

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

Joint Committee for
Review of
Administrative Rules
(JCR-AR)

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR_RCP_pt01a
- 97hrAC-EdR_RCP_pt01b
- 97hrAC-EdR_RCP_pt02

- Appointments ... Appt
-
- Clearinghouse Rules ... CRule
-
- Committee Hearings ... CH
-
- Committee Reports ... CR
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- Executive Sessions ... ES
-
- Hearing Records ... HR
-
- Miscellaneous ... Misc
- 97hr_JCR-AR_Misc_pt20b
- Record of Comm. Proceedings ... RCP
-

JCRAR -

6/30 /
HEAR 1106

-

Tommy G. Thompson
Governor

Linda Stewart
Secretary



State of Wisconsin

Department of Workforce Development

OFFICE OF THE SECRETARY
201 East Washington Avenue
P.O. Box 7946
Madison, WI 53707-7946
Telephone: (608) 266-9427
Fax: (608) 266-1784
<http://www.dwd.state.wi.us/>

June 3, 1998

The Honorable Robert Welch
State Senator
Co-Chair, Joint Committee for
Review of Administrative Rules
1 East Main Street, Room 201
Madison WI 53702

The Honorable Glenn Grothman
State Representative
Co-Chair, Joint Committee for
Review of Administrative Rules
125 West, State Capitol
Madison WI 53702

Re: Emergency rule affecting DWD 290.15 and 290.155, Wis.
Adm. Code, relating to threshold costs for the application
of prevailing wage rates to public works projects
(Permanent Rule - CR 98-032)

Dear Senator Welch and Representative Grothman:

I am writing to request a 60 day extension of this emergency rule, which became effective on February 13, 1998. Without an extension, the emergency rule will expire on July 12, 1998.

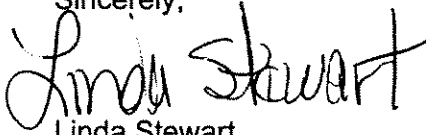
The purpose of this rule is to adjust the threshold limits for the application of prevailing wage rates to public works projects, in accordance with the increases in construction costs. A public hearing on the permanent rule was held on March 27, 1998. The rule was submitted for legislative review on May 18, 1998.

If the emergency rule is not extended, the old limits will again become effective until the conclusion of the regular rulemaking process. The practical effect of this would be that, for several months, a single-trade project costing more than \$30,000 but less than \$32,000, or a multi-trade project costing more than \$150,000 but less than \$160,000, would not be exempt from the requirement to get a prevailing wage rate determination. A public works project begun in this cost range, while the emergency rule has lapsed, would need to comply with the old thresholds in Wisconsin's prevailing wage laws, even though increased national construction costs indicate that a higher threshold is appropriate. There was only one appearance at the public hearing (for information) and DWD has not made any substantive changes to the text of the proposed rule.



Thank you for your consideration of this request. Please contact Katie Mnuk, DWD's Legislative Liaison, at 267-3200 if you have any questions concerning this rule extension.

Sincerely,

A handwritten signature in black ink that reads "Linda Stewart". The signature is written in a cursive, flowing style.

Linda Stewart
Secretary



Division of Public Health Environmental Health Section

Director – Susan Crowley
Division Administrator – Gareth R. Johnson

KATHLEEN M. FALK
DANE COUNTY EXECUTIVE

Senator Robert Welch and Rep. Glenn Grothman, Co-Chairs
Joint Committee on Administrative Rules
Room 415 Northwest - State Capitol
Madison WI 53707

June 30, 1998

Dear Sen. Welch, Rep. Grothman and Members of the Committee,

I am the Director of Environmental Health for Dane County. Our agency provides a wide range of environmental health services to all residents of Dane County outside of the City of Madison. We are agents of the Department of Natural Resources (DNR), The Department of Agriculture Trade and Consumer Protection (DATCP), the Department of Administration (DOA), the Department of Commerce (DComm) and the Department of Health and Family Services (DHFS) in order to achieve the status of a full service environmental health agency. Our agent status with DHFS includes the regulation and inspection of public swimming places.

We are very concerned about the proposal being considered by the committee today. The potential for injury and contracting a communicable disease is significantly higher in a water recreation environment than it is in almost any other recreational setting. A recent drowning in a Wisconsin swimming pool and the recent news item about serious infection in a swimming pool in Georgia serve as vivid reminders of these risks, even when the regulations are in full force.

Another significant concern we have at the local level is in relation to our mandated obligation to conduct investigations of communicable disease outbreaks. The relaxation of the public swimming places regulations for bed and breakfast facilities has the very real potential of resulting in increased workload created by waterborne illness outbreaks. This effort will be doubly frustrating because there will be no way to require corrections to prevent similar events from recurring.

Like many public health codes, the regulations pertaining to swimming pools and whirlpools are aimed at prevention. The fact that there are relatively few major incidents is mute testimony to the effectiveness of these regulations. This sometimes has the unfortunate side effect of causing some to question the need for the safeguards built into the code. We believe protecting the public from the risks encountered at public facilities is the paramount consideration.

