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☞ Details: Miscellaneous correspondence

(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2003-04

(session year)

### Joint

(Assembly, Senate or Joint)

### Committee for Review of Administrative Rules...

#### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

#### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Stefanie Rose (LRB) (August 2012)



P.O. Box 7882  
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(608) 266-2253

P.O. Box 8952  
MADISON, WI 53708-8952  
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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,

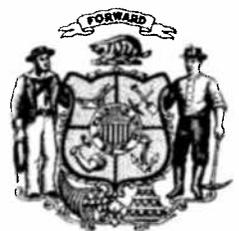
Senator Judith B. Robson  
Senate Co-Chair

Representative Glenn Grothman  
Assembly Co-Chair

JBR:GSG:jss



# WISCONSIN STATE LEGISLATURE





State of Wisconsin  
**Department of Health and Family Services**

---

Scott McCallum, Governor  
Phyllis J. Dubé, Secretary

December 12, 2002

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

*Larry Hartzke*  
*John Lafavre*

Dear Senator Robson:

The Department of Health and Family Services has an emergency rulemaking order in effect that will expire before it is 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 are as follows:

**Chapter HFS 109, Seniorcare.** The emergency rulemaking order creating rules was published and effective on September 1<sup>st</sup>, 2002, and will expire on January 29th, unless extended. The Department's rulemaking order enables the Department to administer the SeniorCare program.

Replacement permanent rules will soon be sent to the Legislative Council for review. The Department held a hearing on the rules on October 10<sup>th</sup>. One individual, representing AFSCME (Association of Federal, State, County, and Municipal Employees), expressed concerns that eligibility determinations have been delegated to private contractors. Three attorneys for the ElderLaw Center of the Council of Wisconsin Aging Groups attended to observe and subsequently expressed concern that the coordination of benefits aspects of the program were not going as smoothly as hoped.

The Department does not expect the replacement permanent rules to become effective until May 1<sup>st</sup> at the earliest. Therefore, I request an extension of the effective period of the emergency rules by **60 days**, through March 31<sup>st</sup>, 2003. If the effective period of the emergency rules is not extended, in the interim, the Department will not have the authority to administer ch. HFS 109.

**Wisconsin.gov**

Senator Robson  
December 12, 2002  
Page 2

A copy of the emergency rulemaking order is attached to this letter. If you have any questions about the rules, you may contact Jim Vavra, Director of Health Care Benefits in the Division of Health Care Financing at 261-7838.

Sincerely,



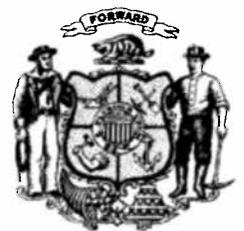
Phyllis Dubé  
Secretary

Attachments

cc Representative Grothman  
Senator Fred Risser  
Speaker Scott Jensen  
Gary Radloff



# WISCONSIN STATE LEGISLATURE





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January 24, 2003

Helene Nelson, Secretary  
Department of Health and Family Services  
1 West Wilson Street, Ste. 650  
Madison, WI 53702

Dear Secretary Nelson:

The Joint Committee for the Review of Administrative Rules met in Executive Session on January 23, 2003 and adopted the following motion:

**Emergency Rule HFS 109 Relating to Seniorcare.**

Moved by Representative Grothman, seconded by Senator Leibham that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extends HFS 109 at the request of Department of Health and Family Services by 60 days. Motion Carried 10 Ayes, 0 Noes, 2 Absent.

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 Joseph Leibham  
Senate Co-Chair

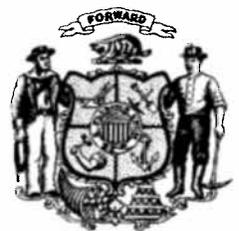
Representative Glenn Grothman  
Assembly Co-Chair

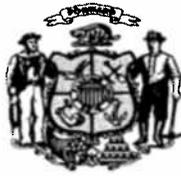
JKL:GSG:mjd

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



# WISCONSIN STATE LEGISLATURE





Scott McCallum  
Governor

Jon E. Litscher  
Secretary

Mailing Address

3099 E. Washington Ave.  
Post Office Box 7925  
Madison, WI 53707-7925  
Telephone (608) 240-5000  
Fax (608) 240-3300

## State of Wisconsin Department of Corrections

January 2, 2003

Senator-elect Joseph K. Liebham, Co-Chair  
Joint Committee for Review of Administrative Rules  
P.O. Box 8952  
Madison 53708-8952

