

MISC_PT011997-98
SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

Senate Committee on
Business, Economic
Development and Urban
Affairs (SC-BEDUA)

Sample:

Record of Comm. Proceedings ... RCP

- 05hrAC-EdR_RCP_pt01a
- 05hrAC-EdR_RCP_pt01b
- 05hrAC-EdR_RCP_pt02

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

➤ **

➤ Committee Hearings ... CH

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Hearing Records ... HR

➤ **

➤ Miscellaneous ... Misc

➤ 97hrSC-BEDUA_Misc_pt02

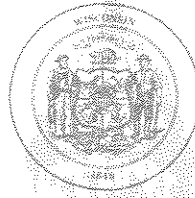
➤ Record of Comm. Proceedings ... RCP

➤ **

Wisconsin State Senate

PLEASE REPLY TO:
State Capitol
P.O. Box 7882
Madison, WI 53707-7882
(608) 266-5670

E-MAIL
Sen.Drzewiecki@legis.state.wi.us
TOLL-FREE LEGISLATIVE HOTLINE
1-800-362-9472



GARY DRZEWIECKI
Senator

Representing Brown, Marinette and Oconto Counties

DATE: July 29, 1998

TO: Members - Senate Committee on Business, Economic Development and Urban Affairs

FROM: Senator Gary F. Drzewiecki, Chairman

RE: Clearinghouse Rule Senate 98-001

The following Clearinghouse Rule has been referred to the Committee on Business, Economic Development and Urban Affairs:

Clearinghouse Rule 98-001: An ORDER to.....relating to residential rental practices.

Submitted by the Department of Agriculture, Trade and Consumer Protection.

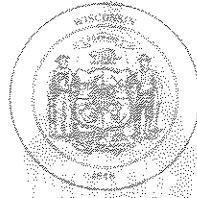
If you would like a copy of the rule, please contact my office.

The rule was referred to the Committee on July 29, 1998. If you would like to request a hearing on the rule, please contact me prior to August 29, 1998.

Wisconsin State Senate

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State Capitol
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GARY DRZEWIECKI
Senator

Representing Brown, Marinette and Oconto Counties

DATE: September 4, 1998

TO: Members - Senate Committee on Business, Economic Development and Urban Affairs

FROM: Senator Gary F. Drzewiecki, Chairman

RE: Clearinghouse Rule Senate 98-065

The following Clearinghouse Rule has been referred to the Committee on Business, Economic Development and Urban Affairs:

Clearinghouse Rule 98-065: An ORDER to.....relating to petroleum environmental cleanup fund.

Submitted by the Department of Commerce.

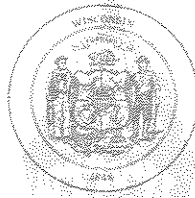
If you would like a copy of the rule, please contact my office.

The rule was referred to the Committee on September 2, 1998. If you would like to request a hearing on the rule, please contact me prior to October 2, 1998.

Wisconsin State Senate

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State Capitol
P.O. Box 7882
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GARY DRZEWIECKI
Senator

Representing Brown, Marinette and Oconto Counties

DATE: September 18, 1998

TO: Members - Senate Committee on Business, Economic Development and Urban Affairs

FROM: Senator Gary F. Drzewiecki, Chairman

RE: Clearinghouse Rules

The following Clearinghouse Rules have been referred to the Committee on Business, Economic Development and Urban Affairs:

Clearinghouse Rule 97-117: AN ORDER to repeal..... relating to environmental analysis and review procedures for departmental actions.

Submitted by Department of Commerce

Clearinghouse Rule 98-030: AN ORDER to repeal.....relating to the registration and regulation of architects, landscape architects, professional geologists, professional engineers, designers and land surveyors.

Submitted by Department of Regulation and Licensing

Clearinghouse Rule 98-075 An ORDER to repeal.....relating to credential applications and examination requirements for individuals applying for a license to practice optometry.

Submitted by Department of Regulation and Licensing

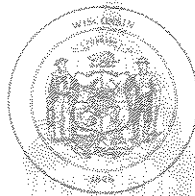
If you would like a copy of the rules, please contact my office.

The rules were referred to the Committee on September 16, 1998. If you would like to request a hearing on the rule, please contact me prior to October 16, 1998.

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State Capitol
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E-MAIL
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1-800-362-9472



GARY DRZEWIECKI
Senator

Representing Brown, Marinette and Oconto Counties

DATE: September 25, 1998

TO: Members - Senate Committee on Business, Economic Development and Urban Affairs

FROM: Senator Gary F. Drzewiecki, Chairman

RE: Clearinghouse Rule Senate 98-077

The following Clearinghouse Rule has been referred to the Committee on Business, Economic Development and Urban Affairs:

Clearinghouse Rule 98-077: An ORDER to.....relating to dentists and dental hygienists.