There are many public health risks associated with recreational use of water. Some of these are safety oriented risks and some are communicable disease oriented risks.

- Risks from waterborne diseases associated with public swimming places include eye infections, (adenoviral conjunctivitis), ear infections (otitis externa or “swimmer’s ear”), foot infections (plantar warts, athlete’s foot), skin rashes and enteric infections (e. coli, salmonellae, giardiasis, cryptosporidium). These risks are associated with inadequate pool filtration, disinfection or deck sanitation.
- Safety risks include slippery deck or poolside surfaces, inadequate stairs for entering or leaving the pool, no first aid kit in the pool enclosure, no emergency phone in the pool enclosure, poor water clarity, water depth for diving, (esp. with diving boards), and inadequate supervision.

There is considerable cause for concern if a pool intended for public use does not meet certain minimum standards. Patrons coming from far ranging places to a public facility also bring the risk of importing infections or bacteria that would not be encountered by a single family in the routine use of their pool. The typical residential style pool is not designed for the safety or disinfection control that is needed for up to 20 patrons.

The water environment is particularly friendly to many disease causing organisms. This environment becomes even more conducive when the water temperature is maintained in a range from 70F to 112F. Continuous recirculation and disinfection is extremely important in order to prevent bacteria from becoming established in the aeration, recirculation or distribution piping.

The Wisconsin Administrative Codes pertaining to public swimming places enumerate the minimum criteria for protecting patrons of public swimming places from physical and biological risks related to the swimming pool environment. Any relaxation of these rules will be a significant retreat from the protections that the public has always deserved and has certainly come to expect. The public policy issues at stake clearly tilt the balance in favor of protecting the consumer while maintaining an even playing field for all businesses offering water recreational facilities to their clients.

The world we live in is facing increasing risks from emerging pathogens as well as from familiar ones that have gained resistance to antibiotics. This is not the time to be abandoning the principles in the regulations aimed at protecting the tourists and residents in Wisconsin from the very real and present hazards associated with water recreation facilities.

By and large the Bed and Breakfast industry has grown significantly beyond the small family operation hosting guests in a few extra bedrooms in their own home. They are now allowed up to 20 guests in up to 8 bedrooms, even if the sleeping rooms are not located in the home. As a public health official and as a patron of water recreational facilities I sincerely ask that you weigh the significant risks associated with water recreation facilities against the economic interest of those who are seeking competitive advantage in this instance, and choose the current public health protections to apply to any operator offering water recreational facilities to their guests.

Thank you for this opportunity to testify on this very important public health issue. If you have any questions please feel free to call me at 242-6515 between the hours of 7:45 AM and 4:30 PM, Monday through Friday.

Sincerely,

A handwritten signature in black ink, appearing to read "James P. Clark, R.S.", with a stylized flourish at the end.

James P. Clark, R.S., Director
Environmental Health Section
Public Health Division
Dane County Human Services Department

E. coli scare clears public kiddie pools

■ A dangerous strain of the disease was spread by a child with diarrhea at water park, leaving two kids ill.

By Karen Hill
Associated Press

MARIETTA, Ga. — Frightened parents are keeping their children out of public kiddie pools after a youngster with diarrhea spread an extremely dangerous strain of E. coli at a water park. At least eight children were infected, and two were in critical condition Wednesday.

"We will probably find other things to do," said Lisa Dillon of Decatur, who has a 4-year-old son and 2-year-old daughter. "We've got a fun sprinkler and a wading pool in the driveway."

The state set up a hot line Wednesday to handle calls from parents worried about the E. coli outbreak at White Water Park in this Atlanta suburb. Five hundred people called in the first six hours.

The outbreak is the nation's first known case in which people have been infected with E. coli while in a chlorinated public pool, said Dr. Larry Slutsker of the Centers for Disease Control and Prevention.

"Parents need to take one message from this: If your child is sick, don't take them to the water park or the public pool or any place they might be able to transmit disease to other people," said Dr. Virginia Galvin, Cobb County health director. "In the absence of that sick child in that pool, this would not have happened."

But she said parents would be



Jordan Adams, left, and her brother Jesse play in the Capt. Kid's Cove section of the White Water Park attraction in Marietta, Ga., on Wednesday. Five children have been hospitalized with the potentially fatal E. coli infection after visiting the park recently.

Associated Press

overreacting if they were to take their children out of public pools.

"You have to look at the benefits of children in active recreation vs. the fear of something that is an extremely rare event," she said.

White Water spokeswoman Deedie Dowdle said the park will no longer admit groups of children under age 4 from day-care centers or summer camps. And all children in the kiddie pools will be required to wear plastic, sealed pants.

"Families tend not to bring sick children to the park, and families supervise their children appropriately," Dowdle said. "In groups of

parents, ages 4 and 7. "If they're open, they must know what they're doing," she said.

