

SENATOR JUDITH B. ROBSON
CO-CHAIR
PO BOX 7882
MADISON, WI 53707-7882
(608) 266-2253



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIR
PO BOX 8952
MADISON, WI 53708-8952
(608) 264-8486

**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

Attendance Form

Last Modified: January 2001

Date: 2/20/01 Accounting for: Public Hearing Executive Session
Location: 300 SE

COMMITTEE MEMBER	PRESENT	ABSENT	EXCUSED
1. Senator ROBSON	✓		
2. Senator GROBSCHMIDT	✓		
3. Senator HANSEN	✓		
4. Senator SCHULTZ	✓		
5. Senator COWLES	✓		
6. Representative GROTHMAN	✓		
7. Representative SERATTI			✓
8. Representative GUNDERSON	✓		
9. Representative KREUSER	✓		
10. Representative TURNER	✓		
Totals	9	0	1

David A. Austin
Committee Clerk

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2. Senator GROBSCHMIDT	✓		
3. Senator HANSEN	✓		
4. Senator SCHULTZ	✓		
5. Senator COWLES	✓		
6. Representative GROTHMAN	✓		
7. Representative SERATTI			✓
8. Representative GUNDERSON	✓		
9. Representative KREUSER	✓		
10. Representative TURNER	✓		
Totals	9	0	1

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**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

Emergency Rule Extension Motion Form

Last Modified January 2001

Date 2/20/01 Location 300 SE
Moved by Gunderson, Seconded by Schultz

THAT, pursuant to § 227.24(2)(a), *Wisconsin State Statutes*, the Joint Committee for the Review of Administrative Rules extend the effective period of Emergency Rule ATCP 16 by 60 days, at the request of the Department of Agriculture, Trade and Consumer Protection.

COMMITTEE MEMBER	Aye	No	Absent
1. Senator ROBSON	✓		
2. Senator GROBSCHMIDT	✓		
3. Senator HANSEN	✓		
4. Senator SCHULTZ	✓		
5. Senator COWLES	✓		
6. Representative GROTHMAN	✓		
7. Representative SERATTI	✓		✓
8. Representative GUNDERSON	✓		
9. Representative KREUSER	✓		
10. Representative TURNER	✓		
Totals			

Motion Carried

Motion Failed

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**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

Emergency Rule Extension Motion Form

Last Modified January 2001

Date 2/20/01 Location 300 SE
Moved by Gunderson, Seconded by Schultz

THAT, pursuant to § 227.24(2)(a), *Wisconsin State Statutes*, the Joint Committee for the Review of Administrative Rules extend the effective period of Emergency Rule PSC 2.06 by 60 days, at the request of the Public Service Commission.

COMMITTEE MEMBER	Aye	No	Absent
1. Senator ROBSON	✓		
2. Senator GROBSCHMIDT	✓		
3. Senator HANSEN	✓		
4. Senator SCHULTZ	✓		
5. Senator COWLES	✓		
6. Representative GROTHMAN	✓		
7. Representative SERATTI	✓		✓
8. Representative GUNDERSON	✓		
9. Representative KREUSER	✓		
10. Representative TURNER	✓		
Totals			

Motion Carried

Motion Failed

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**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

Emergency Rule Extension Motion Form

Last Modified January 2001

Date 2/20/01 Location 300 SE
Moved by Grothman, Seconded by Kreuser

THAT, pursuant to § 227.24(2)(a), *Wisconsin State Statutes*, the Joint Committee for the Review of Administrative Rules

ER HFS 79 - 60 day extension

COMMITTEE MEMBER	Aye	No	Absent
1. Senator ROBSON		✓	
2. Senator GROBSCHMIDT		✓	
3. Senator HANSEN		✓	
4. Senator SCHULTZ		✓	
5. Senator COWLES	✓		
6. Representative GROTHMAN	✓		
7. Representative SERATTI		✓	✓
8. Representative GUNDERSON	✓		
9. Representative KREUSER	✓		
10. Representative TURNER		✓	
Totals	4	6	

Motion Carried Motion Failed

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**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

