

**2017 DRAFTING REQUEST**

**Bill**

For: **Joe Sanfelippo (608) 266-0620** Drafter: **tdodge**  
 By: **Josh** Secondary Drafters:  
 Date: **9/29/2017** May Contact:

Same as LRB:

Submit via email: **YES**  
 Requester's email: **Rep.Sanfelippo@legis.wisconsin.gov**  
 Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**  
**sarah.walkenhorstbarber@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Repeal rules regarding Family Support Program

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 10/3/2017	eweiss 10/3/2017			
/P1			lparisi 10/3/2017		
/1			lparisi 10/12/2017	dwalker 10/18/2017	

FE Sent For: **<END>**

NOT  
NEEDED

## Dodge, Tamara

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**From:** Hoisington, Joshua  
**Sent:** Friday, September 29, 2017 10:36 AM  
**To:** Dodge, Tamara  
**Subject:** FW: DHS 65 Repeal

Good morning Tami-D,

Would you please draft a bill based off the feedback from DHS below?

Best regards,

Josh Hoisington  
Office of Representative Joe Sanfelippo  
15th Assembly District  
608.266.0620

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**From:** Hoelter, Jon - DHS  
**Sent:** Thursday, July 20, 2017 5:02 PM  
**To:** Hoisington, Joshua <Joshua.Hoisington@legis.wisconsin.gov>  
**Subject:** DHS 65 Repeal

Hi Josh

Finally... here's the rule we think the Health Committee could consider repealing. DHS 65 no longer has statutory authority so we'd have to go through the entire rulemaking process to have it repealed or the Health Committee could consider repealing it under red tape review. More info on it below.

Happy to answer any questions.

Thanks!

-Jon

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**From:** Bailey, Kevin D - DHS  
**Sent:** Monday, May 22, 2017 4:22 PM  
**To:** Hoelter, Jon - DHS  
**Cc:** Ciotola, Davis A - DHS  
**Subject:** RE: Assembly Health Committee Public Hearing Published

Jon, Davis has all the essentials.

DHS Chapter 65 related to the Family Support Program. In the last budget that program was eliminated, along with authority for the rule.

The functions of that program were rolled into the new Children's COP program, via newly created Wis. Stat. s. 46.272, so there is no loss of services. However the old Rule doesn't fit well with the new program, so simply repealing it is the best option.

Kevin

*Kevin D. Bailey*  
*Assistant Legal Counsel*  
*Wisconsin DHS*  
*(608) 266-9543*

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**From:** Ciotola, Davis A - DHS  
**Sent:** Monday, May 22, 2017 3:51 PM  
**To:** Hoelter, Jon - DHS  
**Cc:** Bailey, Kevin D - DHS  
**Subject:** RE: Assembly Health Committee Public Hearing Published

Hi Jon,

I am copying Kevin, because he knows a little about the history of these programs and may be able to say more.

My understanding is that DHS 65's Family Support Program (FSP) was merged with the Community Options Program. The Legislature did this by repealing the statute authorizing the FSP (and our rule) and instead creating a new section (s. 46.272), which established the Children's Community Options Program (CCOP). CCOP substantively addresses the same needs and responsibilities previously created under DHS 65. So, as I understand it, the program was not eliminated, but rather rebranded.

The lack of statutory authority for DHS 65 is also pretty significant in of itself, however, since all rulemaking must be based on explicit grants of authority by the Legislature. Since the Legislature repealed the statute DHS interpreted/administered in order to create DHS 65 and the FSP, the rule is no longer valid.

Thanks,

Davis

Chair



State of Wisconsin  
2017 - 2018 LEGISLATURE

Due  
Thurs 10/5

LRB-4417?  
TJD:...  
emw

In: 1013

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SA ✓  
XSG ✓  
FOT ✓

Gen ✓

1  
2

**AN ACT ...; relating to:** elimination of rules related to the family support program.

***Analysis by the Legislative Reference Bureau***

\*

This bill eliminates the Department of Health Service's administrative code chapter regarding the family support program. The family support program was eliminated in the 2015 biennial budget act.

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

3  
4

**SECTION 1.** Chapter DHS 65 of the administrative code is repealed.

(END)



State of Wisconsin  
2017 - 2018 LEGISLATURE

1  
No chg

LRB-4417/PI  
TJD:emw

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 **AN ACT relating to:** elimination of rules related to the Family Support Program.

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*Analysis by the Legislative Reference Bureau*

This bill eliminates the Department of Health Service's administrative code chapter regarding the family support program. The Family Support Program was eliminated in the 2015 biennial budget act.

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

2 **SECTION 1.** Chapter DHS 65 of the administrative code is repealed.

3 (END)

## Walkenhorst Barber, Sarah

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**From:** Barman, Mike  
**Sent:** Thursday, October 12, 2017 11:32 AM  
**To:** Walkenhorst Barber, Sarah  
**Cc:** Dodge, Tamara  
**Subject:** Re-draft request ... FW: Introducible drafts (wants "/1")  
**Attachments:** 17-4417\_P1.pdf; 17-3943\_P1.pdf

**Importance:** High

Sarah can you take care of this for Tami?

Thanks,  
MB

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**From:** Hoisington, Joshua  
**Sent:** Thursday, October 12, 2017 11:28 AM  
**To:** LRB.Legal <lrblegal@legis.wisconsin.gov>  
**Cc:** Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>  
**Subject:** Introducible drafts  
**Importance:** High

Good morning,

May I please have an introducible draft of LRB 4417 and LRB 3943 sent to Rep. Sanfelippo's office?

Thank you for your help.

Best regards,

Josh Hoisington  
Office of Representative Joe Sanfelippo  
15th Assembly District  
608.266.0620

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**Walker, Dan**

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**From:** Hoisington, Joshua  
**Sent:** Wednesday, October 18, 2017 11:27 AM  
**To:** LRB.Legal  
**Subject:** RUSH: Draft Review: LRB -4417/1

**Importance:** High

Please Jacket LRB -4417/1 for the ASSEMBLY.