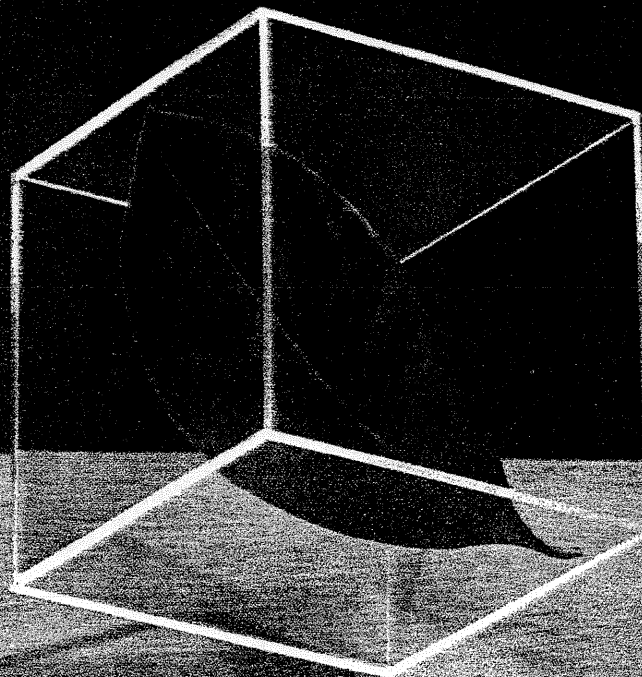
JB:jw

Enclosures

END



END



A GREEN PROPOSAL

PHOTO: pelemcarthur.com

THE GREEN TIER PROGRAM WOULD ENCOURAGE COMPANIES TO GO BEYOND BASIC REGULATORY COMPLIANCE.

By Carolyn Kott Washburne

It's unusual to find representatives from large and small businesses, environmental groups, municipalities, law firms and community organizations all at the same conference table. It's even more unusual when such a diverse group reaches consensus. But that's just what happened with the Green Tier proposal, a voluntary environmental program that would allow regulated and unregulated businesses to move beyond minimal regulatory compliance to achieve "superior environmental performance."

The 16-member Green Tier Advisory Committee, appointed by George Meyer, then secretary of the Wisconsin Department of Natural Resources, met seven times between July 2000 and June 2001 to hammer out the specifics of the proposal. The Wisconsin DNR and Department of Justice, as well as the U.S. Environmental Protection Agency, provided technical assistance to the group during its deliberations.

"It was a pretty diverse group," says committee member Peter McAvoy, director of the department of environmental health at the Sixteenth Street Community Health Center in Milwaukee. "But if Green Tier is going to work, we need that diversity. The discussions had an interesting give and take. There was a lot of appreciation and respect for other people's viewpoints, and a lot of compromising."

Another committee member, Wisconsin Energy's Brian Borofka, agrees. "As people became willing to engage, a level of trust was built up," he says.

The need for a proposal like Green Tier has become obvious in recent years. While over the past 30 years, Wisconsin businesses have had a strong record of complying with state and federal environmental regulations to reduce pollution, most observers agree that the state's laws do not cover all the environmental risks and impacts that Wisconsinites face.

"The Green Tier proposal is an important next step to help us accomplish levels of environmental performance that we could not reach with the current 'command-and-control system,'" says Darrell L. Bazzell, secretary of the Wisconsin Department of Natural Resources. "Green Tier places imagination ahead of prescription."

Mark McDermid, director of the DNR's Bureau of Cooperative Environmental Assistance, says that regulations have accomplished a lot. "But there are unmet environmental needs in many areas, such as nonpoint pollution, mobile air pollution sources, toxic material generation, land use, water use and energy," he says. The Multi-State Working Group on Environmental Management Systems — a coalition of businesses, government and environmental groups — estimates that 80 percent of the environmental needs and opportunities fall outside the regulatory system or cannot be addressed through regulations.

Green Tier is based on the concept that businesses can achieve greater environmental and economic performance through a cost-saving, voluntary regulatory system than through the command-and-control system currently in place. The proposal incorporates ideas from reform studies, as well as from U.S. states and other countries that have undertaken tiered programs — including New Jersey, Oregon, California, Illinois and Massachusetts in the U.S., and Ireland, Germany, The Netherlands, the European Union and Indonesia.

As the name suggests, Green Tier is a tiered system. Tier 1 is the entry level. To enter, regulated entities must have no criminal judgments in the last five years or civil judgments in the last three years and must meet certain criteria for public involvement, audits, environmental management systems and reporting. To enter Tier 2, participants must meet more stringent requirements than those at Tier 1, and have an established EMS. This tier has greater delegated responsibility but is more flexible as to how statutorily set environmental standards may be met. And participants in Tier 2 must set goals for "superior environmental performance," which means measurable or notable improvements in air, water, land or natural resources quality or ecosystem protection.

Incentives for businesses participating in Green Tier include regulatory flexibility, technical assistance, single point of contact within the DNR and the use of Green Tier or Green Star logos for public relations and marketing purposes. Most observers agree that the single point of contact is a key provision. "Under the current system, a company might need to have multiple contacts with staff in two or three DNR offices," says Caryl Terrell, executive director of the Sierra Club, John Muir Chapter, and an Advisory Committee member. "Each contact might be small, but it adds up." Others say that under the current system, there is sometimes confusion about which DNR office has jurisdiction.

Green Tier, its proponents say, is a win-win for business, taxpayers, communities

and, ultimately, the environment. Participating businesses can save time, reduce costs, encourage innovation, contain liability, adapt to market or supply-chain demands, or "trade" emissions with partnering businesses. "Once people are talking together, anything can happen," says Terrell, citing as an example that the waste heat from one

more than the minimum now required. "The potential of the Green Tier proposal comes in the shift from 'no you can't' to 'yes I can,'" Bazzell says.

Paving the way for the Green Tier proposal is a pilot program initiated in 1997: the Cooperative Environmental Agreement law. The law permits the DNR to sign cooperative

"THE GREEN TIER PROPOSAL IS AN IMPORTANT NEXT STEP TO HELP US ACCOMPLISH LEVELS OF ENVIRONMENTAL PERFORMANCE THAT WE COULD NOT REACH WITH THE CURRENT 'COMMAND-AND-CONTROL SYSTEM.' GREEN TIER PLACES IMAGINATION AHEAD OF PRESCRIPTION."

Darrell L. Bazzell, secretary, Wisconsin Department of Natural Resources

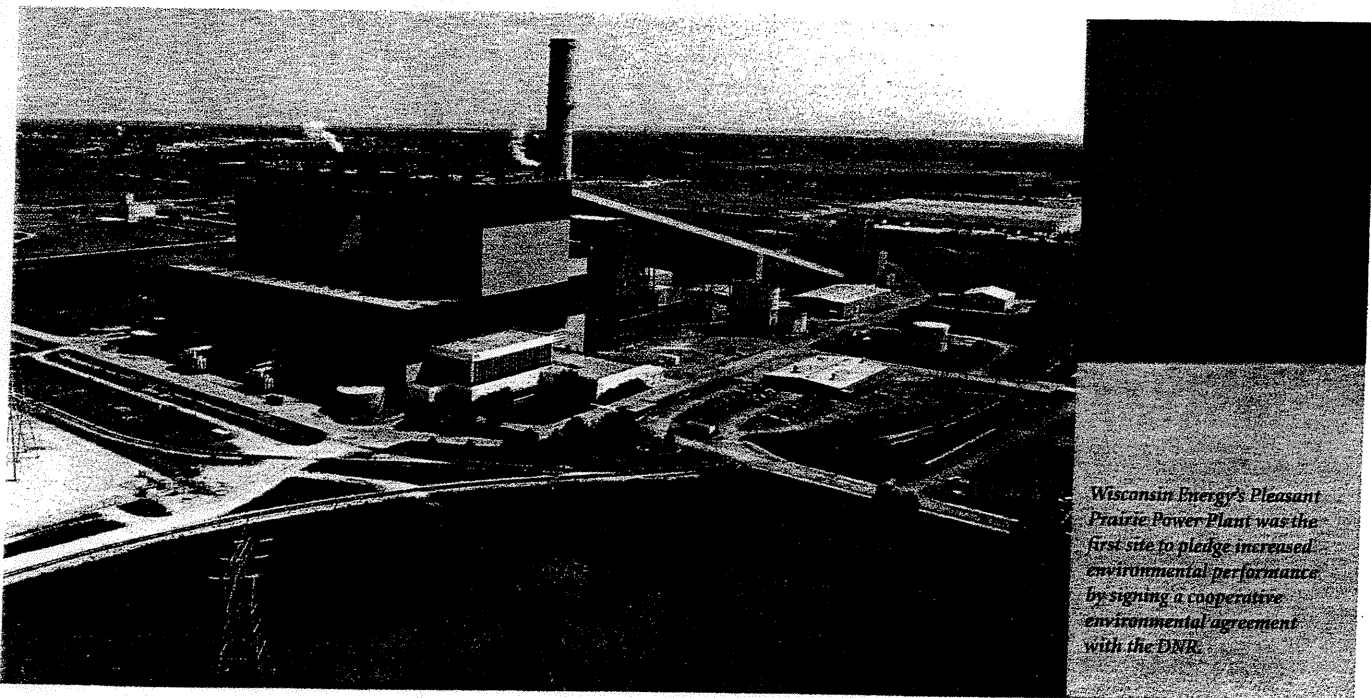
office building might be used to heat another building nearby.

