

Senate

Record of Committee Proceedings

Committee on Human Services and Aging

Clearinghouse Rule 99-071

Relating to the eligibility of nonparent relatives of children to receive kinship care benefits to help them provide care and maintenance for the children.

Submitted by the Department of Health and Family Services.

July 10, 2001 Referred to Committee on Human Services and Aging.

September 5, 2001 **PUBLIC HEARING HELD**

Present: (6) Senators Robson, Moore, Wirch, Hansen,
Roessler and Kanavas.

Absent: (1) Senator Welch.

Appearances for

- Mark Mitchell, Dept. of Health and Family Services

Appearances against

- Carol Medaris, WI Council on Children and Families
- Bob Andersen, Legal Action of WI

Appearances for Information Only

- None.

Registrations for

- None.

Registrations against

- David Carlson, Dane County

September 5, 2001 **MODIFICATION RECEIVED FROM AGENCY**

September 5, 2001 **EXECUTIVE SESSION**

Present: (6) Senators Robson, Moore, Wirch, Hansen,
Roessler and Kanavas.

Absent: (1) Senator Welch.

Moved by Senator Robson, seconded by Senator Roessler, that the Senate Human Services and Aging Committee:

1. Requests that the Department of Health and Family Services agree to consider modifying Clearinghouse Rule 99-071, as modified by the Department's September 5, 2001 revision to s. 58.06 (2), under s. 227.19 (4) (b) 2., Stats.; and
2. If the Department does not agree to consider modifying Clearinghouse Rule 99-071 in writing by 5:00 p.m. on Friday, September 14, 2001, objects under s. 227.19 (4) (d) 1. and 6., Stats., to the rule on the grounds that the Department does not have the statutory authority to promulgate this rule and on the grounds that this rule is arbitrary and capricious; and
3. If the Department agrees to consider modifying the rule, it shall submit a germane modification.

Ayes: (6) Senators Robson, Moore, Wirsch, Hansen,
Roessler and Kanavas.

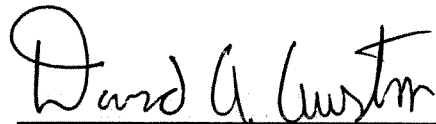
Noes: (0) None.

Absent: (1) Senator Welch.

MODIFICATIONS REQUESTED, OBJECTION IF
DEPARTMENT IS NOT WILLING TO
CONSIDER MODIFICATIONS Ayes 6,
Noes 0, Absent 1

September 7, 2001

REQUEST FOR MODIFICATIONS REJECTED



David A. Austin
Committee Clerk

Record of Committee Proceedings

Joint Committee for Review of Administrative Rules

Clearinghouse Rule 99-071

Relating to the eligibility of nonparent relatives of children to receive kinship care benefits to help them provide care and maintenance for the children.

Submitted by the Department of Health and Family Services.

November 14, 2001 PUBLIC HEARING HELD

Present: (8) Senators Robson, Grobschmidt, Cowles,
Welch, Representatives Grothman, Gunderson,
Turner and Hebl.

Absent: (2) Senator Hansen and Representative Seratti.

Appearances for

- Mark Mitchell, Dept. of Health and Family Services
- Paula Brown, Dept. of Health and Family Services
- John Kiesow, Dept. of Health and Family Services

Appearances against

- Senator Judy Robson
- Erin Bilot, on behalf of Representative Sue Jeskewitz
- Bob Andersen, Legal Action of Wisconsin
- Carol Medaris, WI Council on Children and Families

Appearances for Information Only

- None.

Registrations for

- None.

Registrations against

- None.

November 14, 2001 EXECUTIVE SESSION

Present: (8) Senators Robson, Grobschmidt, Cowles,
Welch, Representatives Grothman, Gunderson,
Turner and Hebl.

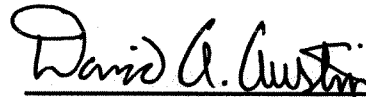
Absent: (2) Senator Hansen and Representative Seratti.

Moved by Senator Robson, seconded by Senator Grobschmidt, that the Joint Committee for Review of Administrative Rules objects to

s. HFS 58.12 in Clearinghouse Rule 99-71 pursuant to s. 227.19
(4) (d) 1. and 6., Stats., on the grounds that the rule provision is
without statutory authority, is arbitrary and capricious and imposes
an undue hardship.

Ayes: (5) Senators Robson, Grobschmidt, Hansen*,
Representatives Turner and Hebl.
Noes: (5) Senators Cowles, Welch, Representatives
Grothman, Seratti* and Gunderson.

