

**2001 DRAFTING REQUEST**

**Bill**

Received: 11/29/2000

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **David Cullen (608) 267-9836**

By/Representing: **Jessica**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact:

Addl. Drafters: **isagerro**

Subject: **Tax - individual income  
Health - public health**

Extra Copies:

Submit via email: **NO**

Requester's email:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Individual income tax checkoff for breast cancer research

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**Instructions:**

See attached. Similar to 1999 LRB -0625.

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**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> |
|--------------|---|-----------------------|------------------------|----------------|----------------------------|-----------------|-----------------|
| /?           | shoveme<br>12/04/2000<br>isagerro<br>12/21/2000 | gilfokm<br>01/11/2001 |                        | _____          |                            |                 | S&L             |
| /1           |   |                       | jfrantze<br>01/12/2001 | _____          | lrb_docadmin<br>01/12/2001 |                 | S&L             |

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|--------------|------------------------|-----------------------|------------------------|----------------|----------------------------|-------------------------------|-----------------|
| /2           | isagerro<br>03/16/2001 | gilfokm<br>03/20/2001 | pgreensl<br>03/21/2001 | _____          | lrb_docadmin<br>03/21/2001 | lrb_docadminS&L<br>04/11/2001 |                 |
| /3           | isagerro<br>05/09/2001 | gilfokm<br>05/09/2001 | pgreensl<br>05/10/2001 | _____          | lrb_docadmin<br>05/10/2001 | lrb_docadmin<br>05/10/2001    |                 |

FE Sent For:

L at intro

<END>

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| /1           |   |                       | jfrantze<br>01/12/2001 |                | lr_b_docadmin<br>01/12/2001 |                 | S&L             |

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PS

5/19/01

| <u>Vers.</u> | <u>Drafted</u>         | <u>Reviewed</u>       | <u>Typed</u>           | <u>Proofed</u> | <u>Submitted</u>           | <u>Jacketed</u>            | <u>Required</u> |
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| /2           | isagerro<br>03/16/2001 | gilfokm<br>03/20/2001 | pgreensl<br>03/21/2001 | _____          | lrb_docadmin<br>03/21/2001 | lrb_docadmin<br>04/11/2001 |                 |

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| /?           | shoveme<br>12/04/2000<br>isagerro<br>12/21/2000 | gilfokm<br>01/11/2001 |                        | _____          |                            |                 | S&L             |
| /1           |   |                       | jfrantze<br>01/12/2001 | _____          | lrb_docadmin<br>01/12/2001 |                 | S&L             |
| /2           | isagerro<br>03/16/2001                          | gilfokm<br>03/20/2001 | pgreensl<br>03/21/2001 | _____          | lrb_docadmin<br>03/21/2001 |                 |                 |

2601 DRAFTING REQUEST

Bill

Received: 11/29/2000

Received By: shoveme

Wanted: As time permits

Identical to LRB:

For: David Cullen (608) 267-9836

By/Representing: Jessica

This file may be shown to any legislator: NO

Drafter: shoveme

May Contact:

Alt. Drafters: isagerro

Subject: Tax - individual income  
Health - public health

Extra Copies:

Pre Topic:

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Topic:

Individual income tax checkoff for breast cancer research

Instructions:

See attached. Similar to 1999 LRB -0625.

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> |
|--------------|------------------------|-----------------------|------------------------|----------------|----------------------------|-----------------|-----------------|
| /?           | shoveme<br>12/04/2000  | gilfokm<br>01/11/2001 |                        | 3/21<br>GFP    |                            |                 | S&L             |
|              | isagerro<br>12/21/2000 | 12-3/ King<br>20-01   |                        |                |                            |                 |                 |
| /1           |                        |                       | jfrantzc<br>01/12/2001 |                | lrb_docadmin<br>01/12/2001 |                 |                 |

FE Sent For:

3/21  
pg.

<END>

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See attached. Similar to 1999 LRB -0625.

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|----------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| 1?             | shoveme        | 1-1/11/01       | 1/1/02       | 1/1/02         |                  |                 |                 |
| 11 MES 12/4/00 |                |                 |              |                |                  |                 |                 |

FE Sent For:

<END>

\* Jessica Kelly, aide to Rep. Cullen 17-9836

~~Breast cancer only~~ or

other forms of cancer - income tax check off for breast cancer research  
prim. affect women - like wildlife check off (endangered resources?)

AA - options to donate \$2, \$5, or write-in amount

amount  
or any  
amt  
\$5

- DOR collects and deposits \$ in DHFS account for breast cancer research grants

- no details on grant program yet

- DHFS will determine procedures, requirements, etc.

20.435(5)(hc)



11 12/21/00

2001-2002 1999-2000 LEGISLATURE

QISR 1246/1  
LRB-0625/1  
MES... King

2001 ~~1999~~ BILL

RMNR

Friday  
12/01

research program, creating a breast cancer research program, granting rule-making authority, and making appropriations  
checkoff

1  
2

AN ACT *gen* relating to: creating an individual income tax ~~check-off~~ for ~~the~~ *a* education treatment and prevention of breast cancer and certain other ~~various~~

Analysis by the Legislative Reference Bureau *stat*

checkoff

Under current law, an individual income tax ~~check-off~~ procedure exists that allows an individual who files a return to designate any amount of additional payment or any amount of a refund due for the endangered resources program. This bill creates a similar income tax ~~check-off~~ for designations to the ~~women's~~ *breast* cancer ~~control~~ *research* program (program), which is created in the bill.

