

1997-98 SESSION  
COMMITTEE HEARING  
RECORDS

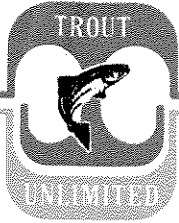
Committee Name:

*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
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- Miscellaneous ... Misc
- 97hr\_JCR-AR\_Misc\_pt32e\_Test
- Record of Comm. Proceedings ... RCP
-



JAN 26 1998

January 22, 1998

Senator Richard Grobschmidt  
Joint Committee for Review of Administrative Rules  
Senate Committee  
P.O. Box 7882  
State Capitol  
Madison, WI 53707

*John*

Dear Senator Grobschmidt:

As a representative of Trout Unlimited, the nation's leading trout and salmon conservation organization, I have reviewed revisions to Wisconsin administrative rule NR 103 (water quality certification for wetlands) that were approved by the state's Natural Resources Board in October, 1997. Of particular concern to Trout Unlimited are the changes made that give preferential treatment to the state's cranberry industry.

The Assembly Natural Resources Committee has referred this item back to the Natural Resources Board for review and has asked that changes to the rule revisions be made. Should the Natural Resources Board fail to make changes that would eliminate the preferential treatment for the cranberry industry under the revised rules, Trout Unlimited urges the members of the Joint Committee for Review of the Administrative Rules to reject the rule revisions to NR 103 and effectuate legislation that would overrule that preferential treatment for the cranberry industry in NR 103.

Our detailed comments on this matter are enclosed in the attached letter. Thank you for your time in this regard.

Sincerely,

Steven N. Moyer  
Vice President for Conservation Programs

cc: Senate Committee Members of the  
Joint Committee for Review of Administrative Rules

*Trout Unlimited: America's Leading Coldwater Fisheries Conservation Organization*  
Washington, D.C. Headquarters: 1500 Wilson Boulevard, Suite 310, Arlington, VA 22209  
PHONE: (703) 522-0200 • FAX: (703) 284-9400 • <http://www.tu.org>.



Statement of Trout Unlimited  
and the Wisconsin Council of Trout Unlimited  
on the Proposed Amendments to Wisconsin's Regulation NR 103  
(Water Quality Standards for Wetlands)  
Pertaining to the Cranberry Industry

Trout Unlimited and the Wisconsin Council of Trout Unlimited submit this statement in opposition to the proposed revisions to NR 103 which grant special treatment to the cranberry industry.

Trout Unlimited (TU) is America's leading trout and salmon conservation organization. With 98,000 members and 455 chapters across the U.S. and Canada, TU's stated mission is "To conserve, protect and restore North America's coldwater fisheries and their watersheds." TU has been involved nationwide in furthering this mission and has supplied major support and funding for specific conservation and resource restoration projects within the state of Wisconsin. For example, TU has been the driving force behind the current Kickapoo Valley Watershed Conservation Project in Vernon and Crawford Counties, which is improving water quality and fisheries habitat while enhancing sustainable economic development.

Wisconsin Council of Trout Unlimited (Wis. TU) represents 21 chapters throughout the State serving every county of Wisconsin. Wis. TU and its member chapters, alone and in concert with both State and Federal agencies and other groups, are active year-round in safe-guarding and improving the water resources of Wisconsin, often providing personnel and crucial funding where agency budgets are inadequate. The volunteer streamwork projects carried out by TU chapters have resulted in the improvement of countless miles of Wisconsin's streams.

Wisconsin has a record of being a leader in formulating sound environmental policy. Since 1991, NR 103 has afforded effective and workable protection to Wisconsin wetlands, regulating the cranberry industry as it does all other industries and greatly reducing the loss of natural wetlands. As other states continue to look to Wisconsin as a model regarding resource issues, Wisconsin's example will continue to have national significance.

Trout Unlimited and Wisconsin Trout Unlimited strongly oppose those portions of the proposed revisions to NR 103 which relate specifically to the cranberry industry. These proposed changes would create unnecessary exemptions for a thriving industry at the cost of reducing reasonable protections for Wisconsin's water and wetland resources. The preferential treatment these changes would afford a single industry would set a dangerous precedent. Since there is no scientific rationale behind this proposal, NR 103 would inevitably become vulnerable to similar requests from other special interests desiring to impact Wisconsin's natural wetlands. These proposed changes would give "de-facto" wetland dependent status to the cranberry industry, something unsupported by wetland science and something not currently granted by Wisconsin or any other cranberry producing state. Additionally, this granting of "de-facto" wetland dependent status would increase the permit review and analysis workload of the already heavily burdened

Wisconsin Department of Natural Resources (WDNR) water regulatory staff. This would require substantial staffing increases, the cost of which would be borne by Wisconsin taxpayers.

The proposed changes would also limit the analysis of alternatives for locating expansions to the "boundaries of the property" and "property immediately adjacent to" "existing cranberry operations". Since there is no limit to "adjacent property" and since all cranberry operations become "existing" once established, there would be no practical limits to additional expansions into Wisconsin's natural wetlands. This proposed language would drastically undermine the integrity and effectiveness of NR 103, which is the only mechanism the State of Wisconsin has to evaluate cranberry construction projects that impact waters of the State, including wetlands.

The language of the proposed changes was influenced by the cranberry industry, and an attempt was made to slip these changes into a larger set of agreed-upon revisions after the public hearing process had been completed, in order to avoid public scrutiny. TU views this proposal as an attempt by the Wisconsin Cranberry Industry to gain even broader freedom from the rules of environmental stewardship than it already enjoys. This proposal, initiated by the cranberry industry and endorsed by the Natural Resources Board, was put into place despite objections by WDNR scientific staff and WDNR legal counsel, and overwhelming opposition from Wisconsin's citizens, environmental community and conservation organizations.

Trout Unlimited and Wisconsin Trout Unlimited are vitally concerned with impacts to wetlands because of the important functional roles wetlands serve in preserving water quality throughout the entire aquatic system. Trout streams and the coldwater ecosystems that support them are largely dependent on the health of the larger watershed systems in which they occur. Natural wetlands act as filtering and buffering areas as well as supply sources to both surface and ground water systems.

