

2005 DRAFTING REQUEST

Bill

Received: 10/22/2004

Received By: csundber

Wanted: As time permits

Identical to LRB:

For: Sheldon Wasserman (608) 266-7671

By/Representing: Sarah Osterberg

This file may be shown to any legislator: NO

Drafter: csundber

May Contact:

Addl. Drafters:

Subject: Occupational Reg. - prof lic

Extra Copies:

Submit via email: YES

Requester's email: Rep.Wasserman@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Licensing criteria for nursing home administrators

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 10/28/2004	lkunkel 11/15/2004 lkunkel 12/14/2004		_____			State
/1			pgreensl 12/14/2004	_____	lemery 12/14/2004	lnorthro 01/10/2005	
			pgreensl 12/14/2004	_____	lnorthro 12/14/2004		

FE Sent For:

<END>

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1?	csundber	1 mk 11/15	14 P8	4 124 P8/K			

FE Sent For:

<END>

Sundberg, Christopher

From: Kunkel, Mark
Sent: Thursday, October 21, 2004 5:04 PM
To: Sundberg, Christopher; Hurley, Peggy
Subject: FW: wasserman redraft request

This is a Rep. Wasserman redraft involving nursing home administrators. Will one of you do it?

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

From: Osterberg, Sarah
Sent: Thursday, October 21, 2004 5:00 PM
To: Kunkel, Mark
Subject: wasserman redraft request

Hi, Mark,

Please redraft 2003 AB 16 as a new bill for next session, with the inclusion of AA 1. Thanks!

Sarah

P.S.--Just to avoid conflict with the Christian Science folks again, is there any other way we can word the provision of the bill that excludes them?

2003 DRAFTING REQUEST

Bill

Received: 09/16/2002

Received By: mkunkel

Wanted: As time permits

Identical to LRB:

For: Sheldon Wasserman (608) 266-7671

By/Representing: Sarah Osterberg

This file may be shown to any legislator: NO

Drafter: mkunkel

May Contact:

Addl. Drafters:

Subject: Occupational Reg. - prof lic

Extra Copies: PJH

Submit via email: YES

Requester's email: Rep.Wasserman@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Licensing criteria for nursing home administrators

Instructions:

See attached

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/1			pgreensl 10/10/2002		lemery 10/10/2002	amentkow 01/13/2003	

FE Sent For:

Attn: [unclear]

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2003 DRAFTING REQUEST

Bill

Received: 09/16/2002

Received By: mkunkel

Wanted: As time permits

Identical to LRB:

For: Sheldon Wasserman (608) 266-7671

By/Representing: Sarah Osterberg

This file may be shown to any legislator: NO

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May Contact:

Addl. Drafters:

Subject: Occupational Reg. - prof lic

Extra Copies: PJH

Submit via email: YES

Requester's email: Rep.Wasserman@legis.state.wi.us

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/1			pgreensl 10/10/2002		lemery 10/10/2002		

FE Sent For:

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12/14

CORRECTED COPY

~~2003 - 2004 LEGISLATURE~~
2005 - 2006

LRB-000271 0520/1

MDK:cjs:pg

ETS lmk etc

2005 Bill

2003 ASSEMBLY BILL 16

LD-note

10-28-14

January 30, 2003 - Introduced by Representatives WASSERMAN, PETTIS, HAHN, HINES, BERCEAU, COLON, HUBER, J. LEHMAN, PLOURFF, SINICKI and TURNER, cosponsored by Senators ROESSLER and HANSEN. Referred to Committee on Aging and Long-Term Care.