Emergency Rule Extension Motion Form

Last Modified January 2001

Date 2/20/01 Location 330 SE

Moved by _____, Seconded by _____

THAT, pursuant to § 227.24(2)(a), *Wisconsin State Statutes*, the Joint Committee for the Review of Administrative Rules

request dept to include in permanent
rule criterion for recoupment - unanimous

COMMITTEE MEMBER	Aye	No	Absent
1. Senator ROBSON			
2. Senator GROBSCHMIDT			
3. Senator HANSEN			
4. Senator SCHULTZ			
5. Senator COWLES			
6. Representative GROTHMAN			
7. Representative SERATTI			
8. Representative GUNDERSON			
9. Representative KREUSER			
10. Representative TURNER			
Totals			

Motion Carried Motion Failed

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**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

Emergency Rule Extension Motion Form

Last Modified January 2001

Date 2/20/01 Location 330 SE
Moved by Grobschmidt, Seconded by _____

THAT, pursuant to § 227.24(2)(a), *Wisconsin State Statutes*, the Joint Committee for the Review of Administrative Rules

Hr to Comm re side by side
comparison of NFPA & ICC fire codes
- UNANIMOUS

COMMITTEE MEMBER	Aye	No	Absent
1. Senator ROBSON			
2. Senator GROBSCHMIDT			
3. Senator HANSEN			
4. Senator SCHULTZ			
5. Senator COWLES			
6. Representative GROTHMAN			
7. Representative SERATTI			
8. Representative GUNDERSON			
9. Representative KREUSER			
10. Representative TURNER			
Totals			

Motion Carried Motion Failed

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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

BY INTER-D

January 16, 2002

Senator Fred Risser
Senate President
Room 220 South

Representative Scott Jensen
Speaker of the Assembly
Room 211 West

Re: Emergency Rule NR 20.20(73)(j)1. and 2. (yellow perch fishing in Green Bay)
Emergency Rule HFS 94.20(3) (patient rights)
Emergency Rule HFS 119 (HIRSP premium rates)

Dear Senator Risser and Representative Jensen:

This letter is sent pursuant to § 227.24(2)(c), *Stats.* In accordance with the requirements of that statute, we respectfully request that you notify the appropriate standing committees of each house of the legislature of the following actions by the Joint Committee for the Review of Administrative Rules (JCRAR).

JCRAR held a public hearing and executive session on January 10, 2002. At that meeting, the JCRAR received public testimony regarding the following emergency rules:

- Emergency Rule NR 20.20(73)(j)1. and 2., relating to sport fishing for yellow perch in Green Bay and its tributaries and commercial fishing for yellow perch in Green Bay;
- Emergency Rule HFS 94.20(3), relating to patient rights; and
- Emergency Rule HFS 119, relating to HIRSP premium rates.

Based on the public testimony at the hearing, the committee adopted a motion extending the effective period of Emergency Rule NR 20.20(73) for 60 days. The committee approved the motion on a 10 to 0 vote.

Based on the public testimony at the hearing, the committee adopted a motion extending effective period of Emergency Rule HFS 94.20(3) for 14 days. The committee approved the motion on a 10 to 0 vote.

Based on the public testimony at the hearing, the committee adopted a motion extending effective period of Emergency Rule HFS 119 for 5 days. The committee approved the motion on a 10 to 0 vote.

Thank you for your attention to these matters.

Sincerely,


Senator Judith B. Robson
15th Senate District


Representative Glenn Grothman
59th Assembly District

JBR:GG:da

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**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

Attendance Form

Date: January 10, 2002

Location: 411 South

Accounting for:

Public Hearing

Executive Session

COMMITTEE MEMBER	PRESENT	ABSENT	EXCUSED
1. Senator ROBSON	✓		
2. Senator GROBSCHMIDT	✓		
3. Senator HANSEN	✓		
4. Senator WELCH	✓		
5. Senator COWLES	✓		
6. Representative GROTHMAN	✓		
7. Representative SERATTI	✓		
8. Representative GUNDERSON	✓		
9. Representative TURNER	✓		
10. Representative HEBL	✓		
Totals			