Taxpayers could benefit from the cost savings inherent in reducing bureaucracy, and with the self-policing provisions, regulators will be freed up to focus on subperforming regulated organizations. Because participating businesses would be required to have community advisory groups at Tier 2, communities can benefit from more communication and involvement with the businesses that often impact their neighborhoods.

Finally, the environment should benefit because Green Tier would provide a structured way for businesses and others to do

environmental agreements with up to 10 companies that pledge to pursue a higher level of environmental performance than current regulatory programs require. To date, two companies have signed contracts, and four others are currently negotiating them.

The first environmental cooperative agreement was signed on Feb. 5, 2001, between the DNR and Wisconsin Energy's coal-fired Pleasant Prairie Power Plant in Kenosha County, the state's largest power plant. The agreement calls for Wisconsin Energy to commit to measurable improvement in environmental performance, pollution prevention activities, implementation of



Wisconsin Energy's Pleasant Prairie Power Plant was the first site to pledge increased environmental performance by signing a cooperative environmental agreement with the DNR.

a formal EMS based on the ISO 14001 international environmental standard, a baseline compliance audit and communication with and involvement of local residents.

In return, Wisconsin Energy receives several benefits, including alternative monitoring, with emphasis on measuring parameters directly related to environmental quality; sensible reporting, in particular reducing the amount of data required by the DNR, thus reducing administrative costs for both the plant and the DNR; permit streamlining, allowing the faster installation of environmental and other process improvements; and the ability to recover and combust ash (a byproduct of burning coal) that is currently in landfills for energy.

"One of the frequently stated frustrations with our current regulatory system is the time required to obtain approval for the construction, operation or modification of an existing facility," says Borofka, manager of Wisconsin Energy's cooperative agreement. "This is even more aggravating when what we're proposing will result in high environmental performance, as well as economic efficiencies. In today's business atmosphere, these delays may mean lost revenue and reduced competitiveness."

Since Wisconsin Energy signed the cooperative agreement, approximately 4,000 tons of coal have been replaced by the energy in the ash, and more than 13,000 tons of ash either have been removed or avoided placement in landfills. "There are a lot of innovative ideas in Wisconsin, but they can be hard to implement if you have to fit them into the regulatory system," Borofka says. "Or you might only get it done after years of negotiations. These site-specific agreements allow American ingenuity to prevail, which is a benefit for customers and for the environment."

The other company so far to sign a cooperative agreement is Cook Composites and Polymers Co., a polyester and alkyd resins manufacturer located in Saukville, 25 miles north of Milwaukee. Its cooperative agreement, signed Oct. 1, 2001, commits the company to no longer burning hazardous waste in its incinerator, and reducing the wastes generated and contaminants released. For its part, the DNR is providing coordinated, expedited review of multiple environmental approvals for the company's projects.

CCP employees have already identified how to reduce solvent use from 1.7 million pounds a year to less than 1.2 million pounds a year. CCP is making piping changes to achieve this initial reduction,

Small Business Owners


**Clean Air Compliance...
It's Easier
Than You Think**

It's easier when you get free, confidential, non-regulatory help from the Small Business Clean Air Assistance Program, at the Wisconsin Department of Commerce.

- **Answers to written or verbal compliance and regulatory questions**
- **On-site consultations**
- **Liaison with DNR and EPA**
- **Workshops**
- **Plain English publications or fact sheets**
- **Referrals for other pertinent assistance**

This Program will help you understand and comply with the regulations of the Clean Air Act Amendments – and you'll remain economically competitive.

Visit our Web site:
www.wienvirohelp.com
or call us at **(608) 264-6153**




LET IT SNOW!



**Featuring 61
cross-country
ski trails in the
Lake Superior Basin –
Wisconsin, Minnesota,
Michigan, and
Ontario, \$19.95**

To order, call
800-236-8088
www.trailsbooks.com

Simple. Straightforward. Predictable.

ITU®, independent and locally owned, is the Midwest's largest environmental launderer. Let us be your single-source supplier of uniforms, shop towels, walk mats and SorbIts®. Easy to understand pricing with no hidden charges make ITU an easy choice.

We will help you comply with changing waste disposal regulations while reducing your costs with SorbIts.

Call today for details!



2700 S. 160th St. • New Berlin, WI 53151
888-SAY-ITU4 www.itu-at.com

which will save about \$80,000 in raw material costs. One early goal CCP has set is to find ways to address concerns the public has expressed about periodic ambient odors from the company's plant.

Michael Gromacki, CCP director of quality, safety and environment, notes that one immediate change has been more interaction between CCP and its neighbors through the required community advisory process. "We now have routine and systematic proactive communication with our neighborhoods, not just a periodic open house," he says.

Like cooperative agreements, Green Tier is created for regulated organizations with good records and unregulated organizations that want to do good works. For those that may

the contracting organization that would specify the organization's commitments to superior environmental performance. The contract triggers both rewards for achievements and sanctions for shortfalls. "We would work to make the contracts flexible, innovative, efficient and enforceable," McDermid says.

The EMS is a business system that would ensure compliance, predictable performance and due diligence. The EMS would have an organized set of procedures that identify goals, commit resources to those goals, monitor progress and continuously improve performance. "If you run a business, you need systems for human resources, financials, operations and the like," Borofka says. "An

“ONE OF THE FREQUENTLY STATED FRUSTRATIONS WITH OUR CURRENT REGULATORY SYSTEM IS THE TIME REQUIRED TO OBTAIN APPROVAL FOR THE CONSTRUCTION, OPERATION OR MODIFICATION OF AN EXISTING FACILITY. THIS IS EVEN MORE AGGRAVATING WHEN WHAT WE'RE PROPOSING WILL RESULT IN HIGH ENVIRONMENTAL PERFORMANCE, AS WELL AS ECONOMIC EFFICIENCIES.”

Brian Borofka, cooperative agreement manager, Wisconsin Energy

EDITORIAL PREVIEW

APRIL 2002

Banking
Construction
Milwaukee County
Executive meeting guide

MAY 2002

Mergers & acquisitions
Employee benefits
Chippewa Valley
Continuing education
Golf Guide



To advertise in these sections,
call John or Linda at 1-800-236-8088

**CORPORATE
REPORT WISCONSIN**

not want to or be qualified to participate, command-and-control remains. As envisioned by the Advisory Committee, Green Tier would use three major tools: environmental charters, environmental contracts and environmental management systems.

An environmental charter is a legal document granted to an organization to define the scope of responsibility, activities, authorities and services necessary to achieve superior environmental performance. A charter might be organized around land areas, watersheds, air-sheds, forests, political subdivisions, activities, trade or business sectors, products, occupations, supply chains, emission categories, species or biological concepts, among others. In Milwaukee's Menomonee Valley, for example, a Green Tier charter could offer the ability to set and address environmental priorities to build a sustainable community. The chartered valley would then use contracts to connect economic, environmental and community goals. The Joyce Foundation of Chicago is already considering grant support to the valley, assuming Green Tier's progress.

An environmental contract is an enforceable contract entered into by the state and

EMS would be the mechanism to do this for a company's environmental system." Among other things, the EMSs would yield performance data used to report progress toward Green Tier environmental goals.

However, the fact that only two companies have stepped up to sign cooperative agreements since the program's inception five years ago is one of several concerns voiced by Green Tier Advisory Committee members and others. Jeff Schoepke, director of environmental policy for Wisconsin Manufacturers & Commerce, Wisconsin's largest business trade organization, says that WMC is "generally supportive" of Green Tier as drafted by the Advisory Committee; in fact, WMC president James S. Haney sat on the committee. Yet Schoepke points to a Legislative Audit Bureau report that cites the uncertainty of outcome and unspecified benefits as the primary reason for lack of participation. "Right now it's murky," he says.

WMC's other concerns are that the high entry costs to Tier 1 — the development of an EMS, annual audits (some by external auditors) and other reports to the DNR, and public participation in the company's environmental matters — fall especially hard on

small businesses. He cites the finding that one company interested in the cooperative agreement used a half-time employee for more than a year on the application process, only to pull out of negotiations because the company ultimately decided the benefits were not worth the costs. "It's problematic that a program intended to be innovative is perceived to be more cumbersome than the current command-and-control system," Schoepke says.