LPS: PISPWF

Regen

1 AN ACT *to renumber and amend* 456.08; *to amend* 456.02 (intro.), 456.02 (1),
 2 456.02 (2), 456.02 (3), 456.02 (4), 456.02 (5), 456.02 (6), 456.02 (7), 456.07 (5) and
 3 456.09 (1) (c); *to repeal and recreate* 456.04 (4); and *to create* 456.04 (5),
 4 456.08 (1), (2), (3) and (4) and 456.12 of the statutes; **relating to:** the
 5 requirements for examinations for nursing home administrator licenses and for
 6 reciprocal nursing home administrator licenses, creating an exemption from
 7 such requirements, and granting rule-making authority.

the following one of the following: 1)

Analysis by the Legislative Reference Bureau

(regular course); 2)

This bill makes changes to current law regarding the following: 1) the requirements for a nursing home administrator license; 2) the requirements for a reciprocal nursing home administrator license that apply to persons licensed in other states; and 3) the requirement to be licensed as a nursing home administrator.

Requirements for a nursing home administrator license. Under current law, a person must satisfy certain education requirements before he or she is allowed to take the examination for a nursing home administrator license. Specifically, he or she must complete a regular course of study, equivalent specialized courses, or a program of study that is considered adequate academic preparation for nursing home administration, by the Nursing Home Administrator Examining Board (examining board). In addition, the examining board is required to develop and

pass an

(study program)

INSERT MDK-1

or 3)

ASSEMBLY BILL 16

INSERT MDK-2

enforce standards regarding the supervised practical experience that is required for a person to be licensed as a nursing home administrator. A person may satisfy the supervised practical experience requirements before or after taking the examination.

This bill changes the requirements that a person must satisfy before taking the nursing home administrator examination. ~~Under the bill, a person must satisfy certain education and supervised practical experience requirements before he or she can take the examination.~~ Regarding education, the bill requires a person to have either: 1) a bachelor's, master's, or doctoral degree with a health care administration or long-term care major; or 2) a bachelor's degree and completion of a specialized course in nursing home administration. The bill directs the examining board to promulgate rules establishing the supervised practical experience requirements. The rules must require a person to complete at least 2,000 hours in an internship, administrator-in-training program, or other structured program before he or she can take the examination. The 2,000 hours must be completed in any consecutive three-year period within the five-year period immediately preceding the date of application for the examination.

Such

INSERT MDK-3

Reciprocal licenses. Under current law, a person who has a nursing home administrator license in another state is eligible for a reciprocal nursing home administrator license if he or she satisfies certain requirements, including submitting satisfactory evidence of the person's qualifications to the examining board. This bill specifies the qualifications that a person must have to be eligible for a reciprocal license. Under the bill, an applicant for such a license must have a bachelor's degree or be certified as a nursing home administrator by the American College of Health Care Administrators and must have practiced as a nursing home administrator in good standing for at least 2,000 hours in any consecutive three-year period within the five-year period immediately preceding the date of application for the reciprocal license. Also, the applicant must not have an arrest or conviction record the circumstances of which substantially relate to nursing home administration. In addition, the person must pass an examination relating to state and federal laws governing the practice of nursing home administration.

Exemption from licensure. Finally, current law prohibits a person from practicing as a nursing home administrator unless he or she is licensed by the examining board. This bill creates an exception for a nursing home administrator of a nursing home operated by adherents of a church or religious denomination, if that church or denomination subscribes to healing by prayer and is opposed to medical treatment.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1

SECTION 1. 456.02 (intro.) of the statutes is amended to read:

that provides only nonmedical items and services exclusively to patients who choose to rely solely upon a religious method of healing or for whom the acceptance of medical health services would be inconsistent with their religious beliefs.

ASSEMBLY BILL 16

1 **456.02 Duties.** (intro.) The examining board shall do all of the following:

2 **SECTION 2.** 456.02 (1) of the statutes is amended to read:

3 456.02 (1) Develop, impose and enforce standards ~~which must be met by~~
4 individuals that an individual is required to meet in order to receive a license as a
5 nursing home administrator, ~~which.~~ The standards shall be designed to insure
6 ensure that a nursing home administrators ~~will be individuals who are~~
7 administrator is of good character ~~and are,~~ is otherwise suitable, and ~~who,~~ by
8 training or experience in the field of institutional administration, ~~are~~ is qualified to
9 serve as a nursing home administrators; administrator.