*Get JKL talking  
points on importance x  
significance of  
DOC 316*

Representative Glenn S. Grothman, Co-Chair  
Joint Committee for Review of Administrative Rules  
P.O. Box 8952  
Madison, Wisconsin 53708-8952

RE: Doc 316 relating to Medical, Dental and Nursing Copayment Charge

Dear Senator-elect Leibham and Representative Grothman:

The Department of Corrections (DOC) promulgated an emergency rule concerning the above captioned subject matter on September 3, 2002. The emergency rule will expire on January 31, 2003, before it can be replaced with the proposed permanent rule. Therefore, I am requesting that the Joint Committee for Review of Administrative Rules extend the emergency rule by 60 days pursuant to s. 227.24, (2), Stats.

The emergency rule was required by 2001 Wisconsin Act 109 and raised the medical, dental and nursing copayment charge to \$7.50. The Department is now collecting this increased copayment in accordance with the statute. In order to avoid a lapse in the new copayment charge and avoid significant administrative problems, the DOC requests an extension of the emergency rule to allow time for the permanent rule to become effective.

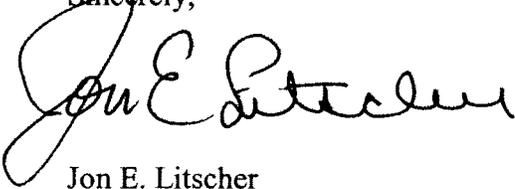
The enclosed proposed permanent rule was submitted to the Administrative Rules Clearinghouse and the Revisor of Statutes on October 4, 2002. The enclosed Administrative Rules Clearinghouse report was sent to DOC on November 1, 2002. On November 18, 2002, public hearings were conducted in Wisconsin Rapids and Waukesha. The permanent rule will be submitted to the new Legislature in the next few weeks.

The DOC has expedited this rule to every possible extent, but it is not possible to promulgate the permanent rule prior to expiration of the emergency rule. It is anticipated that legislative

jurisdiction will expire in early to mid February and will allow the DOC to submit the permanent rule to the Revisor for a likely effective date of April 1, 2002.

Copies of the hearing notice, order creating the emergency rule, and proposed permanent rule are also enclosed. Should you have any questions concerning the request to extend the effective period of the emergency rule, please contact Julie Kane of the DOC Office of Legal Counsel at 240-5015.

Sincerely,

A handwritten signature in cursive script that reads "Jon E. Litscher". The signature is written in black ink and is positioned above the typed name.

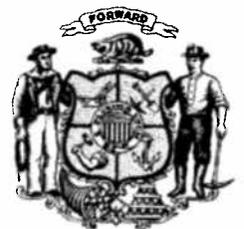
Jon E. Litscher  
Secretary

Enclosures

Cc: Representative Garey Bies, Chair, Assembly Committee on Corrections and the Courts  
Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections and Privacy



# WISCONSIN STATE LEGISLATURE



State of Wisconsin  
JOINT LEGISLATIVE COUNCIL

*Co-Chairs*

**ALAN LASEE**  
President, State Senate

**STEVE WIECKERT**  
Representative, State Assembly



**LEGISLATIVE COUNCIL STAFF**

**Terry C. Anderson**

*Director*

**Laura D. Rose**

*Deputy Director*

January 16, 2003

Senator Joseph Leibham, Co-Chair  
Joint Committee for Review of Administrative Rules  
Room 409 South  
State Capitol  
Madison, WI 53702

Dear Senator Leibham:

I have completed the assignment process required to ensure Legislative Council staff assistance for the standing committees. The Council staff members will attend all standing committee meetings and assist in providing background research, parliamentary procedure, and other information for the committee.

Ron Sklansky will be assigned to the Joint Committee for Review of Administrative Rules. I have asked Ron to contact you as soon as possible regarding this assignment.