Under the bill, an individual who has an income tax *any amount* liability, is due a refund, or is required to file a return may designate ~~up to \$5.00~~ of additional payment, or amount of a refund due, to the program on his or her income tax return. If an individual's designation exceeds the amount of his or her refund, he or she must include a check with his or her tax return for the difference between the amount of the designation and the amount of the refund. If an individual who makes a contribution has a tax liability or has no tax liability and is due no refund, he or she must include a check for the amount of the designation with his or her tax return.

to administer the grant program

The bill requires that ~~designations to the program be placed in a separate fund that is administered by the department of health and family services (DHFS). The department distributes the proceeds of the fund, under a competitive grant process, to for-profit, non-profit and governmental entities that engage in programs for the prevention, detection, education and treatment of breast cancer and other forms of cancer that affect women.~~ *bill program is done* DHFS is required to promulgate rules for the grant process.

used to provide grants to applicants to conduct breast cancer research projects.

an amount equal to the total amount of designations received, less the total cost of administering the income tax check-off procedure,

specifying the eligibility criteria and procedures

**BILL**

For further information see the *state and local* 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:

SECTION 1. 20.566 (1) (hp) of the statutes is amended to read:

20.566 (1) (hp) ~~Administration of endangered resources and women's/cancer~~ <sup>research</sup> ~~control program~~ <sup>breast</sup> voluntary payments. The amounts in the schedule for the payment of all administrative costs, including data processing costs, incurred in administering ~~ss. 71.10 (5) and (5e)~~ <sup>ss. 71.30 (10)</sup> All moneys certified under ~~ss. 71.10 (5) (h) 1. and (5e) (h) 1.~~ <sup>ss. 71.10 (5) (h) 1. and (5f) (h) 1.</sup> shall be credited to this appropriation.

History: 1971 c. 108 ss. 2, 3; 1971 c. 125 ss. 164, 173, 174, 175, 176; 1971 c. 211, 215; 1973 c. 90; 1975 c. 39 ss. 201, 732 (1); 1977 c. 29, 31, 418; 1979 c. 34 ss. 610m to 617, 2102 (46) (c); 1979 c. 65 ss. 3, 6; 1979 c. 177, 221; 1981 c. 20; 1981 c. 86 ss. 71; 1981 c. 328 s. 4; 1983 a. 27 ss. 469 to 477; 1983 a. 368; 1983 a. 410 s. 2202 (38); 1985 a. 79 ss. 536 to 537r, 3202 (39) (a), (46) (c), (i); 1985 a. 41, 120; 1987 c. 27 ss. 444 to 458, 3200 (47); 1987 a. 22; 1987 a. 312 s. 17; 1987 a. 399; 1989 a. 31, 335; 1991 a. 39, 259, 269; 1993 a. 16, 205, 263, 490; 1995 a. 27 ss. 546h to 546i, 1111mm to 1119r; 1995 a. 56, 227, 351; 1997 a. 27, 35, 41, 63, 148, 237, 252.

SECTION 2. 71.10 of the statutes is created to read:

71.10 (5f) ~~WOMEN'S CANCER CONTROL PROGRAM~~ <sup>BREAST RESEARCH</sup>. (a) *Definitions*. In this subsection:

subsection:

1. "Department" means the department of revenue.

2. "Women's cancer program" means a program, as described in s. 71.10 (5f) (a) 1. that is dedicated to the detection, education, treatment and prevention of breast cancer in women and other forms of cancer that affect women and the payment of administrative expenses related to the administration of this subsection.

(b) *Voluntary payments*. 1. 'Designation on return.' Every individual filing an income tax return who has a tax liability or is entitled to a tax refund may designate on the return <sup>any amount of</sup> up to \$5.00 additional payment or <sup>any amount</sup> up to \$5.00 of a refund due that individual for the <sup>breast</sup> women's cancer control program. If a married couple files jointly, the maximum additional payment or amount from a refund that may be designated under this subsection is \$10.00.

Insert 2-1/2

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FNS  
MES-9

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professional/out-of-pocket district  
voluntary payments

breast

and 71.30 (10)

(5f)

under 255.055

that provides grants for research

**BILL**

SECTION 3. 71.10 (5) of the statutes is amended to read:

71.10 (5) ENDANGERED RESOURCES. (a) *Definitions*. In this subsection:

1. "Conservation fund" means the fund under s. 25.29.

2. "Endangered resources program" means purchasing or improving land or habitats for any native Wisconsin endangered or threatened species as defined in s. 29.604 (2) (a) or (b) or for any nongame species as defined in s. 29.001 (60), conducting the natural heritage inventory program under s. 23.27 (3), conducting wildlife and resource research and surveys and providing wildlife management services, providing for wildlife damage control or the payment of claims for damage associated with endangered or threatened species, repaying the general fund for amounts expended under s. 20.370 (1) (fb) in fiscal year 1983-84 and the payment of administrative expenses related to the administration of this subsection.

(b) *Voluntary payments*. 1. Designation on return. Any individual filing an income tax return may designate on the return any amount of additional payment or any amount of a refund due that individual for the endangered resources program.

2. Designation added to tax owed. If the individual owes any tax, the individual shall remit in full the tax due and the amount designated on the return for the ~~endangered resources~~ *breast cancer research* program when the individual files a tax return.

3. Designation deducted from refund. Except as provided ~~under~~ *in* par. (d), if the individual is owed a refund for that year after crediting under ss. 71.75 (9) and 71.80 (3), the department of revenue shall deduct the amount designated on the return for the ~~endangered resources~~ *breast cancer research* program from the amount of the refund.

(c) *Errors; failure to remit correct amount*. If an individual who owes taxes fails to remit an amount equal to or in excess of the total of the actual tax due, after error

**BILL**

1 corrections, and the amount designated on the return for the ~~endangered resources~~  
2 program:

*breast cancer research*

3 1. The department shall reduce the designation for the ~~endangered resources~~  
4 program to reflect the amount remitted in excess of the actual tax due, after error  
5 corrections, if the individual remitted an amount in excess of the actual tax due, after  
6 error corrections, but less than the total of the actual tax due, after error corrections,  
7 and the amount originally designated on the return for the ~~endangered resources~~  
8 program.

9 2. The designation for the ~~endangered resources~~ program is void if the  
10 individual remitted an amount equal to or less than the actual tax due, after error  
11 corrections.