The child with diarrhea probably defecated in the pool on two successive days, since some of the infected children were there June 11 and others visited the next day, Galvin said.

The pool was probably adequately chlorinated but was unable to kill the bacteria in time to prevent infections, she said. Chlorine usually kills things on contact but can take longer if the contamination is big enough. In that case, a backup filter system can clear out the bacteria in about an hour.

The sick children must have swallowed the pool water because the bacteria can only be transmitted through ingestion, either in food or water, health officials said.

Six of the infected children are from the Atlanta area and two are from Chattanooga, Tenn.

Four of the children developed hemolytic uremic syndrome, which can cause kidney failure, and were being treated with respirators, blood transfusions and dialysis.

Among them were two girls listed in critical condition, and the 3-year-old son of Atlanta Braves shortstop Walt Weiss. The boy was in serious condition.

E. coli is a common bacterium that lives in the digestive tracts of humans and other animals. But, the strain affecting the children, E. coli O157:H7, is highly toxic, causing bloody diarrhea and severe cramps.

Another, less dangerous strain of E. coli was blamed for an outbreak of "travelers diarrhea" in the Chicago area.

Some 4,500 people fell ill after eating food from Iwan's Deli and Catering in suburban Orland Park. The deli had catered hundreds of parties over the June 6 weekend, and contaminated potato salad was suspected.

Reports in electric divided panel:

By Randolph E. Sch
Associated Press

WASHINGTON — and magnetic fields around power lines considered possible cancer, says a divisional Institutes of Health.

"This report does the risk is high," said Gallo, chairman of the

Indeed, the risk "I quite small compare other public health r Gallo, a professor at t city of Medicine and of New Jersey-Rob Medical School in Pis

The new report c a National Institutes panel convened to reviftic research on the group, completing 1 discussions in Brook Minn., voted 19-9 We accept the position th magnetic fields show garding a "possibl carcinogen."

Eight members of said that they could, whether electrical fi potential causes of c said they probably are Linda Schoumach Edison Electric Insti represents the electri try, said that it would ture to comment on th

The NIH group's fi odds with a 1996 repo tional Research Cou of scientists who about 500 studies on effects of high volt



Public Service Commission of Wisconsin

Joseph P. Mettner, Chairman

610 North Whitney Way
P.O. Box 7854
Madison, WI 53707-7854

The Honorable Glenn Grothman, Cochair
Joint Committee for Review of Administrative Rules
The State Assembly
State Capitol, Room 125 West
P.O. Box 8952
Madison, WI 53708-8952

The Honorable Robert Welch, Cochair
Joint Committee for Review of Administrative Rules
The State Senate
1 East Main, Room 201
P.O. Box 7882
Madison, WI 53707-7882

ROUTE TO:

BOB _____ BF _____

LW _____ ML _____

FILE _____ TOSS _____

RETURN _____

Re: Rules to Establish an Educational Telecommunications Access Program (Per TEACH WI)

1-AC-169

Request to Extend the Effective Date of Emergency TEACH Rules

Dear Representative Grothman and Senator Welch:

The Public Service Commission of Wisconsin (Commission) requests that the current emergency rules establishing the Educational Telecommunications Access Program, as part of the Technology for Educational Achievement in Wisconsin (TEACH WI) be extended for 60 days.

Part of the establishment of TEACH WI included the establishment of a program to support improved technology for educational institutions and public libraries. The Commission was mandated by § 9141 of 1997 Act 27 to promulgate rules for this program and to do so on an emergency basis. That same section of Act 27, exempted the Commission from the finding of emergency required by § 227.24, Stats. The Commission adopted the emergency rules (modifying certain parts of ch. PSC 160, Wis. Admin. Code, and creating ch. PSC 161, Wis. Admin. Code) on February 24, 1998. On that same date, the Commission approved a scoping statement as required by §227.135, Stats., with respect to the proposal of the Commission to commence a rule making proceeding, under the usual ch. 227, Stats., rule making procedures, to promulgate permanent rules as mandated by § 196.218(4r)(b), Stats.

The emergency rules were effective on February 27, 1998. They will expire on July 26, 1998 without further action.

The Honorable Glenn Grothman
The Honorable Robert Welch
Docket 1-AC-169
Page 2

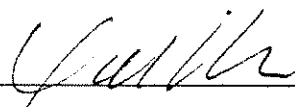
When the Commission adopted the required emergency rules, it also began the process to promulgate permanent rules on the Educational Telecommunications Access Program. A notice of investigation and hearing and proposed order creating permanent rules was approved on March 26, 1998, and was issued on March 27, 1998. On April 23, 1998, the Commission received a report on the proposed rules from the Legislative Rules Clearinghouse. A public hearing on the emergency rules and the proposed permanent rules was held on May 5, 1998. Comments in writing were accepted until May 15, 1998. Commission staff is reviewing and preparing recommendations for the Commission in response to the Rules Clearinghouse recommendations and questions and to the comments filed in the proceeding. Staff is also consulting with the Department of Administration and the TEACH Board, as required by the § 196.218(4r)(b), Stats., on potential modifications to the proposed permanent rules. A further draft of the permanent rules will be released, we expect, in early July.