Wisconsin has lost approximately half of its historic wetlands base. Between 1982 and 1989, the Wisconsin cranberry industry was responsible for more wetland alteration than all other entities combined. Allowing further expansions in wetlands by this industry is incompatible with our Nation's stated policy of "no net loss" of natural wetlands. Furthermore, these wetland losses are totally unnecessary considering the fact that cranberry beds have been successfully constructed in alternative upland settings in Wisconsin and other cranberry producing states. Since Wisconsin NR 103 went into effect in 1991, wetland losses have been sharply reduced with no ill effect on the cranberry industry in the state. In fact, the industry has experienced unprecedented growth in Wisconsin during this period. Since 1991, an additional 3,000 acres of cranberry beds have been constructed in Wisconsin and this trend is expected to continue not only in Wisconsin, but in other states as well. Obviously, cranberry production is not wetland dependent, it is simply wetland convenient. Undermining sound environmental policy for the benefit of one special interest is a luxury Wisconsin can no longer afford if the State is to properly safeguard the quality of its water resources.

The cranberry industry is claiming that these proposed changes would be minor changes to NR 103, aimed at bringing consistency between Wisconsin NR 103 and the Federal Army Corps of Engineers (Army Corps) permitting process, and that these changes would not cause any reduction in the level of protection for the wetland resources of Wisconsin. In reality, exactly the reverse is true. These changes would not only weaken NR 103, they would not be consistent with Army Corps permit GP-014-WI, which was collectively written by the Army Corps, WDNR and the Wisconsin State Cranberry Growers Association. These changes would make this

Federal permit vulnerable to legal challenge while opening the door to expanded impacts to, and losses of, Wisconsin's remaining natural wetlands base.

These proposed changes to NR 103 must be considered within the broader context of the conditions under which the cranberry industry currently operates in the State of Wisconsin. Cranberry producers already enjoy privileges granted no other industry in the State. For example, under Army Corps general permit GP-014-WI, which was tailored specifically for the Wisconsin cranberry industry, established cranberry operations are already allowed wetland expansions up to 10 acres every 5 years. Also, because of the antiquated 1867 Wisconsin "Cranberry Law" (s. 94.26, Wis. Stats.), which exempts this industry from most of Wisconsin's water regulation statutes (Chapters 30 and 31), cranberry growers in Wisconsin can legally take water directly from, and discharge directly into, any waterbody in the State, including trout streams. Such discharges have caused documented, irreparable harm. Clearly, this is not an industry which should be granted further loopholes in regulation.

Cranberry industry practices have led to widespread, negative impacts to both wetlands and surface waters in the State of Wisconsin. Cranberry producers elsewhere have demonstrated the ability to operate profitably while avoiding direct impacts to existing surface waters and wetlands. This has been accomplished in other states by requiring cranberry growers to construct their own rainwater and groundwater-fed reservoirs to supply their water needs.

As a National leader in resource conservation and wise stewardship, Wisconsin should require environmentally responsive practices on the part of all parties operating within the State, including the cranberry industry. The decision whether or not to preserve the integrity of NR 103 will play a key role in deciding how the cranberry industry will be allowed to operate in Wisconsin and other states, as well as what priority will be placed on protecting the quality of Wisconsin's water resources. TU strongly urges the deletion of all language in the proposed changes to NR 103 which would create special exemptions for the cranberry industry.

**Godsey, Kirkpatrick & Associates, Inc.**P.O. Box 1237  
Menomonie Falls, Wisconsin 53052-1237

Phone 1-888-410-0288

March 01, 1998

Mr. Boleslaw Kochanowski  
 Old Saint Bronislava Committee to Save the Church  
 Plover, Wisconsin 54467  
 (715) 457-2801 Fax # (715) 457-8023

Subject: Scope of Work Proposal for The Saint Bronislava Church Remodel and Renovation Project

Dear Boleslaw:

I have generated this correspondence to address the various concerns as outlined in the documents you forwarded to me last week. To avoid any ambiguity in regard to this matter I will identify each source and make reference to the consistent question or issue of concern. The referenced list of documents and reports are as follows:

- St. Brons Old Church Survey - 4 pages, dated March 09, 1997
  - Minutes from Old Church Study Committee - 2 pages, Not dated (March, 1997)
  - Letter from Catholic Mutual Group - 2 pages, dated October 01, 1997
  - St. Brons Feb. 03, 1998 "Pastoral Council Meeting" Guidelines - 2 pages
- {These areas should be addressed in a usage proposal for the former Saint Bronislava Church in Plover}

As previously outlined and discussed in our letter dated February 03, 1998, it is our platform that the existing church structure is in exceptional condition and the the structural integrity of this building is sound and was built to last. This trait is evident throughout the structure. We have identified and assessed the area's of concern and have included the associated costs to address and remedy these concerns. In brief, the scope of work consists of simply cosmetic or astetic repairs that would be anticipated with consideration to the construction vintage and methodology. Please note as well, the building has probably not been heated or cooled for sometime which has contributed and accelerated the natural deterioration process of this type of application, again as to be expected.

With consideration given to a Chapter 54 usage category, we are confident we have addressed all the issues in conjunction with the beforementioned documents. Our proposal includes and is not limited to the following:

- \*Godsey, Kirkpatrick & Assoc., Inc. will furnish and provide all materials and labor to complete the St. Bronislava Church Renovation including:
  - Associated demolition, removal and disposal of all related debris including dumpsters.
  - Ceiling, wall and floor preperation(s) ready to recieve new covering(s).
  - Brick tuck-pointing and repair.
  - Relative weather-sealing as necessary or required.
  - Architectural drawings and design as necessary.
  - Permitting as required (standard Building Permit).
  - Necessary Bonding and Insurance covering our liability and exposure.
  - Existing Electrical Service and Equipment.
  - Existing H.V.A.C. conditioning
  - Existing Plumbing Systems and Fixtures.
  - Floor Covering (to be determined).
  - Existing Roofing @
  - Painting to match existing decor and finish.
  - Rough and Finish Carpentry as necessary.
  - General Requirements including "Broom Swept" clean-up condition.
  - General Concrete and Masonry Repairs (Front Entry Stairs).

