

1999 DRAFTING REQUEST

Bill

Received: 09/03/1999

Received By: champra

Wanted: As time permits

Identical to LRB:

For: Spencer Black (608) 266-7521

By/Representing: Himself

This file may be shown to any legislator: NO

Drafter: champra

May Contact:

Alt. Drafters: yacketa

Subject: Employ Pub - miscellaneous

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Sick leave conversion credits and Medicare premiums

Instructions:

Permit sick leave credits to be used for Medicare premiums

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>
/?	champra 09/17/1999	wjackson 09/20/1999		_____			State
/1			martykr 09/21/1999	_____	lrb_docadmin 09/21/1999	lrb_docadmin 09/21/1999	

FE Sent For:

10/4/99

<END>

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1?	champra	11 wlg 9/20	km 9/20	H4 9/20 km/20			

FE Sent For:

<END>



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2931/2

RAC:wlj:km

LRB-3569/1

RAC & TAY:wlj:

1999 BILL

Reagan

1 AN ACT *to amend* 40.04 (10), 40.04 (11), 40.05 (4) (b), 40.05 (4) (bc), 40.05 (4) (bf),
2 40.05 (4) (bm), 40.05 (4) (bp) 1., 40.05 (4) (bw), 40.05 (4m), subchapter IX of
3 chapter 40 [precedes 40.95], 40.95 (title), 40.95 (1) (a) (intro.), 40.95 (1) (b) and
4 40.95 (2) of the statutes; **relating to:** using accumulated unused sick leave
5 credits and certain health insurance premium credits for ~~the purchase of~~
6 ~~long-term care insurance under the Wisconsin retirement system~~

the payment of
medicare
premiums

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, if a state employe who is eligible for coverage under the state group health insurance program terminates employment in a position that is covered under the Wisconsin retirement system (WRS) and has attained the minimum age to begin receiving a retirement benefit under the WRS, or if a state employe who is eligible for coverage under the state group health insurance program is laid off, the employe's accumulated unused sick leave may be converted, at his or her basic pay rate immediately prior to termination, to credits for the payment of health insurance premiums during the employe's retirement or period of layoff.

In addition, under current law, the department of employe trust funds administers a program that permits state employes to use certain health insurance premium credits for the purchase of health insurance on retirement if their compensation provides for such health insurance premium credits.

BILL

with premiums under the federal medicare program

payment

This bill provides that these credits may be used both for the ~~purchase~~ of health insurance and ~~long-term care insurance~~.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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

Insert 2-1

1

SECTION 1. 40.04 (10) of the statutes is amended to read:

2

40.04 (10) An accumulated sick leave conversion account shall be maintained

3

within the fund, to which shall be credited all money received under s. 40.05 (4) (b),

4

(bc), (bf), (bm), (br) and (bw) for health insurance and ~~long-term care insurance~~ *medicare*

5

premiums, as dividends or premium credits arising from the operation of health

6

insurance ~~and long-term care insurance~~ plans *and the payment of medicare premiums*

7

reserves established in the fund for health insurance and ~~long-term care insurance~~ *medicare*

8

purposes for retired employes and their surviving dependents. Premium payments

9

to health ~~and long-term care~~ *and for medicare* insurers authorized in s. 40.05 (4) (b), (bc), (bf), (bm)

10

and (bw) shall be charged to this account. The department shall separately account

11

for premium payments authorized under s. 40.05 (4) (bf) for purposes of

12

reimbursement from the appropriation under s. 20.515 (1) (b). This subsection does

13

not prohibit the direct payment of premiums to insurers when appropriate

14

administrative procedures have been established for direct payments.

15

SECTION 2. 40.04 (11) of the statutes is amended to read:

16

40.04 (11) A health insurance and ~~long-term care insurance~~ *medicare* premium credit

17

account shall be maintained within the fund, to which shall be credited all moneys

18

received under s. 40.05 (4) (by) for the payment of health insurance and ~~long-term~~

19

~~care insurance~~ *medicare* premiums, as dividends or premium credits arising from the

20

operation of health insurance and ~~long-term care insurance~~ plans *and the payment of*

medicare premiums

BILL

1 investment income on any reserves established in the fund for health insurance and
 2 ~~long-term care insurance~~ ^{medicare} purposes for retired employes and their surviving
 3 dependents. Premium payments to health ~~and long-term care~~ ^{and for Medicare} insurers authorized
 4 in subch. IX may only be charged to this account after all other health insurance and
 5 ~~long-term care insurance~~ ^{medicare} premium credits under s. 40.05 (4) (b), (bc), (bf), (bm) and
 6 (bw) are exhausted. This subsection does not prohibit the direct payment of
 7 premiums to insurers when appropriate administrative procedures have been
 8 established for direct payments.

