

SENATOR JUDITH B. ROBSON  
CO-CHAIR



REPRESENTATIVE GLENN GROTHMAN  
CO-CHAIR

P.O. Box 7882  
MADISON, WI 53707-7882  
(608) 266-2253

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

## JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

November 8, 2002

Richard Chandler, Secretary  
Department of Revenue  
125 S. Webster  
Madison, WI 53708

Dear Secretary Chandler:

The Joint Committee for the Review of Administrative Rules met in Executive Session on November 7, 2002 and adopted the following motion:

### **TAX 11.12 (7) a, relating to taxation of game birds.**

1. THE JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES, PURSUANT TO SS. 227.19(4)(D) 5. AND 6. AND 227.26(2)(D), STATS., SUSPENDS S. TAX 11.12(7)(A).
2. THE JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES, PURSUANT TO S. 227.26(2)(F) AND (J), STATS., INTRODUCES BILLS IN EACH HOUSE OF THE LEGISLATURE TO EXEMPT FROM THE IMPOSITION OF THE STATE SALES OR USE TAX THE SALE OF GAMEBIRDS TO GAME FARMS OR CLUBS.  
RECOMMENDED, Ayes 10, Noes 0, Absent 0

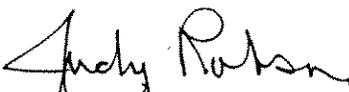
Ayes: (10) Senators Robson, Grobschmidt, Hansen, Cowles, Welch,  
Representatives Grothman, Seratti, Gunderson, Turner and  
Hebl.

Noes: (0) None.

Absent: (0) None.

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

Sincerely,

  
Senator Judith Robson  
Senate Co-Chair

  
Representative Glenn Grothman  
Assembly Co-Chair

JBR:GSG;jss

cc:Secretary of State Doug LaFollette, Revisor of Statutes Gary Poulson

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## JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

November 8, 2002

Darrell Bazzell, Secretary  
Department of Natural Resources  
101 South Webster Street  
Madison, WI 53707-7921

Dear Secretary Bazzell:

The Joint Committee for the Review of Administrative Rules met in Executive Session on November 7, 2002 and adopted the following motions:

**Emergency Rule NR 10 and 45, relating to the control and management of Chronic Wasting Disease.**

**EXTEND THE EFFECTIVE PERIOD OF EMERGENCY RULE DNR 10 AND 45 IN ITS ENTIRETY UNTIL APRIL 1, 2003. RECOMMENDED, Ayes 10, Noes 0, Absent 0**

Ayes: (10) Senators Robson, Grobschmidt, Hansen, Cowles, Welch,  
Representatives Grothman, Seratti, Gunderson, Turner and  
Hebl.

Noes: (0) None.

Absent: (0) None.

**Emergency Rule WM-32-02 (E), relating to the control and management of chronic wasting disease.**

THE JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES REQUESTS THAT THE DEPARTMENT OF NATURAL RESOURCES MODIFY ITS EMERGENCY RULE, WM-32-02 (E), RELATING TO THE CONTROL AND MANAGEMENT OF CHRONIC WASTING DISEASE, TO PROHIBIT THE REMOVAL OF A DEER CARCASS FROM A CWD ERADICATION ZONE. RECOMMENDED, Ayes 10, Noes 0, Absent 0

Ayes: (10) Senators Robson, Grobschmidt, Hansen, Cowles, Welch,  
Representatives Grothman, Seratti, Gunderson, Turner and Hebl.  
Noes: (0) None.  
Absent: (0) None.

**NR 47.913 (a), relating to Gypsy Moth suppression.**

1. THE JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES, PURSUANT TO SS. 227.19(4)(D) 6. AND 227.26(2)(D), STATS., SUSPENDS THE FOLLOWING TWO PORTIONS OF S. NR 47.913(2)(A):

- A. "40 CONTIGUOUS ACRES IN A COMPACT AND REGULAR SHAPE OR BE OF AT LEAST".
- B. "OF PUBLICLY OWNED LAND SURROUNDED BY INELIGIBLE LAND".

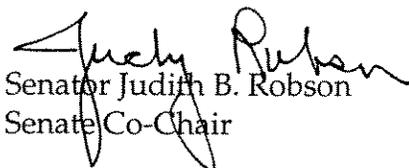
[THE ACTION OF THE JOINT COMMITTEE PROVIDES THAT S. NR 47.913(2)(A) WILL READ: "BE OF AT LEAST 20 ACRES."]