Note: Asbestos Removal if deemed necessary. None identified at present.

Page 2 St. Brons. cont.

Godsey, Kirkpatrick & Assoc., Inc. are pleased to have provided you with the above inclusions. Our initial original proposed quote of \$227,925.00 is still in effect. Please note however this proposal will have a ninety (90) day expiration date if a contract is not executed prior to the term of said agreement. We have anticipated a 15 week schedule for included work completion. The ninety (90) day clause would be in effect and calculated in regard to the date of this correspondence. I believe this proposal should meet with your approval. I am looking forward to meeting with you this week and presenting this package for further consideration. In the meantime if you should have any questions or if I can be of further assistance, please do not hesitate to contact me at your earliest possible convenience.

Sincerely,  
Godsey, Kirkpatrick & Assoc., Inc.

  
A. Donald Godsey  
President Construction Services

ADG/me

cc: Bob Kirkpatrick V.P.  
Distribution List @



CNA Plaza Chicago IL 60685-0001

**Joel S. Feldman**

Vice President & Associate General Counsel  
Law Department

Telephone 312-822-1675

Facsimile 312-817-3302

March 4, 1998

Senator Richard Grobschmidt  
Co-Chair, Joint Committee on Administrative Rules  
P.O. Box 7882  
Madison, WI 53707-7882

Representative Glenn Grothman  
Co-Chair, Joint Committee on Administrative Rules  
P.O. Box 8952  
Madison, WI 53708

**Re: OCI Regulation XXX--CHR 96-192**

Dear Senator Grobschmidt and Representative Grothman:

In the fall of 1997 a hearing was held by the Assembly Committee on Insurance regarding the captioned administrative rule proposed by the Office of the Commissioner of Insurance. We presented testimony at the hearing and urged a further delay in the effective date of this administrative rule. Our reasons for requesting the extension of that effective date is provided in the testimony which we submitted at the hearing.

At the hearing Representative Bill Lorge (the Chair of the Assembly Insurance Committee) received a commitment by the Office of the Commissioner of Insurance to consider delaying the effective date beyond January 1, 1999 if (after analyzing other legislative activity around the country on or about November 1, 1998) a sufficient number of states have not also adopted a similar rule. We appreciated OCI's commitment to revisit the effective date issue next fall. We believe that substantial nationwide acceptance of Regulation XXX is important both for consumers and companies (like CNA) whose operations will be affected by this rule.

My purpose in writing to you is to advise that for the reasons stated in the testimony, CNA continues to be very concerned about this Regulation XXX going into effect on January 1, 1999 unless a majority of the states in the country also have adopted Regulation XXX. CNA will, for the reasons stated in the testimony, be placed in a situation that is unacceptable to the company and to citizens of Wisconsin.

We propose to be in touch with you in the fall of 1998 to advise you of the status of other state's passage of this Regulation XXX. It would be our hope that in the event that a sufficient number of states have not passed it, that the Joint Committee on Administrative Rules would work with OCI to seek a further delay in the effective date of the Regulation XXX.



Senator Richard Grobschmidt  
Representative Glenn Grothman  
Page 2

We sincerely appreciate your consideration of this issue and look forward to working with you during 1998 as passage of this rule is considered by other states.

Sincerely,

A handwritten signature in black ink, appearing to read "Joel Feldman", with a long horizontal line extending to the right from the end of the signature.

Joel Feldman

JSF/jd

**Sebastian, Julie**

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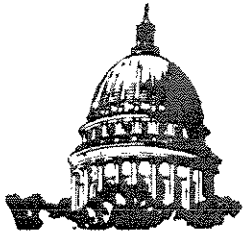
**From:** WEIDMANNJO[SMTP:WEIDMANNJO@aol.com]  
**Sent:** Saturday, March 14, 1998 4:11 PM  
**To:** Sen.Grobschmidt  
**Subject:** Public Health Statute Revision/Administrative Rules

The Public Health Statute revisions were passed in 1993. For some reason, the administrative rules still have not been released. It is my understanding that they currently reside in the Dept. of Administration. Would you please look into how long it will take before those rules come before your Joint Committee? Thanks for your help.

At the time the statute revisions were passed, I was the Manager of Public Health for the Waukesha County Department of Health and Human Services. In 1994 I retired so that I could run for County Supervisor - and I am now going into the election for my third term. I never would have believed that it would take this long to approve the administrative rules!

Public hearing held

April -



State Senator  
**Kevin Shibilski**

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March 16, 1998

Senator Richard Grobschmidt - Co-Chair  
Joint Committee for the Review of Administrative Rules  
100 N. Hamilton - Suite 404  
Madison, WI 53703

Dear Chairman Grobschmidt:

I am writing to request a hearing of the Joint Committee for the Review of Administrative Rules to review certain administrative codes and certain Americans with Disabilities Act (ADA) regulations as they pertain to change of use for an existing building.

The building in question is an old Polish Church, located in my Senate District, that has been decommissioned as a church by the Most Reverend Raymond L. Burke, Bishop of the LaCrosse Diocese. The church was originally erected in 1911.

A constituent of mine, Mr. Boleslaw Kochanowski, is heading a group called the Polish American Cultural Exchange (PACE) that is trying to save the old church building from being razed.

Currently, PACE is in the process of raising funds from the community to help cover the costs for repair, upkeep and maintenance of the old church. The group's fundraising effort has been gaining momentum.

However, the group is facing certain financial hardship if they are going to be required to meet all new code upgrades that take effect due to the change in use of the church building. For instance, under current Department of Commerce (DOC) Administrative codes, PACE will have to install a new ventilation system (COMM 64 & 65) and possibly an indoor sprinkler system (COMM 55). Also, under current ADA requirements, PACE may have to erect an enclosed ramp or lift, make the bathrooms accessible and other ADA upgrades.