12 (d) *Errors; insufficient refund.* If an individual who is owed a refund which does  
13 not equal or exceed the amount designated on the return for the ~~endangered~~  
14 ~~resources~~ program, after crediting under ss. 71.75 (9) and 71.80 (3) and after error  
15 corrections, the department shall reduce the designation for the ~~endangered~~  
16 ~~resources~~ program to reflect the actual amount of the refund <sup>that</sup> the individual is  
17 otherwise owed, after crediting under ss. 71.75 (9) and 71.80 (3) and after error  
18 corrections.

19 (e) *Conditions.* If an individual places any conditions on a designation for the  
20 ~~endangered resources~~ program, the designation is void.

21 (f) *Void designation.* If a designation for the ~~endangered resources~~ program is  
22 void, the department ~~of revenue~~ shall disregard the designation and determine  
23 amounts due, owed, refunded, and received without regard to the void designation.

24 (g) *Tax return.* The secretary of revenue shall provide a place for the  
25 designations under this subsection on the individual income tax return ~~and the~~

BILL

1 ~~secretary shall highlight that place on the return by a symbol chosen by the~~  
2 ~~department of revenue that relates to endangered resources~~

3 (h) *Certification of amounts.* Annually, on or before September 15, the  
4 secretary of revenue shall certify to the department of <sup>health and family services</sup> ~~natural resources~~, the  
5 department of administration<sup>✓</sup> and the state treasurer:

6 1. The total amount of the administrative costs, including data processing  
7 costs, incurred by the department ~~of revenue~~ in administering this subsection during  
8 the previous fiscal year.

9 2. ~~The~~ The total amount received from all designations for the <sup>breast cancer research</sup> ~~endangered~~  
10 ~~resources~~ program made by taxpayers during the previous fiscal year.

11 3. ~~The~~ The net amount remaining after the administrative costs, including data  
12 processing costs, under subd. 1. are subtracted from the total received under subd.

13 ~~2~~  
14 4. ~~From~~ From the moneys received from designations for the ~~endangered resources~~  
15 program, an amount equal to the sum of administrative expenses, including data  
16 processing costs, certified under subd. 1. shall be deposited in the general fund and

17 credited to the appropriation <sup>account</sup> under s. 20.566 (1) (hp), and the net amount remaining  
18 <sup>that is</sup> certified under subd. 4. shall be deposited in the ~~conservation fund~~ and credited to  
19 the appropriation under s. ~~20.370 (1)(a)~~ <sup>20.435(5)(hc)</sup>

20 5. ~~Amounts~~ Amounts designated for the ~~endangered resources~~ program under this  
21 subsection are not subject to refund to the taxpayer unless the taxpayer submits  
22 information to the satisfaction of the department<sup>✓</sup> within 18 months after the date  
23 <sup>on which the</sup> taxes are due or the date the return is filed, whichever is later, that the amount  
24 designated is clearly in error. Any refund granted by the department ~~of revenue~~

**BILL**

*Sort out of order for which*

1 under this subdivision shall be deducted from the moneys received under this  
2 subsection in the fiscal year ~~that~~ the refund is certified.

*Insert 3*

History: 1987 a. 312; 1987 a. 411 ss. 94, 97, 176 to 179; 1987 a. 422 s. 4; 1989 a. 31, 56, 359; 1991 a. 39; 1993 a. 16, 184; 1995 a. 27, 209, 418, 453; 1997 a. 27, 63, 237, 248. History: 1987 a. 312; 1987 a. 411 ss. 94, 97, 176 to 179; 1987 a. 422 s. 4; 1989 a. 31, 56, 359; 1991 a. 39; 1993 a. 16, 184; 1995 a. 27, 209, 418, 453; 1997 a. 27, 63, 237, 248.

**SECTION 4. Initial applicability.**

*The treatment of section 71.10 (5F) of the statute*

(1) ~~This act~~ first applies to taxable years beginning on January 1 of the year  
in which this subsection takes effect, except that if this subsection takes effect after  
July 31, ~~this act~~ this act first applies to taxable years beginning on January 1 of the year  
following the year in which this subsection takes effect.

*Insert 6  
7  
8*

(END)

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1246/lins  
ISR:.....

Insert 2-1

SECTION 1. 20.435 (5) (hc) of the statutes is created to read:

20.435 (5) (hc) *Breast cancer research grants*. As a continuing appropriation, from moneys received as amounts designated under s. 71.10 (5f) (b), the net amounts certified under s. 71.10 (5f) (h) 4., for the purpose of awarding grants under s. 255.055.

Insert 6-3

SECTION 2. 255.055 of the statutes is created to read:

**255.055 Breast cancer research grant program.** From the appropriation under s. 20.435 (5) (hc), the department shall award grants to applicants to conduct breast cancer research projects. The department shall promulgate rules specifying the eligibility criteria and procedures for awarding grants under this section.

Insert 6-8

SECTION 3. **Effective dates.** This act takes effect on the day after publication, except as follows:

\* (1) The ~~creation~~ <sup>treatment</sup> of section 255.055 of the statutes takes effect on the first day of the 3rd month beginning after the date on which the secretary of revenue first credits the appropriation account under ~~s.~~ 20.435 (5) (hc) of the statutes, as created by ~~2001 Wisconsin Act. 11~~ <sup>section</sup> this act, as specified under section 71.10 (5f) (h) 5. of the statutes, as created by ~~2001 Wisconsin Act. 11~~ <sup>section</sup> this act.

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1246/?ins  
MES&ISR.....