2. THE JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES, PURSUANT TO S. 227.26(2)(F) AND (J), STATS., INTRODUCES BILLS IN EACH HOUSE OF THE LEGISLATURE TO PROVIDE THAT, TO BE ELIGIBLE FOR COST SHARING UNDER THE GYPSY MOTH SUPPRESSION PROGRAM, A PROPOSED TREATMENT BLOCK, AMONG OTHER THINGS, MUST BE OF AT LEAST 20 ACRES. RECOMMENDED, Ayes 10, Noes 0, Absent 0

Ayes: (10) Senators Robson, Grobschmidt, Hansen, Cowles, Welch,  
Representatives Grothman, Seratti, Gunderson, Turner and Hebl.  
Noes: (0) None.  
Absent: (0) None.

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

Sincerely,

  
Senator Judith B. Robson  
Senate Co-Chair

  
Representative Glenn Grothman  
Assembly Co-Chair

JBR:GSG:jss

cc: Secretary of State Doug LaFollette  
Revisor of Statutes Gary Poulson



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## JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

November 8, 2002

The Honorable Fred Risser  
Senate President  
State Capitol Building, Room 220 South  
Madison, WI 53702

The Honorable Scott Jensen  
Assembly Speaker  
State Capitol Building, Room 211 West  
Madison, WI 53702

Dear President Risser and Speaker Jensen:

The Joint Committee for the Review of Administrative Rules met in Executive Session on November 7, 2002 and adopted the following motions:

**Emergency Rule ATCP 96, relating to milk producer security.**

EXTEND THE EFFECTIVE PERIOD OF EMERGENCY RULE ATCP 96 FOR 60 DAYS.

RECOMMENDED, Ayes 10, Noes 0, Absent 0

Ayes: (10) Senators Robson, Grobschmidt, Hansen, Cowles, Welch,  
Representatives Grothman, Seratti, Gunderson, Turner and  
Hebl.

Noes: (0) None.

Absent: (0) None.

**Emergency Rule Doc 328, relating to adult field supervision.**

EXTEND THE EFFECTIVE PERIOD OF EMERGENCY RULE DOC 328 FOR 2 DAYS AT  
THE REQUEST OF THE DEPARTMENT OF CORRECTIONS RECOMMENDED,

Ayes 10, Noes 0, Absent 0

Ayes: (10) Senators Robson, Grobschmidt, Hansen, Cowles, Welch,  
Representatives Grothman, Seratti, Gunderson, Turner and  
Hebl.

Noes: (0) None.

Absent: (0) None.

**Emergency Rule NR 10 and 45, relating to the control and management of Chronic Wasting  
Disease.**

EXTEND THE EFFECTIVE PERIOD OF EMERGENCY RULE DNR 10 AND 45 IN ITS  
ENTIRETY UNTIL APRIL 1, 2003. RECOMMENDED, Ayes 10, Noes 0, Absent 0

Ayes: (10) Senators Robson, Grobschmidt, Hansen, Cowles, Welch,  
Representatives Grothman, Seratti, Gunderson, Turner and  
Hebl.

Noes: (0) None.

Absent: (0) None.

**Emergency Rule WM-32-02 (E), relating to the control and management of chronic wasting disease.**

THE JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES REQUESTS THAT THE DEPARTMENT OF NATURAL RESOURCES MODIFY ITS EMERGENCY RULE, WM-32-02 (E), RELATING TO THE CONTROL AND MANAGEMENT OF CHRONIC WASTING DISEASE, TO PROHIBIT THE REMOVAL OF A DEER CARCASS FROM A CWD ERADICATION ZONE. RECOMMENDED, Ayes 10, Noes 0, Absent 0

Ayes: (10) Senators Robson, Grobschmidt, Hansen, Cowles, Welch, Representatives Grothman, Seratti, Gunderson, Turner and Hebl.

Noes: (0) None.

Absent: (0) None.

**NR 47.913 (a), relating to Gypsy Moth suppression.**

1. THE JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES, PURSUANT TO SS. 227.19(4)(D) 6. AND 227.26(2)(D), STATS., SUSPENDS THE FOLLOWING TWO PORTIONS OF S. NR 47.913(2)(A):

A. "40 CONTIGUOUS ACRES IN A COMPACT AND REGULAR SHAPE OR BE OF AT LEAST".

B. "OF PUBLICLY OWNED LAND SURROUNDED BY INELIGIBLE LAND".

[THE ACTION OF THE JOINT COMMITTEE PROVIDES THAT S. NR 47.913(2)(A) WILL READ: "BE OF AT LEAST 20 ACRES."]

