

2011 Jr1 DRAFTING REQUEST

Assembly Amendment (AA-AB11)

Received: **02/18/2011**

Received By: **tdodge**

Wanted: **Today**

Companion to LRB:

For: **Sandy Pasch (608) 266-7671**

By/Representing: **Frederic Ludwig**

May Contact:

Drafter: **tdodge**

Subject: **Health - medical assistance**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Pasch@legis.wisconsin.gov**

Carbon copy (CC:) to: **tamara.dodge@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Require legislative reference bureau review of rules; require legislation for conflicts

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>
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/1	tdodge 02/18/2011	kfollett 02/18/2011	phenry 02/18/2011	_____	lparisi 02/18/2011	lparisi 02/18/2011	

FE Sent For:

<END>

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/?	tdodge	1/15f 2/18	2/18 Ph	2/18 Ph			

FE Sent For:

<END>

Dodge, Tamara

From: Ludwig, Frederic
Sent: Friday, February 18, 2011 8:56 AM
To: Dodge, Tamara
Subject: thank you!

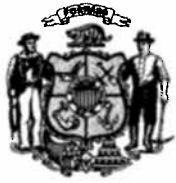
Thank you for your work in getting all of these together so quickly. We just received an additional recommendation from a colleague of ours, so I just wanted to pass it along for drafting:

Prior to the promulgation by the Department of Health Services of its Medicaid emergency rules and plan, DHS must submit the rules and plan to the Legislative Reference Bureau, and LRB must submit to the Legislature a summary of all provisions in the rules that LRB determines may violate or be in conflict with current Wisconsin statutes or any section of the Wisconsin Constitution. No provision in the rules that LRB has determined may violate or be in conflict with a current Wisconsin statute shall take effect until a member of the Legislature has introduced and the Legislature has enacted legislation that modifies or repeals the conflicting statutory language so that the violation or conflict is eliminated. No provision in the rules that LRB has determined may violate or be in conflict with any section of the Wisconsin Constitution shall take effect until the conflicting provision of the Constitution has been modified or repealed under Article __, Sec __, of the Constitution, so that the violation or conflict is eliminated.

The purpose of all these amendments is to prevent or delay the implementation of any part of the proposed Medicaid rule that conflicts with existing Wisconsin statutes. If you have any questions/concerns, let me know and I'll try and sort them through ASAP.

--
Fred Ludwig
Office of Representative Sandy Pasch
608.266.7671 (office)
888.534.0022 (toll-free)
608.282.3622 (fax)

2/18/2011



State of Wisconsin
2011 - 2012 LEGISLATURE
January 2011 Special Session



LRBb0202/1
TJD...*ef*

ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 11

1 At the locations indicated, amend the bill as follows:

2 1. Page 46, line 13: delete lines 13 to 24 and substitute:

3 (d) Before promulgating any rule under par. (c), the department shall submit
4 the proposed rule and any plan that the department develops to the legislative
5 reference bureau. The legislative reference bureau shall submit to the legislature
6 a summary of all provisions in the rules that the legislative reference bureau
7 determines may violate or be in conflict with the state statutes or the constitution.
8 No provision in a proposed rule that the legislative reference bureau determines may
9 violate or be in conflict with the state statutes shall take effect until the legislature
10 has enacted legislation that modifies or repeals the conflicting statutory language
11 such that the violation or conflict is eliminated. No provision in the rules that the
12 legislative reference bureau determines may violate or be in conflict with the
13 constitution shall take effect until the conflicting provision of the constitution has

