

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

LRB-3822/2dn  
PJK:jld:rs

February 21, 2008

We discussed using July 1, 2009, as the effective date for the rules and January 1, 2010, as the effective date for offering the policies. Although July 1, 2009, should be plenty of time for rule promulgation, the problem is that there is no way for us (in legislation) to require an agency to promulgate a rule by a certain date, because that assumes that the whole process, including approval by the legislature, has occurred by then. The most that we can do is require an agency to submit proposed rules to the legislative council by a particular date. From that point, it usually takes six to nine months for the rule to be "promulgated." I thought the best way to handle this problem would be to delay the offering of the policies until January 1, 2010, giving plenty of time for the rule promulgation process, and then to authorize the agency to promulgate emergency rules, in case it appeared that the permanent rules would not be promulgated in time. I hope this is acceptable.

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