2. THE JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES, PURSUANT TO S. 227.26(2)(F) AND (J), STATS., INTRODUCES BILLS IN EACH HOUSE OF THE LEGISLATURE TO PROVIDE THAT, TO BE ELIGIBLE FOR COST SHARING UNDER THE GYPSY MOTH SUPPRESSION PROGRAM, A PROPOSED TREATMENT BLOCK, AMONG OTHER THINGS, MUST BE OF AT LEAST 20 ACRES. RECOMMENDED, Ayes 10, Noes 0, Absent 0

Ayes: (10) Senators Robson, Grobschmidt, Hansen, Cowles, Welch, Representatives Grothman, Seratti, Gunderson, Turner and Hebl.

Noes: (0) None.

Absent: (0) None.

**TAX 11.12 (7) a, relating to taxation of game birds.**

1. THE JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES, PURSUANT TO SS. 227.19(4)(D) 5. AND 6. AND 227.26(2)(D), STATS., SUSPENDS S. TAX 11.12(7)(A).
  
2. THE JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES, PURSUANT TO S. 227.26(2)(F) AND (J), STATS., INTRODUCES BILLS IN EACH HOUSE OF THE LEGISLATURE TO EXEMPT FROM THE IMPOSITION OF THE STATE SALES OR USE TAX THE SALE OF GAMEBIRDS TO GAME FARMS OR CLUBS.  
RECOMMENDED, Ayes 10, Noes 0, Absent 0

Ayes: (10) Senators Robson, Grobschmidt, Hansen, Cowles, Welch,  
Representatives Grothman, Seratti, Gunderson, Turner and  
Hebl.

Noes: (0) None.

Absent: (0) None.

Pursuant to s. 227.24(2)(c), stats., as treated by 1997 Wisconsin Act 185, please forward a copy of this notice to the chairperson of the standing committee in your respective house most likely to have jurisdiction over the Clearinghouse Rule corresponding to this emergency rule.

Sincerely,



Senator Judith B. Robson  
Senate Co-Chair



Representative Glenn Grothman  
Assembly Co-Chair

JBR:GSG;jss

SENATOR JUDITH B. ROBSON  
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## JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

November 8, 2002

Jon Litscher, Secretary  
Department of Corrections  
P.O. Box 7925  
Madison, WI 53707-7925

Dear Secretary Litscher:

The Joint Committee for the Review of Administrative Rules met in Executive Session on November 7, 2002 and adopted the following motions:

### **Emergency Rule Doc 328, relating to adult field supervision.**

EXTEND THE EFFECTIVE PERIOD OF EMERGENCY RULE DOC 328 FOR 2 DAYS AT  
THE REQUEST OF THE DEPARTMENT OF CORRECTIONS. RECOMMENDED.  
Ayes 10, Noes 0, Absent 0

Ayes: (10) Senators Robson, Grobschmidt, Hansen, Cowles, Welch,  
Representatives Grothman, Seratti, Gunderson, Turner and  
Hebl.

Noes: (0) None.

Absent: (0) None.

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

Sincerely,

Senator Judith B. Robson  
Senate Co-Chair

Representative Glenn Grothman  
Assembly Co-Chair

JBR:GSG:jss

END



END

**Sargent, Justin**

**From:** Delaporte, Maggie  
**Sent:** Monday, September 23, 2002 2:15 PM  
**To:** Sargent, Justin  
**Subject:** RE: Notice

*Need extension*

Well, the potential list I wrote down from the administrative register is:

DOC 328 Nov 28

HFS 119 Nov 28

HFS 152 - 154 Nov 28

Ins 17 Nov 28

NR 10 Nov 30

*emailed 9-23-02 (Robert Margolies)*

*emailed Gary Radloff 9-23-02*

*emailed Jim Guidry 9-23-02*

*emailed Elizabeth Kluesner 9-23-02*

*Yes! Need extension.*

I'm not sure if they will need extensions or not. They just all will expire at the end of Nov. For all I know, they could have their permanent rule in place by then.

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

**From:** Sargent, Justin  
**Sent:** Monday, September 23, 2002 02:08 PM  
**To:** Delaporte, Maggie  
**Subject:** RE: Notice

Sounds good. What emergency rules are you thinking of?

I checked into the Electronic filing one, and that should not need to come up.