With repair costs being estimated at approximately \$230,000 (I will send you a copy of the estimate once my office receives it), the added costs of meeting all of the code requirements could put a quick end to the group's attempt to save the historical building.

Sen. Grobschmidt

Page 2

March 16, 1998

Enclosed is a copy of the usage plan that PACE has developed for the building. As you can see, PACE plans on having an occasional event at the old church building. It would appear that if the building did not have to meet all of the codes when it was classified as a church with occasional use, it should not have to meet all of the current codes under PACE's plan for occasional use.

It is my contention that the administrative codes and ADA requirements are overly burdensome and will prevent the group from being able to save this historical building. I am requesting JCRAR to explore any options available which may provide some code relief to PACE until such a time that the cost would not be a prohibitive factor. Any assistance the committee can give PACE in relieving code requirements would be helpful.

I would like to thank you and the committee in advance for any assistance you will provide. If you have any questions, please don't hesitate to contact my Senate office.

Best wishes.

Most sincerely,



KEVIN W. SHIBILSKI

State Senator

24<sup>th</sup> Senate District

KS:rh

Enclosures

cc: Boleslaw Kochanowski  
Bishop Raymond L. Burke

### Old St. Bronislava Building Usage

#### *Pace* envisions these uses for the old church:

a meeting area for *Pace*

this area will also be available for use to other groups (Bishop's exclusionary clause pertains)

Meeting area for Polish Heritage Awareness Society (PHAS) and Annual Lectures of Poland - Polish Historical Society - UWSP, also an area for their archives, and storage for their displays (which are not being used) within reasonable limits of space

an area for non-permanent displays of cultural/historical information (under the choir loft area-some pews would be relocated) Displays would be: on easels; hung on the walls; possibly enclosed in cases with glass fronts, arranged on shelves; etc.) The curator would be the group who is sponsoring the displays. Based on the PHAS display at the Water St. Synagogue, summer 1997, viewing would be on weekends, with total attendance of over 1,000 people being probable. The building would still be available for seated gatherings and/or meals.

performance area, seated gatherings (with approximately 350 seating) Based on performance given by violinist Tyrone Greive, fall 1997, at St. Peter's Church, possible attendance could be 200-300 people for typical cultural events. This concert was on a Sunday afternoon.

occasional ethnic meals

Based on past ethnic meals at Old St. Bronislava (Seder Meal) & St. Paul's Methodist (Polish), possible attendance could be from 30-90 people, maybe 100.

(if allowed) 5-6 masses a year (Latin, Polish, ?)  
Attendance ?

With concerns to the parking lot usage: all consideration will be given to St. Bronislava's schedules and activities. We do not anticipate that activities at the old church building will be at the same time as the masses at St. Bronislava.

SENATOR RICHARD GROBSCHMIDT  
CO-CHAIRMAN

ROOM 404 • 100 NORTH HAMILTON  
MADISON, WI 53707  
(608) 266-7505



REPRESENTATIVE GLENN GROTHMAN  
CO-CHAIRMAN

ROOM 125 WEST • STATE CAPITOL  
MADISON, WI 53702  
(608) 264-8486

March 19, 1998

## JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

William J. McCoshen, Secretary  
Department of Commerce  
6<sup>th</sup> Floor  
201 W. Washington Avenue  
Madison, WI 53702

Dear Secretary McCoshen:

We are writing in hopes of obtaining information that will assist us in helping to resolve a concern about state building code regulations brought to our attention by Senator Kevin Shibilski on behalf of community group that is seeking to renovate a historic church building located in Plover, Wisconsin.

Senator Shibilski contacted us because it has been reported to him that the building code standards that the project will need to comply with anticipate the building being used as an assembly hall subject to Comm 54 of the state building code. Full compliance with that chapter of the building code, as well as updating the building's HVAC, fire safety and accessibility, threaten to raise the costs of the renovation beyond the feasible budget of the preservation group. Senator Shibilski points out that the church, if renovated, will host only occasional events related to recognizing the culture, religion and history of the area's Polish community.

We expect that over time the Safety and Buildings Division of the Department of Commerce has developed some expertise with the construction, code and cost challenges of preserving and renovating historic structures. We hope that the state's building code can reasonably balance the goals of assuring public comfort, safety and accessibility in public buildings with the cost of renovation and the need to retain the historic integrity of older buildings.

We would appreciate your assistance in identifying and resolving the code issues that may confront this group's effort. Along with this letter, we are furnishing you with some preliminary information describing the proposed restoration project. If you need more specific information we will attempt to obtain them from the project sponsors and contractors.

Sincerely,

  
RICHARD GROBSCHMIDT  
Senate Co-Chair

  
GLENN GROTHMAN  
Assembly Co-Chair

RG:GG:js  
c: Senator Shibilski

**Sumi, John**

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**From:** Sumi, John  
**Sent:** Monday, March 23, 1998 1:50 PM  
**To:** 'WEIDMANNJO@aol.com'  
**Subject:** Public health rules

Dear Ms. Weidmann:

Thank you for contacting Senator Grobschmidt to request an update on administrative rules relating to local health departments and health professionals.

After receiving your inquiry, I contacted Paul Menge, with the Department of Health and Family Services (266-5602), to find out when these rules would be promulgated. Mr. Menge informed me that the two rules CR 97-098, relating to public health officials employed by local health departments, and CR 97-132, relating to local health departments required services, have had public hearings conducted by the department. He expects that the rules will be submitted to the legislature for review in the month of April. Following either 30 or 60 days of legislative review, the can be published and go into effect.

I hope this information is useful.

Sincerely,

JOHN SUMI, Senate Committee Clerk - JCRAR



APR 13 1998

P. O. Box 7970  
Madison, Wisconsin 53707  
(608) 266-1018

Tommy G. Thompson, Governor  
William J. McCoshen, Secretary

April 2, 1998

The Honorable Richard Grobschmidt  
Senate Co-Chair  
Joint Committee for Review of  
Administrative Rules  
100 N. Hamilton St, Room 404  
Madison, WI 53707

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

Dear Senator Grobschmidt and Representative Grothman:

Thank you for your letter concerning the Saint Bronislava Church project.