9 SECTION 3. 40.05 (4) (b) of the statutes is amended to read:

10 40.05 (4) (b) Except as provided under pars. (bc) and (bp), accumulated unused
 11 sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10 and 757.02 (5) and subch.
 12 I or V of ch. 111 of any eligible employe shall, at the time of death, upon qualifying
 13 for an immediate annuity or for a lump sum payment under s. 40.25 (1) or upon
 14 termination of creditable service and qualifying as an eligible employe under s. 40.02
 15 (25) (b) 6. or 10., be converted, at the employe's current basic pay rate, to credits for
 16 payment of health insurance and ~~long-term care insurance~~ ^{medicare} premiums on behalf of
 17 the employe or the employe's surviving insured dependents. Any supplemental
 18 compensation that is paid to a state employe who is classified under the state
 19 classified civil service as a teacher, teacher supervisor or education director for the
 20 employe's completion of educational courses that have been approved by the
 21 employe's employer is considered as part of the employe's basic pay for purposes of
 22 this paragraph. The full premium for any eligible employe who is insured at the time
 23 of retirement, or for the surviving insured dependents of an eligible employe who is
 24 deceased, shall be deducted from the credits until the credits are exhausted and paid
 25 from the account under s. 40.04 (10), and then deducted from annuity payments, if

BILL

1 the annuity is sufficient. The department shall provide for the direct payment of
2 premiums by the insured to the insurer if the premium to be withheld exceeds the
3 annuity payment. Except as provided in par. (pd), upon conversion of an employee's
4 unused sick leave to credits under this paragraph or par. (bf) for the payment of
5 health insurance, the employee or, if the employee is deceased, the employee's surviving
6 insured dependents may elect to delay initiation of deductions from those credits for
7 up to 10 years after the date of the conversion if the employee or surviving insured
8 dependents are covered by a comparable health insurance plan or policy during the
9 period beginning on the date of the conversion and ending on the last day of the 2nd
10 month after the date on which the employee or surviving insured dependents later
11 elect to initiate deductions from those credits. A health insurance plan or policy is
12 considered comparable if it provides hospital and medical benefits that are
13 substantially equivalent to the standard health insurance plan established under s.
14 40.52 (1). Upon conversion of an employee's unused sick leave to credits under this
15 paragraph or par. (bf) for the payment of ~~long-term care insurance~~ ^{medicare premiums}, the employee or,
16 if the employee is deceased, the employee's surviving insured dependents may elect to
17 delay initiation of deductions from those credits for up to 10 years after the date of
18 the conversion.

19 **SECTION 4.** 40.05 (4) (bc) of the statutes is amended to read:

20 40.05 (4) (bc) The accumulated unused sick leave of an eligible employee under
21 s. 40.02 (25) (b) 6g. shall be converted to credits for the payment of health insurance
22 or ~~long-term care insurance~~ ^{medicare} premiums on behalf of the employee on the date on which
23 the department receives the employee's application for a retirement annuity or for
24 lump sum payment under s. 40.25 (1). The employee's unused sick leave shall be
25 converted at the eligible employee's basic pay rate immediately prior to termination

BILL

1 of all creditable service. The full premium for the employe, or for the surviving
2 insured dependents of the employe if the employe later becomes deceased, shall be
3 deducted from the credits until the credits are exhausted and paid from the account
4 under s. 40.04 (10), and then deducted from annuity payments, if the annuity is
5 sufficient. The department shall provide for the direct payment of premiums by the
6 insured to the insurer if the premium to be withheld exceeds the annuity payment.