10 **SECTION 3.** 456.02 (2) of the statutes is amended to read:

11 456.02 (2) Develop and apply appropriate techniques, including examinations
12 and investigations, for determining whether an individual meets ~~such~~ the
13 standards; under sub. (1).

14 **SECTION 4.** 456.02 (3) of the statutes is amended to read:

15 456.02 (3) Issue licenses to individuals a license to an individual determined,
16 after the application of ~~such~~ the techniques under sub. (2), to meet ~~such~~ the
17 standards under sub. (1), and revoke or suspend licenses a license previously granted
18 by the examining board ~~in any case where~~ if the individual holding ~~any such~~ the
19 license is determined substantially to have failed to conform to the requirements of
20 ~~such~~ the standards;.

21 **SECTION 5.** 456.02 (4) of the statutes is amended to read:

22 456.02 (4) Establish and carry out procedures designed to insure ensure that
23 individuals licensed as ^(a) nursing home administrators ^{administrator} ~~will, during any period that~~
24 ~~they serve as such,~~ comply with the requirements of ~~such~~ the standards; under sub.
25 (1).

an individual

ASSEMBLY BILL 16

SECTION 6. 456.02 (5) of the statutes is amended to read:

456.02 (5) Subject to the rules promulgated under s. 440.03 (1), receive, investigate, and take appropriate action with respect to, any charge or complaint filed with the examining board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such the standards; under sub. (1).

SECTION 7. 456.02 (6) of the statutes is amended to read:

456.02 (6) In cooperation with other agencies and appropriate organizations, conduct a continuing study of the practice of nursing home administration within the state with a view to the improvement of the standards imposed for the licensing of such nursing home administrators and of procedures and methods for the enforcement of such the standards under sub. (1) with respect to nursing home administrators of nursing homes who have been licensed as such; under this chapter.

SECTION 8. 456.02 (7) of the statutes is amended to read:

456.02 (7) ~~Develop and enforce standards for the~~ Promulgate rules establishing supervised practical experience to be required requirements that an individual shall satisfy before being allowed to take an examination for licensure; and as a nursing home administrator. ~~The rules~~ shall require the individual to complete at least 2,000 hours in any consecutive 3-year period within the 5-year period immediately preceding the date of application for examination in an internship, administrator-in-training program, or any other structured program approved by the examining board.

SECTION 9. 456.04 (4) of the statutes is repealed and recreated to read:

456.04 (4) Has one of the following:

INSERT 4-16

INSERT 4-18

INSERT 4-23

ASSEMBLY BILL 16

1 (a) A bachelor's, master's, or doctoral degree with a major in health care
2 administration or long-term care from an accredited college or university.

3 (b) A bachelor's degree in any field from an accredited college or university and
4 completion of a specialized course that the examining board determines is adequate
5 preparation for nursing home administration.

6 SECTION 10. 456.04 (5) of the statutes is created to read:

7 456.04 (5) Satisfies the supervised practical experience requirements specified
8 in the rules promulgated under s. 456.02 (7).

9 SECTION 11. 456.07 (5) of the statutes is amended to read:

10 456.07 (5) ~~Only~~ Except as provided in s. 456.12, only an individual who has
11 qualified as a licensed and registered nursing home administrator under this
12 chapter and who holds a valid current registration certificate under this section for
13 the current registration period may use the title "Nursing Home Administrator", and
14 the abbreviation "N.H.A." after the person's name. No other person may use or be
15 designated by such title or such abbreviation or any other words, letters, sign, card
16 or device tending to or intended to indicate that the person is a licensed and
17 registered nursing home administrator.