Due to the almost infinite number of potential combinations of use to use conversions, construction elements of existing buildings, operating features, etc., it is impossible to write a code for change of use of existing buildings. As a result, the code requires compliance with the current code at the time of a change of use. This allows the owner and designer, with consultation from Safety and Buildings, to evaluate type of use options with associated costs and construction upgrades. Compliance with the code intent for the selected use is then pursued via the petition for variance process. Also, for buildings on the historical register, the owners may choose to utilize the Historic Building Code, ILHR 70, for changes.

The Safety and Buildings Division and the Village of Plover staff have already begun working with members of this project group. Plover is a certified municipality that has responsibility to do the plan review for this building. Plover has agreed to allow the plans to be submitted to the Shawano office to be reviewed by a reviewer experienced with the remodeling of historic buildings. Several conversations have already occurred on code requirements for potential uses. Sam Solberg, inspection supervisor in the area, has toured the building with the local inspector.

At this point in time, it is necessary to clarify the intended use of the building so that the appropriate code provisions can be addressed. The division has assigned Sam Solberg to be the primary contact to work with the church project team and to coordinate the project within the Department.

If you need further assistance, please contact Mike Corry, Administrator of the Safety and Buildings Division at 608/266-1816.

Sincerely,

  
William J. McCoshen  
SECRETARY

Share with  
Kevin Shibilski



## NATIONAL INTERLOCK SERVICE

*National Interlock Service* is the exclusive provider of the *LifeSafer SC100* Ignition Interlock Device in Wisconsin.

The *LifeSafer* interlock is the first ignition interlock to pass the rigorous standards established by the National Highway Traffic Safety Administration. Thousands of *LifeSafer* interlocks are in use throughout the United States. More *LifeSafer* interlocks are being installed every day than all other ignition interlocks combined!

The *LifeSafer* interlock is comfortable, lightweight, and easy and safe to use. There are no buttons to press. The unit turns itself on and is ready for a test within a matter of seconds.

The *LifeSafer* interlock incorporates advanced alcohol sensing technology, sophisticated microprocessor control, and a rugged ignition relay. The unit has stall protection allowing a quick restart, without a test, in emergency situations. The unit does not impede normal operation of a running vehicle.

*National Interlock Service* is a dedicated provider of ignition interlock services and is not distracted by other business activities unrelated to the needs of ignition interlock customers. The company is staffed by experienced employees trained in the installation and servicing of ignition interlock devices.

The principals of *National Interlock Service* have been involved in the ignition interlock industry since its inception in the mid-1980's. They are dedicated to the advancement of ignition interlock programs and technology as a means to advance public safety, allow revoked drivers to maintain gainful employment, and assist those individuals who desire to address a drinking problem.

*National Interlock Service* has several locations in Wisconsin to provide professional, dedicated, and convenient service to those in need of an ignition interlock. For further information, or to schedule an appointment for installation of an ignition interlock, please call **1-800-584-1226**.

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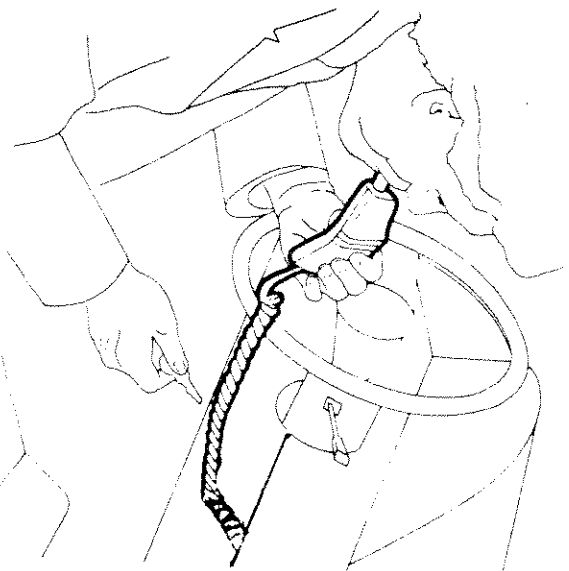
NATIONAL INTERLOCK SERVICE (WI) LTD.  
N1051 Tower View Drive, Unit C  
Greenville, Wisconsin 54942

Telephone: 414 757 0962  
Facsimile: 414 757 0964  
Toll Free: 800 584 1226

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## OCCUPATIONAL DRIVERS LICENSES AND IGNITION INTERLOCK DEVICES

Wis. Stats. 343.10



## Ignition Interlock and Occupational Licenses

Wisconsin drivers convicted of OWI offenses may be required to have an approved ignition interlock device installed in any vehicle they intend to operate with an occupational driver's license within the period of revocation. The Department of Transportation has designated the *LifeSaver SC100* as an approved ignition interlock device. *National Interlock Service (NIS)* is the exclusive provider of the *LifeSaver* interlock.

### Who Qualifies?

Any driver who was revoked for alcohol-related violations can apply for an occupational driver's license for the following driving purposes (certain restrictions apply, see Wis. Stats. 343.10):

- To and from a place of employment.
- To and from a child care facility.
- To and from a medical facility.
- In the course of employment.
- To and from an educational institution.
- To attend courses for drinking driver's.
- To comply with a court order.

Applying for an occupational driver's license under Wis. Stats. 343.10 does not guarantee approval.

### Application for an Occupational Driver's License

Those persons who believe they are eligible for an occupational driver's license may file a petition with the court detailing why driving is essential, listing the persons occupation or trade, and listing the hours that driving is necessary. In addition, proof of financial responsibility (insurance) must be provided. The court will determine if an occupational license will be granted. Those persons approved for an occupational driver's license may be required, as a condition of the license, to have an approved ignition interlock device installed in every motor vehicle

operated by such person and to comply with all provisions of law regarding ignition interlock devices.