David A. Austin
Committee Clerk

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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

Attendance Form

Date: January 10, 2002

Location: 411 South

Accounting for:

Public Hearing

Executive Session

COMMITTEE MEMBER	PRESENT	ABSENT	EXCUSED
1. Senator ROBSON	✓		
2. Senator GROBSCHMIDT	✓		
3. Senator HANSEN	✓		
4. Senator WELCH	✓		
5. Senator COWLES			✓
6. Representative GROTHMAN	✓		
7. Representative SERATTI	✓		
8. Representative GUNDERSON	✓		
9. Representative TURNER	✓		
10. Representative HEBL	✓		
Totals			

David A. Austin
Committee Clerk

Austin, David

From: Frings, Roger
Sent: Thursday, January 10, 2002 4:40 PM
To: Austin, David
Subject: RE: JCRAR motions

David-
I indicated how Rob would have voted below. Let me know if you have any questions.

Rog

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

From: Austin, David
Sent: Thursday, January 10, 2002 4:18 PM
To: Frings, Roger
Subject: JCRAR motions

Roger:

Here are the JCRAR motions. Please let me know how Senator Cowles wants to be recorded. The committee's rules require him to vote within one hour of adjournment, so I would need a response by the end of the day.

Thanks,

David Austin
Senator Robson's office

To approve all three emergency rule extension requests. (9-0 vote so far.) **Aye**

Regarding the proposed four-day December hunt, request modifications and object if department will not consider modifications. (9-0 vote so far.) **Aye**

Regarding the date of the October T Zone hunt, concurrence with the objection. (9-0 vote so far.) **Aye**

Regarding the four day extension of the archery season, request modifications, specifically that the hunt be statewide, not just in T Zones and object if the department will not consider modifications. (9-0 vote so far.) **Aye**

Regarding where deer are registered, a motion for non-concurrence was defeated 3-6 (Robson, Grobschmidt, Hebl), but I would still like to record Sen Cowles. **Naye**

Regarding where deer are registered, concurrence with the objection. (7-2 vote so far; Robson and Hebl voted no.) **Naye**

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

January 16, 200

BY INTER-D

Secretary Darrell Bazzell
Department of Natural Resources
101 South Webster Street
Madison, Wisconsin

Re: Emergency Rule NR 20.20(73)(j)1. and 2. (yellow perch)

Dear Secretary Bazzell:

We are writing to inform you that the Joint Committee for the Review of Administrative Rules (JCRAR) held a public hearing and executive session on January 10, 2002. At that meeting, the JCRAR received public testimony regarding Emergency Rule NR 20.20(73)(j)1. and 2., relating to sport fishing for yellow perch in Green Bay and its tributaries and commercial fishing for yellow perch in Green Bay.

Based on that testimony, the committee adopted a motion extending the effective period of Emergency Rule NR 20.20(73)(j)1. and 2. for 60 days. The committee approved the motion on a 10 to 0 vote.

Pursuant to § 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
15th Senate District


Representative Glenn Grothman
59th Assembly District

JBR:GG:da

SENATOR JUDITH B. ROBSON
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CO-CHAIR
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**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

Emergency Rule Extension Motion Form

Date: January 10, 2002

Location: 411 South

Moved by Robson, Seconded by Hansen

THAT, pursuant to § 227.24(2)(a), *Wisconsin State Statutes*, the Joint Committee for the Review of Administrative Rules extend the effective date of emergency rule NR 20.20(73)(j)1. and 2. and NR 25.06(2)(b)1. by 60 days, at the request of the Department of Natural Resources.