It is not possible for the permanent rules to be in effect before the emergency rules expire. To avoid a gap in the administration of this program, the Commission respectfully requests that the Joint Committee for Review of Administrative Rules extend the effective period for the emergency rules in §§ PSC 160.05, 160.11(6), and 160.17, and ch. PSC 161, Wis. Admin. Code, for 60 days, to September 24, 1998.

If there are questions on this matter, please contact Mary Stevens, Legal Counsel, Telecommunications Division, at 266-1125.

Dated at Madison, Wisconsin, JUNE 16, 1998

By the Commission:

 FOR LLD
Lynda L. Dorr
Secretary to the Commission

LLD:GAE:lep:reb:g:\letter orders\pending\teach extension letter order 6-98

- cc: Records Management/File
- Records Management/Orders
- Mark Bugher, Secretary, Department of Administration
- Doris Hanson, Executive Director, TEACH WI
- Gary Poulson, Deputy Revisor of Statutes

See attached Notice of Appeal Rights.

Notice of Appeal Rights

Notice is hereby given that a person aggrieved by the foregoing decision has the right to file a petition for judicial review as provided in s. 227.53, Stats. The petition must be filed within 30 days after the date of mailing of this decision. That date is shown on the first page. If there is no date on the first page, the date of mailing is shown immediately above the signature line. The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

Notice is further given that, if the foregoing decision is an order following a proceeding which is a contested case as defined in s. 227.01(3), Stats., a person aggrieved by the order has the further right to file one petition for rehearing as provided in s. 227.49, Stats. The petition must be filed within 20 days of the date of mailing of this decision.

If this decision is an order after rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not an option.

This general notice is for the purpose of ensuring compliance with s. 227.48(2), Stats., and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

**NOTICE OF ACCESS TO
SENATE COMMITTEE
RECORDS**

**JOINT COMMITTEE FOR THE REVIEW OF ADMINISTRATIVE RULES
ROOM 201, ONE EAST MAIN STREET, MADISON WI**

The office of the Co-chairperson of a legislative committee is responsible for the maintenance of committee records such as reports, petitions, written statements, and hearing notices.

The office of the Committee Co-chairperson is open for business and inspection of committee records from 8:30am to 5:00pm, Monday through Friday, excluding holidays.

The legal custodian is the Committee Clerk, Les Wakefield. A request for access to, or copies of, records of the Committee may be made at any time during normal business hours when Les Wakefield is present.

Copies of committee records will be provided, upon request, in a manner consistent with the requirements and strictures of the state Open Records Law. A charge of 10 cents will be made for each copy. Cash is payable to the Committee Clerk; checks should be payable to the **Senate Chief Clerk**, and given to the Committee Clerk.

SENATOR ROBERT T. WELCH
CO-CHAIRMAN



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIRMAN

P.O. Box 7882
MADISON, WI 53707-7882
(608) 266-0751

P.O. Box 8952
MADISON, WI 53708-8952
(608) 264-8486

**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

Wakefield, Les

From: Krieser, Steve
Sent: Monday, June 15, 1998 1:44 PM
To: Nelson, Don
Cc: Wakefield, Les
Subject: Bed and Breakfast Establishments

The JCRAR will hold a public hearing on June 30 concerning the Bed-and-Breakfast issue brought to our attention by your office. Due to political considerations related to other items on the agenda at that meeting, the hearing will not be posted immediately. Do not let this delay be a concern to you.

We will leave it to your office to prepare testimony for the Joint Committee, and to round up the appropriate lobbyists and interested parties to testify before the Joint Committee. Please let me know if I can be of service during this process.

I will forward more information on this hearing as soon as it is available. Do not hesitate to contact me if you have any questions.

Steve Krieser
Office of State Rep. Glenn Grothman
Room 125 West, State Capitol
P.O. Box 8952
Madison, WI 53708-8952
v:608-264-8486 or 888-534-0059 f:608-282-3659
Visit Us on the World Wide Web!
<http://www.legis.state.wi.us/assembly/asm59/news/>

Wakefield, Les

From: Perrett, Elsie

Sent: Thursday, June 18, 1998 3:55 PM

To: Wakefield, Les; Krieser, Steve

Subject: JCRAR

Sorry this has taken so long. I have been waiting for a call back from DNR on which NR rule will be affected.

The issue we are dealing with is the DNR delay of rule promulgation for Lorraine's budget amendment on water ski platform permitting, as well as, concern regarding the DNR's perception of what the rule should contain.. Since the budget passed in August, 1997, we feel that they have had sufficient time to have rules prepared. Additionally we were given to understand that the rules would be in place prior to this summer's ski season.