**INS MES 2-6**

SECTION 1. 20.566 (1) (hp) of the statutes is amended to read:

20.566 (1) (hp) *Administration of endangered resources; professional football district; breast cancer research voluntary payments.* The amounts in the schedule for the payment of all administrative costs, including data processing costs, incurred in administering ss. 71.10 (5) and <sup>g</sup>(5e), and (5f) and 71.30 (10). All moneys certified under ss. ~~71.10 (5) (h) 1. and 71.30 (10) (h) 1.~~ and the moneys specified for deposit in this appropriation under s. ~~ss. 71.10 (5) (h) 5., (5e) (h) 4., and (5f) 4.~~ and 71.30 (10) ~~(h) 1.~~ shall be credited to this appropriation. (h)

History: 1971 c. 108 ss. 2, 3, 6; 1971 c. 125 ss. 164, 173, 174, 175, 176; 1971 c. 211, 215; 1973 c. 90; 1975 c. 39 ss. 201, 732 (1); 1977 c. 29, 31, 418; 1979 c. 34 ss. 610m to 617, 2102 (46) (c); 1979 c. 63 ss. 3, 6; 1979 c. 177, 221; 1981 c. 20; 1981 c. 86 ss. 7, 71; 1981 c. 328 s. 4; 1983 a. 27 ss. 469 to 477; 1983 a. 368; 1983 a. 410 s. 2202 (38); 1985 a. 29 ss. 536 to 537r, 3202 (39) (a), (46) (c), (i); 1985 a. 41, 120; 1987 a. 27 ss. 444 to 458, 3200 (47); 1987 a. 92; 1987 a. 312 s. 17; 1987 a. 399; 1989 a. 31, 335; 1991 a. 39, 259, 269; 1993 a. 16, 205, 263, 490; 1995 a. 27 ss. 546h to 546t, 1111mm to 1119r; 1995 a. 56, 227, 351; 1997 a. 27, 35, 41, 63, 148, 237, 252; 1999 a. 5, 9; 1999 a. 150 s. 672; 1999 a. 167.

**INS MES 6-3A**

SECTION 2. 71.30 (10) (h) 4. of the statutes is created to read:

~~71.30 (10) (h) 4. From the moneys received from designations for the endangered resources program, an amount equal to the sum of administrative expenses, including data processing costs, certified under subd. 1. shall be deposited in the general fund and credited to the appropriation under s. 20.566 (1) (hp), and the net amount remaining certified under subd. 3. shall be deposited in the conservation fund and credited to the appropriation under s. 20.370 (1) (fs).~~ <sup>that is</sup> <sup>account</sup>



**Sager-Rosenthal, Ivy**

**From:** Kelly, Jessica  
**Sent:** Thursday, March 15, 2001 2:53 PM  
**To:** Shovers, Marc; Sager-Rosenthal, Ivy  
**Subject:** Redraft of LRB 1246/1 relating to breast cancer research

specify who gets grants?

Hi. I didn't know who to email so I decided to hit both of you.

We need to clarify the language in this bill to define "research". I have looked up language in Illinois' bill similar to LRB 1246/1 and have typed it below:

The Department of Health & Family Services shall award grants to eligible physicians, hospitals, laboratoris, education insitutions and aother organizations and persons to enable organizations and persons to conduct research. For the purposes of this Section, "research" includes, but is not limited to, expenditures to develop and advance the understanding, techniques, and modalities effective in early detection, prevention, cure, screeing and treatment of breast cancer and may include clinical trials. - just defining breast cancer research

~~Moneys received for the purposes of this Section, including but not limited to income tax checkoff receipts and gifts, grants, and awards from private foundations, nonprofit organizations, other governmental entities and persons shall be deposited into the Breast Cancer Research Fund, which is hereby created as a special fund in the State Treasury.~~  
This too?

The Department of Health & Family Services shall create an advisory committee with members from, but not limited to, the Wisconsin Chapter of the American Cancer Society for the purpose of awarding research grants under this Section. Members of the advisory committee shall not be eligible for any financial compensation or reimbursement.

Could you please incorporate the above language into LRB 1246? Also, could you let me know when we can expect this draft back? Thank you.

**Jessica Ford Kelly**  
**Legislative Assistant**  
Office of Representative David Cullen  
State Capitol  
216-North  
Madison, WI 53702  
608-267-9836 (telephone)  
1-888-534-0013 (toll free)  
608-282-3613 (fax)

\* 3/15/01 3:15 Jessica, conversation w/  
- specify who is eligible for grants  
- physicians, hospitals, labs, educ. institutions  
- define research  
- advisory committee  
- NOT breast cancer research fund

## **Sager-Rosenthal, Ivy**

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**Moneys received for the purposes of this Sectio, including but not limited to income tax checkoff receipts and gifts, grants, and awards from private foundations, nonprofit organizations, other governmental entities and persond shall be deposited into the Breast Cancer Research Fund, which is hereby created as a special fund in the State Treasury.**

**The Department of Health & Family Services shall create an advisory committee with members from, but not limited to, the Wisconsin Chapter of the American Cancer Society for the purpose of awarding research grants under this Section. Members of the advisory committee shall not be eligible for any financial compensation or reimbursement.**

Could you please incorporate the above language into LRB 1246? Also, could you let me know when we can expect this draft back? Thank you.

## **Jessica Ford Kelly**

### ***Legislative Assistant***

Office of Representative David Cullen  
State Capitol  
216-North  
Madison, WI 53702  
608-267-9836 (telephone)  
1-888-534-0013 (toll free)  
608-282-3613 (fax)



RMR

2001 BILL

in 3/16/01

Fix Request Sheet

Gen. Cat.

1 AN ACT to amend 20.566 (1) (hp); and to create 20.435 (5) (hc), 71.10 (5f) and  
2 255.055 of the statutes; relating to: creating an individual income tax checkoff  
3 for a breast cancer research program, creating a breast cancer research  
4 program, granting rule-making authority, and making appropriations.

**Analysis by the Legislative Reference Bureau**

Under current law, an individual income tax check-off procedure exists that allows an individual who files a return to designate any amount of additional payment or any amount of a refund due for the endangered resources program. This bill creates a similar income tax checkoff for designations to the breast cancer research program (program), which is created in the bill.