Also skeptical about some of the program's provisions is Rep. Neal Kedzie (R-Elkhorn), who represents the 43rd Assembly District. As chair of the Assembly's environment committee, Kedzie held a Dec. 4, 2001, hearing on Green Tier in Madison. One of his main concerns is whether Green Tier, if it becomes law, can truly streamline the permitting process.

"When you're in business, time is money," Kedzie says. "You live and die by how fast permitting can be done. Government, on the other hand, has time on its side." In his opinion, some companies that are trying to be good environmental citizens may still be punished by the sometimes Byzantine permitting process. "And just when are you 'beyond compliance'?" he asks. "Many aspects of Green Tier have not yet been defined."

Perhaps the most contentious issue is that of limited audit immunity, which protects an industry that does a self-evaluation, finds a violation and asks to correct it — without public scrutiny or legal enforcement action. Some strongly support the concept, while others are strongly opposed.

One supporter is WMC. "Limited audit immunity has been a high priority of this organization for a long time," Schoepke says. "Anything we can do to encourage companies to conduct self-audits is good for the environment and the economy." Schoepke says that 26 states have adopted environmental audit legislation, one of which is Michigan. Since 1994, companies in Michigan have reported more than 1,600 problems to the Michigan Department of Environmental Quality. "That's 1,600 environmental problems that might have otherwise gone unnoticed," he says.

Terrell of the Sierra Club is one of those strongly opposed to limited audit immunity. "There is no justification for anyone being given immunity," she says. "The strongest tool citizen advocates have is information. Limited audit immunity is a poison pill for any legislation as far as we are concerned."

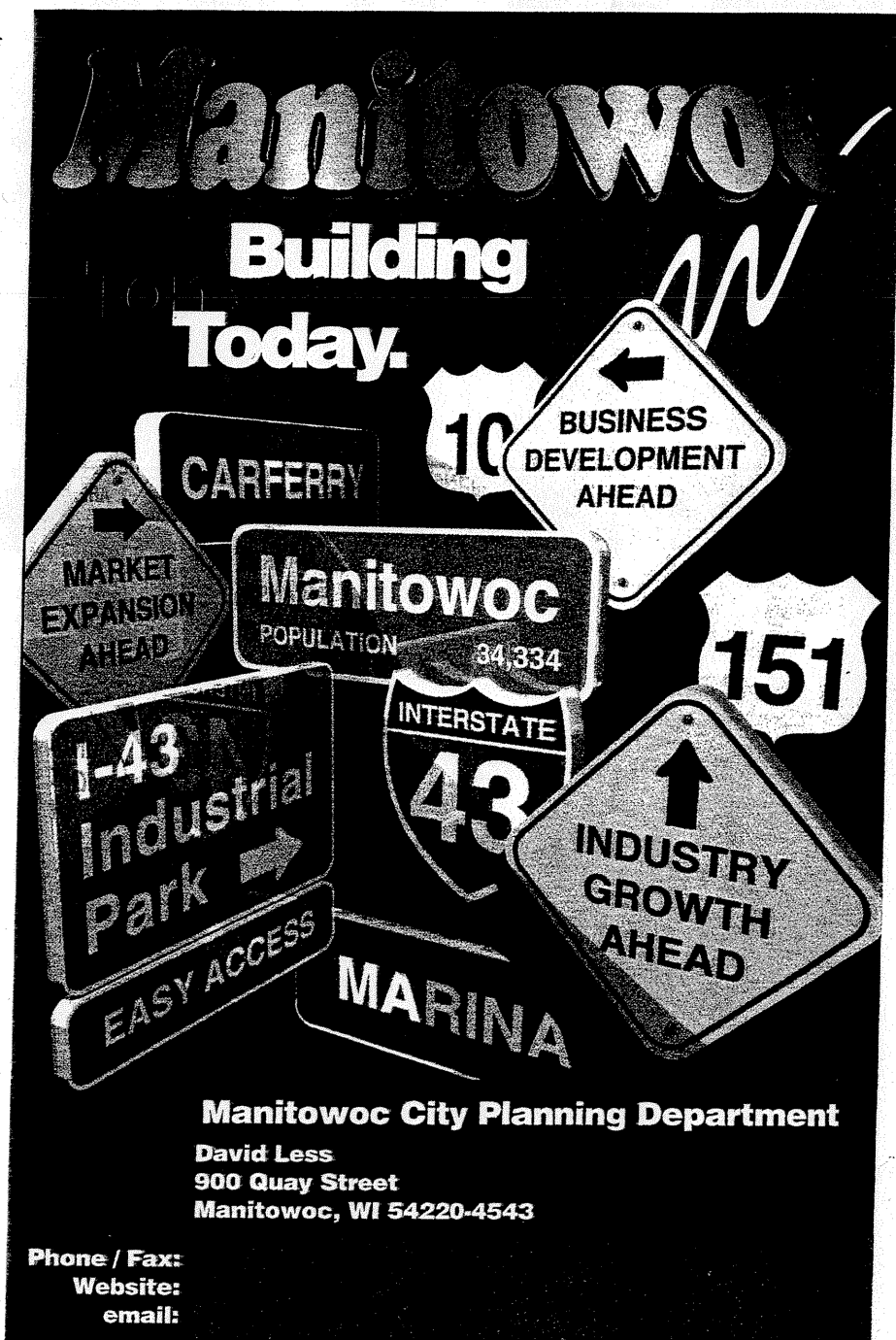


BIEHN
BIEHN CONSTRUCTION, INC
 Full Service Design Build
GENERAL CONTRACTOR
 On staff ARCHITECTS, In House TRADES:
 Carpentry • Concrete • Painting
 Sheet Metal & Flashing • Site Utilities
 Electrical • Brick, Block, Stone • Drywall
 Excavation • HVAC • Steel Buildings

www.biehnconstruction.com
 Kenosha 888-300-4385

PLANNING YOUR
2002
 ADVERTISING?
 REVIEW OUR 2002 MEDIA KIT.
 Call John or Linda at 1-800-236-8088

CORPORATE
 REPORT WISCONSIN



Manitowoc
Building Today.

MARKET EXPANSION AHEAD
 CARFERRY
 BUSINESS DEVELOPMENT AHEAD
 POPULATION 34,334
 INTERSTATE 43
 INDUSTRY GROWTH AHEAD
 I-43 Industrial Park EASY ACCESS
 MARINA

Manitowoc City Planning Department
 David Less
 900 Quay Street
 Manitowoc, WI 54220-4543

Phone / Fax:
 Website:
 email:

NET RESULTS

Frank F. Haack & Associates, Inc.

BUSINESS INSURANCE
E-Mail: sitemaster@haack.com
Web site: www.haack.com

We have been redefining the standard of excellence in business insurance for over 80 years. Our employee base of 160 enables us to offer you a team of specialists combined with the most innovative technology in the industry, working on your behalf in Employee Benefits and Property and Casualty Insurance.

Manitowoc City Planning Department

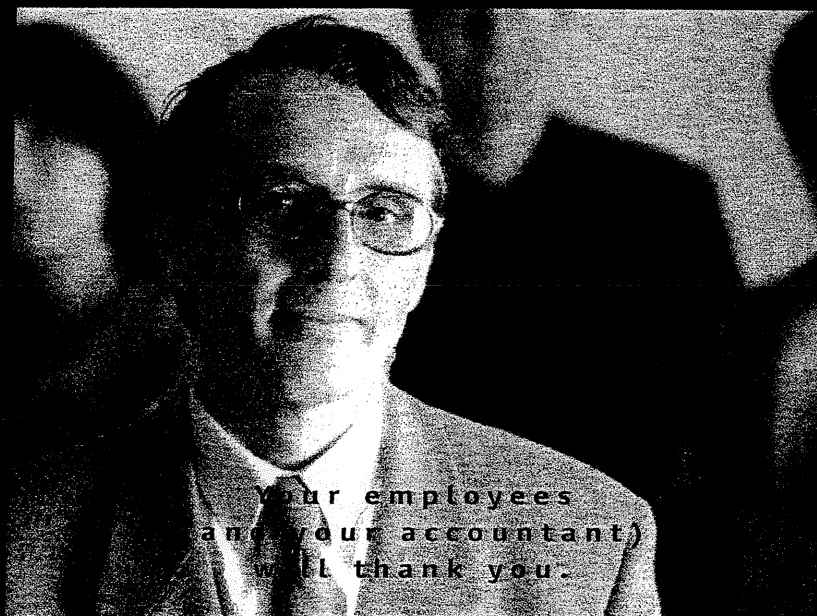
CITY GOVERNMENT
E-mail: dless@manitowoc.org
Web site: www.manitowoc.org

Find out what makes Manitowoc a great place to live, work and play! Our Web site is packed with information about our community, local industries and development options.