Submitted by the Department of Regulation and Licensing

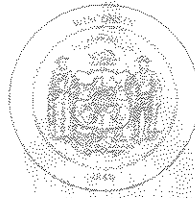
If you would like a copy of the rule, please contact my office.

The rule was referred to the Committee on September 23, 1998. If you would like to request a hearing on the rule, please contact me prior to October 23, 1998.

Wisconsin State Senate

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1-800-362-9472



GARY DRZEWIECKI
Senator

Representing Brown, Marinette and Oconto Counties

DATE: October 1, 1998

TO: Members - Senate Committee on Business, Economic Development and Urban Affairs

FROM: Senator Gary F. Drzewiecki, Chairman

RE: Clearinghouse Rules

The following Clearinghouse Rules have been referred to the Committee on Business, Economic Development and Urban Affairs:

Clearinghouse Rule 98-106: AN ORDER to create.....relating to the exemption of elevator access to certain areas within government-owned or operated buildings.

Submitted by Department of Commerce

Clearinghouse Rule 98-091: AN ORDER to amend.....relating to the education required of candidates to take the examination leading to receipt of a credential as a certified public accountant after December 31, 2000.

Submitted by Department of Regulation and Licensing

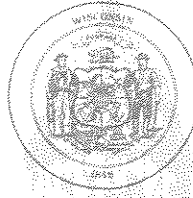
If you would like a copy of the rules, please contact my office.

The rules were referred to the Committee on September 30, 1998. If you would like to request a hearing on the rule, please contact me prior to October 30, 1998.

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GARY DRZEWIECKI Senator

Representing Brown, Marinette and Oconto Counties

DATE: October 14, 1998

TO: Members - Senate Committee on Business, Economic Development and Urban Affairs

FROM: Senator Gary F. Drzewiecki, Chairman

RE: Clearinghouse Rules

The following Clearinghouse Rules have been referred to the Committee on Business, Economic Development and Urban Affairs:

Clearinghouse Rule 98-109: An ORDER to.....relating to the exemption of accessibility requirements for certain multifamily dwelling units.

Submitted by Department of Commerce

Clearinghouse Rule 98-099: An ORDER to.....relating to rental unit energy efficiency standards.

Submitted by Department of Commerce

If you would like a copy of the rules, please contact my office.

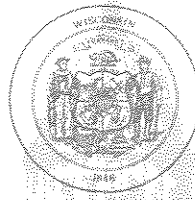
The rules were referred to the Committee on October 7 and 14, 1998, respectively. If you would like to request a hearing on either of the rules, please contact me prior to November 7 or 14, 1998.

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GARY DRZEWIECKI
Senator

Representing Brown, Marinette and Oconto Counties

DATE: October 25, 1998

TO: Members - Senate Committee on Business, Economic Development and Urban Affairs

FROM: Senator Gary F. Drzewiecki, Chairman

RE: Clearinghouse Rule Senate 98-100

The following Clearinghouse Rule has been referred to the Committee on Business, Economic Development and Urban Affairs:

Clearinghouse Rule 98-100: An ORDER to.....relating to public employee safety and health.

Submitted by the Department of Commerce

If you would like a copy of the rule, please contact my office.

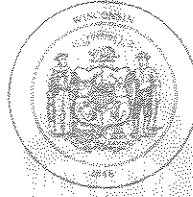
The rule was referred to the Committee on October 21, 1998. If you would like to request a hearing on the rule, please contact me prior to November 21, 1998.

Wisconsin State Senate

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State Capitol
P.O. Box 7882
Madison, WI 53707-7882
(608) 266-5670

E-MAIL
Sen.Drzewiecki@legis.state.wi.us

TOLL-FREE LEGISLATIVE HOTLINE
1-800-362-9472



GARY DRZEWIECKI
Senator

Representing Brown, Marinette and Oconto Counties

DATE: November 5, 1998

TO: Members - Senate Committee on Business, Economic Development and Urban Affairs

FROM: Senator Gary F. Drzewiecki, Chairman

RE: Clearinghouse Rules

The following Clearinghouse Rules have been referred to the Committee on Business, Economic Development and Urban Affairs:

Clearinghouse Rule 98-053: AN ORDER to create.....relating to biennial continuing education requirements for social worker certification renewal.

Submitted by Department of Regulation and Licensing

Clearinghouse Rule 98-103: AN ORDER to repeal.....relating to the NFPA standards in the building code.