Under the bill, an individual who has an income tax liability, is due a refund, or is required to file a return may designate any amount of additional payment, or any amount of a refund due, to the program on his or her income tax return. If an individual's designation exceeds the amount of his or her refund, he or she must include a check with his or her tax return for the difference between the amount of the designation and the amount of the refund. If an individual who makes a contribution has a tax liability or has no tax liability and is due no refund, he or she must include a check for the amount of the designation with his or her tax return.

The bill requires that an amount equal to the total amount of designations received, less the total cost of administering the income tax check-off procedure, be used to provide grants to applicants to conduct breast cancer research projects. The bill requires the department of health and family services (DHFS) to administer the

Eligible persons

Eligible persons include physicians, hospitals, clinical laboratories, and institutions of higher education.

**BILL**

grant program. DHFS is required to promulgate rules specifying the eligibility criteria and procedures for the grant process.

must appoint a breast cancer research advisory committee and consult with the committee before awarding a grant of establishing

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

*The committee must include representatives of the Wisconsin Chapter of the American Cancer Society.*  
**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

1           **SECTION 1.** 20.435 (5) (hc) of the statutes is created to read:

2           20.435 (5) (hc) *Breast cancer research grants.* As a continuing appropriation,  
3 from moneys received as amounts designated under s. 71.10 (5f) (b), the net amounts  
4 certified under s. 71.10 (5f) (h) 4., for the purpose of awarding grants under s.  
5 255.055.

6           **SECTION 2.** 20.566 (1) (hp) of the statutes is amended to read:

7           20.566 (1) (hp) *Administration of endangered resources; professional football*  
8 *district; breast cancer research voluntary payments.* The amounts in the schedule for  
9 the payment of all administrative costs, including data processing costs, incurred in  
10 administering ss. 71.10 (5) and, (5e), and (5f) and 71.30 (10). All moneys certified  
11 under ss. 71.10 (5) (h) 1. and 71.30 (10) (h) 1. and the moneys specified for deposit  
12 in this appropriation under s. ss. 71.10 (5) (h) 5., (5e) (h) 4., and (5f) (h) 4. and 71.30  
13 (10) (i) shall be credited to this appropriation.

14           **SECTION 3.** 71.10 (5f) of the statutes is created to read:

15           71.10 (5f) **BREAST CANCER RESEARCH PROGRAM.** (a) *Definitions.* In this  
16 subsection:

17           1. "Breast cancer research program" means the program under s. 255.055 that  
18 provides grants for breast cancer research and the payment of administrative  
19 expenses related to the administration of this subsection.

20           2. "Department" means the department of revenue.

**BILL**

1           (b) *Voluntary payments.* 1. ‘Designation on return.’ Every individual filing an  
2 income tax return who has a tax liability or is entitled to a tax refund may designate  
3 on the return any amount of additional payment or any amount of a refund due that  
4 individual for the breast cancer research program.

5           2. ‘Designation added to tax owed.’ If the individual owes any tax, the  
6 individual shall remit in full the tax due and the amount designated on the return  
7 for the breast cancer research program when the individual files a tax return.

8           3. ‘Designation deducted from refund.’ Except as provided in par. (d), if the  
9 individual is owed a refund for that year after crediting under ss. 71.75 (9) and 71.80  
10 (3), the department of revenue shall deduct the amount designated on the return for  
11 the breast cancer research program from the amount of the refund.

12           (c) *Errors; failure to remit correct amount.* If an individual who owes taxes fails  
13 to remit an amount equal to or in excess of the total of the actual tax due, after error  
14 corrections, and the amount designated on the return for the breast cancer research  
15 program:

16           1. The department shall reduce the designation for the breast cancer research  
17 program to reflect the amount remitted in excess of the actual tax due, after error  
18 corrections, if the individual remitted an amount in excess of the actual tax due, after  
19 error corrections, but less than the total of the actual tax due, after error corrections,  
20 and the amount originally designated on the return for the breast cancer research  
21 program.

22           2. The designation for the breast cancer research program is void if the  
23 individual remitted an amount equal to or less than the actual tax due, after error  
24 corrections.

**BILL**

1 (d) *Errors; insufficient refund.* If an individual who is owed a refund which does  
2 not equal or exceed the amount designated on the return for the breast cancer  
3 research program, after crediting under ss. 71.75 (9) and 71.80 (3) and after error  
4 corrections, the department shall reduce the designation for the breast cancer  
5 research program to reflect the actual amount of the refund that the individual is  
6 otherwise owed, after crediting under ss. 71.75 (9) and 71.80 (3) and after error  
7 corrections.

8 (e) *Conditions.* If an individual places any conditions on a designation for the  
9 breast cancer research program, the designation is void.

10 (f) *Void designation.* If a designation for the breast cancer research program  
11 is void, the department shall disregard the designation and determine amounts due,  
12 owed, refunded, and received without regard to the void designation.

13 (g) *Tax return.* The secretary of revenue shall provide a place for the  
14 designations under this subsection on the individual income tax return.

15 (h) *Certification of amounts.* Annually, on or before September 15, the  
16 secretary of revenue shall certify to the department of health and family services, the  
17 department of administration, and the state treasurer:

18 1. The total amount of the administrative costs, including data processing  
19 costs, incurred by the department in administering this subsection during the  
20 previous fiscal year.

21 2. The total amount received from all designations for the breast cancer  
22 research program made by taxpayers during the previous fiscal year.

23 3. The net amount remaining after the administrative costs, including data  
24 processing costs, under subd. 1. are subtracted from the total received under subd.

25 2.

**BILL**

1           4. From the moneys received from designations for the breast cancer research  
2 program, an amount equal to the sum of administrative expenses, including data  
3 processing costs, certified under subd. 1. shall be deposited in the general fund and  
4 credited to the appropriation account under s. 20.566 (1) (hp), and the net amount  
5 remaining that is certified under subd. 3. shall be credited to the appropriation under  
6 s. 20.435 (5) (hc).