18 SECTION 12. 456.08 of the statutes is renumbered 456.08 (intro.) and amended
19 to read:

20 456.08 Reciprocity. (intro.) The examining board may grant a nursing home
21 administrator license under this chapter to ~~a person~~ an applicant who holds a
22 current nursing home administrator license issued by the proper authorities of any
23 other state or licensing jurisdiction, upon payment of the fee specified in s. 440.05 (2)
24 and upon submission of ~~satisfactory evidence of the person's qualifications.~~ evidence
25 satisfactory to the examining board that the applicant satisfies each of the following:

ASSEMBLY BILL 16

SECTION 13. 456.08 (1), (2), (3) and (4) of the statutes are created to read:

456.08 (1) The applicant has a bachelor's degree in any field or holds a current certification as a nursing home administrator granted by the American College of Health Care Administrators. ✓

(2) The applicant has practiced as a nursing home administrator in good standing for at least 2,000 hours in any consecutive 3-year period within the 5-year period immediately preceding the date of application. ✓

(3) Subject to ss. 111.321, 111.322, and 111.335, the applicant does not have an arrest or conviction record. ✓

(4) The applicant has passed an examination approved by the examining board relating to state and federal laws governing the practice of nursing home administration.

SECTION 14. 456.09 (1) (c) of the statutes is amended to read:

456.09 (1) (c) Practice Except as provided in s. 456.12, practice as a nursing home administrator or use in connection with his or her name any designation tending to imply that the person is a nursing home administrator unless duly licensed and registered to so practice under this chapter; or ✓

title or

SECTION 15. 456.12 of the statutes is created to read:

456.12 Exemption. This chapter does not apply to a nursing home administrator of a nursing home operated by adherents of a church or religious denomination which subscribes to the act of healing by prayer and the principles of which are opposed to medical treatment.

SECTION 16. Initial applicability.

INSERT 6-19

**ASSEMBLY AMENDMENT 1,
TO 2003 ASSEMBLY BILL 16**

February 19, 2004 - Offered by COMMITTEE ON AGING AND LONG-TERM CARE.

At the locations indicated, amend the bill as follows:

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1. Page 4, line 16: after "requirements that" insert except as provided in s.

456.04 (2m).

INSERT 4-16:

END OF INSERT 4-16

2. Page 4, line 18: delete "The rules" and substitute Except as provided in s.

456.04 (2m), the rules

INSERT 4-18:

END OF INSERT 4-18

3. Page 4, line 23: delete the material beginning with that line and ending with page 5, line 17, and substitute:

"SECTION ~~9b.~~ 456.04 (intro.) (except 456.04 (title)) of the statutes is renumbered 456.04 (1m) (intro.) and amended to read:

456.04 (1m) (intro.) The Except as provided in sub. (2m), the examining board shall allow any person to take the examination for licensure as a nursing home administrator who satisfies all of the following requirements:

SECTION ~~9e.~~ 456.04 (1) of the statutes is renumbered 456.04 (1m) (a).

2
INSERT 4-23 (continued):

1 SECTION ~~9h~~ 456.04 (1m) (d) of the statutes is created to read:

2 456.04 (1m) (d) Has one of the following:

3 1. A bachelor's, master's, or doctoral degree with a major in health care
4 administration or long-term care from an accredited college or university.

5 2. A bachelor's degree in any field from an accredited college or university and
6 completion of a specialized course that the examining board determines is adequate
7 preparation for nursing home administration.

8 SECTION ~~9i~~ 456.04 (1m) (e) of the statutes is created to read:

9 456.04 (1m) (e) Satisfies the supervised practical experience requirements
10 specified in the rules promulgated under s. 456.02 (7).

11 SECTION ~~9c~~ 456.04 (2) of the statutes is renumbered 456.04 (1m) (b).

12 SECTION ~~9u~~ 456.04 (2m) of the statutes is created to read:

13 456.04 (2m) The examining board shall allow a person to take the examination
14 for licensure as a nursing home administrator if he or she satisfies the requirements
15 specified in sub. (1m) (a), (b), and (c) and all of the following are satisfied:

16 (a) The person was enrolled, at any time within the 2-year period before the
17 effective date of this paragraph [revisor inserts date], in a regular course of study
18 or equivalent specialized courses or a program of study that the examining board
19 considered adequate academic preparation for nursing home administration under
20 s. 456.04 (4), ~~2001~~²⁰⁰³ stats.