COMMITTEE MEMBER	Aye	No	Absent
1. Senator ROBSON	✓		
2. Senator GROBSCHMIDT	✓		
3. Senator HANSEN	✓		
4. Senator WELCH	✓		
5. Senator COWLES	✓ *		
6. Representative GROTHMAN	✓		
7. Representative SERATTI	✓		
8. Representative GUNDERSON	✓		
9. Representative TURNER	✓		
10. Representative HEBL	✓		
Totals			

* voted by
polling

Motion Carried

Motion Failed



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY 608-267-6897

December 5, 2001

Honorable Judy Robson, Co-Chair
Joint Committee for Review of
Administrative Rules
15 South
State Capitol

Honorable Glenn Grothman, Co-Chair
Joint Committee for Review of
Administrative Rules
15 North
State Capitol

Re: Extension of Emergency Rule No. FH-28-01(E)

Dear Ms. ^{Judy}Robson and Mr. ^{Glenn}Grothman:

The Department of Natural Resources, under s. 227.24(2), Stats., is requesting the Joint Committee for Review of Administrative Rules to extend Natural Resources Board Emergency Order No. FH-28-01(E) for 60 days. This emergency order pertaining to sport fishing and commercial fishing for yellow perch in Green Bay took effect on July 1, 2001 is due to expire on January 26, 2002 following an extension by the Joint Committee. Clearinghouse Rule No. 01-037 to make this emergency rule permanent has been adopted by the Natural Resources Board and is currently being reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Environmental Resources.

The extension of this emergency order is needed so that regulations remain the same during the entire fishing season. A copy of the emergency order is attached. If you have any questions, please contact Peter Flaherty, Bureau of Legal Services at 266-8254.

Sincerely,


Darrell Bazzell
Secretary

Attach.

cc: Presiding Officers
Standing Committees
Carol Turner – LS/5
Peter Flaherty – LS/5
Bill Horns – FH/3

ORDER OF
THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING RULES

The Wisconsin Natural Resources Board adopts an order to amend NR 20.20(73)(j)1. and 2. relating to sport fishing for yellow perch in Green Bay and its tributaries and NR 25.06(2)(b)1. relating to commercial fishing for yellow perch in Green Bay.

FH-28-01(E)

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 29.014(1), 29.041, 29.519(1), 227.11(2)(a) and 227.24, Stats.

Statutes interpreted: ss. 29.014(1), 29.041 and 29.519(1), Stats.

SECTION 1 of the order reduces the sport fishing daily bag limit for yellow perch caught in Green Bay and its tributaries to 10. Currently the daily bag limit is 25 in total for panfish, including yellow perch.

SECTION 2 of the order reduces the total annual commercial harvest of yellow perch from zone 1 (Green Bay) from 200,000 pounds to 20,000 pounds.

SECTION 1. NR 20.20(73)(j)1. and 2. are amended to read:

NR 20.20(73)

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OTHER SIZE RESTRICTIONS (INCHES)
(j) Panfish	1. Green Bay	a. Hook and line	Continuous, but the open season for yellow perch is May 20 to March 15	25 in total but only 10 may be yellow perch	None
	2. Major Green Bay tributaries	a. Hook and line	Continuous, but the open season for yellow perch is May 20 to March 15	25 in total but only 10 may be yellow perch	None

SECTION 2. NR 25.06(2)(b)1. is amended to read:

NR 25.06(2)(b)1. The total allowable commercial harvest in zone 1 for any license year may not exceed ~~200,000~~ 20,000 pounds.

FINDING OF EMERGENCY

The Department of Natural Resources finds that an emergency exists and the foregoing rules are necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of facts constituting the emergency is:

Yellow perch contribute significantly to the welfare of Wisconsin citizens by supporting popular and economically valuable sport and commercial fisheries. The yellow perch population in Green Bay is rapidly declining. This decline reflects a number of years of very poor reproduction. The only recent year with reasonably good natural reproduction was 1998. The fish spawned that year contributed to the sport harvest in 2001 and will become vulnerable to commercial gear this summer. Sport and commercial harvests of adult yellow perch must be limited immediately in order to protect those fish and maximize the probability of good reproduction in the near future.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on June 27, 2001.

The rules contained herein shall take effect on July 1, 2001, as emergency rules, as provided in s. 227.24(1)(c), Stats.