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

**From:** Delaporte, Maggie  
**Sent:** Monday, September 23, 2002 2:04 PM  
**To:** Sargent, Justin  
**Subject:** RE: Notice

<< File: notice.doc >> I added a little bit. It's totally up to you how you want to do it. I guess we usually added a bit of an explanation to the things we hear in committee. One other idea - Since it seems pretty likely that we will also have to hear emergency rules too, you may want to wait to send out the official notice till about a month before the hearing. That way you will have a complete notice and only have to send it out once. It may be a good idea to ship around an email to members and staffers to save Nov. 13th as the next JCRAR committee day now so it will be reserved on their calendar. You could offer that they should let you know if that day would be a problem. You also may want to mention that we intend to hear the gypsy moth and game bird issues as well as a couple emergency rules. Hope this is helpful.

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

**From:** Sargent, Justin  
**Sent:** Monday, September 23, 2002 01:40 PM  
**To:** Delaporte, Maggie  
**Subject:** Notice

<< File: notice.doc >>

Here is the first draft. Suggestions? Let me know if you want to do this in person.

## Sargent, Justin

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**From:** Kluesner, Elizabeth M  
**Sent:** Tuesday, September 24, 2002 9:32 AM  
**To:** Sargent, Justin  
**Subject:** RE: NR 10 extension

Justin.

We do not need an extension on this rule.

Thank you for checking.

*Elizabeth M. Kluesner*  
*Legislative Liaison*  
*Wisconsin Department of Natural Resources*  
*(608)264-6266*  
*kluese@dnr.state.wi.us*

-----  
**From:** Sargent, Justin  
**Sent:** Monday, September 23, 2002 2:55 PM  
**To:** Kluesner, Elizabeth M  
**Subject:** NR 10 extension

Will the DNR need an extension on this emergency rule? (NR 10). It expires 11-30-02.

NR 10: Relating to the 2002 migratory game bird season.

JCRAR will probably be meeting on Wednesday November 13th, 2002. I would appreciate a reply so that we may proceed with notification.

**Sargent, Justin**

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**From:** Kane, Julie M. DOC  
**Sent:** Wednesday, September 25, 2002 8:23 AM  
**To:** Margolies, Robert S. DOC; Sargent, Justin  
**Subject:** DOC 328 emergency rule

**We will need to request an extension. Unfortunately, we will have a 2 day lapse in the rule without the extension. A formal request will follow shortly. Thank you.**

**Julie Kane  
Assistant Legal Counsel**

## Sargent, Justin

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**From:** Guidry, Jim  
**Sent:** Wednesday, September 25, 2002 1:42 PM  
**To:** Sargent, Justin  
**Subject:** RE: Ins 17 extension

Justin,

No extension on the Ins. 17 emergency rule will be necessary. The corresponding permanent rule will take effect on Oct. 1, 2002.

Jim Guidry  
Legislative Liaison  
Office of the Commissioner of Insurance  
State of Wisconsin  
(608) 264-6239 Phone  
(608) 261-8579 Fax  
jim.guidry@oci.state.wi.us

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

**From:** Sargent, Justin  
**Sent:** Monday, September 23, 2002 2:51 PM  
**To:** Guidry, Jim  
**Subject:** Ins 17 extension

Will the Office of the Insurance Commissioner need an extension on this emergency rule? (Ins 17). It expires 11-28-02.

Ins 17: relating to annual patients compensation fund and mediation fund fees for the fiscal year beginning July 1, 2002 and relating to the Wisconsin health care insurance plan's primary limits.

JCRAR will probably be meeting on Wednesday November 13th, 2002. I would appreciate a reply so that we may proceed with notification.

## Sargent, Justin

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**From:** Radloff, Gary  
**Sent:** Wednesday, September 25, 2002 3:28 PM  
**To:** Sargent, Justin  
**Cc:** Dow, Susan; Greer, Rose; Hartzke, Larry; Kiesow, John  
**Subject:** Re: HFS 119 and HFS 152-154

Hi Justin:

Thank you for the question. Yes, we'll need to request an extension of the HFS 119 emergency rule.

I do not believe it is necessary to have an extension on HFS 152-154. The emergency rule was effective 7/1/02, and would expire on 11/28/02, but the permanent rule has been filed and will be effective 11/1/02. needed.

Again, thank you for raising the matter. Gary

>>> Sargent, Justin 09/23/02 02:44PM >>>

Will DHFS need an extension on these emergency rules? (HFS 119 and HFS 152-154). Both expire 11-28-02.

HFS 119: relating to Health Insurance Risk - Sharing Plan.

HFS 152 - 154: relating to the Wisconsin Chronic Disease Program.

JCRAR will probably be meeting on Wednesday November 13th, 2002. I would appreciate a reply so that we may proceed with notification.