7 **SECTION 5.** 40.05 (4) (bf) of the statutes is amended to read:

8 40.05 (4) (bf) Any eligible employe who was granted credit under s. 230.35 (1)
9 (gm) for service as a national guard technician, who, on December 31, 1965, had
10 accumulated unused sick leave that was based on service performed in this state as
11 a national guard technician before January 1, 1966, and who is a participating
12 employe or terminated all creditable service after June 30, 1972, or, if the eligible
13 employe is deceased, the surviving insured dependents of the eligible employe, may
14 have that accumulated unused sick leave converted to credits for the payment of
15 health insurance or ~~long term care insurance~~ ^{medicare} premiums on behalf of the eligible
16 employe or the surviving insured dependents if, not later than November 30, 1996,
17 the eligible employe or the surviving insured dependents submit to the department,
18 on a form provided by the department, an application for the conversion. The
19 application shall include evidence satisfactory to the department to establish the
20 applicant's rights under this paragraph and the amount of the accumulated unused
21 sick leave that is eligible for the conversion. The accumulated unused sick leave shall
22 be converted under this paragraph, at the eligible employe's basic pay rate
23 immediately prior to termination of all creditable service, on the date of conversion
24 specified in par. (b) or on the last day of the 2nd month beginning after the date on
25 which the department receives the application under this paragraph, whichever is

BILL**SECTION 5**

1 later. Deductions from those credits, elections to delay initiation of those deductions
2 and premium payments shall be made as provided in par. (b).

3 **SECTION 6.** 40.05 (4) (bm) of the statutes is amended to read:

4 40.05 (4) (bm) Except as provided under par. (bp), accumulated unused sick
5 leave under ss. 36.30 and 230.35 (2) or 233.10 of any eligible employe shall, upon
6 request of the employe at the time the employe is subject to layoff under s. 40.02 (40),
7 be converted at the employe's current basic pay rate to credits for payment of health
8 insurance ~~or long-term care insurance~~ ^{medicare} premiums on behalf of the employe. Any
9 supplemental compensation that is paid to a state employe who is classified under
10 the state classified civil service as a teacher, teacher supervisor or education director
11 for the employe's completion of educational courses that have been approved by the
12 employe's employer is considered as part of the employe's basic pay for purposes of
13 this paragraph. The full amount of the required employe contribution for any eligible
14 employe who is insured at the time of the layoff shall be deducted from the credits
15 until the credits are exhausted, the employe is reemployed, or 5 years have elapsed
16 from the date of layoff, whichever occurs first.

17 **SECTION 7.** 40.05 (4) (bp) 1. of the statutes is amended to read:

18 40.05 (4) (bp) 1. Except as provided in subds. 2. and 3., for sick leave which
19 accumulates beginning on August 1, 1987, conversion under par. (b) or (bm) of
20 accumulated unused sick leave under s. 36.30 to credits for payment of health
21 insurance ~~and long-term care insurance~~ ^{medicare} premiums shall be limited to the annual
22 amounts of sick leave specified in this subdivision. For faculty and academic staff
23 personnel who are appointed to work 52 weeks per year, conversion is limited to 8.5
24 days of sick leave per year. For faculty and academic staff personnel who are
25 appointed to work 39 weeks per year, conversion is limited to 6.4 days of sick leave

BILL

1 per year. For faculty and academic staff personnel not otherwise specified,
2 conversion is limited to a number of days of sick leave per year to be determined by
3 the secretary by rule, in proportion to the number of weeks per year appointed to
4 work.

5 **SECTION 8.** 40.05 (4) (bw) of the statutes is amended to read:

6 40.05 (4) (bw) On converting accumulated unused sick leave to credits for the
7 payment of health insurance ~~and long-term care insurance~~ ^{medicare} premiums under par. (b),
8 the department shall add additional credits, calculated in the same manner as are
9 credits under par. (b), that are based on a state employee's accumulated sabbatical
10 leave or earned vacation leave from the state employee's last year of service prior to
11 retirement, or both. The department shall apply the credits awarded under this
12 paragraph for the payment of health insurance ~~and long-term care insurance~~ ^{medicare}
13 premiums only after the credits awarded under par. (b) are exhausted. This
14 paragraph applies only to state employees who are eligible for accumulated unused
15 sick leave conversion under par. (b) and who are entitled to the benefits under this
16 paragraph pursuant to a collective bargaining agreement under subch. V of ch. 111.

17 **SECTION 9.** 40.05 (4m) of the statutes is amended to read:

18 40.05 (4m) LONG-TERM CARE INSURANCE PREMIUMS. For any long-term care
19 insurance policies provided under s. 40.55, the entire premium shall be paid as a
20 deduction under s. 40.06 (1) (a) from an employee's earnings or a state annuitant's
21 annuity or deducted from credits in accounts under s. 40.04 (10) or (11) for
22 participants eligible to use the credits for the ~~purchase of long-term care insurance~~ ^{payment of medicare premiums},
23 except that if an eligible employee is not on a state payroll or receives earnings that
24 are insufficient to cover premium payments or a state annuitant receives an annuity
25 that is not sufficient to cover premium payments, the eligible employee or state

BILL

annuitant shall make premium payments directly to the insurer. There shall be no employer contributions.

