

WISCONSIN STATE  
LEGISLATURE  
COMMITTEE HEARING  
RECORDS

2005-06 (session year)

Joint (Assm., Sen. or Joint)

Committee for  
Review of  
Administrative  
Rules  
(JCR-AR)

Sample:

Record of Comm. Proceedings ... RCP

- 05hrAC-Ed\_RCP\_pt01a
- 05hrAC-Ed\_RCP\_pt01b
- 05hrAC-Ed\_RCP\_pt02

➤ Appointments ... Appt

➤ \*\*

➤ Clearinghouse Rules ... CRule

➤ \*\*

➤ Committee Hearings ... CH

➤ \*\*

➤ Committee Reports ... CR

➤ \*\*

➤ Executive Sessions ... ES

➤ \*\*

➤ Hearing Records ... HR

➤ \*\*

➤ Miscellaneous ... Misc

➤ \*\*

➤ Record of Comm. Proceedings ... RCP

➤ **05hr\_JCR-AR\_RCP\_pt03**

## Record of Committee Proceedings

### Joint Committee for Review of Administrative Rules

#### ATCP 136

Rule regulating mobile air conditioners

April 27, 2005

#### PUBLIC HEARING

Present (9) Senators Grothman, Stepp, Reynolds, Jauch, Miller; Representatives Gottlieb, LeMahieu, Schneider and Black.

Absent (1) Representative Friske.

#### Appearances For

- Tom Stoebig
- Jim Rabbitt, Department of Agriculture, Trade and Consumer Protection
- Richard Virture

#### Appearances Against

- Thomas Thompson
- Thomas Brown, Automotive Refrigeration Products Institute

#### Appearances for Information Only

- None

#### Registrations For

- Gary W. Manke, Wisconsin Automotive Aftermarket Association, Wisconsin Automotive Parts Association, and Midwest Equipment Dealers Association
- Chris Snyder, Wisconsin Automobile and Truck Dealers Association

#### Registrations Against

- Aaron Lowe, Automotive Aftermarket Industry Association
- Representative Daniel LeMahieu

June 28, 2006

### **PUBLIC HEARING HELD**

- Present: (9) Senators Grothman, Leibham, Reynolds and Miller; Representatives LeMahieu, Friske, Towns, Schneider and Black.
- Absent: (1) Senator Jauch.

#### Appearances For

- Chris Snyder — WI Auto & Truck Dealers Assoc
- Gary Manke — Midwest Equipment Dealers Assoc
- Gary Antoniewicz — Midwest Equipment Dealers Assoc
- Robert Slane , Wausau
- Richard Virtue , Oregon
- Don Schinker , Stoughton

#### Appearances Against

- Aaron Lowe — Automotive Aftermarket Industry Assoc
- Thomas Thompson , Campbellsport

#### Appearances for Information Only

- Janet Jenkius — DATCP
- Judy Cardin — DATCP

#### Registrations For

- Gary Manke — WI Automobile Aftermarket Assoc

#### Registrations Against

- None.

June 28, 2006

### **EXECUTIVE SESSION HELD**

- Present: (8) Senators Grothman, Leibham, Reynolds and Miller; Representatives LeMahieu, Friske, Towns and Black.
- Absent: (2) Senator Jauch; Representative Schneider.

**Moved by Senator Grothman, seconded by Representative LeMahieu** that ATCP 136 be recommended for 1. Except as provided in item 2., the Joint Committee for Review of Administrative Rules, pursuant to ss. 227.19 (4) (d) 6. and 227.26 (2) (d), Stats., suspends a portion of s. ATCP 136.01 (19) as shown by the following stricken material:

ATCP 136.01 (19) "Refrigerant" means ~~any substance used, sold for use, or designed or intended for use in a mobile air conditioner or trailer refrigeration equipment to transfer heat out of the space being cooled.~~ "Refrigerant" includes a class I substance as defined in 42 USC 7671(3), a class II substance as defined in 42 USC 7671(4), ~~and any substance used, sold for use, or designed or intended for use as a substitute for a refrigerant.~~

2. The rule suspension described in item 1. will not take effect if, by 5:00 p.m. on July 7, 2006, the Department of Agriculture, Trade and Consumer Protection has adopted an emergency rule authorizing the sale of the refrigerant R 134A in a container holding less than 15 pounds of the refrigerant.