Virchow Krause & Company, LLP

ACCOUNTING AND CONSULTING
E-mail: cpa@virchowkrause.com
Web site: www.virchowkrause.com

Our areas of specialty practice include e-Business, Valuation services, Mergers & Acquisitions, Wealth Management, Employee Benefits, Information Technology Strategy and Solutions, Financial Staffing, and Outsourcing solutions. We are our clients' Most Valued Advisor.



Introducing Total Access Voluntary

Delta Dental's newest plan makes it easy—and affordable—to offer dental benefits to your employees. Because it's voluntary, employer contribution isn't required. For employees, it's a plan that offers immediate access to benefits, provides coverage for pre-existing conditions, and gives them the freedom to select any dentist they wish.

Reward your employees by offering the security of dental coverage and freedom of choice. Ask your agent about Total Access Voluntary.



Delta Dental Plan of Wisconsin

800.236.3713 | www.deltadentalwi.com

Finally, some regulators and activists fear that any proposal like Green Tier will lead to backsliding. They say that while Green Tier is a good concept, the DNR does not currently have the resources to successfully implement it. Kerry Schumann, director of the Wisconsin Public Interest Research Group, feels that the DNR is too short-staffed and too subject to political forces to do an effective job of both performing its monitoring mandates and encouraging innovation. "In an ideal world, the DNR would be capable of carrying out existing programs and rewarding good environmental behavior," she says. "But in this world, the DNR has finite resources. I'm skeptical about having some of them being deflected to Green Tier."

McDermid of the DNR disagrees. "Green Tier will free up the time of regulators to focus on subperformers as well as give policy attention to larger environmental issues that have been unattended for too long," he says.

For now, Green Tier is only in the proposal stage. On June 12, 2001, the Advisory Committee transmitted the proposal to several legislative committees for consideration as a separate bill to be introduced in the current session. Green Tier comes on the heels of prior legislation — the Environmental Improvement Bill (AB 479), introduced by 98th Assembly District Rep. Marc Duff (R-New Berlin). Duff's bill and the Green Tier proposal were merged by Governor McCallum in his 2001-2003 biennial budget, but the proposal was subsequently removed by the Joint Committee on Finance because of its policy implications. To carry out Green Tier, the DNR requested an increase of four FTE positions in the DNR as well as a \$300,000 grant program.

No one is willing to predict when and if Green Tier legislation might be introduced, or by whom. Estimates by Advisory Committee members range from six to 18 months. But they do want to see it enacted eventually. "We will all be disappointed if the hard work of this committee isn't respected," Terrell says. Adds McAvooy, "Most legislators are not familiar with Green Tier, but when they see the list of the committee, they're impressed. 'You mean he agreed with her? Wow! This is worth taking a look at!'"

In the meantime, Green Tier is creating interest nationwide, with the DNR getting calls from state governments, business groups, academics and think tanks, according to McDermid. "With all this attention, it would be ironic if Wisconsin doesn't pass Green Tier," McAvooy says. ■

END



END

LEGISLATION REQUEST:

Date: 1/31/01

Requested By: Wisconsin Towns Assoc.
Jolene Plantz = 291-1208
✉ jplantz@aol.com

Legislation Idea:

Allow towns, who have adopted comprehensive plans, the authority to have an official map with the same legal impact that city and village official maps have (specifically that the county must incorporate official maps into the county plan).

~~_____~~
- Rick Stadelman = Towns Assoc. principal (715) 526-3157

If OK we will circulate & they may also want to get co-authors.

* Counties will be opposed.

* option as amendment

Drafter: Flare Shovers 6-0129

Date Requested:

LEGISLATION REQUEST:

Date:

Requested By:

Dept. of Consumer Protection
Bill Demchen

Legislation Idea:

Registration of Businesses to curb fraudulent Business

Opportunities.

- Register in Wisconsin
- How long have they been in business
- Experience of Officers
- Financial backing
- Cost of doing business
- Refund Policy
- Complaints in other states
- Bonding of \$50,000, to protect investors when company busts & leaves.
 - Rates may go higher

.....

Drafter: Robin Kite

Date Requested:

July 13, 2001

To: Robin N. Kite, Legislative Attorney
Wisconsin Legislative Reference Bureau

From: David J. Ghilardi, Assistant Legal Counsel

Subject: Business Opportunity Regulation – Wis. Stats. § 100.298

We have reviewed the proposed legislation and offer the following comments.

Page 1

- (1)(a) should read: “Business opportunity plan” means an agreement in which the seller sells or leases products to a purchaser after making the following representations:

Page 2

- (1)(e) should read: “Purchaser’s investment” means any consideration given to obtain the product. [As an alternative, if “any consideration” is too technical, it could be replaced with “anything of value”]
- (1)(f)3. Should be created: “An employee or agent of a seller.”

Page 3

- (2)(a)9. Should read: “A record of any conviction, civil order or judgment, administrative order, and other legal proceeding that relates to or affects the seller’s trade practices.”

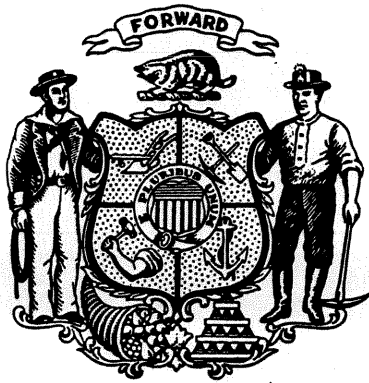
Page 4

- (2)(am) should be struck in its entirety.
- (2)(b) should read: “... at an amount that is at least \$75,000 unless the department by rule establishes a different amount. Except as may be otherwise established by the department by rule, the bond or other security filed with the department shall be in the form of a continuous surety bond payable to the department on a form approved by the department and endorsed by a surety company licensed to do business in this state.”
- (2)(b)1. and 2. should be struck.
- (2)(c) is fine, but we need a law created that directs the program revenue \$ to go to the department.

Page 7

- (5)(b)2. should read: “The department may use its authority under §§ 93.14 and 93.15 to investigate violations under this section. Any person, including a nonresident, who has engaged in business in this state and been served pursuant to this section with a department complaint, notice or other process as required in s. 93.18(5), shall be subject to the department’s authority and jurisdiction.”

END



END

CONSTITUENT PROBLEM FORM

DATE: July 14, 2000

CONSTITUENT:

OTHER INVOLVED PERSONS:

Officer John Winter
Sub. Police Dept.

ADDRESS: Community Policing Unit

828 Center Ave
Sub. WI

PHONE: Home _____

Work: 920-459-3333

FAX: 920-459-0205

SOCIAL SECURITY NUMBER: _____

DESCRIPTION OF PROBLEM OR REQUEST/ACTION(S) TAKEN:

Use of 911 Data base info to establish an "Emergency Phone Warning Notification System."

X Check w/leg Council - Can legislation be introduced?
Have efforts begun to do this?

Sen. Jim Baumgart
P.O. Box 7882
Madison, WI 53707-7882
Tollfree # 1-888-295-8750



JUL 14 2000

July 12, 2000

Senator Jim Baumgart
Room 306 South
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Baumgart;

This is a follow-up to a letter dated June 14, 2000 regarding the "Emergency Phone Warning Notification" project that I am working on in cooperation with other law enforcement agencies in Sheboygan County. In that earlier letter I pointed out that this system depends greatly on having an up-to-date list of phone numbers and the best source for this information is the existing 911 data base. However, this information is restricted by state law to only 911 systems. My request in that letter was looking for support in changing or amending the current law so that such a phone warning system could also have access to the 911 data base.

I received your letter dated June 22, 2000 indicating your support for helping us work on this issue and I greatly appreciate your assistance.

Since my original letter, I have discovered additional information that should be very helpful. The first bit of information is a copy of Indiana Code, Chapter 16 that addresses their "Emergency Telephone System." This chapter was amended so that phone warning systems could also have access to their 911 data base. This Indiana law is a good example of the kind of change we would be looking for in Wisconsin. The second piece of information is a copy of U.S. Senate Bill 800 that allows the use of phone information for emergency services, which would include phone warning systems. (Note: Phone companies are not fond of Bill 800 because they feel it is too vague and could apply to too many private services. They do not object to it's use for municipalities and their phone warning systems) Both of these laws would be useful in any attempts to amend or change Wisconsin Law.

I have enclosed a copy of the Indiana Code and the U.S. Senate Bill 800 that pertains to phone warning systems. I realize that legislation changes are not until January, but I thought this would help you for any preparation necessary before then. Also, I have the support of State Representative Joe Leibham and I will forward this information to him as well.

Sincerely,

Officer John Winter
Sheboygan Police Department
Community Policing Unit

DEPARTMENT
OF POLICE

CITY HALL
828 CENTER AVE.
SHEBOYGAN, WI
53081-4499

920/459-3333
FAX 920/459-0205

INDIANA CODE - CHAP-16

IC 36-8-16

Chapter 16. Emergency Telephone System Fee

IC 36-8-16-1

Sec. 1. This chapter applies to all units except townships.
As added by P.L.91-1988, SEC.5.

