

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

➤

➤ Executive Sessions ... ES

➤ 97hr\_JCR-AR\_ES\_pt03c

➤ Hearing Records ... HR

➤

➤ Miscellaneous ... Misc

➤

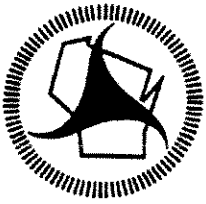
➤ Record of Comm. Proceedings ... RCP

➤

— March 20, 1997 Executive Session —

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MAR 04 1997



## Wisconsin Department of Transportation

Tommy G. Thompson  
Governor

Charles H. Thompson  
Secretary

OFFICE OF GENERAL COUNSEL  
P. O. Box 7910  
Madison, WI 53707-7910

March 3, 1997

The Honorable Senator Kimberly Plache  
Chairman, Senate Transportation Committee  
Room 305  
100 North Hamilton  
Madison, Wisconsin 53707

The Honorable Representative David Brandemuehl  
Chairman, Assembly Committee on Highways & Transportation  
Room 317 North, State Capitol  
Madison, Wisconsin 53702

**RE: Proposed Administrative Rule  
Chapter Trans 117, Wisconsin Administrative Code  
Clearinghouse Rule No. 96-168**

Gentlemen:

The Wisconsin Department of Transportation is submitting the following germane amendment to Clearinghouse Rule 96-168, relating to occupational driver's license:

On page 11, paragraph (m) should read:

(m) The person's operating privilege has not been suspended or revoked more than once during the one year period preceding application the present revocation or suspension. For purposes of this paragraph, multiple suspensions or revocations arising out of the same incident or occurrence shall count as one suspension or revocation.

Accordingly, pursuant to §227.19(4)(b)3, Stats., the Department proposes the germane modification to this proposed rule as shown on the attached redlined version, page 11. The preparation feature used shows the changes made by shading the new language and ~~deleting~~ the old language. Please replace page 11 originally submitted with the attached replacement page.

This germane amendment will not extend the committees' review period.

Thank you for your consideration of this proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Sobotik".

John J. Sobotik  
Assistant General Counsel

cc: Senator Richard Grobschmidt/Representative Glenn Grothman/Gary Poulson/Roger Cross/  
Gary Wentz/Rick Kleist/Wes Geringer

(m) The person's operating privilege has not been suspended or revoked more than once during the one year period preceding application ~~the present revocation or suspension~~. For purposes of this paragraph, multiple suspensions or revocations arising out of the same incident or occurrence shall count as one suspension or revocation.

Note: s. 343.10(2)(a)1., Stats.

**SECTION 1.** Trans 117.03(3) to (5) are created to read:

Trans 117.03(3) **MANDATORY RESTRICTIONS.** Occupational licenses shall be restricted as follows:

(a) No occupational license may include a notation authorizing operation of a class of vehicle if the person's license, prior to suspension or revocation, did not bear a notation for that class of vehicle.

Note: s. 343.10(2)(b), Stats.

(b) No occupational license may include an endorsement if the person's license prior to suspension or revocation did not properly bear the endorsement.

Note: s. 343.10(2)(b), Stats.

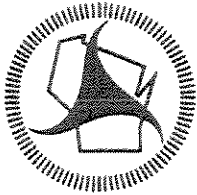
(c) No occupational license may authorize the operation of commercial motor vehicles if the driver is disqualified.

Note: s. 343.06(2), Stats.

(d) An occupational license shall prohibit a person from operating a motor vehicle with an alcohol concentration of more than 0.0% if the person's driver record contains 2 or more alcohol offenses.

Note: s. 343.10(5)(a)2., Stats.

