

**2005 DRAFTING REQUEST**

**Assembly Amendment (AA-AB981)**

Received: **02/15/2006**

Received By: **dkennedy**

Wanted: **Today**

Identical to LRB:

For: **Legislative Fiscal Bureau 6--3847**

By/Representing: **Charlie Morgan**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Health - medical assistance**

Extra Copies:

Submit via email: **YES**

Requester's email: **charlie.morgan@legis.state.wi.us**

Carbon copy (CC:) to: **robin.ryan@legis.state.wi.us**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Increasing MA nursing home reimbursement rate and supplementing MA nursing home reimbursement

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**Instructions:**

Same as 05a2335/1

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**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>
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FE Sent For:

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FE Sent For:

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# RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman

(Request Made By: DAK) (Date: 2/15/06)



Please transfer the drafting file for

2003 LRB \_\_\_\_\_ to the drafting file

for 2005 LRB \_\_\_\_\_

The final version of the 2003 draft and the final Request Sheet will be copied on yellow paper, and returned to the original 2003 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

For research purposes, because the 2003 draft was incorporated into a 2005 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2005 drafting file. This request form will be inserted into the "guts" of the 2005 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

**--- OR ---**

Please copy the drafting file for

2005 LRB a2335 / 1 (include the version) and place it in the

drafting file for 2005 LRB a2355

For research purposes, because the original 2005 draft was incorporated into another 2005 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2005 drafting file. This request form will be inserted into the "guts" of the new 2005 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

The original drafting file will then be returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.

NOON

D-NOTE

ASSEMBLY

STAYS

SENATE AMENDMENT ,

TO 2005 SENATE BILL 535

ASSEMBLY BILL 981

At the locations indicated, amend the bill as follows:

1. Page 1, line 1: delete "reimbursement and" and substitute "reimbursement,".

2. Page 1, line 3: after "fund" insert ", increasing the Medical Assistance reimbursement rate for nursing homes, supplementing the Medical Assistance reimbursement for nursing homes, and making appropriations".

3. Page 2, line 9: after that line insert:

(4c) NURSING HOME REIMBURSEMENT RATE INCREASE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (4) (b) of the statutes, as affected by the acts of 2005, the dollar amount is increased by \$10,118,000 for fiscal year 2006-07 to increase funding for reimbursement for care provided by facilities, as defined in section 49.45 (6m) (a) 3. of the statutes, for recipients of Medical Assistance.



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

a2355/1  
LRBa2335/1 dr  
RAC:lmk:rs  
↑  
STAYS

~~February 14, 2006~~  
(newdate)

✓  
Charlie Morgan:

This bill includes a nonstatutory provision stating that s. 20.003 (4), stats., does not apply to the action of the legislature in enacting the bill. Please note that such a provision is not legally enforceable, but rather constitutes a rule of procedure under article IV, section 8, of the Wisconsin Constitution. ✓ The Wisconsin Supreme Court has held that the remedy for failing to comply with rules of procedure lies exclusively within the legislative branch. See *State ex rel. LaFollette v. Stitt*, 114 Wis. 2d 358, 363-369 (1983). In other words, while rules of procedure may govern internal legislative procedure, courts will not enforce such rules. Therefore, at most, the nonstatutory provision is included only for the purpose of internal legislative operations, not for the purpose of ensuring the legality of the bill. You should also be aware that the legislature may choose to ignore such a nonstatutory provision and find that s. 20.003 (4), stats., does in fact govern its actions in enacting the bill. ✓

Rick A. Champagne  
Senior Legislative Attorney  
Phone: (608) 266-9930  
E-mail: rick.champagne@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBa2355/1dn  
RAC:lmk:rs

February 15, 2006

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