### What is an Ignition Interlock?

An ignition interlock is a device that, when installed in a motor vehicle, prevents a person from starting the engine after having consumed alcohol. The device records numerous activities including:

- Attempts to start the vehicle.
- Alcohol levels of the individual at the time of starting the vehicle.
- Alcohol levels at random intervals while the vehicle is running.
- Attempts to circumvent the device.
- Dates and times the vehicle is operated.

The ignition interlock is essentially a breath alcohol testing device coupled with a microcomputer and an ignition interruption relay. Questions about the operation and maintenance of the device should be directed to *National Interlock Service* at **1-800-584-1226**.

### What Does it Cost?

Those persons filing a petition for an occupational driver's license must pay a \$40.00 fee to the clerk of courts for processing the petition.

In addition, the individual will be required to enter into an agreement to have an approved ignition interlock device installed at their own expense. Specific costs are available from *National Interlock Service* at **1-800-584-1226**. Studies show that reduced alcohol consumption easily supports the cost of the device.

### How is the Program Enforced?

After approval and installation of the ignition interlock, persons are required to have the device serviced or monitored every 60 days. All uses of the vehicle are recorded by the device including any attempted circumvention. *National Interlock*

*Service* will report the device's usage to the County Sheriff for review. The device is programmed to "lock out" or prevent starting of the vehicle if certain activities are detected. Attempting to start the vehicle with a breath alcohol level above the set point will cause a failure of the vehicle and will be noted in the monitoring report. Once the vehicle is in operation there will be a series of random running retests which will require the driver to breath into the device. If, during a running retest, the required test is not taken, or alcohol is detected above the set point, a violation will be recorded and an alarm siren will sound until the vehicle is stopped. Any attempt to disconnect the ignition interlock or otherwise tamper with the device will be recorded and reported to the County Sheriff. These activities may lead to a cancellation of driving privileges.

### Vehicle Requirements

The vehicle intended to be used with an ignition interlock must be in good working order. All costs associated with the program are paid by the person seeking the modified driving privilege. If the vehicle is owned in part by someone else prior written consent must be obtained to use the vehicle. All persons using the ignition interlock equipped vehicle should be trained in the use of the device. All activities logged by the device will be attributed to the person contracting for the ignition interlock device.

**NATIONAL INTERLOCK SERVICE (WI) LTD.**  
N1051 Tower View Drive, Unit C  
Greenville, Wisconsin 54942

**Telephone: 414 757 0962**  
**Facsimile: 414 757 0964**  
**Toll Free: 800 584 1226**

## **Management**

The officers, directors, and advisors of National have extensive business experience, particularly in the breath alcohol testing and ignition interlock industries. The following paragraphs provide a brief background on these gentlemen.

### **Felix J.E. Comeau, Director**

Mr. Comeau has been involved with alcohol testing and alcohol countermeasures since graduating with honors from McMaster University in 1970 with a degree in Biochemistry. Mr. Comeau worked with the Royal Canadian Mounted Police forensic laboratories from 1970 to 1978 as an alcohol specialist. In 1978 Mr. Comeau joined Alcohol Countermeasure Systems (ACS), an affiliate of National, soon rising to the position of President. Mr. Comeau purchased the company in 1991 and is well-respected in the field of breath alcohol testing having designed and manufactured screening and evidential devices for law enforcement, industrial and clinical users for over twenty years. Working with Dr. Collier, Mr. Comeau developed the interlock technology predominately used in the United States during the 1980's with continued use today. Mr. Comeau consulted with LifeSafer in the development of the SC100 unit. Mr. Comeau, together with Mr. Balgord, administer ignition interlock programs in the Province of Alberta and the States of Colorado, Illinois, Michigan, Oklahoma and Wisconsin. Mr. Comeau provides strategic guidance to National regarding policy issues and technology.

### **Michael R. Balgord, President/Director**

Mr. Balgord holds a MBA from the University of Wisconsin - Oshkosh. His experience includes seven years of banking where he rose to the position of Assistant Vice President. In 1986 he joined the Ariens Company, a \$100 million manufacturer of snow, lawn and garden equipment becoming the Chief Financial Officer in 1991. In addition, he has been president of ten organizations. Mr. Balgord joined ACS in 1993 and serves as its Chief Operating Officer. Mr. Balgord, as President of National, establishes strategic direction and policy and provide guidance to the day-to-day operations.

### **Dr. Donald Collier, Advisor**

Dr. Donald Collier holds a PhD in Physical Chemistry from Princeton University and is the original inventor of the ignition interlock system, registering most of the key interlock technology patents in the 1970's while serving as Vice President of Research for Borg-Warner Corporation. In 1985, Dr. Collier became Chairman of Guardian Technologies, Inc. which pioneered interlock technology as a DUI countermeasure. Dr. Collier remained Chairman of Guardian until it was sold in 1991. In 1992, Dr. Collier joined the Board of Directors of LifeSafer Interlock, Inc. Dr. Collier serves on the Board of Trustees for the National Commission Against Drunk Driving and on the Committee on Alcohol and Other Drugs of the Traffic Safety Division of the National Safety Council. He holds several patents in the areas of breath alcohol testing and ignition interlocks and has written numerous papers. Dr. Collier is the Chairman of ACS. He advises National regarding current trends in program administration, effective program administration techniques and application of technology to programs.

### **Richard Freund, Advisor**

Mr. Freund holds a MBA from the University of Denver. He began his ignition interlock career with Guardian Interlock Systems, Inc. in 1985 serving as its Marketing and Business Development Director. He was responsible for implementing the first interlock programs in the United States and was directly involved in legislative efforts, certification efforts and start-up of much of the interlock service provider network that exists in the United States today. Freund, with Ed Gollar, formed LifeSafer in July of 1991. Since forming LifeSafer, Freund has been instrumental in assisting NHTSA develop ignition interlock guidelines, establishing the concept of the dedicated service provider to provide the highest quality programs, and developing comprehensive management information systems to foster effective and efficient client case management.