The 1997 budget provision is in Section 11139zm and creates s.30.135, Wis. Stats.

Since water ski platforms do not really fit either NR 100 or NR326, the DNR will probably create an entirely new NR to promulgate this rule.

I will send you both all pertinent background documents (including an internal DNR Program Guidance memo) as soon as possible.

Wakefield, Les

From: Krieser, Steve
Sent: Monday, June 15, 1998 1:38 PM
To: Perrett, Elsie
Cc: Wakefield, Les
Subject: JCRAR This Month

The JCRAR will meet on June 30 to take up Rep. Seratti's ski jump rules problem. We will probably not post the meeting for a while yet, so as to give the DNR as little time as possible to prepare.

We will leave it to your office to determine which rule sections are affected and to round up the appropriate persons to testify before the Joint Committee. Please let me know if I can help you in preparing for this meeting.

I will forward more particulars on this meeting as soon as they are available. Please call me if you have any questions.

Steve Krieser
Office of State Rep. Glenn Grothman
Room 125 West, State Capitol
P.O. Box 8952
Madison, WI 53708-8952
v:608-264-8486 or 888-534-0059 f:608-282-3659
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<http://www.legis.state.wi.us/assembly/asm59/news/>

Committee Meeting Attendance Sheet
Joint Committee for Review of Administrative Rules

Date

Meeting Type

Location

COMMITTEE MEMBER	PRESEN T	ABSENT	EXCUSE D
1. Senator Welch			
2. Senator Darling			
3. Senator Huelsman			
4. Senator Grobschmidt			
5. Senator (Vacant)			
6. Representative GROTHMAN			
7. Representative GUNDERSON			
8. Representative SERATTI			
9. Representative R. YOUNG			
10. Representative KREUSER			
Totals			

s:\comclerkattend

John Sumi / Steve Krieser, Committee Clerk

Committee Meeting Attendance Sheet
Joint Committee for Review of Administrative Rules

Date

Meeting Type

Location

COMMITTEE MEMBER	PRESENT	ABSENT	EXCUSED
1. Senator WELCH			
2. Senator DARLING			
3. Senator HUELSMAN			
4. Senator GROBSCHMIDT			
5. Senator (VACANT)			
6. Representative GROTHMAN			
7. Representative GUNDERSON			
8. Representative SERATTI			
9. Representative KREUSER			
10. Representative R. YOUNG			
Totals			

John Sumi / Steve Krieser, Committee Clerk

**Joint Committee for Review of Administrative Rules
Emergency Rule Extension Motion**

DATE

EXECUTIVE SESSION PUBLIC HEARING

MOVED BY

SECONDED BY

MOTION that, pursuant to s. 227.24(2)(a), stats., the Joint Committee for Review of Administrative Rules extend the effective period of emergency rule _____ by _____ days, at the request of the Department / Office of _____

LEGISLATOR	AYE	NO	ABSENT
Senator WELCH			
Senator DARLING			
Senator HUELSMAN			
Senator GROBSCHMIDT			
Senator (VACANT)			
Representative GROTHMAN			
Representative GUNDERSON			
Representative SERATTI			
Representative KREUSER			
Representative R. YOUNG			
Totals			

MOTION CARRIED

MOTION FAILED



State of Wisconsin
Department of Health and Family Services

Tommy G. Thompson, Governor
Joe Lekan, Secretary



June 26, 1998

The Honorable Robert Welch, Co-Chairman
Joint Committee for Review of Administrative Rules
Room 201, One East Main
Madison WI

Dear Senator Welch:

In your letter of June 24, 1998, you ask the Department to promulgate its planned amendment of the definition of "incidental food service" in its rules for restaurants in a separate emergency rulemaking order from the emergency rulemaking order that on July 1, 1998 will increase permit and related fees and impose a one-time technology improvement surcharge on restaurants and other facilities regulated by the Department under chs. HFS 172, 175, 178 and 195 to 198.

The Department on June 24, 1998, published the combined order as a legal notice in the Wisconsin State Journal. The order is to be effective on July 1, for the fee increases and the surcharge as well as for the definition of incidental food service.

It is not, I think, a good idea for the Department to publish a corrected legal notice without the definition change and then publish a new, separate legal notice for the definition change. We are about out of time to do that. The new notices would have to be published on June 30 at an expense of about \$500. The Department yesterday sent another emergency order to the newspaper, for repeal and recreation of the HIRSP program rules, ch. HFS 119, which must be published no later than July 1.

We could have published separate emergency orders for the fees/surcharge and definition changes. However, we assumed a connection between the two. Both changes relate to restaurants and to the permit process. Moreover, the definition change has the effect of no longer requiring as many as 1000 retail food establishments to have a Department-issued restaurant permit, which means that they will not be subject to permit fees. So the definition change relates, indirectly, to fee increases.