In addition to the services mentioned above, Ron, along with others of the Legislative Council staff, will again prepare Amendment Memos explaining the effects of each successful amendment to bills in the process. These memos were well received last biennium and again will be posted on our web site (<http://www.legis.state.wi.us/lc>) as soon as possible.

Best of luck with your committee. I know Ron will provide excellent assistance to your committee. If you have any questions or concerns, please contact me.

Sincerely,

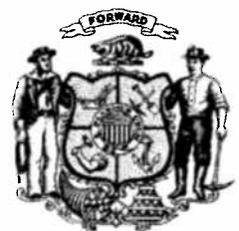
A handwritten signature in cursive script, appearing to read 'Terry C. Anderson', is written over the typed name.

Terry C. Anderson  
Director

TCA:wu



# WISCONSIN STATE LEGISLATURE





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## JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

January 24, 2003

Matthew J. Frank, Secretary  
Department of Corrections  
P.O. Box 7925  
Madison, WI 53707-7925

Dear Secretary Frank:

The Joint Committee for the Review of Administrative Rules met in Executive Session on January 23, 2003 and adopted the following motion:

**Emergency Rule DOC 316**                      **Relating to Medical, Dental and Nursing Co-payment Charge.**  
Moved by Representative Grothman, seconded by Senator Leibham that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extends DOC 316 at the request of Department of Corrections by 60 days.                      Motion Carried                      10 Ayes, 0 Noes, 2 Absent.

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,

Handwritten signature of Senator Joseph Leibham.

Senator Joseph Leibham  
Senate Co-Chair

Handwritten signature of Representative Glenn Grothman.

Representative Glenn Grothman  
Assembly Co-Chair

JKL:GSG:mjd



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## JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

February 19, 2003

Raymond G. Boland, Secretary  
Department of Veterans Affairs  
30 West Mifflin Street  
P.O. Box 7843  
Madison, WI 53707-7843

Dear Secretary Boland:

The Joint Committee for the Review of Administrative Rules met in Executive Session on February 19, 2003 and adopted the following motion:

**Emergency Rule VA 12.02(7) and (16) Relating to the maximum loan amount under the personal loan program.**

Moved by Representative Grothman, seconded by Representative Gunderson that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extends VA 12.02(7) and (16) at the request of Department of Veterans Affairs by 60 days.

Motion Carried 10 Ayes, 0 Noes.

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 Joseph Leibham  
Senate Co-Chair

Representative Glenn Grothman  
Assembly Co-Chair

JKL:GSG:pvs



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## JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

February 20, 2003

The Honorable Alan Lasee  
Senate President  
State Capitol Building, Room 220 South  
Madison, WI 53702

The Honorable John Gard  
Assembly Speaker  
State Capitol Building, Room 211 West  
Madison, WI 53702

Dear President Lasee and Speaker Gard:

The Joint Committee for the Review of Administrative Rules met in Executive Session on February 19, 2003 and adopted the following motions:

**Emergency Rule NR 20.20(49)(d) and (60) (c) Relating to the closure of carp fishing on Cedar Lake and connected waters in Polk and St. Croix Counties.**

Moved by Representative Grothman, seconded by Representative Gunderson that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extends NR 20.20 (49)(d) and (60)(c) at the request of Department of Natural Resources by 60 days.

Motion Carried 10 Ayes, 0 Noes.

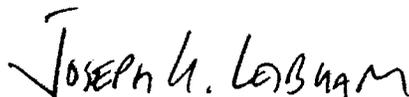
**Emergency Rule VA 12.02(7) and (16) Relating to the maximum loan amount under the personal loan program.**

Moved by Representative Grothman, seconded by Representative Gunderson that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extends VA 12.02(7) and (16) at the request of Department of Veterans Affairs by 60 days.

Motion Carried 10 Ayes, 0 Noes.