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### **Mission**

To provide the highest quality and demonstrably effective Ignition Interlock Program to support jurisdictions in providing the remedial actions necessary to advance public safety while permitting individuals convicted of alcohol offenses to regain legal driving privileges in order to remain productive members of society.

### **Background of Principals**

The principals and key advisors of National are the cornerstone of the interlock industry. These individuals were the original inventors of the ignition interlock and are responsible for virtually all significant developments in interlock technology. Their efforts and ideas can be found in over 80% of the interlocks in use today.

### **Service Delivery Standards**

While developing and improving interlock technology, the principals of National noted that the delivery of interlock service to jurisdictions was not evolving in a manner to ensure credible programs necessary to meet the needs of jurisdictions, demonstrate the effectiveness of interlocks as a remedial device, and ultimately to grow the market. This is a result of interlock providers who are inexperienced, not focused on interlock, and undercapitalized.

In 1991, an affiliate of National under the same management group, began service delivery in the Province of Alberta, Canada. In establishing service delivery we decided to do so as a **Dedicated Service Provider**. We firmly believe that the role of a dedicated service provider far exceeds delivering and installing an ignition interlock device. In addition to technical expertise, the service provider must be capable of assisting the jurisdiction with case management through understanding client and family profiles and excellent reporting. These varied needs require that the service provider be able to:

- be totally accountable to the jurisdiction, something which can only be accomplished by a dedicated service provider;
- provide support to the jurisdiction in the efficient and effective delivery of a well-constructed ignition interlock program;
- properly install the device in a wide range of vehicles insuring that the device is installed in a manner that will maximize the likelihood that any tampering will be detected, and that the device will not affect the normal operation of the vehicle;
- develop a rapport with the client and other users of the vehicle to assist them through the program and become aware of potential problems at an early stage;
- train the users of the vehicle in the safe and proper use of the device and reinforce the importance of program compliance and consequences of misuse of the device;

(OVER)

- properly service the device every 30 to 60 days at which time the effectiveness of the device is reinforced with participants, and additional training is provided;
- perform inspection of the device, the vehicle wiring, and the events log for any evidence of tampering or attempted circumvention on each occasion of service;
- review any serious violation with the jurisdiction before releasing the vehicle; and
- provide support to the jurisdiction regarding any comments or other items of concern noted during the inspection.

Only a dedicated service provider can effectively perform these functions.

### **Program Results**

Since its inception, over 4000 clients have been served in Alberta. Recently, a study conducted by Mr. Michael Weinrath of the University of Alberta was released with findings that:

“... the odds for program participants reoffending declined by 90% for repeat drunk driving, 2.3 times for a serious driving offence. They were 4 times less likely to be involved in an injury collision.”

Recently, The Pacific Institute for Research from Bethesda, Maryland, chose our Alberta program to perform a study where active on-going counseling is delivered in conjunction with the interlock program. This is in contrast to the one-time evening or weekend counseling used in most jurisdictions. The goal is to determine if this counseling component further reduces the rate of recidivism, particularly with first time offenders. Our Alberta program was chosen due to our unique service delivery standards and methods.

### **Program Expansion**

Since 1991, we have been refining our service delivery in Alberta. In 1995, National decided to establish programs in the United States employing the business and service philosophies developed in Alberta. We have established programs in Colorado, Illinois, Michigan, Oklahoma, and Wisconsin.

In each state we have continued with the dedicated service provider philosophy. In several of these states, National has been asked to take over the troubled programs of other service providers. In each instance, the jurisdictions have recognized improved service delivery. This translates into more effective interlock programs.

### **Device**

National currently uses the LifeSafer SC100 ignition interlock in its programs. The principals and affiliates of National assisted in the development of the SC100 and our manufacturing company provides the critical alcohol sensing technology. The SC100 was the first interlock approved under the standards established by the National Highway Safety Traffic Administration in 1992. Today, LifeSafer is the leading device currently used in over 25 States. Over 50% of all interlocks in use are LifeSafer SC100's.

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## **ELEMENTS OF A SUCCESSFUL IGNITION INTERLOCK PROGRAM**

A successful ignition interlock program is comprised of several key elements. It is essential that effective legislation be in place to encourage DUI offenders to use interlocks as an aid in the treatment of their problem and to remain a productive part of society. Active government monitoring is needed to ensure the continued credibility of the program by supporting individuals who comply with the program while severely punishing those who continue to drink and drive. The service provider must properly train program participants, monitor and review problems with the individuals and offer convenient service in order to foster active participation. In addition, the service provider must provide data to government in an effective and efficient manner guaranteeing absolute integrity of information. The technology must be reliable, easy to use, minimize the possibility of circumvention, and provide a means of ensuring that the participant complies with the program. This requires that the service provider actively monitor the client's participation in the program through analysis of the events log and inspection of the vehicle at regularly scheduled service appointments. Counseling the client on each occasion of service, using the data reported from the device, reinforces the validity of the program and dramatically improves program compliance.

### **Legislation**

Government's role begins with developing appropriate legislation to deal with the problem of drinking and driving. Rehabilitation of offenders is the goal of remedial action. This is done through fines, revocation of privileges and, when necessary, incarceration. Generally, the severity of penalty increases with the frequency of transgressions and severity of injury, or risk of injury, to others. The laws developed need to deal with the realities of society, one of which is the social and economic importance of driving. This, coupled with the small likelihood of being caught driving while under revocation, makes ignition interlock programs a strong and viable alternative.

The legislation developed should encourage the use of interlock programs through significantly reduced revocation periods and provide a consistent level of implementation throughout the state. This is where judicially administered programs often fail. Judicial programs rely on the acceptance and use by a number of judges with a wide variety of views which leads to very inconsistent application of interlock technology and legislation.

The more successful programs are administered by a state agency such as the department that issues drivers licenses. In these programs, individuals who meet the program criteria are, in most cases, allowed access to the program. The drivers license authority has the ability to train its hearing officers and other staff on the program and encourage use of the program. It is also easier to develop more consistent reporting and on-going monitoring.