Submitted by Department of Commerce

Clearinghouse Rule 98-075 An ORDER to create.....relating to the issuance and use of administrative warnings.

Submitted by Department of Regulation and Licensing

Clearinghouse Rule 98-107 An ORDER to create.....relating to the issuance and use of administrative warnings.

Submitted by the Department of Regulation and Licensing

Clearinghouse Rule 98-115 An ORDER to repeal.....relating to continuing education, renewal, temporary practices, practical examinations, fitting of hearing instruments, use of titles, initials and designation and unlicensed practice.

Submitted by the Department of Regulation and Licensing

Clearinghouse Rule 98-116 An ORDER to create.....relating to the practice of massage therapy and bodywork.

Submitted by the Department of Regulation and Licensing

Clearinghouse Rule 98-126 An ORDER to repeal.....relating to construction site erosion control.

Submitted by the Department of Commerce

Clearinghouse Rule 98-132 An ORDER to Renumber and amend.....relating to real estate appraisers.

Submitted by Department of Regulation and Licensing

If you would like a copy of any of the rules, please contact my office.

The rules 98-103 and 98-132 were referred to the Committee on October 28, 1998. The rest of the rules were referred on November 4, 1998. If you would like to request a hearing on any of the rules, please contact me within 30 days of the referral dates.

Committee Meeting Attendance Sheet

Senate Committee on Business, Economic Development and Urban Affairs

Date: 4-23 Meeting Type: Public Hearing

Location: 119 BALK - LL Hearing Room 2

Committee Member

Sen. Gary Drzewiecki, Chair

Sen. Carol Roessler

Sen. Alberta Darling

Sen. Gwendolynne Moore

Sen. Kimberly Plache

Present

Absent

Excused

Totals:

3

2

Louis C. Schubert III

Louis Schubert, Committee Clerk

Committee Meeting Attendance Sheet

Senate Committee on Business, Economic Development and Urban Affairs

Date: 4-23 Meeting Type: Executive Session

Location: 119 Martin Luther King Jr. Blvd - Lower Level Hearing Room 2

<u>Committee Member</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Sen. Gary Drzewiecki, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carol Roessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Alberta Darling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gwendolynne Moore	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Kimberly Plache	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Totals:	<u>3</u>	<u> </u>	<u>2</u>



Louis Schubert, Committee Clerk

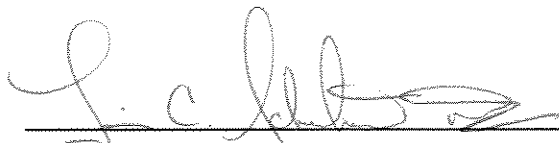
Committee Meeting Attendance Sheet

Senate Committee on Business, Economic Development and Urban Affairs

Date: 4-29-98 Meeting Type: Public Hearing

Location: Hearing Room 2, Lower Level, 119 MLK

<u>Committee Member</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Sen. Gary Drzewiecki, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carol Roessler	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Alberta Darling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gwendolynne Moore	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kimberly Plache	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>3</u>	<u>12</u>	<u>1</u>



Louis Schubert, Committee Clerk

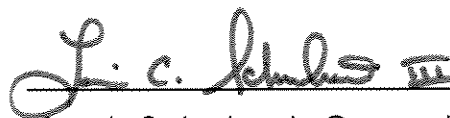
Committee Meeting Attendance Sheet

Senate Committee on Business, Economic Development and Urban Affairs

Date: 4-29-98 Meeting Type: Executive Session

Location: Hearing Room 2, Lower Level, 119 MLK

<u>Committee Member</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Sen. Gary Drzewiecki, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carol Roessler	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Alberta Darling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gwendolynne Moore	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Kimberly Plache	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>3</u>	<u> </u>	<u>2</u>



Louis Schubert, Committee Clerk

Committee Meeting Attendance Sheet

Senate Committee on Business, Economic Development and Urban Affairs

Date: 5-5-98 Meeting Type: Public Hearing / Executive Session

Location: Hearing Room 1 - 119 Martin Luther King Jr. Blvd.