21 (b) No later than 2 years after the effective date of this paragraph [revisor
22 inserts date], the person completes the regular course of study, specialized courses,
23 or program of study specified in par. (a).

24 (c) If the person was enrolled, at any time within the 2-year period before the
25 effective date of this paragraph [revisor inserts date], in specialized courses or a

INSERT 4-23 (continued):

1 program of study specified in par. (a), the person completes, no later than 2 years
2 after the effective date of this paragraph [revisor inserts date], one year of
3 supervised practical experience as specified in rules promulgated by the examining
4 board. ✓

5 (d) If the person was enrolled, at any time within the 2-year period before the
6 effective date of this paragraph [revisor inserts date], in a regular course of study
7 specified in par. (a), the person completes, no later than 2 years after the effective
8 date of this paragraph [revisor inserts date], a supervised clinical practicum as
9 specified in rules promulgated by the examining board. ✓

10 SECTION ~~9w.~~ 456.04 (3) of the statutes is renumbered 456.04 (1m) (c). ✓

11 SECTION ~~9y.~~ 456.04 (4) of the statutes is repealed. *Page* / END OF INSERT 4-23 ✓

12 ~~4. Page 6, line 15: delete "any designation" and substitute "any title or~~
13 ~~designation".~~

14 ~~5. Page 6, line 19: delete lines 19 to 22 and substitute:~~

15 ~~"456.12 Exemption. This chapter does not apply to a person who acts in the~~
16 ~~capacity of an administrator of a nursing home operated by adherents of a church or~~
17 ~~religious denomination which subscribes to the act of healing by prayer and the~~
18 ~~principles of which are do not include medical treatment, if the person does not use~~
19 ~~in connection with his or her name any title or designation tending to imply that the~~
20 ~~person is a nursing home administrator."~~

(END)

Insert A

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0580/?ins
CTS:.....

1

~~Insert A.~~

INSERT 6-19:

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No # This chapter does not apply to a person who acts in the capacity of an administrator of a nursing home that provides only nonmedical nursing items and services exclusively to residents who choose to rely solely upon a religious method of healing or for whom the acceptance of medical health services would be inconsistent with their religious beliefs, if the person does not use in connection with his or her name any title or designation tending to imply that the person is a nursing home administrator. ✓

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INSERT MDK-1:

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, and a person may not take the examination until he or she ^{has} satisfied certain educational requirements

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INSERT MDK-2:

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Different requirements apply depending on whether or not a person was enrolled in a regular course, specialized course^S or^{ΔΔΔ} study program at any time during the 2[✓]-year period before the bill's effective date.

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If a person was not enrolled in any of the fore[✓]going, the bill requires that he or she

9

10

INSERT MDK-3:

11

⁹ As noted above, the bill creates different requirements for a person who was enrolled in a regular course, specialized course^S or^{ΔΔΔ} study program at any time during the 2[✓]-year period before the bill's effective date. The bill allows such a person to take the examination, but only if, no later than 2[✓] years after the bill's effective date, he or she completes the regular course, specialized course^S or^{ΔΔΔ} study program. In addition, persons who were enrolled in a regular course must complete a supervised clinical practicum and persons who were enrolled in a^g specialized course^S or^{ΔΔΔ} study program must complete one year of supervised practical experience. The supervised clinical practicum or practical experience must be completed no later than 2[✓] years after the bill's[✓] effective date. In addition, the examining board must promulgate rules specifying the supervised clinical practicum and practical experience that is required. ✓

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0580/dn

CTS:.....