Only proposed permanent rules are tracked. This is by means of the Clearinghouse number and the Bulletin of Proceedings for Rules. We have prepared and started through the rulemaking process separate proposed permanent rule orders for the change in definition of incidental food service and for the increase in fees and the one-time surcharge. Here we had no choice: The permanent order relating to the fees and surcharge was already through

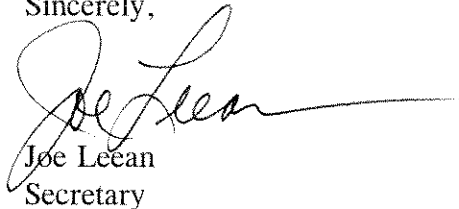
Senator Welch
June 26, 1998
Page 2

public hearing before the decision was made to also promulgate the definition change by July 1. The definition change must also be reviewed by the Legislative Council and the public. We have scheduled a combined public hearing on August 5, 1998, to take testimony on the proposed permanent order relating to the definition and the published emergency order relating to the definition and the fees/surcharge.

As you know, the permit period for facilities regulated under chs. HFS 172, 175, 178 and 195 to 198 is July 1 through June 30. Permit renewal notices and billing for permit fees at the new rates and for the surcharge went out early this month except for restaurants that staff considered might be affected by the definition change. Staff met recently with DATCP counterparts to definitively identify the affected facilities, and they will not be sent permit renewal notices.

I hope this letter adequately explains our action to get these two important emergency rule initiatives into effect quickly.

Sincerely,



Joe Lcean
Secretary

cc Representative Grothman

Joint Committee for Review of Administrative Rules

DATE: 6/24/98 EXECUTIVE SESSION PUBLIC HEARING C-HOUSE
RULE

MOVED BY: shayne SECONDED BY: _____.

MOTION:

LEGISLATOR	AYE	NO	ABSENT
Senator WELCH			
Senator DARLING			
Senator HUELSMAN			
Senator GROBSCHMIDT			
Senator (VACANT)			
Representative GROTHMAN			
Representative GUNDERSON			
Representative SERATTI			
Representative KREUSER			
Representative R. YOUNG			
Totals			

MOTION CARRIED

MOTION FAILED

Assembly Committee for Review of Administrative Rules

DATE

EXECUTIVE SESSION PUBLIC HEARING C-HOUSE RULE

MOVED BY

SECONDED BY

MOTION

LEGISLATOR	AYE	NO	ABSENT
Representative GROTHMAN			
Representative GUNDERSON			
Representative SERATTI			
Representative YOUNG			
Representative KREUSER			
Totals			

MOTION CARRIED

MOTION FAILED

Steven Krieser, Committee Clerk

Joint Committee for Review of Administrative Rules

DATE _____ EXECUTIVE SESSION PUBLIC HEARING C-HOUSE RULE

MOVED BY _____ SECONDED BY _____

MOTION

LEGISLATOR	AYE	NO	ABSENT
Senator WELCH			
Senator DARLING			
Senator HUELSMAN			
Senator GROBSCHMIDT			
Senator (VACANT)			
Representative GROTHMAN			
Representative GUNDERSON			
Representative SERATTI			
Representative KREUSER			
Representative R. YOUNG			
Totals			

MOTION CARRIED

MOTION FAILED

**Joint Committee for Review of Administrative Rules
Emergency Rule Extension Motion**

DATE _____ EXECUTIVE SESSION PUBLIC HEARING

MOVED BY _____ SECONDED BY _____

MOTION that, pursuant to s. 227.24(2)(a), stats., the Joint Committee for Review of Administrative Rules extend the effective period of emergency rule _____
_____ by _____ days, at the request of the Department / Office of _____

LEGISLATOR	AYE	NO	ABSENT
Senator WELCH			
Senator DARLING			
Senator HUELSMAN			
Senator GROBSCHMIDT			
Senator (VACANT)			
Representative GROTHMAN			
Representative GUNDERSON			
Representative SERATTI			
Representative KREUSER			
Representative R. YOUNG			
Totals			

MOTION CARRIED

MOTION FAILED

Emergency Rule DOC 309.05(2)(d)

Relating to the stamping of inmate mail. Submitted by the Department of Corrections.

January 8, 1997

EXECUTIVE SESSION HELD

Present: (10) Representatives Grothman, Gunderson, Seratti, Young and Kreuser; Senators Grobschmidt, Wineke, Wirch, Welch and Darling.

Absent: (0)

Moved by Representative Grothman, seconded by Representative Gunderson that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extend the effective date of DOC 309.05(2)(d) by 60 days, at the request of the Department of Corrections.

Ayes: (10) Representatives Grothman, Gunderson, Seratti, Young, and Kreuser; Senators Grobschmidt, Wineke, Wirch, Welch, and Darling.

Noes: (0)

Absent: (0)

Motion Carried: Extension Granted.
10 Ayes, 0 Noes, 0 Absent.

February 20, 1997

EXECUTIVE SESSION HELD

Present: (10) Representatives Grothman, Gunderson, Seratti, Young and Kreuser; Senators Grobschmidt, Wirch, Potter, Welch and Schultz.