- Ayes: (5) Senators Grothman, Leibham and Reynolds;  
Representatives LeMahieu and Towns.  
Noes: (4) Senators Jauch and Miller; Representatives  
Schneider and Black.  
Absent: (1) Representative Friske.

  
Jeffrey Grothman  
Committee Clerk

## Record of Committee Proceedings

### Joint Committee for Review of Administrative Rules

#### COMM 62

Relating to Automatic Fire Suppression and Student Housing Facilities.

June 28, 2006

#### **PUBLIC HEARING HELD**

Present: (9) Senators Grothman, Reynolds, Leibham and Miller; Representatives LeMahieu, Friske, Towns, Schneider and Black.  
Absent: (1) Senator Jauch.

#### Appearances For

- Bob DuPont — WI Dept. of Commerce
- Jim Quast — WI Dept. of Commerce

#### Appearances Against

- None.

#### Appearances for Information Only

- None.

#### Registrations For

- Dan Gengler — WI Fire Protection Coalition

#### Registrations Against

- None.

June 28, 2006

#### **EXECUTIVE SESSION HELD**

Present: (8) Senators Grothman, Reynolds, Leibham and Miller; Representatives LeMahieu, Friske, Towns and Black.  
Absent: (2) Senator Jauch; Representative Schneider.

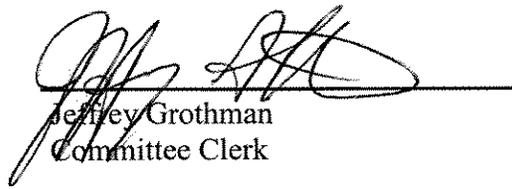
Moved by Representative Black, seconded by Representative LeMahieu that **COMM 62** be recommended for Relating to Extension of 60 Emergency Rule for Department of Commerce..

Ayes: (10) Senators Grothman, Reynolds, Jauch, Leibham and Miller; Representatives

LeMahieu, Friske, Towns, Schneider and  
Black.

Noes: (0) None.

RELATING TO EXTENSTION OF 60 EMERGENCY RULE  
FOR DEPARTMENT OF COMMERCE. RECOMMENDED,  
Ayes 10, Noes 0



Jeffrey Grothman  
Committee Clerk

## Record of Committee Proceedings

### Joint Committee for Review of Administrative Rules

#### Emergency Order FR-20-06

DNR request 60 day extension to FR-20-06. This emergency order pertains to relating of firewood entering and exiting department lands.

August 22, 2006

#### **PUBLIC HEARING HELD**

Present: (9) Senators Grothman, Reynolds, Jauch and Miller; Representatives LeMahieu, Friske, Towns, Schneider and Black.  
Absent: (1) Senator Stepp.

#### Appearances For

- Bruce Chevis — DNR

#### Appearances Against

- None.

#### Appearances for Information Only

- None.

#### Registrations For

- None.

#### Registrations Against

- None.

August 22, 2006

#### **EXECUTIVE SESSION HELD**

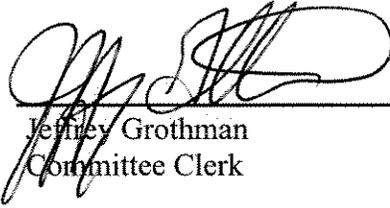
Present: (9) Senators Grothman, Reynolds, Jauch and Miller; Representatives LeMahieu, Friske, Towns, Schneider and Black.  
Absent: (1) Senator Stepp.

Moved by Senator Miller, seconded by Representative Friske that **Emergency Order FR-20-06** be recommended that Department be granted 60 Emergency Rule extension.

Ayes: (10) Senators Grothman, Stepp\*, Reynolds\*, Jauch and Miller; Representatives LeMahieu, Friske, Towns, Schneider and Black.

Noes: (0) None.