<u>Committee Member</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Sen. Gary Drzewiecki, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carol Roessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Alberta Darling	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gwendolynne Moore	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kimberly Plache	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>3</u>	<u>2</u>	<u> </u>



Louis Schubert, Committee Clerk

FOLEY & LARDNER

ATTORNEYS AT LAW

CHICAGO
JACKSONVILLE
LOS ANGELES
MADISON
MILWAUKEE
ORLANDO
SACRAMENTO

FIRSTAR CENTER
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MILWAUKEE, WISCONSIN 53202-5367
TELEPHONE (414) 271-2400
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SAN DIEGO
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TALLAHASSEE
TAMPA
WASHINGTON, D.C.
WEST PALM BEACH

WRITER'S DIRECT LINE
414-297-5655

EMAIL ADDRESS
upayne@foleylaw.com

CLIENT/MATTER NUMBER
999600/0201

April 28, 1998

VIA HAND DELIVERY

Senator Gary Drzewiecki
P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Drzewiecki:

Governor Thompson recently appointed me to the Board of the Bradley Center Sports and Entertainment Corporation. The appointment is to an unexpired term which allows me to begin my participation on the Board at the same time your committee begins the confirmation process.

I am very much looking forward to fully participating in the Board responsible for the management of the Bradley Center. As you know, the Bradley Center is home to many of Wisconsin's professional and college sports teams. My own sports career, several years on the Southeast Wisconsin Professional Baseball Park District Board, as well as being a practicing lawyer, give me a unique perspective to contribute to the continued success of the Bradley Center. I have enjoyed attending games and concerts at the Bradley Center and know of its commitment to providing patrons a first-class entertainment venue. Opened almost 10 years ago, the over 200 events each season have been a boon to the economy of downtown Milwaukee.

I look forward to discussing my participation on the Bradley Center Board with you and your colleagues. As I understand, the Governor's office has provided background information on my qualifications. If you would like additional information or want to learn more about me, please call me at 414-297-5655.

Respectfully,


Ulric Payne, Jr.



Wisconsin State Representative • 19th Assembly District

DR. FRANK H. URBAN

Background Information on AB 549

Under current law, the Medical Examining Board (MEB) investigates allegations of negligence or unprofessional conduct by doctors and other people holding credentials by the board. The Department of Regulation and Licensing (DORL) may investigate these allegations. If a DORL investigation finds there is probable cause of negligence or unprofessional conduct, the MEB must hold a disciplinary hearing. If a doctor or other credential holder is found guilty by the MEB of negligence or unprofessional conduct, he or she may receive a warning or a reprimand, or a limitation, suspension or revocation of a credential.

Assembly Bill 549, as amended by committee, specifies the MEB may take disciplinary action no later than one year after initiating an investigation of an allegation involving a death of a patient, and no later than three years after initiating any other allegation. The MEB is able to obtain an extension on these time limits under certain circumstances.

The bill also allows the MEB to issue a private and confidential administrative warning to a physician or other credential holder (after an investigation) if the MEB determines evidence of misconduct. An administrative warning may only be issued if:

- the MEB determines that no other action is necessary because the offenses were minor and a first occurrence by the doctor or credential holder, and,
- that an administrative warning protects the public by putting the physician on notice that future misconduct may result in disciplinary action.

The issuance of an administrative warning is a public record, however, the contents of the record are not.

The bill specifies that a court (in a review proceeding) may not issue an order that stays or suspends an order of the MEB, unless the court determines:

- the MEB received notice of the petition and the court hearing,
- there is substantial likelihood that the petitioner will win the review,
- the petitioner will suffer irreparable harm if the order is not suspended or stayed, and,
- there is no likelihood of harm to patients of the petitioner.

Assembly Bill 549 increases the penalties for a physician violating subchapter II of Wis. Stats. chapter 448 (relating to the MEB) to a fine not to exceed \$25,000. The current fine is not more than \$10,000 for a violation of any provision in Wis. Stats. Chapter 448.

Assembly Bill 549 also:

- requires the DORL to maintain a toll-free telephone hot-line to receive reports of negligence and misconduct by doctors;
- increases the authorized positions for DORL by 1.5 program revenue assistants and 1.5 program revenue legal assistants for the MEB and 0.5 program revenue position to provide physician consulting services to the DORL and MEB relating to disciplinary investigations of physicians;
- requires the MEB, the Medical College of Wisconsin and the University of Wisconsin-Madison Medical School to study whether physicians are sufficiently informed, educated and trained concerning advances in techniques and procedures;
- requires the MEB to submit an annual report to the Legislature indicating the average length of time required to process disciplinary cases;
- requires the MEB, on a random basis, to verify the accuracy of proof of compliance by doctors with continuing medical education requirements;
- provides immunity for doctors who, in good faith, provide the MEB with information concerning an allegation that another doctor has engaged in negligence or misconduct; and,
- requires the Joint Legislative Council to study the MEB's investigation of, and imposition of discipline against, doctors who engage in negligence and misconduct.

To clear up
current
back log



URBAN

Wisconsin State Representative • 99th Assembly District

DR. FRANK H. URBAN

For AB 549

Medical oversight system may need some Viagra

It wasn't as tough as some might have liked, but the state Medical Examining Board took the right course Wednesday from a public health standpoint regarding a Wauwatosa physician who was prescribing the anti-impotency drug Viagra to patients, sight unseen, across the country.