Absent: (0)

Moved by Representative Grothman, seconded by Senator Grobschmidt that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extend the effective date of DOC 309.05(2)(d) by 60 days, at the request of the Department of Corrections.

Ayes: (10) Representatives Grothman, Gunderson,

Seratti, Young, and Kreuser; Senators
Grobschmidt, Wirch, Potter, Welch, and
Schultz.

Noes: (0)

Absent: (0)

Motion Carried: Extension Granted.
10 Ayes, 0 Noes, 0 Absent.

Steven Krieser, Committee Clerk

JOINT
COMMITTEE HEARINGS

The Joint Committee for Review of Administrative Rules will hold an **executive session** in Room 225 Northwest of the Capitol, on the following at the time below:

Thursday, February 20, 1997 at 10:00 a.m.

Emergency Rule HSS201.135 **Relating to** the 60-month lifetime limit on participation in the Job Opportunities and Basic Skills program. Extension of the effective date of this emergency rule by a period of 60 days. Requested by the Department of Workforce Development. *First Consideration.* **NOTE: This rule will be renumbered by the Revisor of Statutes to DWD 11.135)**

Emergency Rule DWD 272 **Relating to** the minimum wage. Extension of the effective date of this emergency rule by a period of 60 days. Requested by the Department of Workforce Development. *First Consideration.*

Emergency Rule ATCP 139.04(11) **Relating to** the use of flammable refrigerants in mobile air conditioning systems. Extension of the effective date of this emergency rule by 60 days. Requested by the Department of Agriculture, Trade, and Consumer Protection. *First Consideration.*

Emergency Rule Ins 18.07(5)(b) **Relating to** a decrease in HIRSP rates. Extension of the effective date of this emergency rule by a period of 60 days. Requested by the Office of the Commissioner of Insurance. *First Consideration.*

Emergency Rule DOC 309.05(2)(d) **Relating to** the stamping of outgoing inmate mail. Extension of the effective date of this emergency rule by a period of 60 days. Requested by the Department of Corrections. *Second Consideration.*

The members of the Joint Committee will receive a briefing on the involvement of the JCRAR in civil case 96-CV-1298, Wisconsin's Environmental Decade, et. al., v. State of Wisconsin Department of Commerce, et. al.

Senator Richard Grobschmidt
Senate Co-Chair

Representative Glenn S. Grothman
Assembly Co-Chair

Joint Committee Report

The Joint Committee for Review of Administrative Rules Reports:

April 17, 1997

Emergency Rule ATCP 139.04(11)

Relating to the use of flammable refrigerants in mobile air conditioning systems. Submitted by the Department of Agriculture, Trade, and Consumer Protection.

Moved by Senator Welch, seconded by Senator Schultz that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extend the effective period of ATCP 139.04 by 60 days, at the request of the Department of Agriculture, Trade, and Consumer Protection.

Ayes: (10) Representatives Grothman, Gunderson, Seratti, Young, and Kreuser; Senators Grobschmidt, Wirch, Potter, Welch, and Schultz.

Noes: (0) None.

Absent: (0) None

Motion Carried: Extension Granted.
10 Ayes, 0 Noes, 0 Absent.

Emergency Rule DWD11.135

Relating to the 60-month lifetime limit on participation in the Job Opportunities and Basic Skills program. Submitted by the Department of Workforce Development.

Moved by Senator Welch, seconded by Senator Schultz that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extend the effective period of DWD 11.135 by 60 days, at the request of the Department of Workforce Development.

Ayes: (10) Representatives Grothman, Gunderson, Seratti, Young, and Kreuser; Senators Grobschmidt, Wirch, Potter, Welch, and Schultz.

Noes: (0) None.

Absent: (0) None

Motion Carried: Extension Granted.
10 Ayes, 0 Noes, 0 Absent.

Emergency Rule DWD 272

Relating to the minimum wage. Submitted by the Department of Workforce Development.

Moved by Senator Welch, seconded by Senator Schultz that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extend the effective period of DWD 272 by 60 days, at the request of the Department of Workforce Development.

Ayes: (10) Representatives Grothman, Gunderson, Seratti, Young, and Krueser; Senators Grobschmidt, Wirch, Potter, Welch, and Schultz.

Noes: (0) None.

Absent: (0) None

Motion Carried: Extension Granted.
10 Ayes, 0 Noes, 0 Absent.

Senator Richard Grobschmidt
Senate Co-Chairman

Representative Glenn S. Grothman
Assembly Co-Chairman

CONTENTS

1. Section 1139zm., creating s.30.135, Wis. Stats.;
2. DNR Program Guidance regarding implementation of s.30.135; *-New*
3. Notice of Investigation and Public Hearing, regarding Crivitz Ski Cats permit for a ski jump;
4. Permit status of Wisconsin Water Ski Clubs, compiled by Rep. Seratti;
5. Water Ski Club Permit Analysis, compiled by Rep. Seratti;
6. American Water Ski Association letter outlining platform requirements;
and
7. National Show Ski Association letters outlining platform requirements.