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,

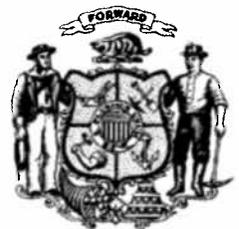
  
Senator Joseph Leibham  
Senate Co-Chair

  
Representative Glenn Grothman  
Assembly Co-Chair

JKL:GSG:pvs



# WISCONSIN STATE LEGISLATURE





**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

**Jim Doyle, Governor**  
**Scott Hassett, Secretary**

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

March 27, 2003

APR 03 2003

Representative Glenn Grothman, Co-Chair  
Joint Committee for the Review of Administrative Rules  
P.O. Box 8952  
Madison, WI 53708

Senator Joe Leibham, Co-Chair  
Joint Committee for the Review of Administrative Rules  
P.O. Box 7882  
Madison, WI 53707

Dear Representative Grothman and Senator Leibham:

Thank you for your letter asking for clarification on the Department's policy regarding consultation with the legislative committee chairs on rule modifications. I also appreciate Representative Grothman's phone call on this issue.

Depending on the gravity of the issue, sometimes I can make the decision and sometimes staff can make the decision regarding proposed modifications to administrative rules. But, there are cases that require the Natural Resources Board review and consultation. The Natural Resources Board is the agency's policy making board. It is very important that we consult with them first on issues of great importance and also provide an opportunity for additional public comment, if necessary.

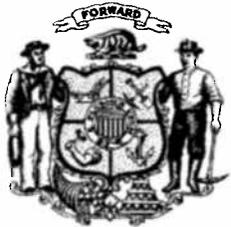
I hope this clarifies our policy.

Sincerely,

Scott Hassett  
Secretary



# WISCONSIN STATE LEGISLATURE





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## JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

March 28, 2003

Scott Hassett, Secretary  
Department of Natural Resources  
101 South Webster Street  
P.O. Box 7921  
Madison, WI 53707-7921

Dear Secretary Hassett:

The Joint Committee for the Review of Administrative Rules met in Executive Session on March 27, 2003 and adopted the following motion:

**Emergency Rule NR 10 and 15 Rules relating to the Control and Management of Chronic Wasting Disease.** Moved by Representative Scott Gunderson, seconded by Senator Welch that, the Joint Committee for Review of Administrative Rules (JCRAR) requests that Department of Natural Resources (DNR):

1. Extend, pursuant to s. 227.24 (2) (a), Stats., the effective period of emergency rules NR 10 and 15 for a period of 14 days through April 10, 2003.
2. Requests that the Department of Natural Resources amend emergency rules NR 10 and 15 to provide for all of the following:
  - a. A person, north of state highway 10, may not hunt with the aid of more than two gallons of bait within any 40-acre site.
  - b. A person, in order to draw deer or elk for viewing purposes on sites outside of the CWD management zone, may place no more than two gallons of feed within 100 yards of a residence owned or leased by that person, except that feed may not be placed within 100 yards of any highway that is posted with a speed limit of at least 45 miles per hour.

Motion Carried 10 Ayes, 0 Noes.

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 Joseph Leibham  
Senate Co-Chair

Representative Glenn Grothman  
Assembly Co-Chair

JKL:GSG:pvs

SENATOR JOSEPH LEIBHAM  
CO-CHAIR



REPRESENTATIVE GLENN GROTHMAN  
CO-CHAIR

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## JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

April 2, 2003

The Honorable Alan Lasee  
Senate President  
State Capitol Building, Room 220 South  
Madison, WI 53702

The Honorable John Gard  
Assembly Speaker  
State Capitol Building, Room 211 West  
Madison, WI 53702

Dear President Lasee and Speaker Gard:

The Joint Committee for the Review of Administrative Rules met in Executive Session on March 27, 2003 and adopted an additional motion:

**LRB 2261 and LRB 2262** Relating to consideration of population in determining eligibility for recycling efficiency incentive grants.

Moved by Senator Welch, seconded by Senator Lazich, that pursuant to s. 227.24(2)(a), stats. the Joint Committee for Review of Administrative Rules approves LRB 2261 and LRB 2262 in concurrence with the Senate Natural Resources and Environment Committee objection action regarding Clearinghouse Rule 02-060.

Motion Carried 10 Ayes, 0 Noes.

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 Joseph Leibham  
Senate Co-Chair

Representative Glenn Grothman  
Assembly Co-Chair

JKL:GSG:pvs



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## JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

April 2, 2003

Scott Hassett, Secretary  
Department of Natural Resources  
101 South Webster Street  
P.O. Box 7921  
Madison, WI 53707-7921

Dear Secretary Hassett:

The Joint Committee for the Review of Administrative Rules met in Executive Session on March 27, 2003 and adopted an additional following motion:

**LRB 2261 and LRB 2262** Relating to consideration of population in determining eligibility for recycling efficiency incentive grants.

