

2007 DRAFTING REQUEST

Bill

Received: **10/09/2007**

Received By: **gmalaise**

Wanted: **Soon**

Identical to LRB:

For: **Julie Lassa (608) 266-3123**

By/Representing: **Jessica Kelly**

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

Drafter: **gmalaise**

May Contact:

Addl. Drafters: **mshovers**

Subject: **Children - miscellaneous
Tax, Individual - income**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Lassa@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Individual income tax checkoff for foster youth scholarship program

Instructions:

See Attached--draft companion to -2993/2

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>
/?	gmalaise 10/09/2007	jdyer 10/09/2007		_____			State
/1			pgreensl 10/09/2007	_____	sbasford 10/10/2007	cduerst 10/15/2007	

FE Sent For:

*at
intro*

<END>

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/?	gmalaise 10/09/2007	jdye 10/09/2007		_____			State
/1			pgreensl 10/09/2007	_____	sbasford 10/10/2007		

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/?	gmalaise	1 ¹⁰ / ₉ jld	10 9 ps	10 9 slb			

FE Sent For: <END>

Malaise, Gordon

From: Kelly, Jessica
Sent: Tuesday, October 09, 2007 2:49 PM
To: Malaise, Gordon
Cc: Matthews, Pam
Subject: FW: Tax Check off bill co-sponsor memo

Attachments: Check-off Co-sponsor Memo 2007.doc

Gordon,

Can you please draft a companion to LRB 2993/2 and let me know what the LRB # is ASAP?

Thank you!

Jessica Ford Kelly
Office of Senator Julie Lassa
State Capitol, Room 323 - South
P.O. Box 7882
Madison, WI 53707-7882
608-266-3123
1-800-925-7491 toll-free
608-267-6797

From: Matthews, Pam
Sent: Tuesday, October 09, 2007 2:12 PM
To: Kelly, Jessica
Subject: Tax Check off bill co-sponsor memo

Hi Jessica,

Here is the co-sponsor memo.



Check-off
-sponsor Memo 2007

Let me know what Julie thinks.

Pam

Pamela B. Matthews
Research Assistant
Office of Representative Sue Jeskewitz

Madison: 608.266.3796
Toll free (in Wisconsin only): 888.529.0024
pam.matthews@legis.wi.gov

2007 - 2008 LEGISLATURE

-3280/1

LRB-2993/2

MES&GMMjld:jf

500

stays

2007 BILL

Companion - No change

SAJ
x-ref ✓

Regen

1 AN ACT *to amend* 20.566 (1) (hp); and *to create* 20.435 (3) (r), 25.17 (1) (f), 25.66,
 2 46.999 and 71.10 (5i) of the statutes; **relating to:** creating an individual income
 3 tax checkoff for the foster youth scholarship fund 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. Similar checkoffs exist to provide payments to several other programs, including a veterans trust fund, prostate cancer research, multiple sclerosis programs, a fire fighters memorial, and a breast cancer research program, and to provide a donation to a professional football stadium district. This bill creates a similar income tax checkoff for designations to the foster youth scholarship fund, which is a fund established under the bill for the purpose of awarding scholarships to defray the cost of tuition, fees, and expenses for foster youths, as defined in the bill, enrolled in certain postsecondary educational programs.

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 foster youth scholarship fund 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,

BILL

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 administrating the income tax check-off procedure, be deposited in the foster youth scholarship fund. The bill requires the Department of Health and Family Services to use the money from the foster youth scholarship fund to award scholarships to defray the cost of tuition, fees, and expenses for foster youths enrolled in any program provided by an accredited, nonprofit public or private institution of higher education or by a private trade, correspondence, business or technical school that leads to a degree, diploma, license, or certificate and that has an occupational, vocational, or educational objective. The maximum amount of a scholarship is \$5,000 per academic year.

The bill defines “foster youth” as a resident of this state under 25 years of age who: 1) has lived in a foster home, treatment foster home, group home, residential care center for children and youth, or subsidized guardianship home or has lived in the home of a kinship care relative or long-term kinship care relative under a court order (out-of-home placement) for not less than six months after attaining the age of 15 years; or 2) has lived in an out-of-home placement for not less than six months before attaining the age of 15 years and was adopted after attaining that age.