The deal that the board cut with David Michael Thomas allows the physician to retain his license to practice medicine, but wisely bans him from prescribing by telephone or using the Internet to solicit phone prescriptions.

Nonetheless, the case raises disturbing legal and ethical questions about the practice of Internet medicine, in which patients can get prescriptions on line and order drugs from overseas pharmacies without prescriptions. Moreover, state officials need to explain why they did not act sooner on information that Thomas had been court-martialed from the Army on sex charges only four years ago and, a

year earlier, had surrendered his medical license in Arizona.

The Medical Examining Board action fell far short of an initial petition to summarily suspend Thomas' medical license for 30 days pending investigation of the charges. The move came after the Journal Sentinel reported that Thomas had prescribed Viagra at least 700 times in recent weeks to people briefly screened by telephone, a highly suspect practice considering the substantial health risks from taking any prescription drug without a proper medical evaluation.

As noted by Thomas Kowalski, president of the Milwaukee County Medical Society, prescribing drugs in this fashion is "not consistent with good medical practice."

What makes all of this even more troubling is that many people clearly did not seek the drug to cure the problem for which it is intended — impotence, which can be caused by a number

of serious medical conditions, including diabetes and prostate cancer. In fact, a Web site by Thomas to advertise the drug irresponsibly promised "better sexual performance and enjoyment" by using the drug.

Pfizer Inc., the drug's maker, has adamantly stated that it makes no such claims for the drug. Appropriately, Thomas is being investigated to determine whether he violated federal deceptive advertising laws.

More alarming still, state officials concede that they knew in 1995 that Thomas had surrendered his Arizona medical license in 1994 and was court-martialed in 1994 on charges that included coercion not to report sodomy. He subsequently spent more than a year in military prison. Yet state officials still have not finished investigating these matters.

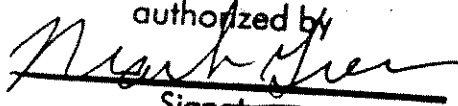
Considering that Thomas is a licensed Wisconsin physician, such official dawdling is an appalling breach of the public trust in the state's regulatory system.

Fax to: Legislators
Fax from: Barbara Schultz
609 Crestview Drive
Menomonie, WI 54751

Phone #: 715-235-9071 (work)
715-235-9259 (home)
Fax #: 715-235-9031

Date: April 26th, 1998

This distribution has been
authorized by


Signature

I am asking you today to vote the passage of AB 549. Today, in the state of Wisconsin a doctor can negligently kill a patient and it takes up to 10 years for the Medical Examining Board to solve the case and take action. That is, of course, if the victim's family knows they have the right to call a phone number somewhere in Madison. If they can find out what number to call, in the midst of the shock and grief of the unexpected death, then the state will possibly look into the death of their loved one.

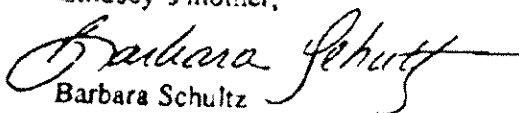
My daughter Lindsey died over 2 years ago during a routine appendectomy. The Medical Examining Board still has made no decision on her case. The doctor continued to practice for over two years after Lindsey's death and has now retired. Will the Board ever make a decision in her case? As of today, the Board is not there to punish. It is there to protect us so these same mistakes don't happen again. If it takes up to 10 years to decide what action to take, whom are they protecting?

Wisconsin also needs to make sure the education requirements are monitored. There are new procedures out every year. The laparoscopic appendectomy surgery is quite new. If the doctor does not learn the procedure in his schooling and internship, it is a weekend course. Just think, do the surgery on 6 pigs, and then start on a human life. Would you like to be the doctor's first patient? I would really like to know how many types of this procedure Lindsey's doctor performed before he did her surgery.

These are just a few of the topics raised in AB 549. A death case would have to be solved within one year. A toll-free phone number would be put in each and every clinic and hospital and telephone book. The doctor could be fined a penalty for misconduct. A study into the continuing education requirements for new surgeries would be checked in to.

SB 148 and AB 549 were to work together to help the citizens of Wisconsin. Thank you for making the right decision and passing the Justin - Lindsey Bill, SB 148. Now please do the right thing and pass AB 549. It is a good step in the right direction for making the clinics and hospitals a safer place when we need them the most.