Int: kjf

Date

Representative Wasserman:

#

nursing home

are opposed to

* This draft is identical to 2003 AB-16, as amended by AA-1, except that I have altered the exemption from the licensure requirement for nursing home administrators. The previous draft exempted an administrator of a nursing home "operated by adherents of a church or religious denomination which subscribes to the act of healing by prayer and the principles of which ~~do not include~~ medical treatment." This draft refers instead to an administrator of "a facility that provides only nonmedical nursing items and services exclusively to residents who choose to rely solely upon a religious method of healing or for whom the acceptance of medical health services would be inconsistent with their religious beliefs." This definition is based on a provision in the federal Medicare Act, 42 U.S.C. 1395x (ss) (1), and identifies the facilities at issue by reference to the services provided and the residents who receive those services, rather than focusing on the church or religious denomination that operates a facility or the tenets of those who receive services at a facility. Please let me know if the exemption provision in this draft accurately reflects your intent. ✓

* In discussing your request with Mark Kunkel, who drafted the 2003 bill, Mark indicated that the exemption language in the 2003 draft had initially been taken from s. 50.03 (9), which defines an exemption from nursing home and CBRF licensing requirements in terms of "churches opposed to medical treatment." This particular language was taken out of the 2003 bill by amendment in response to an objection that it mischaracterizes the beliefs held by Christian Scientists. Mark indicated it was also suggested that s. 50.03 (9) might be amended to do away with the "opposed to medical treatment" language. I considered including a revision of s. 50.03 (9) incorporating the language from the Medicare Act referenced above, but have not included such an amendment in this draft. The present language of s. 50.03 (9) is not a model of clarity, and achieving clarity would require significant changes that you may or may not wish to include in this draft. Please contact me if you wish to pursue changes to s. 50.03 (9). ✓

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail: christopher.sundberg@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0580/1dn
CTS:lmk&kjf:pg

December 14, 2004

Representative Wasserman:

This draft is identical to 2003 AB-16, as amended by AA-1, except that I have altered the exemption from the licensure requirement for nursing home administrators. The previous draft exempted an administrator of a nursing home "operated by adherents of a church or religious denomination which subscribes to the act of healing by prayer and the principles of which are opposed to medical treatment." This draft refers instead to an administrator of "a nursing home that provides only nonmedical nursing items and services exclusively to residents who choose to rely solely upon a religious method of healing or for whom the acceptance of medical health services would be inconsistent with their religious beliefs." This definition is based on a provision in the federal Medicare Act, 42 USC 1395x (ss) (1), and identifies the facilities at issue by reference to the services provided and the residents who receive those services, rather than focusing on the church or religious denomination that operates a facility or the tenets of those who receive services at a facility. Please let me know if the exemption provision in this draft accurately reflects your intent.

In discussing your request with Mark Kunkel, who drafted the 2003 bill, Mark indicated that the exemption language in the 2003 draft had initially been taken from s. 50.03 (9), which defines an exemption from nursing home and CBRF licensing requirements in terms of "churches opposed to medical treatment." This particular language was taken out of the 2003 bill by amendment in response to an objection that it mischaracterizes the beliefs held by Christian Scientists. Mark indicated it was also suggested that s. 50.03 (9) might be amended to do away with the "opposed to medical treatment" language. I considered including a revision of s. 50.03 (9) incorporating the language from the Medicare Act referenced above, but have not included such an amendment in this draft. The present language of s. 50.03 (9) is not a model of clarity, and achieving clarity would require significant changes that you may or may not wish to include in this draft. Please contact me if you wish to pursue changes to s. 50.03 (9).

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Emery, Lynn

From: Emery, Lynn
Sent: Monday, January 10, 2005 1:54 PM
To: Rep.Wasserman
Subject: LRB 05-0580/1 (attached as requested)



05-0580/1

Lynn Emery
Program Assistant
Legislative Reference Bureau
608-266-3561
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Northrop, Lori

From: Rep.Wasserman
Sent: Monday, January 10, 2005 2:06 PM
To: LRB.Legal

Could you please jacket the following bills for the Assembly:

LRB 1244/1
LRB 0594/1
LRB 0580/1

Thank you.