Dated at Madison, Wisconsin June 28, 2001

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By Darrell Bazzell
Darrell Bazzell, Secretary

(SEAL)

SENATOR JUDITH B. ROBSON
Co-CHAIR

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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

Emergency Rule Extension Motion Form

Date: November 14, 2001 Location: 201 Southeast

Moved by Robson, Seconded by Grothman

THAT, pursuant to § 227.24(2)(a), *Wisconsin State Statutes*, the Joint Committee for the Review of Administrative Rules extend the effective date of emergency rule HFS 94.20(3) by 60 days, at the request of DHFS.

COMMITTEE MEMBER	Aye	No	Absent
1. Senator ROBSON	✓		
2. Senator GROBSCHMIDT	✓		
3. Senator HANSEN	✓		
4. Senator WELCH	✓		
5. Senator COWLES	✓		
6. Representative GROTHMAN	✓		
7. Representative SERATTI	✓		
8. Representative GUNDERSON	✓		
9. Representative TURNER	✓		
10. Representative HEBL	✓		
Totals			

Motion Carried

Motion Failed

** voted by polling*

Emergency Rule HFS 94.20



State of Wisconsin
Department of Health and Family Services

Scott McCallum, Governor
Phyllis J. Dubé, Secretary

October 16, 2001

The Honorable Judy Robson, Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 15 South, State Capitol
P.O. Box 7882
Madison, Wisconsin 53707-7882

Dear Senator Robson:

The Department of Health and Family Services has an emergency rulemaking order in effect that will expire before the emergency rules are replaced by permanent rules unless the effective period of the emergency order is extended. Pursuant to s. 227.24 (2), Stats., I ask the Joint Committee to extend the effective period of the emergency order by 60 days as indicated below.

The emergency rules relate to the Department's operation of secure mental health facilities for the treatment of ch. 980, Stats., sexually violent patients. Departmental investigations have indicated that a portion of the ch. 980 inpatient population has routinely abused their s. HFS 94.20 telephone rights by making inappropriate calls to members of the public, by fraudulently placing numerous long distance calls that are billed to innocent third-parties or by operating fraudulent schemes. Since the Department previously had no means of monitoring patient telephone use, the extent of this activity was unknown, but given the experience of investigations triggered by citizen complaints, it was clear that these sorts of activities are not infrequent among this population. In addition, experience with telephone monitoring in other secure institutions indicated that call monitoring can and does help staff detect contraband and other security-related issues and activities. These abuses are clearly contrary to the therapeutic activities conducted at the secure mental health facilities.

Until recently, the Department had been unable to stop these abuses because the Department's facilities lacked secure telephone systems. Previous DHFS efforts to obtain secure telephone systems from the telephone system's vendor used by the Department of Corrections were not successful because the call volume at DHFS's secure mental health facilities were viewed as insufficient to support the telephone system.

In late 2000, the Department of Corrections selected a new vendor for its secure telephone system. In May, 2001, the new vendor agreed to also install the system in

Wisconsin.gov

DHFS's secure mental health facilities. The installation of the system at the facilities was completed by June 20, 2001. The systems allow the Department to establish and enforce calling lists for each inpatient and monitor inpatients' calls for counter-therapeutic activity. An inpatient's calling list is a finite number of telephone numbers associated with persons the inpatient is approved to contact by telephone. Use of calling lists alone, however, is insufficient to discourage and minimize inpatient attempts to subvert the system. The Department must monitor phone calls made by ch. 980 inpatients to discourage and minimize the occurrence of inpatients calling persons on their calling list who, in turn, subvert the secure system by forwarding the inpatient's call for the prohibited purposes and activities previously described. The Department must be able to monitor the phone calls of ch. 980 inpatients both to protect the public and promote therapeutic activities at the secure mental health facilities.

The Department issued these rules on an emergency basis to protect the public's safety by minimizing the recurring fraudulent activity associated with telephone use. These rules also ensure the public's safety and welfare by promoting the effective treatment mission of the secure mental health facilities. The recording capability of the telephone system hardware that has been installed at the Wisconsin Resource Center and the Sand Ridge Secure Treatment Center cannot be turned off, i.e., when the system is functional, all features of the system are fully operational. If the secure telephone system did not become operational, both the Wisconsin Resource Center and the Sand Ridge facility would have lost the therapeutic and safety advantages afforded by the system. Since the Sand Ridge facility began accepting its first patients during the week of June 18th, there was no alternative telephone system for patients.