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:

1 **SECTION 1.** 20.435 (3) (r) of the statutes is created to read:

2 20.435 (3) (r) *Foster youth scholarship fund.* From the foster youth scholarship
3 fund, all moneys deposited in that fund under s. 71.10 (5i) (i) and all moneys received
4 as contributions, gifts, grants, and bequests for that fund under s. 46.999 (4) for
5 foster youth scholarships under s. 46.999 (2).

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; fire fighters memorial; veterans trust fund; multiple*
9 *sclerosis programs; prostate cancer research* income tax checkoff *voluntary payments.*

10 The amounts in the schedule for the payment of all administrative costs, including
11 data processing costs, incurred in administering ss. 71.10 (5), (5e), (5f), (5fm), (5g),

BILL

1 (5h), (5i), and (5m), and 71.30 (10). All moneys specified for deposit in this
2 appropriation under ss. 71.10 (5) (h) 5., (5e) (h) 4., (5f) (i), (5fm) (i), (5g) (i), (5h) (i),
3 (5i) (i), and (5m) (i), and 71.30 (10) (i) and (11) (i) shall be credited to this
4 appropriation.

5 **SECTION 3.** 25.17 (1) (f) of the statutes is created to read:

6 25.17 (1) (f) Foster youth scholarship fund (s. 25.66);

7 **SECTION 4.** 25.66 of the statutes is created to read:

8 **25.66 Foster youth scholarship fund.** There is established a foster youth
9 scholarship fund, consisting of all moneys deposited in that fund under s. 71.10 (5i)
10 (i) and all moneys received for that fund under s. 46.999 (4).

11 **SECTION 5.** 46.999 of the statutes is created to read:

12 **46.999 Foster youth scholarships. (1) DEFINITION.** In this section, “foster
13 youth” means a resident of this state under 25 years of age who meets any of the
14 following qualifications:

15 (a) Has lived in a foster home, treatment foster home, group home, residential
16 care center for children and youth, or subsidized guardianship home, or has lived in
17 the home of a kinship care relative or long-term kinship care relative under a court
18 order, for not less than 6 months after attaining the age of 15 years.

19 (b) Has lived in a placement described in par. (a) for not less than 6 months
20 before attaining the age of 15 years and was adopted after attaining that age.

21 **(2) AWARDING OF SCHOLARSHIPS.** From the appropriation account under s. 20.435
22 (3) (r), the department shall award scholarships to defray the cost of tuition, fees, and
23 expenses for foster youths enrolled in any program provided by an accredited,
24 nonprofit public or private institution of higher education or by a school approved
25 under s. 38.50 that leads to a degree, diploma, license, or certificate and that has an

BILL

1 occupational, vocational, or educational objective. The maximum amount of a
2 scholarship under subsection may not exceed \$5,000 per academic year.

3 **(3) APPLICATION FOR SCHOLARSHIP.** A foster youth may apply for a scholarship
4 under sub. (2) by completing an application form prescribed by the department and
5 providing such additional information as the department may require. An initial
6 applicant shall provide a letter of acceptance from the institution of higher education
7 or school in which the applicant will enroll. An applicant who has previously been
8 awarded a scholarship shall provide proof that the applicant has a cumulative grade
9 point average of 2.0 or the equivalent as determined by the institution of higher
10 education or school in which he or she is enrolled and is making satisfactory progress
11 in the program in which he or she is enrolled.

12 **(4) SOLICITATION OF FUNDING.** The department may solicit and accept
13 contributions, gifts, grants, and bequests for the foster youth scholarship fund under
14 s. 25.66. Moneys received under this subsection shall be deposited in that fund,
15 credited to the appropriation account under s. 20.435 (3) (r), and used to award
16 scholarships under sub. (2).

17 **SECTION 6.** 71.10 (5i) of the statutes is created to read:

18 **71.10 (5i) FOSTER YOUTH SCHOLARSHIP FUND CHECKOFF.** (a) *Definitions.* In this
19 subsection:

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

21 2. "Foster youth scholarship fund" means the fund under s. 25.66.