Motion Adopted, Ayes 10, Noes 0  
\*Voted by Polling



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Jeffrey Grothman  
Committee Clerk

## Record of Committee Proceedings

### **Joint Committee for Review of Administrative Rules**

#### **Election Board Decision Relative to Providing Driver's License for Purposes of Voter Registration**

Decision reached by the Elections Board at the May 17, 2006 Meeting.

June 28, 2006

#### **PUBLIC HEARING HELD**

Present: (9) Senators Grothman, Leibham, Reynolds and Miller; Representatives LeMahieu, Friske, Towns, Schneider and Black.

Absent: (1) Senator Jauch.

#### Appearances For

- None.

#### Appearances Against

- Kirby Brant , Madison

#### Appearances for Information Only

- Joe Leibham — Senator , WI State Senate
- Kevin Kennedy — State Election Board
- George Dunst — State Elections Board

#### Registrations For

- None.

#### Registrations Against

- None.

June 28, 2006

#### **EXECUTIVE SESSION HELD**

Present: (8) Senators Grothman, Leibham, Reynolds and Miller; Representatives LeMahieu, Friske, Towns and Black.

Absent: (2) Senator Jauch; Representative Schneider.

**Moved by Representative LeMahieu, seconded by Senator Grothman that Election Board Decision Relative to Providing Driver's License for Purposes of Voter Registration be recommended for The Joint Committee for Review of Administrative Rules, pursuant to s. 227.26 (2) (b), Stats.,**

determines that the Elections Board's interpretation of 42 USC 15483 (a) (5) (A), relating to voter registration requirements for an election for a federal office, meets the definition of the term "rule" and directs the Elections Board to promulgate the interpretation as an emergency rule under s. 227.24 (1) (a), Stats., no later than July 28, 2006..

Ayes: (10) Senators Grothman, Leibham, Reynolds,  
Jauch and Miller; Representatives LeMahieu,  
Friske, Towns, Schneider and Black.

Noes: (0) None.

   
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Jeffrey Grothman  
Committee Clerk

## Record of Committee Proceedings

### Joint Committee for Review of Administrative Rules

#### INS 9

Relating to Revising Requirements for Insurers Offering Defined Network Plans.

November 14, 2006 **PUBLIC HEARING HELD**

Present: (9) Senators Grothman, Stepp, Reynolds and Miller; Representatives LeMahieu, Friske, Towns, Schneider and Black.

Absent: (1) Senator Jauch.

#### Appearances For

- None.

#### Appearances Against

- None.

#### Appearances for Information Only

- Eileen Mallow — OCI

#### Registrations For

- None.

#### Registrations Against

- None.

November 14, 2006 **EXECUTIVE SESSION HELD**

Present: (9) Senators Grothman, Stepp, Reynolds and Miller; Representatives LeMahieu, Friske, Towns, Schneider and Black.

Absent: (1) Senator Jauch.

Moved by Representative LeMahieu, seconded by Senator Miller that The Joint Committee for Review of Administrative Rules rescinds, as of January 1, 2007, its motions adopted on March 1, 2006, suspending portions of ch. Ins 9.

Ayes: (10) Senators Grothman, Stepp, Reynolds\*, Jauch\* and Miller; Representatives

LeMahieu, Friske, Towns, Schneider and  
Black.

Noes: (0) None.

Motion Carried 10-0

\*Voted by Polling



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Jeffrey Grothman  
Committee Clerk



## Record of Committee Proceedings

### **Joint Committee for Review of Administrative Rules**

**NR 1.016**                    **Relating to Natural Resources Board policies on protection and management of public waters (Clearinghouse Rule 04-066)**

March 31, 2005

#### **PUBLIC HEARING HELD**

Present:    (9)     Senators Grothman, Stepp, Jauch and Miller;  
Representatives Gottlieb, LeMahieu, Friske,  
Schneider and Black.

Absent:    (1)     Senator Reynolds.

#### Appearances For

- Peter Murray, Madison — WI Association of Lakes
- Anne Sayers, Madison — WI League of Conservation Voters
- Caryl Terrell, Madison — Sierra Club - John Muir Chapter
- Jeff Smith, Madison — Trout Unlimited

#### Appearances Against

- Jerry Deschane, Madison — WI Builders Association

#### Appearances for Information Only

- Mary Ellen Vollbrecht, Madison — Department of Natural Resources

#### Registrations For

- None.