7           5. Amounts designated for the breast cancer research program under this  
8 subsection are not subject to refund to the taxpayer unless the taxpayer submits  
9 information to the satisfaction of the department, within 18 months after the date  
10 on which the taxes are due or the date on which the return is filed, whichever is later,  
11 that the amount designated is clearly in error. Any refund granted by the  
12 department under this subdivision shall be deducted from the moneys received  
13 under this subsection in the fiscal year for which the refund is certified.

14           **SECTION 4.** 255.055 of the statutes is created to read:

15           ~~**255.055 Breast cancer research grant program.** From the appropriation  
16 under s. 20.435 (5) (hc), the department shall award grants to applicants to conduct  
17 breast cancer research projects. The department shall promulgate rules specifying  
18 the eligibility criteria and procedures for awarding grants under this section.~~

19           **SECTION 5. Initial applicability.**

20           (1) The treatment of section 71.10 (5f) of the statutes first applies to taxable  
21 years beginning on January 1 of the year in which this subsection takes effect, except  
22 that if this subsection takes effect after July 31 this act first applies to taxable years  
23 beginning on January 1 of the year following the year in which this subsection takes  
24 effect.

✓  
Insert  
5-19





2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1246/2ins  
ISR:.....

Insert 5-19

**255.055 Breast cancer research grant program.** (1) Subject to sub. (2), from the appropriation under s. 20.435 (5) (hc), the department shall award grants to eligible persons, including physicians, hospitals, as defined <sup>in</sup> ~~under~~ s. 50.33 (2), clinical laboratories, and institutions of higher education, as defined <sup>in</sup> ~~under~~ s. 108.02 (18), to conduct breast cancer research projects. Breast cancer research projects shall include projects to develop and advance the understanding of the techniques and modalities that are effective in the early detection, prevention, cure, screening, and treatment of breast cancer and <sup>may include</sup> projects that involve clinical trials.

(2) The department shall appoint a breast cancer research advisory committee under s. 15.04 (1) (c) and shall consult with the advisory committee before awarding any grant under sub. (1). The advisory committee shall include representatives of the Wisconsin Chapter of the American Cancer Society. No grant may be awarded to a person under sub. (1) if the person is a member of the advisory committee or is employed by an organization that has a representative on the advisory board.

(3) After consulting with the breast cancer advisory committee under sub. (2), the department shall promulgate rules specifying the eligibility criteria and procedures for awarding grants under sub. (1).



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

March 21, 2001

### MEMORANDUM

To: Representative Cullen

From: Marc E. Shovers, Senior Legislative Attorney

Re: LRB-1246 Individual income tax checkoff for breast cancer research

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY  JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0129 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.

\* Jessica, 4/18/01

- RAU/2

- Page 6

- Not eligible for compensation if on board, but eligible for a grant

**Sager-Rosenthal, Ivy**

---

**From:** Kelly, Jessica  
**Sent:** Wednesday, May 09, 2001 12:51 PM  
**To:** Sager-Rosenthal, Ivy  
**Subject:** RE: Hi, Ivy.

Ivy -

Please draft the legislation as you stated below - that they can receive money for items incurred with their duties. Thanks.

-----Original Message-----

**From:** Sager-Rosenthal, Ivy  
**Sent:** Wednesday, April 25, 2001 2:18 PM  
**To:** Kelly, Jessica  
**Subject:** RE: Hi, Ivy.

Jessica-

Did you want to prohibit all compensation? Often the statutes permit members of advisory committees to get reimbursed for "expenses actually and necessarily incurred in the performance of their duties." If you opted to reimburse them for these types of expenses the language would be something like:

"Members of the board shall receive no compensation for their services but they shall be reimbursed for expenses actually and necessarily incurred in the performance of their duties."

Please let me know.  
Ivy

***Ivy G. Sager-Rosenthal***  
*Legislative Attorney*  
*Legislative Reference Bureau*  
*P.O. Box 2037*  
*Madison, WI 53701-2037*  
*(608) 261-4455*

-----Original Message-----

**From:** Kelly, Jessica  
**Sent:** Wednesday, April 25, 2001 1:56 PM  
**To:** Sager-Rosenthal, Ivy  
**Subject:** Hi, Ivy.

I sent back the stripes for LRB 1246/2 relating to breast cancer prevention check off boxes.

At this time, the only change we want to make is the one I spoke with you about the other day - ensuring that people on the DHFS board do not get compensation, and changing page 6 lines 4 -6 stating that organizations on the DHFS Board cannot receive grants.

Thanks.

**Jessica Ford Kelly**

***Legislative Assistant***

Office of Representative David Cullen

State Capitol

216-North

Madison, WI 53702

608-267-9836 (telephone)

1-888-534-0013 (toll free)

608-282-3613 (fax)



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-1246/2

MES&ISR:kmg:pg

3

RMR

2001 BILL

1 AN ACT *to amend* 20.566 (1) (hp); and *to create* 20.435 (5) (hc), 71.10 (5f) and  
2 255.055 of the statutes; **relating to:** creating an individual income tax checkoff  
3 for a breast cancer research program, creating a breast cancer research  
4 program, granting rule-making authority, and making appropriations.

---

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

Under current law, an individual income tax check-off procedure exists that allows an individual who files a return to designate any amount of additional payment or any amount of a refund due for the endangered resources program. This bill creates a similar income tax checkoff for designations to the breast cancer research program (program), which is created in the bill.

Under the bill, an individual who has an income tax liability, is due a refund, or is required to file a return may designate any amount of additional payment, or any amount of a refund due, to the program on his or her income tax return. If an individual's designation exceeds the amount of his or her refund, he or she must include a check with his or her tax return for the difference between the amount of the designation and the amount of the refund. If an individual who makes a contribution has a tax liability or has no tax liability and is due no refund, he or she must include a check for the amount of the designation with his or her tax return.