IC 36-8-16-2

*
Sec. 2. As used in this chapter, "enhanced emergency telephone system" means a telephone system that utilizes the three digit number 911 to send automatic number identification and automatic location identification for reporting police, fire, medical, or other emergency situations. (The term also includes a telephone system that provides service users in the unit with a telephone warning of an emergency situation through a computerized warning system that uses 911 database information) and technology if the emergency telephone fund of the telephone system's political subdivision contains sufficient funds to pay all the expenses of the 911 telephone system.

As added by P.L.91-1988, SEC.5. Amended by P.L.93-1999, SEC.1.

IC 36-8-16-3

Sec. 3. (a) As used in this chapter, "exchange access facility" means the access from a particular service user's premises to a telephone system.

(b) The term includes:

- (1) an access line;
- (2) a private branch exchange (PBX) trunk; and
- (3) a centrex line trunk equivalent;

that is provided by the service supplier. The term also includes a mobile telephone system access trunk, whether the trunk is provided by a telephone company or a radio common carrier.

(c) The term does not include:

- (1) a service supplier owned and operated telephone pay station line;
- (2) a wide area telecommunications service (WATS) line;
- (3) a foreign exchange (FX) line; or
- (4) an incoming only line.

As added by P.L.91-1988, SEC.5.

IC 36-8-16-4

Sec. 4. (a) As used in this chapter, "service supplier" means a person who provides exchange telephone service to a service user.

(b) As used in this chapter, "service user" means a person to whom exchange telephone service is provided.

As added by P.L.91-1988, SEC.5.

IC 36-8-16-5

Sec. 5. (a) Subject to the limitations provided in section 6 of this chapter, the fiscal body of a county may adopt an ordinance to impose a monthly enhanced emergency telephone system fee for each exchange access facility used in the county.

emergency telephone system network services; and

(3) the personnel expenses of the emergency telephone system.

The legislative body of the unit may appropriate money in the fund only for such an expenditure.

As added by P.L.91-1988, SEC.5. Amended by P.L.174-1990, SEC.2.

IC 36-8-16-15

Sec. 15. (a) A unit may contract with a service supplier over any term negotiated between the unit and the service supplier and may make payments from the emergency telephone system fund to provide any payments required by the contract.

(b) A unit may negotiate and enter into a lease, contract, or other obligation with a person for the purpose of procuring funds to make the payments required by a contract with a service supplier.

(c) A unit may use money in the emergency telephone system fund to make payments of debt service on any bonds or other obligations issued to purchase, to pay any lease rentals for the lease of, an enhanced emergency telephone system or to make payments required under a lease, contract, or other obligation entered into under subsection (b).

(d) A unit may pledge money in the emergency telephone system fund to make payments permitted by subsection (a), (b), or (c) in the manner set forth in IC 5-1-14. A unit may limit payments permitted by subsection (a), (b), or (c) to money in the emergency telephone system fund. The obligations of the unit to make the payments from that fund do not constitute a debt of the unit. The contract, bond, obligation, or lease must contain a statement to that effect if payments are so limited.

As added by P.L.91-1988, SEC.5. Amended by P.L.2-1989, SEC.54.

IC 36-8-16-16

Sec. 16. (a) Service suppliers shall provide upon request the necessary customer data to implement an enhanced emergency telephone system. Customer data provided to a county or municipality for the purpose of implementing or updating an enhanced emergency telephone system may be used only to identify the telephone location or service user, or both, and may not be used or disclosed by the county or municipality, or its agents or employees, for any other purpose unless the data is used or disclosed under a court order. A person who violates this subsection commits a Class A misdemeanor.

(b) In providing 911 database information under section 2(2) of this chapter, the service supplier shall provide:

- (1) the telephone number service address;
- (2) the class of service; and
- (3) a designation of listed, unlisted, or nonpublished;

for each service user in the county or municipality. The service supplier shall provide this 911 database information to the county or municipality on a quarterly basis. The service supplier may charge a reasonable fee to the political subdivision for the administrative costs of providing the 911 database information. The service supplier may not be held liable in an action arising under this section.

As added by P.L.91-1988, SEC.5. Amended by P.L.93-1999, SEC.2.

THIS INFORMATION PERTAINS TO
U.S. SENATE BILL 800. THIS IS THE
INFORMATION THAT WAS TOO VAGUE
FOR TELEPHONE COMPANIES.

106th CONGRESS

1st Session

S. 800

To promote and enhance public safety through use of 9-1-1 as the universal emergency assistance number, further deployment of wireless 9-1-1 service, support of States in upgrading 9-1-1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, and for other purposes.

IN THE SENATE OF THE UNITED STATES

April 14, 1999

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Wireless Communications and Public Safety Act of 1999'.

(g) SUBSCRIBER LISTED AND UNLISTED INFORMATION FOR EMERGENCY SERVICES- Notwithstanding subsections (b), (c), and (d), a telecommunications carrier that provides telephone exchange service shall provide information described in subsection (h)(3)(A) (including information pertaining to subscribers whose information is unlisted or unpublished) that is in its possession or control (including information pertaining to subscribers of other carriers) on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions to providers of emergency services, and providers of emergency support services, solely for purposes of delivering or assisting in the delivery of emergency services.

(7) EMERGENCY SUPPORT SERVICES- The term 'emergency support services' means information or data base management services used in support of emergency services.'



JUN 15 2000

June 14, 2000

Senator Jim Baumgart
Room 306 South
State Capital
P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Baumgart:

All the law enforcement agencies in Sheboygan County are looking at purchasing relatively new technology that can be used to warn citizens in our communities of an existing emergency situation. This system comes under two product names, "Reverse 911" and "City Watch."

What these systems do is provide a means for law enforcement to phone citizens of the community to warn them of an emergency situation, such as a hazardous chemical incident or a police situation. It can also be used to ask citizens to help law enforcement, such as looking for a lost child.

The system works like this. If a child is lost in a neighborhood, a law enforcement agency can use a computer to outline an area of the city and then the system will begin calling everyone living in the outlined area and give a pre-recorded message that there is a lost child in their neighborhood and ask them to be on the look out. Likewise, if there is a chemical spill due to a truck accident, the computer will begin calling citizens in the outlined area and give them a message to evacuate the area and where they can go for shelter. The outlined area to be called can be as big as a section of a city, or as small as one city block. The use of this system is a very efficient way for law enforcement to get the word out to the community of an emergency situation as it can make up to 500 phone calls per hour. The old way of getting the word out was for police officers to go door-to-door, which took up valuable manpower and resources, plus a door-to-door notification could never reach 500 households in an hour like the computer system.

The main reason for this letter is to bring to your attention a telecommunication law that restricts use of the current 911 phone number data base. One of the drawbacks on this system is that currently there is no phone number data base available that is 100% accurate except for the 911 data base. This law currently restricts these systems from accessing the existing 911 data base as this data is reserved specifically for 911 systems only. This then requires law enforcement agencies to purchase lists of phone numbers from telemarketers or other sources, and these lists are not complete. This could present a situation where a person

DEPARTMENT
OF POLICE

CITY HALL
828 CENTER AVE.
SHEBOYGAN, WI
53081-4499

920/459-3333
FAX 920/459-0205



living in an area of an emergency may not receive a call because they have an unlisted number or recently moved into the area and are not on the phone list. If this law could be changed to allow law enforcement agencies to use the 911 phone number data base, this would ensure that every phone number in the community is on the list and no one would be missed in the event of an emergency.

We are looking for your help to see if this legislation could be changed. This in turn would give law enforcement agencies another tool to help protect the community they serve. The agencies that are involved in this program are: Sheboygan Sheriff Department, Sheboygan Police Department, Plymouth Police Department, Sheboygan Falls Police Department, and Kohler Police Department.

If you have any questions or concerns regarding this request, please do not hesitate to contact me.

Sincerely,

David E. Kirk
Chief of Police

Officer John Winter
Sheboygan Police Department
Community Policing Unit
920-459-3341

DEPARTMENT
OF POLICE

CITY HALL
828 CENTER AVE.
SHEBOYGAN, WI
53081-4499

920/459-3333
FAX 920/459-0205

June 22, 2000

Officer John Winter
Sheboygan Police Department
828 Center Avenue
Sheboygan, WI 53081-4499

Dear Officer Winter:

Thank you for letting me know of your interest in legislation addressing current restrictions relating to the 911 phone number data base.

Since the Legislature is not in session until 2001, any new proposals will be considered at that time. I can understand the concerns identified in your letter and will be willing to work with you in the future to see if new laws can effectively be adopted that will specifically allow enforcement agencies to utilize the dial out service through 911 to identify specific populations in need of immediate notification. As you can imagine, privacy issues will need to be addressed as well if this legislation has a chance of being passed in both houses. I look forward to working with you on this issue in the future.