#### Registrations Against

- Tom Larson, Madison — WI Realtors Association

March 31, 2005

#### **EXECUTIVE SESSION HELD**

Present:    (8)     Senators Grothman, Jauch and Miller;  
Representatives Gottlieb, LeMahieu, Friske,  
Schneider and Black.

Absent:    (2)     Senators Stepp and Reynolds.

Moved by Senator Grothman, second by Representative LeMahieu that the Joint Committee for Review of Administrative Rules, pursuant to s. 27.19(4)(d)3. and 6. and (5)(d), Stats., objects to SECTION 1 of Clearinghouse Rule 04-066.

Ayes: (5) Senators Grothman and Stepp\*;  
Representatives Gottlieb, LeMahieu, Friske.

Noes: (4) Senators Jauch and Miller; Representatives  
Schneider and Black.

Absent: (1) Senators Reynolds

\* voted by polling



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Denise Solie  
Committee Clerk

## Record of Committee Proceedings

### **Joint Committee for Review of Administrative Rules**

**NR 27.03(3)(c)3**      Relating to endangered and threatened species, the Butler's Garter Snake.

June 30, 2006      Public Hearing for July 18, 2006 is noticed.

July 18, 2006      **PUBLIC HEARING HELD**

Present:      (8)      Senators Grothman, Reynolds, Jauch and Miller; Representatives LeMahieu, Friske, Towns, and Schneider.

Absent:      (2)      Senator Stepp and Representative Black

#### Appearances For the Rule

- Peter McKeever, Milwaukee County Conservation Coalition
- George Meyer, Wisconsin Wildlife Federation
- Quinn Williams, Port Washington
- Dr. Gary Casper, Slinger
- Ellen Gennrich, Waukesha County Land Conservancy
- Jason Dare, Waukesha County Land Conservancy
- Angela Curtes, West Bend, Ozaukee Washington Land Trust

#### Appearances Against the Rule

- J. Scott Mathie, Metropolitan Builders Association
- Jim Hartung, JJB Real Estate Development
- Michael Eidenberger, Yamaha of Port Washington
- Brian Depies, Bielinski Homes
- John Siepmann, Siepmann Realty Corp
- Dr. Cary Stelmachowicz, Fredonia
- Jerry Deschane, WI Builders Association
- Matthew Haasch, Brookfield
- Jacque and Corinne Sommers, Menomonee Falls
- Gina Hansen, NAIOP

#### Appearances for Information Only

- Signe Holtz and Andy Glavin, Wisconsin Department of Natural Resources

#### Registrations For the Rule

- Kristi Minahan, Madison

Registrations Against the Rule

- Tom Larson, Wisconsin Realtors Association
- Mark Eisenmann, Brookfield
- Brian K. Wagner

July 18, 2006

**EXECUTIVE SESSION**

Present: (7) Senators Grothman, Reynolds, Jauch and Miller; Representatives LeMahieu, Friske, Towns and Schneider.

Absent: (2) Senator Stepp and Representative Black.

1. Moved by Senator Grothman, seconded by Representative Schneider, that Except as provided in item 2., the Joint Committee for Review of Administrative Rules, pursuant to ss. 227.19 (4) (d) 1. and 6. and 227.26 (2) (d), Stats., suspends s. NR 27.03 (3) c. 3.
2. The rule suspension described in item 1. will take effect on October 1, 2006, unless all of the following occurs:
  - a. The Department of Natural Resources (DNR) lowers its determination of the number of sites necessary to maintain the viability of the Butler's garter snake.
  - b. DNR formulates a plan to mitigate further the amount of land affected by the conservation needs associated with the Butler's garter snake.
  - c. DNR specifies parameters for the orderly delisting of the Butler's garter snake from the state's threatened species list.

Ayes: (8) Senators Grothman, Reynolds, Stepp\* and Miller; Representatives LeMahieu, Friske, Towns and Schneider.

Noes: (2) Senator Jauch and Representative Black\*.