MAR 05 1997



## Wisconsin Department of Transportation

Tommy G. Thompson  
Governor

Charles H. Thompson  
Secretary

March 3, 1997

OFFICE OF GENERAL COUNSEL  
P. O. Box 7910  
Madison, WI 53707-7910

The Honorable Richard Grobschmidt  
Senate Chairman  
Joint Committee for Review  
of Administrative Rules  
100 North Hamilton, Room 404  
Madison, Wisconsin 53707

The Honorable Glenn S. Grothman  
Assembly Chairman  
Joint Committee for Review  
of Administrative Rules  
Room 125 West, State Capitol  
Madison, Wisconsin 53707

RE: **EMERGENCY RULE EXTENSION REQUEST**

Gentlemen:

I am writing to request an extension for the Wisconsin Department of Transportation's emergency administrative rule ch. Trans 117, pursuant to § 227.24(2), Stats. In your January 25, 1996 letter regarding rule extensions, you request agencies provide you with the following information when requesting rule extensions:

Emergency Rule Expiration Date: **March 30, 1997**

Number of Days Extension Requested: **Sixty (60)**

Administrative Rule Number: **TRANS 117**

Relating Clause: **Occupational Driver's License**


Status of Permanent Rule: **The Final Draft of the permanent administrative rule Trans 117 was submitted for legislative committee review on February 20, 1997, and was referred to both Senate and Assembly Transportation committees on February 25, 1997. The 30-day review period expires March 27, 1997. It is anticipated that the rule will have an effective date of June 1, 1997.**

This rule provides the basis for the Department's day-to-day activities in issuing occupational driver licenses. Without continued rule authority, the Department would be unable to issue occupational licenses to customers in a timely fashion.

The extension is necessary due to the 62-day lapse between its expiration date and the anticipated effective date of the permanent rule. Therefore, the Department formally requests its first extension request of sixty (60) days for the emergency rule. The Department will followup with a second extension request of an additional 2 days for consideration at your April committee meeting. I am enclosing a copy of the emergency rule.

Please consider this request at your March meeting. A Department representative will attend the meeting. Thank you for your cooperation.

Sincerely,



Julie A. Johnson  
Paralegal

JAJ/dim

Enclosure

cc: Gene Kussart  
Dorothy Kapke  
Jim McDonnell  
Roger Cross  
Gary Wentz  
Wes Geringer  
Gary Poulson

# EXECUTIVE SESSIONS

## Joint committee for review of Administrative Rules

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The committee will hold an Executive Session on the following items at the time specified below:

Thursday, March 20, 1997

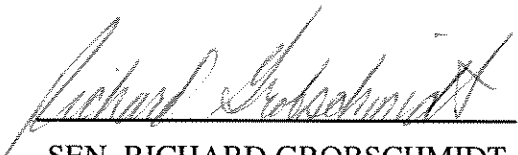
9:00 AM

Hearing Room 1, Lower Level  
119 Martin Luther King Blvd.

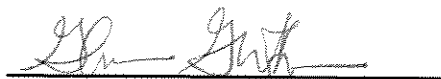
TRANS 76 Relating to general transportation aids. Extension of the effective date of this emergency rule by 60 days. *First Consideration.*

TRANS 117 Relating to occupational driver's license. Extension of the effective date of this emergency rule by 60 days. *First Consideration.*

LRB 1862/3 Relating to promulgation of emergency rules and the extension of  
LRB 1935/1 emergency rules by the joint committee for review of administrative rules. Introduction of companion bills in both houses.



SEN. RICHARD GROBSCHMIDT  
Senate Co-Chair



REP. GLENN GROTHMAN  
Assembly Co-Chair

**JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES**

DATE Mon 20th Executive Session  Public Hearing \_\_\_\_\_ Rule Trans 117

Moved by <sup>Sen.</sup> Grobschmidt Seconded by Rep Young

MOTION: That the Joint Committee for Review of Administrative Rules extend the effective date of the emergency rule revising chapter Trans 117, relating to occupational driver's licenses, for a period of 60 days.

LEGISLATOR	AYE	NO	ABSENT
Senator GROBSCHMIDT	X		
Senator WINEKE <i>Potter</i>	X		
Senator WIRCH	X		
Senator WELCH	X		
Senator DARLING <i>Schultz</i>	X		
Representative GROTHMAN	X		
Representative GUNDERSON	X		
Representative SERATTI	X		
Representative YOUNG	X		
Representative KREUSER	X		
<b>Totals</b>	<b>10</b>	<b>0</b>	

MOTION CARRIED *[Signature]*

MOTION FAILED "



**JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES**

DATE May 20th Executive Session X Public Hearing \_\_\_\_\_ Rule Trans 76

Moved by <sup>Rep.</sup> Young Seconded by <sup>Rep</sup> Seratti

MOTION: That the Joint Committee for Review of Administrative Rules extend the effective date of the emergency rule repealing and recreating chapter Trans 76, relating to general transportation aids, for a period of 60 days.