The emergency rulemaking order creating rules was published and effective on **June 22, 2001**, and **will expire on November 19, 2001**, unless extended. Replacement permanent rules were sent to the Legislative Council for review on July 26, 2001 and were the subject of a public hearing held on September 12, 2000. The Department intends to send the Legislative Report to the Presiding Officers of the Senate and Assembly in late October. Consequently, the Department will not be able to file the rules until at least December for a February 1, 2002, effective date. Therefore, I request an extension of the effective period of the emergency rules by **60 days**, through January 18, 2002. If the effective period of the emergency rules is not extended, in the interim, the Department will not have the authority to monitor the telephone calls of ch. 980 inpatients.

A copy of the emergency rulemaking order is attached to this letter. If you have any questions about the rules, you may contact James Yeadon in the Division of Care and Treatment Facilities at 266-5525.

Senator Robson
October 16, 2001
Page 3

Sincerely,

A handwritten signature in cursive script that reads "Phyllis J. Dubé". The signature is written in black ink and is positioned above the typed name.

Phyllis J. Dubé
Secretary

Attachments

cc Representative Grothman
Senator Fred Risser
Speaker Scott Jensen

ORDER OF THE
DEPARTMENT OF HEALTH AND FAMILY SERVICES
AMENDING RULES

FINDING OF EMERGENCY

The Department of Health and Family Services finds that an emergency exists and that the adoption of the rules included in this order is necessary for the immediate preservation of the public peace, health, safety or welfare. The facts constituting the emergency are as follows:

The Department operates secure mental health facilities for the treatment of ch. 980, Stats., sexually violent patients. Departmental investigations have indicated that a portion of the ch. 980 inpatient population has routinely abused their s. HFS 94.20 telephone rights by making inappropriate calls to members of the public, by fraudulently placing numerous long distance calls that are billed to innocent third-parties or by operating fraudulent schemes. Since the Department has no means of monitoring patient telephone use, the extent of this activity is unknown, but given the experience of investigations triggered by citizen complaints, it is clear that these sorts of activities are not infrequent among this population. In addition, experience with telephone monitoring in other secure institutions indicates that call monitoring can and does help staff detect contraband and other security-related issues and activities. These abuses are clearly contrary to the therapeutic activities conducted at the secure mental health facilities.

Until recently, the Department has been unable to stop these abuses because the Department's facilities lacked secure telephone systems. Previous DHFS efforts to obtain secure telephone systems from the telephone system's vendor used by the Department of Corrections were not successful because the call volume at DHFS's secure mental health facilities were viewed as insufficient to support the telephone system.

In late 2000, the Department of Corrections selected a new vendor for its secure telephone system. In May, 2001, the new vendor agreed to also install the system in DHFS's secure mental health facilities. The installation of the system at the facilities will be completed by June 20, 2001. The systems will allow the Department to establish and enforce calling lists for each inpatient and monitor inpatients' calls for counter-therapeutic activity. An inpatient's calling list is a finite number of telephone numbers associated with persons the inpatient is approved to contact by telephone. Use of calling lists alone, however, is insufficient to discourage and minimize inpatient attempts to subvert the system. The Department must monitor phone calls made by ch. 980 inpatients to discourage and minimize the occurrence of inpatients calling persons on their calling list who, in turn, subvert the secure system by forwarding the inpatient's call for the prohibited purposes and activities previously described. The Department must be able to monitor the phone calls of ch. 980 inpatients both to protect the public and promote therapeutic activities at the secure mental health facilities.

The Department is issuing these rules on an emergency basis to protect the public's safety by minimizing the recurring fraudulent activity associated with telephone use. These rules also ensure the public's safety and welfare by promoting the effective treatment mission of the secure mental health facilities. The recording capability of the telephone system hardware that has been installed at the Wisconsin Resource Center and the Sand Ridge Secure Treatment Center cannot be turned off, i.e., when the system is functional, all features of the system are fully operational. If the secure telephone system is not operational, both the Wisconsin Resource Center and the Sand Ridge facility will lose the therapeutic and safety advantages afforded by the system. Since the Sand Ridge facility is accepting its first patients during the week of June 18th, there is no alternative telephone system for patients.