The bill requires that an amount equal to the total amount of designations received, less the total cost of administering the income tax check-off procedure, be used to provide grants to eligible persons to conduct breast cancer research projects. Eligible persons include physicians, hospitals, clinical laboratories, and institutions

**BILL**

of higher education. The bill requires the department of health and family services (DHFS) to administer the grant program. DHFS must appoint a breast cancer research advisory committee and consult with the committee before awarding a grant or establishing the eligibility criteria and procedures for the grants. The committee must include representatives of the Wisconsin Chapter of the American Cancer Society.

For further information see the *state and local* 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:*

1           **SECTION 1.** 20.435 (5) (hc) of the statutes is created to read:

2           20.435 (5) (hc) *Breast cancer research grants.* As a continuing appropriation,  
3 from moneys received as amounts designated under s. 71.10 (5f) (b), the net amounts  
4 certified under s. 71.10 (5f) (h) 4., for the purpose of awarding grants under s.  
5 255.055.

6           **SECTION 2.** 20.566 (1) (hp) of the statutes is amended to read:

7           20.566 (1) (hp) *Administration of endangered resources; professional football*  
8 *district; breast cancer research voluntary payments.* The amounts in the schedule for  
9 the payment of all administrative costs, including data processing costs, incurred in  
10 administering ss. 71.10 (5) ~~and~~, (5e), ~~and~~ (5f) and 71.30 (10). All ~~moneys certified~~  
11 ~~under ss. 71.10 (5) (h) 1. and 71.30 (10) (h) 1. and the moneys specified for deposit~~  
12 ~~in this appropriation under s. ss. 71.10 (5) (h) 5., (5e) (h) 4., and (5f) (h) 4. and 71.30~~  
13 ~~(10) (i)~~ shall be credited to this appropriation.

14           **SECTION 3.** 71.10 (5f) of the statutes is created to read:

15           71.10 (5f) BREAST CANCER RESEARCH PROGRAM. (a) *Definitions.* In this  
16 subsection:

**BILL**

1           1. “Breast cancer research program” means the program under s. 255.055 that  
2 provides grants for breast cancer research and the payment of administrative  
3 expenses related to the administration of this subsection.

4           2. “Department” means the department of revenue.

5           (b) *Voluntary payments.* 1. ‘Designation on return.’ Every individual filing an  
6 income tax return who has a tax liability or is entitled to a tax refund may designate  
7 on the return any amount of additional payment or any amount of a refund due that  
8 individual for the breast cancer research program.

9           2. ‘Designation added to tax owed.’ If the individual owes any tax, the  
10 individual shall remit in full the tax due and the amount designated on the return  
11 for the breast cancer research program when the individual files a tax return.

12           3. ‘Designation deducted from refund.’ Except as provided in par. (d), if the  
13 individual is owed a refund for that year after crediting under ss. 71.75 (9) and 71.80  
14 (3), the department of revenue shall deduct the amount designated on the return for  
15 the breast cancer research program from the amount of the refund.

16           (c) *Errors; failure to remit correct amount.* If an individual who owes taxes fails  
17 to remit an amount equal to or in excess of the total of the actual tax due, after error  
18 corrections, and the amount designated on the return for the breast cancer research  
19 program:

20           1. The department shall reduce the designation for the breast cancer research  
21 program to reflect the amount remitted in excess of the actual tax due, after error  
22 corrections, if the individual remitted an amount in excess of the actual tax due, after  
23 error corrections, but less than the total of the actual tax due, after error corrections,  
24 and the amount originally designated on the return for the breast cancer research  
25 program.



**BILL****SECTION 3**

1           2. The designation for the breast cancer research program is void if the  
2 individual remitted an amount equal to or less than the actual tax due, after error  
3 corrections.

4           (d) *Errors; insufficient refund.* If an individual who is owed a refund which does  
5 not equal or exceed the amount designated on the return for the breast cancer  
6 research program, after crediting under ss. 71.75 (9) and 71.80 (3) and after error  
7 corrections, the department shall reduce the designation for the breast cancer  
8 research program to reflect the actual amount of the refund that the individual is  
9 otherwise owed, after crediting under ss. 71.75 (9) and 71.80 (3) and after error  
10 corrections.

11           (e) *Conditions.* If an individual places any conditions on a designation for the  
12 breast cancer research program, the designation is void.

13           (f) *Void designation.* If a designation for the breast cancer research program  
14 is void, the department shall disregard the designation and determine amounts due,  
15 owed, refunded, and received without regard to the void designation.

16           (g) *Tax return.* The secretary of revenue shall provide a place for the  
17 designations under this subsection on the individual income tax return.

18           (h) *Certification of amounts.* Annually, on or before September 15, the  
19 secretary of revenue shall certify to the department of health and family services, the  
20 department of administration, and the state treasurer:

21           1. The total amount of the administrative costs, including data processing  
22 costs, incurred by the department in administering this subsection during the  
23 previous fiscal year.

24           2. The total amount received from all designations for the breast cancer  
25 research program made by taxpayers during the previous fiscal year.

**BILL**

1           3. The net amount remaining after the administrative costs, including data  
2 processing costs, under subd. 1. are subtracted from the total received under subd.  
3 2.

4           4. From the moneys received from designations for the breast cancer research  
5 program, an amount equal to the sum of administrative expenses, including data  
6 processing costs, certified under subd. 1. shall be deposited in the general fund and  
7 credited to the appropriation account under s. 20.566 (1) (hp), and the net amount  
8 remaining that is certified under subd. 3. shall be credited to the appropriation under  
9 s. 20.435 (5) (hc).

10           5. Amounts designated for the breast cancer research program under this  
11 subsection are not subject to refund to the taxpayer unless the taxpayer submits  
12 information to the satisfaction of the department, within 18 months after the date  
13 on which the taxes are due or the date on which the return is filed, whichever is later,  
14 that the amount designated is clearly in error. Any refund granted by the  
15 department under this subdivision shall be deducted from the moneys received  
16 under this subsection in the fiscal year for which the refund is certified.