Sincerely,

JIM BAUMGART
State Senator
9th Senate District

JB:jw

END



END

-1959



FAX

267-6796

Board of Directors
Senator Gaylord Nelson,
Emeritus Chair

1000 Friends of Wisconsin, Inc.

- Don Last, President
Stevens Point
- Bev Anderson, Darlington
- Marigen Carpenter, Neenah
- Walter John Chilsen, Wausau
- Arlen Christenson, Madison
- David Cieslewicz, Madison
- Emily Earley, Madison
- Bob Ellingson, Amherst
- Kristine Euclide, Monona
- Mike Hergarten, Waukesha
- Jim Holperin, Eagle River
- Charles James, Milwaukee
- Bud Jordahl, Madison
- Tom Quinn, Menomonie
- Gaurie Rodman, Milwaukee
- Jeanie Stieling, Madison
- Roger Shanks, Merrimac
- Deb Slavin, Middleton
- Charles Trainer, Milwaukee
- Jim Van Deurzen, Mazomanie

1000 Friends Land Use Institute

- Jeanie Stieling, President
Fitchburg
- Jim Arts, Madison
- Juli Aulik, Madison
- Dennis Boyer, Linden
- Andrea Dearlove, Madison
- John Imes, Madison
- Don Last, Stevens Point
- Bryce Luchterhand, Unity
- Dan Masterpole, Chippewa Falls
- Brian Ohm, Madison
- Dan Olson, Green Bay
- Bryan Pierce, Eagle River
- Karen Raymore, Sturgeon Bay
- Glenn Reynolds, Primrose
- Jay Tappen, Eau Claire
- Kim Verhein, Waukesha
- Meagan Yost, Poynette

Date: 7/26/01

To: PATRICK HENDERSON

From: DAVE CIESLEWICZ

Pages to follow: 4

Comments:

THANKS FOR RUNNING THIS BY JIM!

- Enables Counties to enact a room tax

• Currently, only towns & cities may do this

* Used for land conservation

* Door County Stewardship

* Public recreation

-> Inn keeps will be opposed

-> No additional tax, if community already has a room tax

1000 Friends of Wisconsin, Inc. & 1000 Friends Land Use Institute

16 North Carroll Street Suite 810 Madison, WI 53703

ph:608/259-1000

fx:608/259-1621

friends@1kfriends.org

www.1kfriends.org

Henderson, Patrick

From: Dykman, Peter
Sent: Friday, April 27, 2001 12:24 PM
To: Henderson, Patrick
Subject: RE: Drafting request

*gavel/buys
is may change the
duties of assignment
→ no enforcement
needed*

How would such a requirement be enforced? Could the duties be changed after the assignment? The governor couldn't assign duties that were assigned to others by the constitution or statutes. How specific would the assignment need to be? I don't know how to get a handle on this as a bill. Would the Senator prefer a joint resolution urging the governor to do so? What other information on this request and the purpose to be accomplished by the legislation can you provided to me?

-----Original Message-----

From: Henderson, Patrick
Sent: Friday, April 27, 2001 11:56 AM
To: Dykman, Peter
Subject: Drafting request

Peter,

Senator Baumgart would like to draft legislation that would require the Governor to specify the duties of the Lt. Governor within 90 days of inauguration. I'm not sure if this is just that simple but that is the intent of what he would like to do. Please feel free to contact me, with any questions or concerns.

Thank you for your attention to this matter.

Patrick Henderson
Office of Senator Baumgart's Office
6-2056

Eskeitz, Anne

From: Garry L. Low [gllow@excel.net]

Sent: Friday, July 13, 2001 9:20 AM

To: Anne.Eskeitz@legis.state.wi.us

Subject: Domestic Abuse Victims

Dear Ms. Eskeitz,

My name is Garry L. Low, I reside in the city of Plymouth WI which is located in Sheboygan county.

My address is: 114 Bishop Ave.

Plymouth WI 53073-1945

Phone number: (920)893-0922

E-mail: gllow@excel.net

The purpose of this letter is seeking advice on how I may get Senator Baumgart to sponsor a bill strengthening and protecting the victims of domestic abuse.

I have two daughters who are such victims and find it extremely frustrating and almost impossible to do anything about this seemingly epidemic mental disease.

When contacting local police officials they automatically seem to just charge the perpetrator with just a disorderly conduct charge.

I would like to see some kind of a program where the person convicted of domestic abuse be required to attend counseling such as convicted drunk drivers are required to attend. Also, I would like to see a tougher and more aggressive position on pursuing violators of this crime. I don't know if this crime is a misdemeanor or felony but would like to see this classified as a felony.

Thank you for any help or information you may be able to provide.

Garry

Henderson, Patrick

From: Art Pahr [k9xj@excel.net]
Sent: Sunday, July 01, 2001 2:06 PM
To: Sen.Baumgart@legis.state.wi.us
Subject: An idea

Hello Jim.

Here's an idea you might want to explore [or not]. I sent this same message to Steve Kestell last week and he is "mulling it over." I also shared this with Duane Nigh at the Elkhart Lake parade today.

RE: Acquisition of land by the State

What prompts this message is a recent news item about the David Steffes property that is "in the way" of correcting a problem at the intersection of County "C" and Highway 23 west of Plymouth.

I do not know Mr. Steffes; never met the man - unless he might be the parent of a couple of Steffes children I had in my band at Riverview. Therefore, I am not "trumpeting on his behalf."

Whenever the State needs a parcel of land "for the public good," be that highway needs, airport expansion/development, waterway improvement, etc. there will always arise the inevitable 'squabble' over what is a 'fair price' to pay the landowner.

After an appraisal has been made, the landowner should be offered a fair price PLUS an exemption from all state income and property taxes for the remainder of his life.

Such legislation should be designed to apply ONLY to individuals (including the small, family farm); not corporations, businesses, industries, conglomerates, land developers/speculators, etc.

I can't see this creating a heavy financial burden on the State. Maybe your legislative aides can research the financial impact of this idea. Maybe it's worth considering, maybe not. It's just an idea.

Regards,

Art Pahr
N8029 Willow Road
Plymouth, WI 53073-2929
920-876-2370

I would be pleased if you would visit my website.
<http://www.windridge.net>

LIKE BAND MUSIC? Check out:
<http://www.kielwi.org/kmb.html>

GET A VIRUS ALERT? BEFORE you pass it on, please visit this URL:
<http://www.symantec.com/avcenter/index.html>
Hoaxes and real viruses are listed.

END



END

States Rediscover Energy Policies

Looming Power Crises Spur A Return to Strategies Fostering Conservation

By ROBERT GAVIN

Staff Reporter of THE WALL STREET JOURNAL

ENERGY POLICY is hot.

Again.

Spurred by sharply rising prices and California's electricity fiasco, states from coast to coast are dusting off decade-old energy plans and revisiting the policies that sprang from past crises. At least five governors have created task forces to recommend responses to the current crisis while energy legislation of all sorts is pending in nearly every state capital in the nation.

In the Northeast, where officials fear a hot summer could bring electricity shortages and soaring prices, the New England Governors' Conference has, after four years of dormancy, revived its power-planning arm to coordinate energy policy among the six states. And at ground zero, California, lawmakers have filed more than 30 energy-related bills.

Back to the Future

The policies under consideration should be familiar to anyone who remembers the energy shocks of the 1970s and the high prices of the 1980s—old standbys like tax breaks for new power sources, such as windmills or solar cells; rebates for energy-efficient appliances and renovations; and just plain-old planning ahead. But this time, consumer and environmental activists say, state officials ought to do something different: actually follow the policies they adopt.

Today's situation might well be far less dire had states stuck with programs adopted in the wake of the earlier energy crises, particularly in energy efficiency. These programs—financed by small surcharges on utility bills, administered by utilities and overseen by state regulators—were key components of energy policies in nearly every state. But in the years leading up to the current crisis, spending on state energy-efficiency programs fell by nearly half nationwide—to \$912.5 million in 1998 from \$1.65 billion in 1993—at a cost of nearly 15,000 megawatts in power savings, according to the American Council for an Energy-Efficient Economy, a Washington, D.C., advocacy group.