Motion Passed: 8-2

\*voted by polling

September 27, 2006 **EXECUTIVE SESSION**

Present: (10) Senators Grothman, Reynolds, Stepp, Jauch and Miller; Representatives LeMahieu, Friske, Towns, Schneider, and Black.

Absent: (0) None

Moved by Senator Grothman, seconded by Representative LeMahieu, that;

1. The Joint Committee for Review of Administrative Rules rescinds its motion of July 18, 2006, relating to the Butler's garter snake.
2. Except as provided in item 3., the Joint Committee for Review of Administrative Rules, pursuant to ss. 227.19 (4) (d) 1. and 6. and 227.26 (2) (d), Stats., suspends s. NR 27.03 (3) c. 3.
3. The rule suspension described in item 2. will take effect on November 30, 2006, unless the Department of Natural Resources updates its conservation strategy so that its policy relating to the Butler's garter snake is less burdensome on the private property owner.

Ayes: (6) Senators Grothman, Reynolds, and Stepp; Representatives LeMahieu, Friske, and Towns.

Noes: (4) Senators Jauch and Miller; Representatives Schneider and Black.

Motion Carries: 6-4

November 28, 2006 **EXECUTIVE SESSION**

Present: (10) Senators Grothman, Reynolds, Stepp, Jauch and Miller; Representatives LeMahieu, Friske, Towns, Schneider and Black.

Absent: (0) None

Moved by Senator Grothman, seconded by Representative Schneider, that, the Joint Committee for Review of Administrative Rules:

1. Rescinds its motion of September 27, 2006, relating to the Butler's garter snake.

2. Requests that the Department of Natural Resources, in March 2007, provide to the committee an update on the department's progress regarding regulation of the Butler's garter snake.

3. Requests that next Session's Joint Committee for Review of Administrative Rules meet in March 2007 to receive the report of the Department of Natural Resources described in item 2.

Ayes: (7) Senators Grothman, Reynolds, Jauch, and Miller; Representatives Friske, Schneider and Black.

Noes: (3) Senator Stepp\*; Representatives LeMahieu and Towns.

Motion Carried: 7-3

\*voted by polling

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James Emerson  
Committee Clerk

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Record of Committee Proceedings

**Joint Committee for Review of Administrative Rules**

**Trans 201**

Relating to Control of Outdoor Advertising

October 19, 2005

**PUBLIC HEARING HELD**

Present: (9) Senators Grothman, Stepp, Reynolds and Miller;  
Representatives Gottlieb, LeMahieu, Friske,  
Schneider and Black.  
Absent: (1) Senator Jauch.

Appearances in favor of modifying the current rule

- Janet Swandby, Madison — Outdoor Advertising Association
- Tony Hickey, Milton — Lamar Advertising
- Kevin Gruber, Wisconsin Dells — Noah's Ark
- Jane Sweasy, Algoma — JAG Outdoor Advertising
- Keith Carsen, LaCrosse — Collins Outdoor Advertising
- Brad Yarmark, Milton — Lamar Advertising
- Dan Pomeroy, Mukwonago — Clear Channel Outdoor

Appearances Against

- None.

Appearances for Information Only

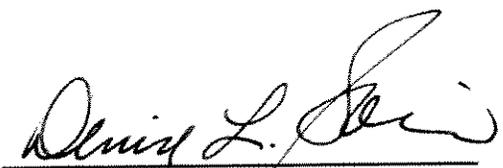
- David Vieth, Madison — WI Department of Transportation
- Chuck Mitchell, Wauwatosa — Citizens for a Scenic Wisconsin
- Vernie Smith, Viroqua — Citizens for a Scenic Wisconsin

Registrations in favor of modifying the current rule

- Tim Collins, LaCrosse — Collins Outdoor Advertising
- Jim Schumacher, Dubuque — OAAW
- Jason Saari, Cottage Grove
- Chris Elgenberger, Verona
- Kurt Weis, Oak Creek — Lamar Advertising of Milwaukee
- Bill Schroeder, Appleton — Orde Advertising

Registrations Against

- None.

  
Denise Solie  
Committee Clerk