Lindsey's mother,


Barbara Schultz

- May be conflict between MEB & DORL on this issue.
- Leg. Council Study Committee is premature this summer - results won't be apparent yet.
- Timelines
 - Disciplinary Action Against Physician
 - Change take to initiate



**WISCONSIN
REALTORS®
ASSOCIATION**

4801 Forest Run Road, Suite 201
Madison, Wisconsin 53704-7337
608-241-2047 • in WI 1-800-279-1972
Fax 608-241-2901 • E-mail wra@wra.org
URL <http://www.wra.org>

DAVE STARK, GRI, President

WILLIAM MALKASIAN, CAE, Executive Vice President

TO: All State Senators

FROM: Michael Theo
Vice President for Public Affairs

DATE: April 22, 1998

RE: Assembly Bill 46 - Fair Housing Law Revisions

The Wisconsin REALTORS Association (WRA) strongly supports AB 46 - a bill to update Wisconsin's fair housing laws regarding elderly housing to comply with recent changes passed by Congress and signed by President Clinton. This legislation passed the Assembly Housing Committee 9-0 and the full Assembly on a voice vote.

Background

The 1988 Federal Fair Housing Amendments exempted certain housing for older persons from the provisions prohibiting discrimination on the basis of familial status. Housing meeting that exemption may legally exclude families with children. The intent of the law is to recognize the special needs and desires of elderly renters and homeowners.

Under the 1988 Amendments, housing for older persons must meet the criteria in one of three housing categories in order to qualify for the exemption. One category is housing intended and operated for occupancy by persons 55 years of age and older, provided the following criteria be satisfied: at least 80% of the units are occupied by at least one person who is 55 years old or older; the facility publishes and adheres to policies and procedures that demonstrate the owner's intent the housing is for elderly persons and there exists significant facilities and services designed especially to meet the physical and social needs of older persons.

The New Federal Law

In December, 1995, President Clinton signed the Older Persons Act of 1995 (HR 660) into law. The law amends the Fair Housing Act by deleting the requirement that housing for older persons provide significant facilities and services specifically designed to meet the physical and social needs of older persons. This requirement had proven difficult to define for the elderly, housing providers, and HUD. Recognizing these difficulties, HUD made several attempts to define those services and facilities which would satisfy the law's requirement, but widespread dissatisfaction with HUD's definitions and rules led to the passage of the new law.

All Senators re: AB 46

Page 2

The new federal law also made several other changes regarding verification of elder occupants and limits on liability for owners trying to comply with the law. Exempt housing must now comply with rules promulgated by DILJD for verification of occupancy. Further, the new law provides that a person who relies upon representations indicating that the property qualifies for the exemption is not liable for monetary damages if they show a good faith effort to comply with the law. To prove good faith, an owner or broker must demonstrate, (a) they had no actual knowledge that the housing was not, or would not be, eligible for the exemption, and (b) that the owner stated formally in writing that the housing complied with the requirements of the exemption. This is important for a real estate broker, or a unit owner in a complex, who must rely upon the accuracy of the occupancy verification documentation, despite not having a personal opportunity to verify it's accuracy.

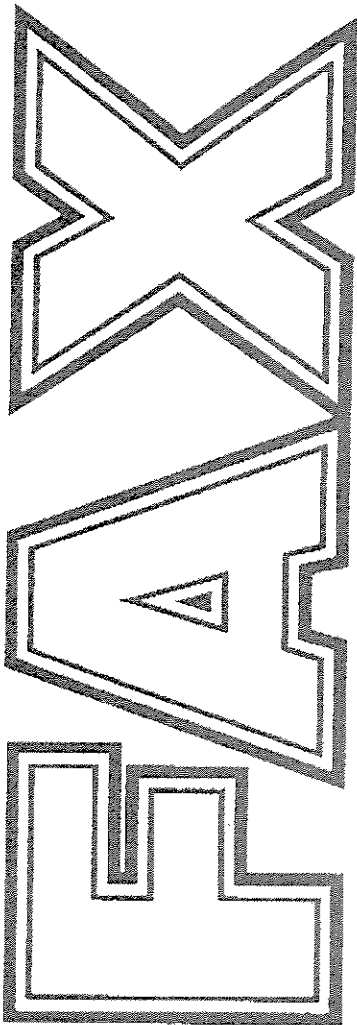
Wisconsin Law

Wisconsin is among the many states who patterned their fair housing laws to mirror the federal Fair Housing Act prior to the enactment of the new changes. Therefore, Wisconsin law today continues to require that housing have "significant facilities and services" in order to qualify for the 55 and older exemption.

Impact of AB 46

AB 46 will simply bring Wisconsin law into compliance with these new federal changes. Passage of this legislation is important so that our elderly can enjoy the full range of housing options allowed under the new federal law. Moreover, identical state and federal law will assist property owners, managers and developers in understanding and complying with elderly housing laws.