California, by many estimates, would have 1,000 more megawatts of power available right now had it merely maintained energy-efficiency spending at 1993 levels, instead of allowing it to plunge by half. That's enough generating capacity to power about one million homes. In Washington State, where a drought is hampering

Powered Down

Most states allowed reduced spending on energy-efficiency programs in recent years, when power was cheap. Here are the 10 states with the biggest declines:

STATE	1993 Spending (in thousands)	1998 Spending (in thousands)	% Change
West Virginia	\$1,157	\$0	-100%
Nevada	5,515	4	-100
Virginia	9,477	192	-98
Georgia	42,015	1,248	-97
Michigan	55,707	3,901	-93
Indiana	28,502	2,051	-93
Pennsylvania	15,498	1,236	-92
Alabama	4,863	496	-90
Idaho	20,819	2,393	-89
Nebraska	530	71	-87
U.S.	1,651,032	912,525	-45

Source: American Council for an Energy-Efficient Economy

hydroelectric generation and compounding the West's power shortage, steady investment in energy efficiency would have produced 300 megawatts in extra generating capacity (enough for about 300,000 households), according to the NW Energy Coalition, a Seattle-based group that advocates for conservation and alternative energy sources, like wind and solar power.

Energy-efficiency spending fell 73% in Washington between 1993 and 1998. Ironically, the decline coincided with the state's 1994 adoption of an energy strategy that stated its main focus was efficiency. "There's no question that had we maintained that commitment to conservation, we'd be several hundred megawatts better off," says David Danner, energy policy adviser to Washington Gov. Gary Locke.

The West, of course, isn't alone. Two-thirds of states allowed energy-efficiency spending to fall by 20% or more between 1993 and 1998, including Georgia, which saw a 97% reduction; Michigan, 93%; and Pennsylvania, 92%. More broadly, these declines reflect a trend that relegated state energy policies and programs to diminished roles. In 1989, the average state energy office had 44 employees and a budget of \$22.5 million, according to the National Association of State Energy Officials, an Alexandria, Va.-based professional organization. A decade later, the average office had only 29 employees and a \$14.5 million budget—a cut of about 35%. "There wasn't a whole lot of interest in energy," says Frank Bishop, executive director of the energy-officials group.

Market Forces

This lack of interest emerged from cheap and apparently plentiful power supplies available in the mid-1990s, and a national movement toward energy deregulation. In the West, for example, wholesale electricity prices in 1995 plunged well be-

low \$20 per megawatt hour—compared with prices that today sometimes exceed \$300 per megawatt hour—and energy efficiency didn't seem to pay.

Steve King, a spokesman for the Washington Utilities and Transportation Commission, says regulators there allowed utilities to dramatically reduce spending on energy efficiency during this period because such policies couldn't deliver power as cheaply as the market.

At the same time, political leaders across the nation were embracing the central tenet of deregulation: that the market, rather than centralized state energy policy, could determine the right mix of power production and energy conservation to ensure stable supplies and prices. Under pressure from utilities, which, in preparation for competition wanted to shed any costs that might contribute to higher rates, policy makers allowed energy-efficient programs to be scaled back. Under Massachusetts' 1997 deregulation law, for example, utility-administered efficiency programs are scheduled to be phased out by 2002. Lawmakers, however, now are expected to extend the program and a utility-bill surcharge of about 0.3% for at least another five years.

"What everybody wants to avoid is being the next California," John Shea, director of energy and environment at the New England Governors' Conference, says of the newfound interest in such policies.

On Again, Off Again

To be sure, some argue that the market works, and the recent resurgence in energy-efficiency spending is just a natural part of that. In New York, state regulators and government-owned utilities recently restored energy-efficiency spending to near its 1993 levels after allowing it to fall by some 60%. Paul DeCotis, director of energy analysis at the New York State Energy and Research Development Authority, says that maintaining big energy-efficiency funds when prices are low doesn't make sense. Unless utility bills are high enough to justify consumers' making the investment, rebates alone are unlikely to get people to buy energy-efficient products.

"One could argue that the responsible public policy will be to turn efficiency programs on and [then] off when they can no longer be economically justified," says Mr. DeCotis.

Still, many observers believe now that states are rediscovering energy efficiency, they will be sticking with it for the long haul. The reason: California, of course. "The severity of this problem is going to be a vivid memory for long years," says Ralph Cavanagh, energy-programs director for the Natural Resources Defense Council, a New York-based environmental advocacy group, "and the desire to never see this happen again is not going to fade anytime soon."

Henderson, Patrick

From: Michael Vickerman [mvickerman@renewwisconsin.org]
Sent: Friday, March 30, 2001 4:37 PM
To: Michael Vickerman
Subject: Coal Back on Utilities' Front Burners

Uncertainty Over Natural Gas Puts Coal on the Front Burner
by Michael Vickerman, RENEW Wisconsin
Petroleum and Natural Gas Watch, Vol. 1, Number 3
March 30, 2001

The 1990's was the decade that transformed natural gas from a bit player in the power generation world to a star performer. A beneficiary of the 1990 Clean Air Act, natural gas took center stage as the one fossil fuel that all industry stakeholders, even environmental groups, could get behind. Here was a fuel that could power everything from 30 kW microturbines to 1,000 MW central station plants without releasing sulfur dioxide and mercury into the environment. Here was a fuel, some argued, that could hasten the shutdown of the nation's most inefficient and environmentally harmful coal plants. Finally, here was a fuel, others said, whose infrastructure could be used to bridge today's fossil fuel-dominant energy economy with tomorrow's Hydrogen Economy. All of that seemed possible as long as gas remained cheap and plentiful.

Inevitably, greater and greater expectations were placed on the resource Worldwatch Institute labeled the "Prince of Hydrocarbons," leading to a development stampede of staggering proportions. By mid-year 2000 the amount of proposed new generating plants had risen to 250,000 megawatts (MW)--20 times Wisconsin's current generating capacity--practically all of it powered with natural gas. While it is obvious that this development wave cannot be accommodated without a significant supply response--a 30% increase by 2010--it is looking increasingly doubtful that North America has enough reserves to handle this anticipated demand surge.

So far the new millennium has not been following the script that was to be for natural gas. Each day brings fresh indications that the wonder fuel of the 1990's may be in short supply relative to this country's energy appetite. This week William Wise, the Chairman and CEO of one of the world's largest energy companies, El Paso Corp., said that his company's has not seen any growth in natural gas volumes since January 1998, even though the North American rig count stands at a 10-year high. "We're just kind of treading water, holding our own," Wise said.

Earlier this month, the Energy Information Agency (EIA) conceded that low supplies will continue to put upward pressure on wholesale natural gas prices. In its most recent Short-Term Energy Outlook, EIA stated that:

"[S]easonal injections of 2,310 billion cubic feet would be required from April through October to reach 3 trillion cubic feet (the approximate average end-October level

about 500 billion cubic feet (25 percent) above average (1995-1999). Consequently we expect the industry to fall well short."

Even though coal combustion accounts for 70% of the electricity sold in Wisconsin, natural gas has been the fuel of choice in Wisconsin for a decade and a half. Since the completion of Edgewater 5 in 1985, all of the fossil fuel capacity added in Wisconsin--more than 2,000 MW in all--is gas-fired. But they are all either intermediate or peaking plants, which require significantly fewer capital dollars per kilowatt to build than baseload units. Due in large part to the regulatory uncertainties posed by industry deregulation, not a single baseload unit has been placed in service since Edgewater 5. But as long as natural gas prices were expected to hover between \$2.00 to \$3.00 per MMBtu in the coming decade, it didn't seem to matter.

Over the last year the floor price for natural gas has doubled, and is now thought to be in the \$4.00 to \$4.50 per MMBtu range. At those prices, coal generation becomes a financially attractive baseload option for utilities, so long as cost recovery is guaranteed. For proof one need look no further than Wisconsin Electric's Power the Future plan and Alliant Energy's response to it. Both utilities propose building a combined 3,600 MW of new generation over the next 10 years, of which four of the units, amounting to 2,300 MW, would be coal-fired. It is significant that both utilities propose treating the new power plants as regulated assets. Wisconsin Energy, which is proposing to build three 600 MW coal plants, estimates a savings of more than \$1.6 billion in electricity costs over the 25-year lifetimes of these plants. Presumably this figure represents the avoided fuel costs from not operating three gas-fired units of the same size and vintage.

This new-found willingness to invest billions of dollars in rate-based generation stands in stark contrast to the utilities' attitudes six months ago, when Wisconsin Energy and Wisconsin Public Service filed plans to form unregulated generating subsidiaries. Their aim was to enter into lucrative wholesale power markets on the same terms as Duke Power and Dynegy, to name two companies that have profited immensely from California's botched attempt at restructuring its power industry. Wisconsin Energy has since recast its filings so that the capital invested in its new power plants would be fully recoverable, subject to prudence review. This would seem to signal nothing less than a full-blown retreat back to the regulatory paradigm of yesteryear, the status quo ante so detested by the state's three largest utilities six months ago.