LEGISLATOR	AYE	NO	ABSENT
Senator GROBSCHMIDT	X		
Senator WINEKE <i>Potter</i>	X		
Senator WIRCH	X		
Senator WELCH	X		
Senator DARLING <i>Schmitz</i>	X		
Representative GROTHMAN	X		
Representative GUNDERSON	X		
Representative SERATTI	X		
Representative YOUNG	X		
Representative KREUSER	X		
Totals			

MOTION CARRIED "

MOTION FAILED "

**JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES**

DATE Mar. 20th Executive Session X Public Hearing \_\_\_\_\_ Rule \_\_\_\_\_

Moved by Potter Seconded by Wirch

MOTION: That the Joint Committee for Review of Administrative Rules introduce LRB 1862/3 and LRB 1935/1, relating to promulgation of emergency rules and extension of emergency rules by the Joint Committee for Review of Administrative Rules.

LEGISLATOR	AYE	NO	ABSENT
Senator GROBSCHMIDT	X		
Senator <del>WINEKE</del> <u>Potter</u>	X		
Senator WIRCH	X		
Senator WELCH	X		
Senator <del>DARLING</del> <u>Schultz</u>	X		
Representative GROTHMAN	X		
Representative GUNDERSON	X		
Representative SERATTI	X		
Representative YOUNG	X		
Representative KREUSER	X		
<b>Totals</b>	10	0	

MOTION CARRIED "

MOTION FAILED "

## Committee Meeting Attendance Sheet

### Joint Committee for Review of Administrative Rules

Date \_\_\_\_\_

Meeting Type \_\_\_\_\_

Location \_\_\_\_\_

COMMITTEE MEMBER	PRESENT	ABSENT	EXCUSED
1. Senator GROBSCHMIDT	X		
2. Senator <del>WINEKE</del> <i>Potter</i>	X		
3. Senator WIRCH	X		
4. Senator WELCH	X		
5. Senator <del>DARLING</del> <i>Schultz</i>	X		
6. Representative GROTHMAN	X		
7. Representative GUNDERSON	X		
8. Representative SERATTI	X		
9. Representative YOUNG	X		
10. Representative KREUSER	X		
Totals			

s:\comclerk\attend

John Sumi / Steve Krieser, Committee Clerk

SENATOR RICHARD GROBSCHMIDT  
CO-CHAIRMAN

Room 404 • Hamilton  
Madison, WI 53707  
Phone: 608-266-7505



REPRESENTATIVE GLENN GROTHMAN  
CO-CHAIRMAN

Room 125 West • State Capitol  
Madison, WI 53703  
Phone: 608-264-8486

## JOINT COMMITTEE FOR

March 26, 1997 **REVIEW OF ADMINISTRATIVE RULES**

Charles H. Thompson, Secretary  
Department of Transportation  
120B, Hill Farms State  
Transportation Building  
4802 Sheboygan Avenue  
Madison, WI 53705

Dear Secretary Thompson:

We are writing to inform you that the Joint Committee for Review of Administrative Rules met in executive session on March 20, 1997 and adopted the following motions:

*"That the Joint Committee for Review of Administrative Rules extend the effective date of the emergency rule revising chapter Trans 76, related to general transportation aids, for a period of 60 days."*


and;

*"That the Joint Committee for Review of Administrative Rules extend the effective date of the emergency rule revising chapter Trans 117, relating to occupational driver's licenses, for a period of 60 days."*

Both motions carried by a vote of ten in favor, none against.

Pursuant to s. 227.24(2)(c), we are notifying the Secretary of State, and the Revisor of Statutes, of the committee's action through copies of this letter.

Sincerely,

  
RICHARD GROBSCHMIDT  
Senate Co-Chair

  
GLENN GROTHMAN  
Assembly Co-Chair

RG:GSG:js

cc: Secretary of State La Follette  
Gary Poulson, Asst. Revisor of Statute