* voted by polling



David A. Austin
Committee Clerk

Assembly

Record of Committee Proceedings

Committee on Environment

Clearinghouse Rule 00-164

Relating to wetland compensatory mitigation.

Submitted by the Department of Natural Resources.

July 19, 2001 Referred to Committee on Environment.

August 14, 2001 **PUBLIC HEARING HELD**

Present: (7) Representatives Kedzie, Johnsrud, Gunderson,
 Ott, Powers, Bock and J. Lehman.

Absent: (3) Representatives Vrakas, Pocan and Miller.

Appearances for

- Dave Siebert, WI Department of Natural Resources
- Kirk McVoy, Wisconsin Wetlands Association
- Caryl Terrell, Sierra Club-John Muir Chapter

Appearances against

- None.

Appearances for Information Only

- Tom Wilson, Northern Thunder
- Marc Gumz, Gumz Farms USA, Endeavor, WI

Registrations for

- Tom Larson, WI Realtors Association
- J. Scott Mathie, Metropolitan Builders Association
- Leigh Himebauch, Metropolitan Builders Association
- Jerry Deschane, WI Builders Association

Registrations against

- None.

August 14, 2001 **EXECUTIVE SESSION**

Present: (7) Representatives Kedzie, Johnsrud, Gunderson,
 Ott, Powers, Bock and J. Lehman.

Absent: (3) Representatives Vrakas, Pocan and Miller.

Moved by Representative Johnsrud, seconded by Representative Ott, that **Clearinghouse Rule 00-164** be recommended for modifications requested.

Ayes: (7) Representatives Kedzie, Johnsrud, Gunderson, Ott, Powers, Bock and J. Lehman.

Noes: (0) None.

Absent: (3) Representatives Vrakas, Pocan and Miller.

MODIFICATIONS REQUESTED RECOMMENDED, Ayes 7,
Noes 0, Absent 3

October 11, 2001

EXECUTIVE SESSION

Present: (10) Representatives Kedzie, Johnsrud, Gunderson, Ott, Powers, Vrakas, Pocan, Bock, Miller and J. Lehman.

Absent: (0) None.

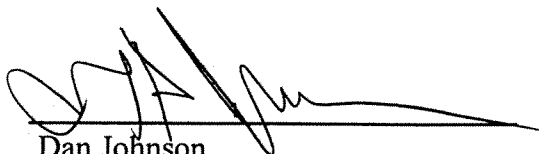
Moved by Representative Kedzie, seconded by Representative Powers, to object to s. NR 350.04 in its entirety of **Clearinghouse Rule 00-164**.

Ayes: (6) Representatives Kedzie, Johnsrud, Gunderson, Ott, Powers and Vrakas.

Noes: (4) Representatives Pocan, Bock, Miller and J. Lehman.

Absent: (0) None.

MOTION TO OBJECT TO s. NR 350.04 IN ITS ENTIRETY OF
CLEARINGHOUSE RULE 00-164
RECOMMENDED,
Ayes 6, Noes 4, Absent 0


Dan Johnson
Committee Clerk

Senate

Record of Committee Proceedings

Committee on Environmental Resources

Clearinghouse Rule 00-164

Relating to wetland compensatory mitigation.

Submitted by the Department of Natural Resources.

July 19, 2001 Referred to Committee on Environmental Resources.

NO PUBLIC HEARING HELD

August 30, 2001 **EXECUTIVE SESSION**

Present: (3) Senators Baumgart, Hansen, and Schultz.

Absent: (2) Senators Wirch and Cowles.

Moved by Senator Baumgart, seconded by Senator Schultz, that the following motion relating to **Clearinghouse Rule 00-164** be adopted:

***SENATE COMMITTEE ON ENVIRONMENTAL RESOURCES
MOTION ON CLEARINGHOUSE RULE 00-164,
RELATING TO WETLAND COMPENSATORY MITIGATION***

The Senate Environmental Resources Committee recommends that the Department of Natural Resources agree to consider modifying Clearinghouse Rule 00-164, relating to wetland compensatory mitigation under s. 227.19 (4) (b) 2., Stats., to do all of the following:

1. Require that off-site mitigation be located as near as practicable to the location of the adversely effected wetland and, rather than within the same department region, within the same department geographic management unit that the project is occurring in, the county that the project is occurring in or an area within a 20-mile radius from the project site (also known as the "compensation search area").
2. Alter the compensatory mitigation sequence in s. NR 350.04 so that if the department determines that a project proponent has demonstrated that it is not practicable or ecologically preferable to conduct an on-site mitigation project, the department shall allow the project proponent to use of any of the following off-site mitigation options:

- a. Purchase of mitigation credits from a bank established prior to the effective date of the rule if the operator of the bank commits to the department, by use of a written memorandum of understanding with the department, to facilitate additional wetland restoration projects at agreed-to locations, within an agreed-to time frame.
 - b. Development of a project-specific mitigation site if the site is located within the same compensation search area, as defined in point #1, as the adversely affected wetland.
 - c. Purchase mitigation credits from a bank established after the effective date of the rule if the site is located within the same compensation search area, as defined in point #1, as the adversely affected wetland.
3. Delete the compensation ratio variance in s. NR 350.06 (3).
 4. Clarify, either through a note to the rule or an amendment to the text of the rule, that, based upon the recently issued report on wetlands mitigation by a committee of the National Research Council, monitoring to determine compliance with performance standards, and management to ensure this compliance, is likely to take more time than the five-year minimum specified in s. NR 350.09 (3) (f) (intro.).
 5. Specify in the rule the minimum requirements for the long-term management plan referenced in ss. NR 350.08 (2) and (3) and 350.09 (1), including information on how the site will be used and maintained, who will be responsible for these activities and the schedule for these activities.
 6. Clarify that the department may require the implementation of some or all of the corrective actions identified in a monitoring report under s. NR 350.09 (3) (f) 8. or other corrective actions identified by the department necessary to improve attainment of the site's performance standards.
 7. Clarify and use consistently throughout the rule the acceptable methods for providing for the long-term protection of compensation and mitigation bank sites. (Section NR 350.11 (1) refers to conservation easements and s. NR 350.12 (3) (e) refers to conservation easements and deed restrictions.)
 8. Clarify that a conservation easement used to provide long-term protection of compensation or mitigation bank sites under s. NR 350.11 (1) must include any zone of vegetated upland adjacent to the wetland identified under s. NR 350.05 (5) and credited under s. NR 350.07 (6).

9. Correct the outdated references in the rule to s. 23.321, Stats. (Section 23.321, Stats., was renumbered to s. 281.37, Stats., by 2001 Wisconsin Act 6.)

Ayes: (5) Senators Baumgart, Hansen, Wirch (Polling),
Cowles (Polling) and Schultz.
Noes: (0) None.
Absent: (0) None.

MODIFICATIONS REQUESTED Ayes 5, Noes 0, Absent 0

September 4, 2001 Letter received from Department of Natural Resources agreeing to consider Modifications.

October 1, 2001 Modifications received from Department of Natural Resources

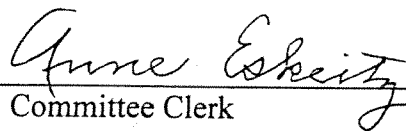
October 9, 2001 **EXECUTIVE SESSION (POLLING)**

Moved by Senator Baumgart that the following motion relating to **Clearinghouse Rule 00-164** be adopted:

The Senate Environmental Resources Committee objects under s.227.19 (4) (d) 6., Stats., to proposed s. NR 350.06 (3), as set forth in the modified version of Clearinghouse Rule 00-164 received by the committee on October 1, 2001, on the grounds that this subsection is arbitrary and capricious.

Ayes: (5) Senators Baumgart, Hansen, Wirch,
Cowles and Schultz.
Noes: (0) None.
Absent: (0) None.

OBJECTION TO NR 350.06 (3) AS SET FORTH IN THE
MODIFIED VERSION OF CR 00-164
RECOMMENDED.



Committee Clerk

Record of Committee Proceedings

Joint Committee for Review of Administrative Rules

Clearinghouse Rule 00-164

Relating to wetland compensatory mitigation.

Submitted by the Department of Natural Resources.

November 14, 2001 **PUBLIC HEARING HELD**

Present: (8) Senators Robson, Grobschmidt, Cowles,
Welch, Representatives Grothman, Gunderson,
Turner and Hebl.

Absent: (2) Senator Hansen and Representative Seratti.

Appearances for

- Jeff Nania, WI Waterfowl Association
- Sean Dilwig, WI Waterfowl Association
- Kirk McVoy, WI Wetland Association

Appearances against

- Jerry Deschane, WI Builders Association
- Representative Neal Kedzie

Appearances for Information Only

- David Siebert, Dept. of Natural Resources

Registrations for

- Bill McClenahan, Forest County Potawatomi Community

Registrations against

- None.

November 14, 2001 **EXECUTIVE SESSION**

Present: (8) Senators Robson, Grobschmidt, Cowles,
Welch, Representatives Grothman, Gunderson,
Turner and Hebl.

Absent: (2) Senator Hansen and Representative Seratti.