ORDER

Pursuant to authority vested in the Department of Health and Family Services by ss. 51.61 (9) and 227.24 (1), Stats., the Department of Health and Family Services hereby amends rules interpreting s. 51.61 (1) (p), Stats., as follows:

SECTION 1. Section HFS 94.20 (3) is amended to read:

HFS 94.20 (3) (a) Except as provided in par. (b), Each inpatient shall be permitted to make a reasonable number of private, personal calls. The number and duration of the calls may be limited for legitimate management reasons, but the facility shall provide every patient the opportunity to make at least one private, personal call per day.

(b) This subsection does not prohibit a facility under s. 980.065, Stats., from recording patients' personal telephone calls or monitoring the resulting recordings.

The rules contained in this order shall take effect as emergency rules upon publication in the official state newspaper as provided in s. 227.24 (1) (c), Stats.

Wisconsin Department of Health and
Family Services

By: Phyllis J. Dubé

Phyllis J. Dubé
Secretary

Dated: 6-²¹~~22~~-01

SEAL:

SENATOR JUDITH B. ROBSON
CO-CHAIR
P.O. BOX 7882
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(608) 266-2253



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIR
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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

BY INTER-D

January 16, 2002

Senator Fred Risser
Senate President
Room 220 South

Representative Scott Jensen
Speaker of the Assembly
Room 211 West

Re: Emergency Rule NR 20.20(73)(j)1. and 2. (yellow perch fishing in Green Bay)
Emergency Rule HFS 94.20(3) (patient rights)
Emergency Rule HFS 119 (HIRSP premium rates)

Dear Senator Risser and Representative Jensen:

This letter is sent pursuant to § 227.24(2)(c), *Stats*. In accordance with the requirements of that statute, we respectfully request that you notify the appropriate standing committees of each house of the legislature of the following actions by the Joint Committee for the Review of Administrative Rules (JCRAR).

JCRAR held a public hearing and executive session on January 10, 2002. At that meeting, the JCRAR received public testimony regarding the following emergency rules:

- Emergency Rule NR 20.20(73)(j)1. and 2., relating to sport fishing for yellow perch in Green Bay and its tributaries and commercial fishing for yellow perch in Green Bay;
- Emergency Rule HFS 94.20(3), relating to patient rights; and
- Emergency Rule HFS 119, relating to HIRSP premium rates.

Based on the public testimony at the hearing, the committee adopted a motion extending the effective period of Emergency Rule NR 20.20(73) for 60 days. The committee approved the motion on a 10 to 0 vote.

Based on the public testimony at the hearing, the committee adopted a motion extending effective period of Emergency Rule HFS 94.20(3) for 14 days. The committee approved the motion on a 10 to 0 vote.

Based on the public testimony at the hearing, the committee adopted a motion extending effective period of Emergency Rule HFS 119 for 5 days. The committee approved the motion on a 10 to 0 vote.

Thank you for your attention to these matters.

Sincerely,


Senator Judith B. Robson
15th Senate District


Representative Glenn Grothman
59th Assembly District

JBR:GG:da

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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

Attendance Form

Date: January 10, 2002

Location: 411 South

Accounting for:

Public Hearing

Executive Session

COMMITTEE MEMBER	PRESENT	ABSENT	EXCUSED
1. Senator ROBSON	✓		
2. Senator GROBSCHMIDT	✓		
3. Senator HANSEN	✓		
4. Senator WELCH	✓		
5. Senator COWLES	✓		
6. Representative GROTHMAN	✓		
7. Representative SERATTI	✓		
8. Representative GUNDERSON	✓		
9. Representative TURNER	✓		
10. Representative HEBL	✓		
Totals			

David A. Austin
Committee Clerk

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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