SECTION 10. Subchapter IX of chapter 40 [precedes 40.95] of the statutes is amended to read:

CHAPTER 40

SUBCHAPTER IX

HEALTH INSURANCE AND ~~LONG-TERM~~ ^(CARE)

~~CARE INSURANCE~~ ^{MEDICARE}

PREMIUM CREDITS

SECTION 11. 40.95 (title) of the statutes is amended to read:

40.95 (title) Health insurance and ~~long-term care insurance~~ premium credits.

SECTION 12. 40.95 (1) (a) (intro.) of the statutes is amended to read:

40.95 (1) (a) (intro.) Subject to sub. (2), the department shall administer a program that provides health insurance and ~~long-term care insurance~~ premium credits for the purchase of health insurance or ~~long-term care insurance~~ for a retired employee, or the retired employee's surviving insured dependents, for the benefit of an eligible employee whose compensation includes such health insurance premium credits and who satisfies at least one of the following:

SECTION 13. 40.95 (1) (b) of the statutes is amended to read:

40.95 (1) (b) The health insurance and ~~long-term care insurance~~ premium credits shall be based on the employee's years of continuous service, accumulated unused sick leave and any other factor specified as part of the employee's compensation.

SECTION 14. 40.95 (2) of the statutes is amended to read:

(B) medicare

medicare

(7)
(8)

(15)
(16)

(21)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3569/?ins
RAC:.....

2-1

~~§~~ SECTION ~~4~~. 40.02 (25) (b) 6g.^v of the statutes is amended to read:

40.02 (25) (b) 6g. Any state constitutional officer, member or officer of the legislature, head of a state department or state agency who is appointed by the governor with senate confirmation, or head of a legislative service agency, as defined in s. 13.90 (1m) (a), who terminates all creditable service on or after January 1, 1992, who is eligible for and has applied for a retirement annuity or a lump sum payment under s. 40.25 (1), who, if eligible, is receiving medicare coverage under both part A and part B of Title XVIII of the federal social security act, 42 USC 1395 to 1395zz, and who has acted under s. 40.51 (10m) to elect group health insurance coverage.

History: 1981 c. 96, 187, 250, 274, 386; 1983 a. 9, 27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 106, 140; 1983 a. 141 ss. 1 to 3, 20; 1983 a. 191 ss. 1, 6; 1983 a. 192 s. 304; 1983 a. 255 s. 6; 1983 a. 275, 290, 368; 1983 a. 435 s. 7; 1985 a. 29, 225; 1985 a. 332 ss. 52, 251 (1); 1987 a. 27, 62, 83, 107, 309, 340, 356, 363, 372, 399; 1987 a. 403 ss. 43 to 45, 256; 1989 a. 13, 14, 31; 1989 a. 56 s. 259; 1989 a. 166, 182, 189, 218, 230, 240, 323, 327, 336, 355, 357, 359; 1991 a. 32, 39, 113, 152, 229, 269, 315; 1993 a. 16, 263, 383, 490, 491; 1995 a. 27, ss. 1946 to 1953, 9130 (4); 1995 a. 81, 88, 89, 216, 240, 302, 381, 417; 1997 a. 3, 27, 39, 69, 110, 162, 237, 238

~~§~~ SECTION ~~4~~. 40.02 (25) (b) 6m. (intro.) of the statutes is amended to read:

40.02 (25) (b) 6m. (intro.) Beginning on the date specified by the department, but not earlier than March 20, 1992, and not later than July 1, 1992, any of the following persons who, if eligible, is receiving medicare coverage under both part A and part B of Title XVIII of the federal social security act, 42 USC 1395 to 1395zz, and who has acted under s. 40.51 (16) to elect group health insurance coverage:

History: 1981 c. 96, 187, 250, 274, 386; 1983 a. 9, 27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 106, 140; 1983 a. 141 ss. 1 to 3, 20; 1983 a. 191 ss. 1, 6; 1983 a. 192 s. 304; 1983 a. 255 s. 6; 1983 a. 275, 290, 368; 1983 a. 435 s. 7; 1985 a. 29, 225; 1985 a. 332 ss. 52, 251 (1); 1987 a. 27, 62, 83, 107, 309, 340, 356, 363, 372, 399; 1987 a. 403 ss. 43 to 45, 256; 1989 a. 13, 14, 31; 1989 a. 56 s. 259; 1989 a. 166, 182, 189, 218, 230, 240, 323, 327, 336, 355, 357, 359; 1991 a. 32, 39, 113, 152, 229, 269, 315; 1993 a. 16, 263, 383, 490, 491; 1995 a. 27, ss. 1946 to 1953, 9130 (4); 1995 a. 81, 88, 89, 216, 240, 302, 381, 417; 1997 a. 3, 27, 39, 69, 110, 162, 237, 238

