

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

LRB-0239/P2dn  
DAK:kjf:rs

November 5, 2004

To Representative Vukmir:

This bill has an effective date of July 1, 2005, and requires that the Department of Health and Family Services (DHFS) promulgate rules to implement the bill's addition to the cancer drug repository program. The effective date may be too early to provide sufficient time for the rule-making process to take place. One solution might be to delay the effective date until January 1, 2006, and require DHFS to submit proposed rules to the Legislative Council rules clearinghouse by four or five months after enactment of the bill as an act (s. 227.11 (2) (d), stats., authorizes an agency to promulgate rules implementing or interpreting a statute before the statute takes effect, although the rules may not take effect before the statute does). A second solution might be to provide DHFS with emergency rule-making authority without requiring a finding of emergency and permit the emergency rules to remain in effect (they are limited to 150 days, or an additional 120 days if an extension is granted) until permanent rules become effective.

Please do not hesitate to call if you have questions about or would like changes made to this bill.

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