We strongly encourage your support for AB 46.



T R A N S M I T T

To: Senator Drzewieck

Of: _____

From: Ross Kinzler

Re: AB46

Date: 4-22-98

Pages: 1

I am unable to attend hearing tomorrow at 2:00 AB46-elderly housing R

I did, however, want to express my support for bill to you.

Thank you.

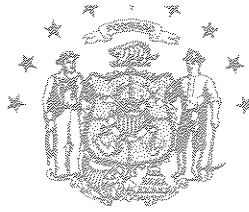


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JUDITH B. ROBSON

WISCONSIN LEGISLATURE

DATE: April 23, 1998

TO: Chair Gary Drzewiecki and Members
Senate Business, Economic Development
and Urban Affairs Committee

FROM: Representative Judy Robson

RE: Assembly Bill 872

Thank you for scheduling this public hearing on Assembly Bill 872, which received strong bipartisan support in the Assembly. I urge your concurrence with Assembly passage of Assembly Substitute Amendment 2 to AB 872, as amended by Assembly Amendment 1.

The substitute removes all language in AB 872 that: charges a tenant for a credit check; establishes a rebuttable presumption regarding damage; and sets a dollar value on property that can be disposed of, rather than removed.

The substitute simply allows landlords to move and store the property of tenants who have been evicted. The sheriff will supervise the moving of property to ensure the landlord exercises ordinary care during the move. In addition, to do the move, the landlord must tell the sheriff where the property will be stored and give the name, address, and telephone number of the person the tenant can contact to claim the property. The landlord must obtain a bond or insurance policy to cover any damage to the property caused by using less than ordinary care in its handling or storage. The rates charged by the landlord for removal and storage cannot exceed the average rate, as determined by the sheriff. The landlord will use the same procedure as warehouse keepers do for disposal of property that is not claimed by the tenant.

Although I am not a coauthor of the original bill, I worked with Representative Grothman on the substitute amendment. The substitute is patterned after a bill I had introduced and modified to give landlords this option in the eviction procedure. I worked with landlords, tenant interests, movers, sheriff representatives, and staff from the Department of Agriculture, Trade and Consumer Protection to reach agreement on the language that was adopted by the Assembly.

Amendment 1 to Substitute Amendment 2 exempts Milwaukee County from this procedure. In a meeting I convened, the Milwaukee County Sheriff's Department and movers who do evictions in Milwaukee County said the existing law works for them. The charges for moving the property were reasonable, unlike the experience in some other counties.

Your support for this bill as it passed the Assembly would be appreciated.

MADISON OFFICE: STATE CAPITOL, P.O. BOX 8953, MADISON, WI 53708 • (608) 266-9967

DISTRICT ADDRESS: 2411 EAST RIDGE ROAD, BELOIT, WI 53511 • (608) 365-6587

TOLL-FREE LEGISLATIVE HOTLINE: 1-800-362-9472

EMAIL: judy.robson@legis.state.wi.us

♻️ PRINTED ON RECYCLED PAPER

The logo for the Coalition of Wisconsin Aging Groups (CWAG) features the letters "CWAG" in a bold, white, serif font, centered within a solid black square.

Elder Law Center

Coalition of Wisconsin Aging Groups

April 23, 1998

TO: Members of the Senate Committee on Business, Economic Development and Urban Affairs

FROM: Betsy Abramson and Tom Frazier

RE: Opposition to AB 46

The Coalition of Wisconsin Aging Groups strongly opposes AB 46, a bill which would weaken Wisconsin's open housing law by repealing the requirement that housing for older persons provide significant facilities and services specifically designed to meet the physical or social needs of older persons and other provisions. In essence, this bill would permit a landlord to declare his or her rental property as being designed for older people, and thereby not consider renting it to younger individuals, even though the property did not have any special services, facilities or other accommodations for older people.

While presumably this bill would make more rental housing available to older people, we believe the bill does so at the expense of children and families. The Coalition of Wisconsin Aging Groups opposes housing discrimination against children and families. Using older people as pawns to discriminate against younger people, especially where the facilities would not even provide any special services or facilities for older people, is especially odious.

We urge opposition to this bill.