Moved by Senator Robson, seconded by Senator Cowles, that the Joint Committee for Review of Administrative Rules objects to s. NR 350.06(3) in Clearinghouse Rule 00-164 pursuant to s. 227.19 (4) (d) 3. and 6., Stats., on the grounds that the rule provision does not comply with legislative intent and is arbitrary and capricious.

Ayes: (7) Senators Robson, Grobschmidt, Hansen*,
Cowles, Representatives Seratti*, Turner and
Hebl.

Noes: (3) Senator Welch, Representatives Grothman
and Gunderson.

* voted by polling

Moved by Senator Robson, seconded by Senator Cowles, that the Joint
Committee for Review of Administrative Rules does not concur in the
objection to s. NR 350.04 in Clearinghouse Rule 00-164 raised by the
Assembly Committee on Environment.

Ayes: (7) Senators Robson, Grobschmidt, Hansen*,
Cowles, Representatives Seratti*, Turner and
Hebl.

Noes: (3) Senator Welch, Representatives Grothman
and Gunderson.

* voted by polling



David A. Austin
Committee Clerk

Clearinghouse Rule 00-091

Relating to licensing of emergency medical technicians-paramedic and approval of emergency medical technician-paramedic operational plans.

Submitted by the Department of Health and Family Services.

September 20, 2001

PUBLIC HEARING

Present: (7) Representatives Grothman, Gunderson, and Turner; Senators Robson, Grobschmidt, Cowles, and Welch

Absent: (3) Representatives Seratti and Hebl; Senator Hansen

Appearances for the Rules

- Sue Dow, Department of Health and Family Services

Appearances Against the Rules

- None

Registrations For the Rules

- None

Registrations Against the Rules

- None

Appearances for Information Only

- None

Registrations for Information Only

- None

September 20, 2001

EXECUTIVE SESSION/POLLING HELD

Moved by Representative Grothman, seconded by Senator Welch that,

1. The Joint Committee for Review of Administrative Rules rescinds a part of its objection to Clearinghouse Rule 00-091. The original objection was made on August 30, 2001 and was directed to all but the first sentence of proposed s. HFS 112.07 (2) (u) 1. a. The Joint Committee, by taking this partial rescission of its previous action, restores the following language to Clearinghouse Rule 00-091:

A single paramedic, licensed registered nurse, licensed physician assistant, or physician performing in the staffing configuration specified in this paragraph may perform all of the skills authorized under s. HFS 112.04 (4) for EMTs-paramedic.

2. The cochairpersons of the Joint Committee for Review of Administrative Rules will, by written communication to the Department of Health and Family Services, indicate the Joint Committee's desire and expectation that the unobjected to portion of Clearinghouse Rule 00-091 will be promulgated promptly so that, among other things:


- a. The provision of paramedic services will be expedited in those areas of Wisconsin currently without such services.
- b. A paramedic will be able to provide full paramedic services.

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

Noes: (0)

Motion Carried.

10 Ayes, 0 Noes *voted by polling


Maggie Delaporte, Committee Clerk

CR 00-164

Relating to wetland compensatory mitigation.

December 12, 2001

PUBLIC HEARING

Present: (6) Representatives Grothman, Seratti, and Hebl; Senators Robson, Grobschmidt, and Hansen.

Excused: (4) Representatives Gunderson and Turner; Senators Cowles and Welch.

Appearances for the Rules

■ None

Appearances Against the Rules

■ None

Registrations For the Rules

■ None

Registrations Against the Rules

■ None

Appearances for Information Only

■ None

Registrations for Information Only

■ None

December 12, 2001

EXECUTIVE SESSION

Present: (6) Representatives Grothman, Seratti, and Hebl; Senators Robson, Grobschmidt, and Hansen.

Excused: (4) Representatives Gunderson and Turner; Senators Cowles and Welch.

LRB 4367 and 4298

Relating to the size of restored, enhanced, or created wetlands that are parts of wetland mitigation projects.

Moved by Representative Seratti, seconded by Senator Robson that, pursuant to s. 227.19(5)(e), Stats., the Joint Committee for Review of Administrative Rules introduces LRB 4367 and LRB 4298.

Ayes: (8) Representatives Seratti, Gunderson*, Turner* and Hebl; Senators Robson, Grobschmidt, Hansen and Cowles*.

Noes: (2) Representative Grothman; Senator Welch*.

Motion Carried.

8 Ayes, 2 Noes *voted by polling


Maggie Delaporte, Committee Clerk

CR 00-164

Relating to wetland compensatory mitigation.