Attendance Form

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COMMITTEE MEMBER	PRESENT	ABSENT	EXCUSED
1. Senator ROBSON	✓		
2. Senator GROBSCHMIDT	✓		
3. Senator HANSEN	✓		
4. Senator WELCH	✓		
5. Senator COWLES			✓
6. Representative GROTHMAN	✓		
7. Representative SERATTI	✓		
8. Representative GUNDERSON	✓		
9. Representative TURNER	✓		
10. Representative HEBL	✓		
Totals			

David A. Austin
Committee Clerk

Austin, David

From: Frings, Roger
Sent: Thursday, January 10, 2002 4:40 PM
To: Austin, David
Subject: RE: JCRAR motions

David-
I indicated how Rob would have voted below. Let me know if you have any questions.

Rog

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

From: Austin, David
Sent: Thursday, January 10, 2002 4:18 PM
To: Frings, Roger
Subject: JCRAR motions

Roger:

Here are the JCRAR motions. Please let me know how Senator Cowles wants to be recorded. The committee's rules require him to vote within one hour of adjournment, so I would need a response by the end of the day.

Thanks,

David Austin
Senator Robson's office

To approve all three emergency rule extension requests. (9-0 vote so far.) **Aye**

Regarding the proposed four-day December hunt, request modifications and object if department will not consider modifications. (9-0 vote so far.) **Aye**

Regarding the date of the October T Zone hunt, concurrence with the objection. (9-0 vote so far.) **Aye**

Regarding the four day extension of the archery season, request modifications, specifically that the hunt be statewide, not just in T Zones and object if the department will not consider modifications. (9-0 vote so far.) **Aye**

Regarding where deer are registered, a motion for non-concurrence was defeated 3-6 (Robson, Grobschmidt, Hebl), but I would still like to record Sen Cowles. **Naye**

Regarding where deer are registered, concurrence with the objection. (7-2 vote so far; Robson and Hebl voted no.) **Naye**

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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

January 16, 2002

BY INTER-D

Secretary Phyllis Dubé
Department of Health and Family Services
1 West Wilson Street
Madison, Wisconsin

Re: Emergency Rule HFS 94.20(3) (patient rights)
Emergency Rule HFS 119 (HIRSP premium rates)

Dear Secretary Dubé:

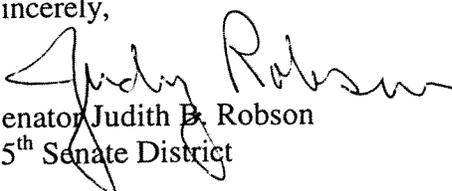
We are writing to inform you that the Joint Committee for the Review of Administrative Rules (JCRAR) held a public hearing and executive session on January 10, 2002. At that meeting, the JCRAR received public testimony regarding Emergency Rule HFS 94.20(3), relating to patient rights and regarding Emergency Rule HFS 119, relating to HIRSP premium rates.

Based on that testimony, the committee adopted a motion extending the effective period of Emergency Rule 94.20(3) for 14 days. The committee approved the motion on a 10 to 0 vote.

The committee also adopted a motion extending the effective period of Emergency Rule HFS 119 for 5 days. The committee approved this motion on a 10 to 0 vote.

Pursuant to § 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
15th Senate District


Representative Glenn Grothman
59th Assembly District

JBR:GG:da

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**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

Emergency Rule Extension Motion Form

Date: January 10, 2002

Location: 411 South

Moved by Robson, Seconded by Hansen

THAT, pursuant to § 227.24(2)(a), *Wisconsin State Statutes*, the Joint Committee for the Review of Administrative Rules extend the effective date of emergency rule HFS 94.20(3) by 14 days, at the request of the Department of Health and Family Services.

COMMITTEE MEMBER	Aye	No	Absent
1. Senator ROBSON	✓		
2. Senator GROBSCHMIDT	✓		
3. Senator HANSEN	✓		
4. Senator WELCH	✓		
5. Senator COWLES	✓ *		
6. Representative GROTHMAN	✓		
7. Representative SERATTI	✓		
8. Representative GUNDERSON	✓		
9. Representative TURNER	✓		
10. Representative HEBL	✓		
Totals			

* voted by polling

Motion Carried

Motion Failed