~~§~~ SECTION ~~4~~. 40.02 (25) (b) 6r. of the statutes is amended to read:

40.02 (25) (b) 6r. Any insured employe of the state who terminates creditable service on or after April 23, 1992, after attaining at least 20 years of creditable service, remains a participant and is not eligible for an immediate annuity or is not receiving a retirement or disability annuity, and who, if eligible, is receiving

~~medicare coverage under both part A and part B of Title XVIII of the federal social security act, 42 USC 1395 to 1395zz.~~

History: 1981 c. 96, 187, 250, 274, 386; 1983 a. 9, 27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 106, 140; 1983 a. 141 ss 1 to 3, 20; 1983 a. 191 ss 1, 6; 1983 a. 192 s. 304; 1983 a. 255 s. 6; 1983 a. 275, 290, 368; 1983 a. 435 s. 7; 1985 a. 29, 225; 1985 a. 332 ss. 52, 251 (1); 1987 a. 27, 62, 83, 107, 309, 340, 356, 363, 372, 399; 1987 a. 403 ss. 43 to 45, 256; 1989 a. 13, 14, 31; 1989 a. 56 s. 259; 1989 a. 166, 182, 189, 218, 230, 240, 323, 327, 336, 355, 357, 359; 1991 a. 32, 39, 113, 152, 229, 269, 315; 1993 a. 16, 263, 383, 490, 491; 1995 a. 27, ss. 1946 to 1953, 9130 (4); 1995 a. 81, 88, 89, 216, 240, 302, 381, 417; 1997 a. 3, 27, 39, 69, 110, 162, 237, 238.

SECTION 4. 40.02 (25) (b) 11. of the statutes is amended to read:

40.02 (25) (b) 11. Beginning on July 1, 1988, any retired public employe, other than a retired employe of the state, who is receiving an annuity under the Wisconsin retirement system, or any dependent of such an employe, as provided in the health insurance contract, who is receiving a continuation of the employe's annuity, and, if eligible, is receiving ~~medicare coverage under both part A and part B of Title XVIII of the federal social security act, 42 USC 1395 to 1395zz,~~ and who has acted under s. 40.51 (10) to elect group health insurance coverage.

History: 1981 c. 96, 187, 250, 274, 386; 1983 a. 9, 27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 106, 140; 1983 a. 141 ss. 1 to 3, 20; 1983 a. 191 ss. 1, 6; 1983 a. 192 s. 304; 1983 a. 255 s. 6; 1983 a. 275, 290, 368; 1983 a. 435 s. 7; 1985 a. 29, 225; 1985 a. 332 ss. 52, 251 (1); 1987 a. 27, 62, 83, 107, 309, 340, 356, 363, 372, 399; 1987 a. 403 ss. 43 to 45, 256; 1989 a. 13, 14, 31; 1989 a. 56 s. 259; 1989 a. 166, 182, 189, 218, 230, 240, 323, 327, 336, 355, 357, 359; 1991 a. 32, 39, 113, 152, 229, 269, 315; 1993 a. 16, 263, 383, 490, 491; 1995 a. 27, ss. 1946 to 1953, 9130 (4); 1995 a. 81, 88, 89, 216, 240, 302, 381, 417; 1997 a. 3, 27, 39, 69, 110, 162, 237, 238.

SECTION 5. 40.02 (40r) of the statutes is created to read:

40.02 (40r) "Medicare" means coverage under ~~Part A and Part B~~ of Title XVIII of the federal social security act, 42 USC 1395 to 1395zz.

end of
2-1

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 09/21/1999

To: Representative Black

Relating to LRB drafting number: LRB-3569

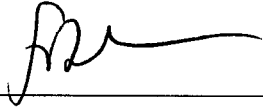
Topic

Sick leave conversion credits and Medicare premiums

Subject(s)

Employ Pub - miscellaneous

1. **JACKET** the draft for introduction _____



in the **Senate** ____ or the **Assembly** ____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Richard A. Champagne, Legislative Attorney
Telephone: (608) 266-9930