April 23, 1998

Senator Gary Drzewiecki
Office Rm. LL3, 119 Martin Luther King Jr. Blvd.
P.O.Box 7882
Madison, WI 53707-7882

Dear Senator Drzewiecki,

We are asking you to please support AB 872. The number of forced physical moves in Milwaukee County and throughout Wisconsin in the last 10 to 15 years has gone up in epidemic proportions. Last year in Milwaukee County alone there were more than 3,200 forced physical moves. The average moving costs for each of these moves is between \$300.00 to \$500.00 dollars but can go as high as \$1000.00 dollars, this does not include lost rent and damages caused by the tenant which easily run into the thousands of dollars. These high administrative costs are draining the lifeblood from central city neighborhoods that desperately need improvement to the housing stock, but instead the funds are going towards moving items that many times have very little value when compared to the cost of moving them.

This is why we are asking you to approve this bill to give us the option of moving these items ourselves and reducing our moving costs and allowing us to put the savings back into neighborhoods that need improvement so desperately.

We are also asking that Milwaukee County be put back into this bill where the eviction problem is the most severe.

Thank you for considering this bill it is very important to rental property owners in Wisconsin.

Orville Seymer
Legislative Chairman

Tommy G. Thompson
Governor

Linda Stewart
Secretary



State of Wisconsin

Department of Workforce Development

OFFICE OF THE SECRETARY
201 East Washington Avenue
P.O. Box 7946
Madison, WI 53707-7946
Telephone: (608) 266-7552
Fax: (608) 266-1784
<http://www.dwd.state.wi.us/>

DATE: April 23, 1998

TO: Members, Senate Business, Economic Development
and Urban Affairs Committee

FROM: Connie Hagen, Executive Assistant *Connie Hagen*

RE: Assembly Bill 46

The Department of Workforce Development, the state agency responsible for enforcement of the fair housing law, supports AB 46 because it will simplify compliance with the law for housing providers.

In order to discuss this bill, it may be helpful to briefly review the history and intent of fair housing laws and the provisions that directly relate to this bill.

The intent of both the federal and state fair housing laws is to provide an equal opportunity for all people to secure housing. Both state and federal laws provide that housing providers may not discriminate on the basis of family status, in addition to other protections. Lawmakers added family status protection to the federal law in 1988 and to the state law in 1992 because families with children were having a difficult time finding housing. In order to allow for separate housing for older people, both state and federal laws included a number of exceptions to the family status provision.

AB 46 relates to the exception for housing intended for people aged 55 and older. The federal and state laws both included an exception for such housing, if the housing provider had "significant facilities and services" to meet the needs of older people.

The definition of what constitutes "significant facilities and services" has been a problem for housing providers and enforcement agencies since passage of the laws. In addition, the requirement for significant facilities and services resulted in higher priced housing for older people and priced such housing out of the reach of many lower income elderly people.

The federal Housing for Older People Act of 1995 addressed this problem by eliminating the "significant facilities and services" requirement from the federal fair housing law. The Wisconsin fair housing law continues to include this requirement. Assembly Bill 46 removes that requirement from state law, thereby conforming state and federal laws.

We do not believe that elimination of this requirement will increase the number of housing providers who provide housing only to older people, or significantly reduce the availability of housing for families with children. In order to provide housing exclusively for older people, providers will still need to keep records showing that at least 80% of the units are occupied by at least one person over age 55, publish policies and adhere to procedures that demonstrate an intent to provide housing for older people.

We respectfully request your support for AB 46.

SEC-7792-E (R. 03/97)

File Ref:

M E M O R A N D U M

TO: Members of the Senate Committee on Business, Economic
Development & Urban Affairs

FROM: Pete Christianson, for the Wisconsin
Land Title Association

RE: Senate Bill 45 Is Bad Public Policy

DATE: April 23, 1998

The members of the Wisconsin Land Title Association are strongly opposed to Senate Bill 45, which would include surveys, appraisals, and architectural and engineering plans under the construction lien law.

The purpose of the construction lien law is to protect persons who provide improvements to real property, including those who provide the physical labor as well as the materials used for the improvements. The theory behind the law is that because the value of the property has been increased, it is appropriate to protect those whose efforts resulted in the increased. In such a situation the owner of the property would be unjustly enriched if he or she failed to pay what was due for the labor and/or materials. Under the bill, surveys, appraisals, and architectural plans or specifications would be categorized as improvements to land.

Disputes between real property owners and surveyors, appraisers, and design professionals are likely to occur when the proposed sale or construction project falls through. While we can all have sympathy for the individual who does not receive payment under those circumstances, it is one of the obvious risks of business. Is fair to remove this risk via an amendment to the construction lien law?

The members of the Wisconsin Land Title Association believe that the construction lien law should not be amended to provide protection to individuals who, in the final analysis, have not provided an increase in value to the real property which would be

the subject of the lien. The proposed change is inconsistent with the fundamental purpose of the law, which is to provide protection to those whose labor or other contributions have increased the value of the property.