Well conceived and crafted legislation is the foundation of a successful program. There are four areas that are particularly important. First, is a high degree of involvement by administrative authorities such as the department that issues drivers licenses. This provides for a high level of consistency in placing individuals into the program, and enforcement of the program. Further, it helps to foster a close working relationship between the service provider and government. Second, the Hearing Officers are actively involved which will ensure that the client's performance will be reviewed on a regular basis. Third, it must encourage first-time and repeat

offenders to enter the program and begin addressing their problem. Fourth, it must keep people within the system where they drive in a controlled environment and have appropriate insurance.

It is imperative to get first-time offenders into the program as quickly as possible. Studies indicate that the first-time offender is usually an individual with a drinking problem rather than the person making their first mistake. It is widely believed that 50% of first-time offenders become second offenders and those that refuse the breath test or blow a high BAC (over .18%) represent 90% of all recidivists. It is also generally accepted that a high percentage of suspended DUI offenders drive under revocation, often due to social or economic factors. Most people that "feel" they must drive would prefer a legal means to operate a motor vehicle, such as within an interlock program. However, if an individual is suspended for too long a period there is a strong likelihood that they will begin to drive without a license and may become conditioned that this is acceptable behavior (like speeding 5 mph over the limit). Studies conducted indicate that 50% of the individuals revoked for over 90 days do not re-apply for a driver's license.

Along with easy entry to the program, strong sanctions for avoiding or violating the program should be invoked. These penalties should apply to the individual convicted of DUI or to other parties that assist in their illegal driving, such as someone who allows an interlock participant to drive an automobile not equipped with an approved interlock device. Exit interviews indicate that many repeat offenders wished that the interlock intervention had been available on their first offense.

### **Government Monitoring**

It is government, whether through administrative or judicial means, that grants the individual the privilege of driving with an interlock restricted probationary license. Ignition interlocks should be viewed as a graduated form of re-licensing for DUI offenders which can serve as a valuable indication of whether the drinking-driving problem has been addressed or not, while protecting public safety. These same authorities must monitor the performance of the individual to determine whether to award a regular license at the successful conclusion of a program; extend the program for unacceptable behavior; revoke the restricted license for flagrant violations; or, prosecute those individuals who attempt to circumvent the program.

The ability of government to effectively monitor a client's participation in a program can be simplified by the combination of interlock technology and ability of the service provider. The technology should accurately and reliably monitor activity with the interlock device and the vehicle in which it is installed. It is important to record all attempts to start the vehicle, the results of all breath tests, any activity of suspected circumvention, and any use of the vehicle. The service provider must be able to read this data and put it into a form meaningful for government. The work of government can be streamlined if the information can highlight client activity that warrants further investigation such as high BAC counts, possible circumvention attempts, system bypasses, patterns of unacceptable behavior, and driving outside permitted hours, while providing a complete record of all client activities that is easily audited.

### **Service Delivery**

Efficient and effective service delivery forms a cornerstone to a successful ignition interlock program. The service provider must have the technical expertise to install and maintain sophisticated electronic equipment in a wide variety of vehicles. The service provider must have the skills to train individuals on the proper use of the equipment and the interaction of the equipment with the program. The service provider must also be able to counsel clients on the significance of the data being captured by the devices, people who often are in a state of denial.

Service delivery must be in person on a regular basis. The client needs to be fully trained at the time of installation. The first monitoring appointment should occur within 30 days to address any follow-up training required and to ensure that the participant is complying with the program.

Future appointments should not be any longer than 60 day intervals. In person visits to the qualified service provider are critical, not only to service the device and read the data, but also to inspect the vehicle for any signs of tampering and to have the opportunity to "look the participant in the eye" as an added measure of analysis and program reinforcement.

### **Technology - Products & Management Information Systems**

Effective technology facilitates the implementation of the legislative, judicial and administrative guidelines. The monitoring of the individuals on a day-to-day basis is performed by the interlock device. Therefore, the device must be reliable, accurate, and contain features to reasonably guarantee program compliance. These include the ability to accurately measure alcohol levels, prevent circumvention, record data, record circumvention attempts, require a human to take the test, issue sanctions (lockouts) for violations and provide interactive feedback where positive behavior is rewarded and violations are immediately sanctioned.

Nearly all persons convicted of DUI, whether for a first or subsequent time, have a drinking problem. The interlock device is part of an overall program to correct this problem. In effect, the interlock device is a behavior modification tool which precludes an individual from doing something unacceptable and dangerous: drinking and driving.

The device has two advantages in rehabilitation; first, by providing a means for a person to live a reasonably "normal" life while their problem is being addressed. Second, it forces them to alter their normal "bad" activities, with the knowledge that all activities are being recorded. The events log is reviewed by the service provider, and reported to government, each 30 to 60 days and the participant is informed of significant events and problematic trends. If violations are serious the government may impose sanctions.



Dept. of Reg & Disc - Limits on Tele-  
marketing

OCTI - Rules - Mandate product  
design 3% interest credit

**Form DWD 290.025(3)(c)**

**Application and Plan for Trainee Employment  
Under the Wisconsin Prevailing Wage Law**

Employer's Name \_\_\_\_\_

and Address \_\_\_\_\_

Trainee's Name \_\_\_\_\_

Description of Trainee Employment:

\_\_\_\_\_  
\_\_\_\_\_

**Training Plan.** Describe the job duties that the trainee will be taught:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Safety and Necessary Job Skills Training.** Describe the training in safety and necessary job skills that the trainee will receive:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF WISCONSIN

To \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

WHILE YOU WERE OUT

M Robert Selk

of Administrator, Division

Phone of Legal Services -

Telephoned	<input type="checkbox"/>	Please Call	<input type="checkbox"/>
Called to See You	<input type="checkbox"/>	Rush	<input type="checkbox"/>
Returned Your Call	<input type="checkbox"/>	Will Call Again	<input type="checkbox"/>

Message \_\_\_\_\_

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Party Receiving Call