Moved by Senator Welch, seconded by Senator Lazich, that pursuant to s. 227.24(2)(a), stats. the Joint Committee for Review of Administrative Rules approves LRB 2261 and LRB 2262 in concurrence with the Senate Natural Resources and Environment Committee objection action regarding Clearinghouse Rule 02-060.

Motion Carried 10 Ayes, 0 Noes.

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 Joseph Leibham  
Senate Co-Chair

Representative Glenn Grothman  
Assembly Co-Chair

JKL:GSG:pvs



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## JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

April 9, 2003

The Honorable Alan Lasee  
Senate President  
State Capitol Building, Room 220 South  
Madison, WI 53702

The Honorable John Gard  
Assembly Speaker  
State Capitol Building, Room 211 West  
Madison, WI 53702

Dear President Lasee and Speaker Gard:

The Joint Committee for the Review of Administrative Rules met in Executive Session on April 9, 2003 and adopted the following motion:

1. Extends, pursuant to s. 227.24 (2) (a), Stats., the effective period of emergency rules NR 10 and 15 except for sections 20, 21 and 37 until September 1, 2003.
2. Extends, pursuant to s. 227.24 (2) (a), Stats., sections 20, 21 and 37 of NR 10 and 15 until April 30, 2003.
3. Requests that the Department of Natural Resources amend emergency rules NR 10 and 15 to provide for all of the following:
  - a. A person, north of state highway 10, with the exception of Manitowoc County, may not hunt with the aid of more than two gallons of bait within any 40-acre site.
  - b. A person, in order to draw deer or elk for viewing purposes on sites outside of the CWD management zone, may place no more than **two gallons of feed** within 100 yards of a owner occupied residence, except that feed may not be placed within 100 yards of any highway that is posted with a speed limit of at least 45 miles per hour.

Motion Carried

10 Ayes, 0 Noes, 1 Absent

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 Joseph Leibham  
Senate Co-Chair

Representative Glenn Grothman  
Assembly Co-Chair

JKL:GSG:mjd



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## JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

April 9, 2003

P. Scott Hassett, Secretary  
Department of Natural Resources  
101 South Webster Street  
Madison, WI 53707-7921

Dear Secretary Hassett:

The Joint Committee for the Review of Administrative Rules met in Executive Session on April 9, 2003 and adopted the following motion:

1. Extends, pursuant to s. 227.24 (2) (a), Stats., the effective period of emergency rules NR 10 and 15 except for sections 20, 21 and 37 until September 1, 2003.
2. Extends, pursuant to s. 227.24 (2) (a), Stats., sections 20, 21 and 37 of NR 10 and 15 until April 30, 2003.
3. Requests that the Department of Natural Resources amend emergency rules NR 10 and 15 to provide for all of the following:
  - a. A person, north of state highway 10, with the exception of Manitowoc County, may not hunt with the aid of more than two gallons of bait within any 40-acre site.
  - b. A person, in order to draw deer or elk for viewing purposes on sites outside of the CWD management zone, may place no more than **two gallons of feed** within 100 yards of a owner occupied residence, except that feed may not be placed within 100 yards of any highway that is posted with a speed limit of at least 45 miles per hour.

Motion Carried

10 Ayes, 0 Noes, 1 Absent

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.

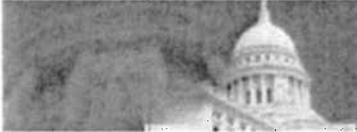
Sincerely,

Joseph Leibham  
JCRAR Co-Chair

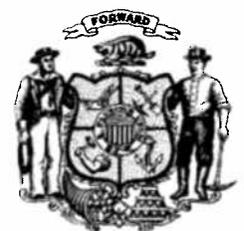
Glenn Grothman  
JCRAR Co-Chair

GG:JL/mjd

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



# WISCONSIN STATE LEGISLATURE





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Scott Hassett, Secretary

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

APR 21 2003

April 21, 2003

Honorable Joseph Leibham, Chair  
Joint Committee for Review of Administrative Rules  
Room 409 South  
State Capitol

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

Re: Extension of Emergency Order No. FH-43-02(E)

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-43-02(E) for 60 days. This emergency order pertaining to the closure of carp fishing on Cedar Lake and connected waters in Polk and St. Croix Counties originally took effect on October 3, 2002 and was extended to April 30, 2003.