December 12, 2001

PUBLIC HEARING

Present: (6) Representatives Grothman, Seratti, and Hebl; Senators Robson, Grobschmidt, and Hansen.

Excused: (4) Representatives Gunderson and Turner; Senators Cowles and Welch.

Appearances for the Rules

■ None

Appearances Against the Rules

■ None

Registrations For the Rules

■ None

Registrations Against the Rules

■□ None

Appearances for Information Only

■ None

Registrations for Information Only

■ None

December 12, 2001

EXECUTIVE SESSION

Present: (6) Representatives Grothman, Seratti, and Hebl; Senators Robson, Grobschmidt, and Hansen.

Excused: (4) Representatives Gunderson and Turner; Senators Cowles and Welch.

LRB 4367 and 4298

Relating to the size of restored, enhanced, or created wetlands that are parts of wetland mitigation projects.

Moved by Representative Seratti, seconded by Senator Robson that, pursuant to s. 227.19(5)(e), Stats., the Joint Committee for Review of Administrative Rules introduces LRB 4367 and LRB 4298.

Ayes: (8) Representatives Seratti, Gunderson*, Turner* and Hebl; Senators Robson, Grobschmidt, Hansen and Cowles*.

Noes: (2) Representative Grothman; Senator Welch*.

Motion Carried.

8 Ayes, 2 Noes *voted by polling


Maggie Delaporte, Committee Clerk

Assembly

Record of Committee Proceedings

Committee on Small Business and Consumer Affairs

Clearinghouse Rule 00-138

Relating to extended area telephone service.
Submitted by the Public Service Commission.

February 15, 2001 Referred to Committee on Small Business and Consumer Affairs.

March 21, 2001 **PUBLIC HEARING HELD**

Present: (11) Representatives Seratti, Krawczyk, Friske,
Gundrum, Kestell, D. Meyer, Skindrud, Hubler,
J. Lehman, Schneider and Krusick.

Absent: (0) None.

Appearances for

- None.

Appearances against

- None.

Appearances for Information Only

- Paul Nelson and Gary Evenson, Public Service Commission

Registrations for

- None.

Registrations against

- None.

March 21, 2001 **EXECUTIVE SESSION**

Present: (11) Representatives Seratti, Krawczyk, Friske,
Gundrum, Kestell, D. Meyer, Skindrud, Hubler,
J. Lehman, Schneider and Krusick.

Absent: (0) None.

Moved by Representative Schneider, seconded by Representative Skindrud, that **Clearinghouse Rule 00-138** be recommended for modifications requested.

Moved by Representative Seratti, seconded by Representative Krawczyk, to amend modification request to direct the commission to consider the impact of a proposal on internet service cost.

Ayes: (11) Representatives Seratti, Krawczyk, Friske, Gundrum, Kestell, D. Meyer, Skindrud, Hubler, J. Lehman, Schneider and Krusick.
Noes: (0) None.
Absent: (0) None.

MOTION TO AMEND MODIFICATION REQUEST TO DIRECT THE COMMISSION TO CONSIDER THE IMPACT OF A PROPOSAL ON INTERNET SERVICE COST. RECOMMENDED, Ayes 11, Noes 0, Absent 0

Vote taken on motion by Representative Schneider, seconded by Representative Skindrud, that **Clearinghouse Rule 00-138** be recommended for modifications requested.

Ayes: (8) Representatives Seratti, Krawczyk, Friske, Kestell, Skindrud, J. Lehman, Schneider and Krusick.
Noes: (3) Representatives Gundrum, D. Meyer and Hubler.
Absent: (0) None.

MODIFICATIONS REQUESTED RECOMMENDED, Ayes 8, Noes 3, Absent 0

May 29, 2001

EXECUTIVE SESSION

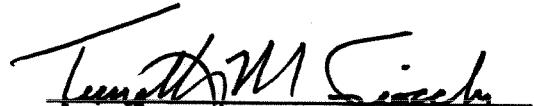
Present: (11) Representatives Seratti, Krawczyk, Friske, Gundrum, Kestell, D. Meyer, Skindrud, Hubler, J. Lehman, Schneider and Krusick.
Absent: (0) None.

Moved by Representative Gundrum, seconded by Representative Kestell, that **Clearinghouse Rule 00-138** be recommended for objection.

Ayes: (10) Representatives Seratti, Krawczyk, Friske, Gundrum, Kestell, D. Meyer, Hubler, J. Lehman, Schneider and Krusick.

Noes: (1) Representative Skindrud.
Absent: (0) None.

OBJECTION RECOMMENDED, Ayes 10, Noes 1, Absent 0



Timothy M. Fiocchi
Committee Clerk