

LEGAL SERVICES

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MEMORANDUM

May 8, 2025

SUBJECT: Conditional effective date
(CSHB73(FIN); Work Order No.34-GH1493\N)

TO: Representative Neal Foster
Co-Chair of the House Finance Committee
Attn: Brodie Anderson

FROM: Allison L. Radford
Legislative Counsel 

Attached is the committee substitute you requested. This committee substitute removes the conditional effective date found in secs. 6 and 7 and replaces it with an effective date of July 1, 2026.

A conditional effective date is appropriate when implementation of a bill or provisions in a bill rely on some other event taking place. In this case, the effective date was conditioned on approval by the federal government of "waivers or amendments to the state plan for medical assistance coverage necessary to implement secs. 1 - 4" of the bill. Allowing the bill to take effect regardless of whether the federal government approves necessary waivers or amendments to the state plan could result in enacted statutes that do not comply with federal law and are therefore unenforceable. These statutes would remain "on the books" until amended or repealed by the legislature or by initiative, which may cause confusion.

I recommend that you clarify with the Department of Health (department) whether implementation of any provision of the bill will rely on federal approval of waivers or state plan amendments. If so, I recommend against removing the conditional effective date. If not, consider whether the bill should also be amended to remove sec. 5, which requires the department to seek waivers and plan amendments "necessary to implement secs. 1 – 4 of this Act."

Please let me know if you have any questions or I can be of further assistance.

ALR:mis
25-192.mis

Attachment