The extension of this emergency rule is needed so that the Department can continue to sample for the spring viremia of carp virus. The continued closure will limit the potential spread of the virus from transport of fish and/or their parts and fluids to other waters.

A copy of the emergency order is attached. If you have any questions, please contact Patrick Schmalz of the Bureau of Fisheries Management and Habitat Protection at 266-8170.

Sincerely,

Scott Hassett  
Secretary

Attach.

cc: Presiding Officers  
Pat Schmalz – FH/3  
Tim Andryk – LS/5  
Carol Turner – LS/5

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
REPEALING AND RECREATING RULES

The Wisconsin Natural Resources Board adopts an order to repeal and recreate NR 20.20(49)(d) and (61)(c) relating to the closure of carp fishing on Cedar lake and connected waters in Polk and St. Croix counties.

FH-43-02 (E)

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 29.014, 29.041(1) and 227.24, Stats.

Statutes interpreted: s. 29.041(1), Stats.

SECTION 1 closes all carp fishing on Cedar lake and connected waters in Polk county.

SECTION 2 closes all carp fishing on Cedar lake and connected waters in St. Croix county.

SECTION 1. NR 20.20(49)(d) is repealed and recreated to read:

**(49) POLK** (for species or waters not listed, see sub. (73))

(d) Rough fish	1. Big lake, Behning creek, Cedar lake, Church Pine lake, Horse creek, Horse lake, Lotus lake, Maripit creek, Rice creek, Rice lake (32N R18W S11), Wind lake.	a. Hook and line, by hand, dip netting.	Continuous but there is no open season for carp	None but the daily bag limit for carp is 0	None
		b. Spearing	Saturday nearest May 20 to November 1 but there is no open season for carp	None but the daily bag limit for carp is 0	None
	2. All other trout streams	a. Hook and line	During the open season for trout	None	None
		b. By hand.		None	None
	3. All other waters	a. Hook and line, by hand, dip netting.	Continuous	None	None
		b. Spearing	Continuous	None	None
			Saturday nearest May 20 to November 1	None	None

SECTION 2. NR 20.20(60)(c) is repealed and recreated to read:

**(60) ST. CROIX** (for species or waters not listed, see sub. (73))

(c) Rough fish	1. Apple river including sloughs, bayous flowages and tributaries, Cedar lake, Horse creek.	a. Hook and line, by hand, dip netting.	Continuous but there is no open season for carp	None but the daily bag limit for carp is 0	None
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	b. Spearing	Saturday nearest May 20 to November 1 but there is no open season for carp	None but the daily bag limit for carp is 0	None
2. All other trout streams	a. Hook and line	During the open season for trout	None	None
	b. By hand.	Continuous	None	None
3. All other waters	a. Hook and line, by hand, dip netting.	Continuous	None	None
	b. Spearing	Saturday nearest May 20 to November 1	None	None

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:

Spring viremia of carp virus is of international animal health concern. The virus effects fishes in the minnow family in nature. Minnows are extremely important forage fish for many important sport fishes in Wisconsin and are also important to the bait and aquaculture industries. Assuring the health of minnow populations and preventing the spread to other waters is important in preserving the welfare of Wisconsin citizens by protecting popular and economically valuable sport and bait fisheries. Little is currently known about the extent of the virus and until we can increase our knowledge, this closure will limit the potential spread from transport of fish and/or their parts and fluids.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on September 25, 2002.

The rules contained herein shall take effect on October 3 as emergency rules, as provided in s. 227.24(1)(c), Stats.

Dated in Madison, Wisconsin

September 27, 2002

STATE OF WISCONSIN DNR  
DEPARTMENT OF NATURAL RESOURCES

By

Darrell Bazzell

Darrell Bazzell, Secretary

(SEAL)