1 **SECTION 1139x.** 30.1255 (1) (intro.) and (a) of the statutes are consolidated,
2 renumbered 30.1255 (1) and amended to read:

3 30.1255 (1) (title) **DEFINITIONS** DEFINITION. In this section: ~~(a)~~—“Aquatic,
4 “aquatic nuisance species” means a nonindigenous species that threatens the
5 diversity or abundance of native species or the ecological stability of infested waters
6 or that threatens a commercial, agricultural, aquacultural or recreational activity
7 dependent on infested waters.

8 **SECTION 1139y.** 30.1255 (1) (b) of the statutes is repealed.

9 **SECTION 1139z.** 30.1255 (2) of the statutes is repealed.

10 **SECTION 1139zb.** 30.1255 (3) (a) (intro.) of the statutes is amended to read:

11 30.1255 (3) (a) (intro.) ~~After consulting with the council, the~~ The department
12 shall submit periodically to the legislature reports describing all of the following:

13 **SECTION 1139zm.** 30.135 of the statutes is created to read:

14 **30.135 Regulation of water ski platforms and jumps.** (1) **WHEN PERMIT**
15 **REQUIRED.** (a) A riparian proprietor may place a water ski platform or water ski jump
16 in a navigable waterway without obtaining a permit if all of the following
17 requirements are met:

18 1. The platform or jump does not interfere with public rights in navigable
19 waters.

20 2. The platform or jump does not interfere with rights of other riparian
21 proprietors.

22 3. The platform or jump is located at a site that ensures adequate water depth
23 and clearance for safe water skiing.

24 (b) If the department determines that any of the requirements under par. (a)
25 are not met, the riparian owner shall submit a permit application to the department.

1 (2) NOTICE AND HEARING PROCEDURE. (a) Upon receipt of a complete permit
2 application, the department shall either order a hearing or provide notice stating
3 that it will proceed on the application without a hearing unless a substantive written
4 objection to issuance of the permit is received within 30 days after publication of the
5 notice. The department shall provide a copy of the notice to the applicant for the
6 permit, the clerk of each municipality in which the water ski platform or water ski
7 jump is to be located and to any other person required by law to receive notice. The
8 department may provide notice to other persons as it considers appropriate. The
9 applicant shall publish the notice as a class 1 notice under ch. 985 in a newspaper
10 designated by the department that is likely to give notice in the area affected. The
11 applicant shall file proof of publication with the department.

12 (b) If the department receives no substantive written objection to the permit
13 and proceeds on the permit application without a hearing, the department shall
14 approve or disapprove the permit within 5 days after the date that the 30-day period
15 under par. (a) expires.

16 (c) If the department orders a hearing on the permit application, the hearing
17 shall be scheduled within 30 days after the date on which the department orders the
18 hearing. The division of hearings and appeals shall mail copies of the written notice
19 of the hearing at least 10 days before the hearing to each person provided the notice
20 under par. (a). The division of hearings and appeals shall mail the copies at least 10
21 days before the hearing except that it shall mail the copy to the applicant for the
22 permit at least 20 days before the hearing. The applicant shall publish the notice as
23 a class 1 notice under ch. 985 in a newspaper designated by the department that is
24 likely to give notice in the area affected. The applicant shall file proof of the
25 publication with the hearing examiner at or prior to the hearing.

1 **(3) RULES.** (a) The department shall promulgate a rule listing specific reasons
2 that will support a substantive written objection to the placement of a water ski
3 platform or water ski jump.

4 (b) The department shall promulgate rules specifying the information that
5 shall be disclosed in an notice under sub. (2) (a). The disclosed information shall
6 include all of the following:

7 1. A statement explaining what constitutes a substantive written objection and
8 the list of specific reasons that support a substantive written objection that is
9 promulgated under par. (a).

10 2. The fact that the department may decide to proceed on the application
11 without a hearing.

12 3. The fact that a decision to proceed on an application without a hearing under
13 subd. 2. is subject to review under ch. 227.

14 **(4) EXEMPTION.** Section 30.02 does not apply to permit applications submitted
15 under this section.

16 **SECTION 1140.** 30.277 (3) (k) of the statutes is created to read:

17 30.277 (3) (k) Whether the project is related to brownfields redevelopment, as
18 defined in s. 23.09 (19) (a) 1.

19 **SECTION 1141.** 30.277 (6) of the statutes is amended to read:

20 30.277 (6) **RULES.** The department shall promulgate rules for the
21 administration of this section, including rules that specify the weight to be assigned
22 to each criterion under sub. (3) and the minimum number of criteria under sub. (3)
23 in which an applicant must perform satisfactorily in order to be awarded a grant.
24 In specifying the weight to be assigned to the criteria under sub. (3), the department
25 shall assign the greatest weight to the criterion under sub. (3) (k).