17           **SECTION 4.** 255.055 of the statutes is created to read:

18           **255.055 Breast cancer research grant program.** (1) Subject to sub. (2),  
19 from the appropriation under s. 20.435 (5) (hc), the department shall award grants  
20 to eligible persons, including physicians, hospitals, as defined in s. 50.33 (2), clinical  
21 laboratories, and institutions of higher education, as defined in s. 108.02 (18), to  
22 conduct breast cancer research projects. Breast cancer research projects shall  
23 include projects to develop and advance the understanding of the techniques and  
24 modalities that are effective in the early detection, prevention, cure, screening, and  
25 treatment of breast cancer and may include projects that involve clinical trials.





# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
P. O. BOX 2037  
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3661  
REFERENCE SECTION: (608) 266-0341  
FAX: (608) 266-5648

STEPHEN R. MILLEK  
CHIEF

June 11, 2001

## MEMORANDUM

**To:** Representative Cullen

**From:** Marc E. Shovers, Sr. Legislative Attorney, (608) 266-0129

**Subject:** Technical Memorandum to 2001 AB 420 (LRB 01-1246/3)

---

We received the attached technical memorandum relating to your bill. This copy is for your information and your file. If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

**MEMORANDUM**

June 11, 2001

**TO:** Marc Shovers  
Legislative Reference Bureau

**FROM:** Dennis Collier  
Department of Revenue

**SUBJECT:** Technical Memorandum on AB 420 – Individual Income Tax Checkoff for Breast Cancer Research

The proposed legislation makes no provision for the funding of the costs involved in administering the activities required. If the author wishes to provide funding, appropriation language could be developed and costs allocated in the following manner:

|          | <u>Chapter 20</u> | <u>Amount</u> | <u>FTE</u> |
|----------|-------------------|---------------|------------|
| one-time | s. 20.566 (1) (a) | \$ 26,500     |            |
| annual   | s. 20.566 (1) (a) | \$ 9,500      |            |

If you have any questions regarding this technical memorandum, please contact Meredith Krejny at 261-8984.

DC:MK



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
P. O. BOX 2037  
MADISON, WI 53701 2037

LEGAL SECTION: (608) 266-3561  
REFERENCE SECTION: (608) 266-0341  
FAX: (608) 266-5648

STEPHEN R. MILLER  
CHIEF

Lrb

January 15, 2002

## MEMORANDUM

**To:** Representative Cullen

**From:** Marc E. Shovers, Sr. Legislative Attorney, (608) 266-0129

**Subject:** Technical Memorandum to **2001 AB 420** (LRB-1246/3)

---

We received the attached technical memorandum relating to your bill. This copy is for your information and your file. If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

**MEMORANDUM**

January 15, 2002

**TO:** Marc Shovers  
Legislative Reference Bureau

**FROM:** Dennis Collier  
Department of Revenue

**SUBJECT:** Technical Memorandum on AB 420 – Individual Income Tax Checkoff for Breast Cancer Research

The proposed legislation makes no provision for the funding of the costs involved in administering the activities required. If the author wishes to provide funding, appropriation language could be developed and costs allocated in the following manner:

|          | <u>Chapter 20</u> | <u>Amount</u> | <u>FTE</u> |
|----------|-------------------|---------------|------------|
| one-time | s. 20.566 (1) (a) | \$ 26,500     |            |
| annual   | s. 20.566 (1) (a) | \$ 9,500      |            |

If you have any questions regarding this technical memorandum, please contact Meredith Krejny at 261-8984.

DC:MK

CCC

AB-420

LRB-1246/3

H. Page 6, line 14: delete

"this act" and substitute

"the treatment of sections 71.10 (5F)

of the statutes".

AMG:



## ASSEMBLY BILL 420

1 (2) The department shall appoint a breast cancer research advisory committee  
2 under s. 15.04 (1) (c) and shall consult with the advisory committee before awarding  
3 any grant under sub. (1). The advisory committee shall include representatives of  
4 the Wisconsin Chapter of the American Cancer Society. Members of the advisory  
5 committee may not receive compensation for serving on the committee but shall be  
6 reimbursed for expenses actually and necessarily incurred in the performance of  
7 their duties.

8 (3) After consulting with the breast cancer advisory committee under sub. (2),  
9 the department shall promulgate rules specifying the eligibility criteria and  
10 procedures for awarding grants under sub. (1).

**SECTION 5. Initial applicability.**

11  
12 (1) The treatment of section 71.10 (5f) of the statutes first applies to taxable  
13 years beginning on January 1 of the year in which this subsection takes effect, except  
14 that if this subsection takes effect after July 31 ~~this act~~ first applies to taxable years *yes*  
15 beginning on January 1 of the year following the year in which this subsection takes  
16 effect. *Marc: Do you want a CCC on this? KB*

17 **SECTION 6. Effective dates.** This act takes effect on the day after publication,  
18 except as follows:

19 (1) The treatment of section 255.055 of the statutes takes effect on the first day  
20 of the 3rd month beginning after the date on which the secretary of revenue first  
21 credits the appropriation account under section 20.435 (5) (hc) of the statutes, as  
22 created by this act, as specified under section 71.10 (5f) (h) 5. of the statutes, as  
23 created by this act.

24 (END)



State of Wisconsin  
2001-2002 LEGISLATURE

**CORRECTIONS IN:**

**2001 ASSEMBLY BILL 420**

Prepared by the Legislative Reference Bureau  
(June 11, 2001)

1. Page 6, line 14: delete "this act" and substitute "the treatment of section 71.10 (5f) of the statutes".

LRB-1246/3ccc-1  
KMG:ch

---

Minor clerical corrections in legislation are authorized under s. 35.17, stats.; Senate Rule 31; Assembly Rule 36; and Joint Rule 56.