## Sargent, Justin

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**From:** Potts, Andrew  
**Sent:** Wednesday, October 09, 2002 12:21 PM  
**To:** Sargent, Justin  
**Subject:** JCRAR

Justin,

I just wanted to give you a heads up on an issue that Rep. Seratti might want to have JCRAR take up. It involves RL 91.01(3)(c), regarding the regulation of massage therapists. The rule states that a massage therapist must have, "in effect malpractice liability insurance coverage in an amount that is not less than \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year." The issue is whether this means that the message therapist must carry their own policy or if they simply need to be covered by any malpractice policy (eg. a message therapist working for a firm that has a policy in place for everybody in the firm). Because of the language used in the rule, Leg Council believes that either interpretation could be correct. We're working with Reg & Licensing to clarify the issue, but just in case we can't Rep. Seratti might want JCRAR to take a look at it.

If you have any questions, feel free to give me a call.

Andy

Andrew R. Potts  
Research Assistant  
Representative Lorraine Seratti's Office  
18N State Capitol

## Sargent, Justin

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**From:** Gates-Hendrix, Sherrie  
**Sent:** Tuesday, October 29, 2002 4:46 PM  
**To:** Sargent, Justin  
**Subject:** RE: JCRAR Hearing Notice 11-7-02

OK -- thanks, Justin. I'll mark both of those times for Rick's calendar.

Maybe as the day gets closer you can let me know which time frame is going to work best for the game bird issue.

Sherrie

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

**From:** Sargent, Justin  
**Sent:** Tuesday, October 29, 2002 4:21 PM  
**To:** Gates-Hendrix, Sherrie  
**Subject:** RE: JCRAR Hearing Notice 11-7-02

I would think that both are possible.

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

**From:** Gates-Hendrix, Sherrie  
**Sent:** Tuesday, October 29, 2002 4:17 PM  
**To:** Sargent, Justin  
**Subject:** RE: JCRAR Hearing Notice 11-7-02

Well, don't know if we're on the list or not. Our Secretary is fairly familiar with the game bird issue and would like to speak to the committee personally, but he has some other commitments that day. He could attend between 9-9:30 and again from 11-noon if that would work for you and the committee. Any idea if those time slots are possibilities?

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

**From:** Sargent, Justin  
**Sent:** Tuesday, October 29, 2002 4:02 PM  
**To:** Gates-Hendrix, Sherrie  
**Subject:** RE: JCRAR Hearing Notice 11-7-02

I can not say. It sounds like we might shuffle a bit to accommodate some folks.... Are you on that list?

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

**From:** Gates-Hendrix, Sherrie  
**Sent:** Tuesday, October 29, 2002 3:51 PM  
**To:** Sargent, Justin  
**Subject:** RE: JCRAR Hearing Notice 11-7-02

Thanks, Justin. Do you know if the items will be taken up in the order they're listed?

Sherrie

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

**From:** Sargent, Justin  
**Sent:** Tuesday, October 29, 2002 3:48 PM  
**To:** \*Legislative All Assembly; \*Legislative All Senate; \*Legislative Council Staff  
**Cc:** Burhop, Sarah; Nussbaum, Jody; Kluesner, Elizabeth M; Moll, Keeley A DATCP; Gates-Hendrix, Sherrie; Margolies, Robert S. DOC  
**Subject:** JCRAR Hearing Notice 11-7-02

## COMMITTEE HEARINGS

### Joint Committee for Review of Administrative Rules

The committee will hold a *public hearing* and *executive session* on the following items at the time specified below:

Thursday, November 7, 2002  
9:00 a.m.  
411 South  
State Capitol

**TAX 11.12 (7) a**

**Relating to taxation of game birds.**

The Department of Revenue will present testimony regarding the charging of sales tax on the wholesale purchase of game birds.

**NR 47.913 (2)**

**Relating to Gypsy Moth suppression.**

The Department of Natural Resources will present testimony regarding eligibility for the Gypsy Moth program.

**Emergency Rule ATCP 96**

**Relating to milk producer security.**

The Department of Agriculture, Trade, and Consumer Protection has requested a second extension to this rule. This rule expires November 24<sup>th</sup>, 2002, permanent rule expected in January, 2003

**Emergency Rule Doc 328**

**Relating to adult field supervision.**

The Department of Corrections has requested an extension to this rule. This rule expires November 28<sup>th</sup>, 2002, permanent rule expected December 1, 2002

**Emergency Rule NR 10 and 45**

**Relating to the control and management of chronic wasting disease.** The Department of Natural Resources has requested an extension to this rule. This rule expires November 30<sup>th</sup>