But there is one key difference: integrated resource planning is no longer a requirement on Wisconsin utilities as it was 10 years ago, which makes it considerably easier for them to pursue large-scale asset-building projects in isolation of their cumulative effects. Even though Wisconsin Energy ceo Richard Abdoo touts Power the Future as "the largest construction project in the history of the state of Wisconsin," it is just one initiative among several that would expand and reinforce the statewide grid. Among the other initiatives in play are a 345,000-volt transmission

between 1995 and 1999) before the next heating season. That kind of build would be

~~about 100 million cubic feet (25 percent) above average~~

To: Wisconsin Department of Natural Resources Board

From: Wisconsin Utilities

Re: Mercury Emissions

Date: December 6, 2000

On behalf of the investor-owned utilities in the State of Wisconsin and Dairyland Power Cooperative, the Wisconsin Utilities Association (WUA) seeks to work cooperatively with Wisconsin DNR and EPA to develop a mercury program that achieves significant environmental benefit for the State of Wisconsin, while maintaining electrical reliability. The utility industry is undertaking this action in recognition of the desirability of reducing mercury emissions from coal-fired electric generating plants. WUA recognizes that state or federal action requiring electric utilities to reduce mercury emissions is likely sometime during the next ten years, whether in the form of state rules, federal rules, and/or federal multi-pollutant legislation.

The WUA and Dairyland Power Cooperative offer the following elements which the industry agrees are critical to achieving significant mercury emission reductions while maintaining electrical reliability:

- Support a workable mercury program either on a stand-alone basis or as part of a multi-pollutant reduction strategy. We support a two-step reduction process similar in timing and reduction level (10% and 40% over five and ten years, respectively) to the mercury portion of the WDNR/WE Project XL proposal that affects sources with emissions above a set threshold.
- Recognize a fundamental concern that a mercury control program not cause reliability problems, as determined by a third party (e.g. the Public Service Commission of Wisconsin), and that mercury not be used to drive the fuel mix more toward natural gas. In response to these potential concerns, mercury regulations must contain "off ramp" provisions in the event that good faith efforts to reduce mercury emissions are not successful.
- Support a market-based mercury regulatory program that includes emission trading and averaging. Allow inter-sector trading (e.g., reductions at chlor-alkalai facilities) to meet reductions requirements. Include the development of small source collection programs as part of a market-based program.
- Further improve our understanding of in-state utility mercury emissions and effective control measures. Work cooperatively to develop a mercury program that achieves the most environmental benefit for the state of Wisconsin, recognizing the regional/national/international nature of the mercury issue.
- Use Wisconsin's program as a template if the EPA undertakes mercury rulemaking aimed nationally at electric utilities. Create a mechanism (e.g., Wisconsin's early credit registry) to ensure Wisconsin's program is credited toward federal requirements.

Pat----

Sen. Baumgart asked me, some months ago, to prepare something on the Dark Sky issue for the budget. The budget is here, and it's time to deliver.

This draft is based substantially on a draft that I prepared 2 years ago, following a discussion in the Senator's office with him, me and Carol Terrill and Keith Reoppelle.

I tweaked it, added some things and deleted some things. As far as I'm concerned, it's ready to go. If you agree, go ahead and send it to LRB. I drafted it as a stand-alone bill for my convenience. They can do it as an amendment.

Mark P.

END



END

Insurance Bill

→ AFSME & Police didn't get involved.

→ We could call a meeting with AFSME, Police,
and Joe to sit down & talk about provision.
↳ Bob Lyons

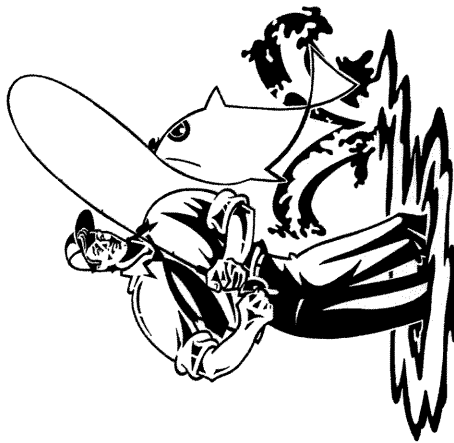
AFSME

* Lyons & Police guy from Joe Storch

END



END



Petition to Protect Your Rights to Hunt and Fish.

Please support a Constitutional Amendment to guarantee future generations in Wisconsin the right to hunt, fish, trap and take game subject only to reasonable restrictions prescribed by law. The amendment, that I authored, must be passed by two successive Legislatures and by the public in a referendum. The amendment was passed by the full legislature last year and will be introduced again in January.

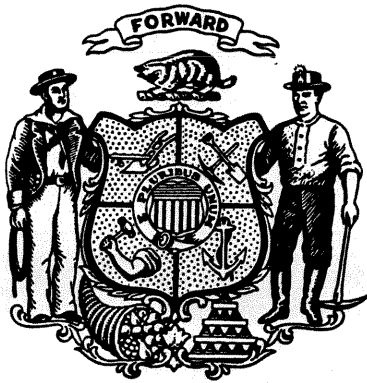
Please write legibly and return this form to Senator Jim Baumgart at P.O. Box 7882, Madison, WI 53707-7882.

SIGNATURE	PRINT NAME	STREET & NUMBER OR RURAL ROUTE <small>RURAL ADDRESS MUST ALSO INCLUDE BOX OR FIRE NO.</small>	MUNICIPALITY OF RESIDENCE <small>INDICATE TOWN, CITY OR VILLAGE</small>	ZIP CODE	DATE OF SIGNING
1.					2002
2.					2002
3.					2002
4.					2002
5.					2002
6.					2002
7.					2002
8.					2002
9.					2002
10.					2002

Circulator Name _____
 address _____
 phone _____

Please feel free to duplicate this petition.
 Return this form by January 2003:
 Senator Jim Baumgart
 P.O. Box 7882
 Madison, WI 53707-7882

END



END

BIOGRAPHY INFORMATION

Senator James R. Baumgart
9th Senate District

- Born town of Gibson, Manitowoc County, December 22, 1938
- Married, 1 Daughter
- Graduate Sheboygan North High School; attended Sheboygan Vocational School and UW-Sheboygan Center; B. S. In Sociology and B. S. In Wildlife Management, UW-Stevens Point 1973.
- Former Job Service Specialist, juvenile restitution counselor, fish biologist, conservation aide, state Senate administrative assistant and factory worker
- Military Service -- U. S. Army, Signal Corps, 1962-63
- Outdoor columnist, Shoreline Chronicle, Sheboygan
- Union Affiliation (11 Years) Member & Steward;
- Member Sheboygan County Conservation Association; Boy Scouts of America (Merit Badge Counselor and 40-year volunteer); Sheboygan County Audubon Society (past vice-president); Sheboygan County Izaak Walton League (past president); Conservation Congress Member; Sheboygan Area Great Lakes Sports Fishermen; Ellwood H. May Environmental Center; Sheboygan County Local Emergency Planning Committee.
- Recreationist & Biker
- Elected to Wisconsin State Assembly 1990 Re-elected 1992, 1994, and 1996.
- Elected to Wisconsin State Senate 1998 - Sworn in Jan. 4, 1999
- 2001-2002 Senate Committee Assignments:
 - Committee on Environmental Resources (chairperson)
 - Committee on Insurance, Tourism, and Transportation (Member)
 - Committee on Education (Member)
 - Committee on Labor and Agriculture (Member)
 - Joint Legislative Council (Member)

Conservation Efforts in the Legislature:

- Senate Environmental Resources Committee, Chair.
- Author of the Constitutional Amendment guaranteeing the right to hunt, fish and trap in Wisconsin.
- Author of Senate Bill 37, legislation designed to protect over 1 million acres of wetlands that were left vulnerable to development by a Supreme Court decision. Wisconsin became the first state to respond to the court case and that quick action protected thousands of acres of animal habitat now available for hunting.
- Worked to insure responsible wetland mitigation rules to insure that our natural resources are protected.
- Author of legislation creating the Outdoor Wildlife Heritage Trust Fund, designed to allow citizens to donate money for conservation programs important to them.
- Increased Stewardship bonding authority to \$60 million.
- Author of legislation establishing a wild elk hunting season in Wisconsin.
- Advocate for returning the selection of the DNR Secretary to the DNR Citizen Board.
- Advocate for restoring the office of the Public Intervener
- Fought against efforts to split the Department of Natural Resources.
- Lead the effort to regulate the non-metallic mining industry.

Conservation Awards:

- Sheboygan County Conservation Association
- 100% approval rating with the National Rifle Association
- National Wild Turkey Federation
- Friends of the Branch River Watershed
- Wisconsin Bowhunters Association
- Brown County Conservation Alliance
- Trout Unlimited
- Environmental Decade "Clean 16"
- Wisconsin Wildlife Federation
- Izaak Walton League of America
- Sheboygan County Audubon Society
- Achievement award from Great Lakes Sport Fisherman
- Farm Bureau
- Boy Scouts of America
- Citation from Wisconsin Wetlands Association for passage of WI Act 6, relating to wetland protection.
- Citation from the Sierra Club for passage of WI Act 6, relating to wetland protection.

- Denotes Conservation Legislator of the Year Award