22 (b) *Voluntary payments.* 1. 'Designation on return.' Every individual filing an
23 income tax return who has a tax liability or is entitled to a tax refund may designate
24 on the return any amount of additional payment or any amount of a refund due that
25 individual for the foster youth scholarship fund.

BILL

1 2. 'Designation added to tax owed.' If the individual owes any tax, the
2 individual shall remit in full the tax due and the amount designated on the return
3 for the foster youth scholarship fund when the individual files a tax return.

4 3. 'Designation deducted from refund.' Except as provided in par. (d), if the
5 individual is owed a refund for that year after crediting under ss. 71.75 (9) and 71.80
6 (3) and (3m), the department shall deduct the amount designated on the return for
7 the foster youth scholarship fund from the amount of the refund.

8 (c) *Errors; failure to remit correct amount.* If an individual who owes taxes fails
9 to remit an amount equal to or in excess of the total of the actual tax due, after error
10 corrections, and the amount designated on the return for the foster youth scholarship
11 fund:

12 1. The department shall reduce the designation for the foster youth scholarship
13 fund to reflect the amount remitted in excess of the actual tax due, after error
14 corrections, if the individual remitted an amount in excess of the actual tax due, after
15 error corrections, but less than the total of the actual tax due, after error corrections,
16 and the amount originally designated on the return for the foster youth scholarship
17 fund.

18 2. The designation for the foster youth scholarship fund is void if the individual
19 remitted an amount equal to or less than the actual tax due, after error corrections.

20 (d) *Errors; insufficient refund.* If an individual is owed a refund that does not
21 equal or exceed the amount designated on the return for the foster youth scholarship
22 fund, after crediting under ss. 71.75 (9) and 71.80 (3) and (3m) and after error
23 corrections, the department shall reduce the designation for the foster youth
24 scholarship fund to reflect the actual amount of the refund that the individual is

BILL**SECTION 6**

1 otherwise owed, after crediting under ss. 71.75 (9) and 71.80 (3) and (3m) and after
2 error corrections.

3 (e) *Conditions.* If an individual places any conditions on a designation for the
4 foster youth scholarship fund, the designation is void.

5 (f) *Void designation.* If a designation for the foster youth scholarship fund is
6 void, the department shall disregard the designation and determine amounts due,
7 owed, refunded, and received without regard to the void designation.

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

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

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

16 2. The total amount received from all designations for the foster youth
17 scholarship fund made by taxpayers during the previous fiscal year.

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

20 2.

21 (i) *Appropriations.* From the moneys received from designations for the foster
22 youth scholarship fund, an amount equal to the sum of administrative expenses,
23 including data processing costs, certified under par. (h) 1. shall be deposited in the
24 general fund and credited to the appropriation account under s. 20.566 (1) (hp), and
25 the net amount remaining that is certified under par. (h) 3. shall be deposited in the

BILL

1 foster youth scholarship fund and credited to the appropriation under s. 20.435 (3)
2 (r).

3 (j) *Amounts subject to refund.* Amounts designated for the foster youth
4 scholarship fund under this subsection are not subject to refund to the taxpayer
5 unless the taxpayer submits information to the satisfaction of the department,
6 within 18 months after the date on which the taxes are due or the date on which the
7 return is filed, whichever is later, that the amount designated is clearly in error. Any
8 refund granted by the department under this paragraph shall be deducted from the
9 moneys received under this subsection in the fiscal year for which the refund is
10 certified.

SECTION 7. Initial applicability.

11
12 (1) The treatment of section 71.10 (5i) 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 the treatment of section 71.10 (5i) of
15 the statutes first applies to taxable years beginning on January 1 of the year
16 following the year in which this subsection takes effect.

17 (END)

Duerst, Christina

From: Kelly, Jessica
Sent: Monday, October 15, 2007 2:29 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-3280/1 Topic: Individual income tax checkoff for foster youth scholarship program

Please Jacket LRB 07-3280/1 for the SENATE.

Barman, Mike

From: Kelly, Jessica
Sent: Friday, November 02, 2007 2:17 PM
To: Duerst, Christina; Barman, Mike
Subject: LRB 3280

Importance: High

Can you please send me an electronic copy of LRB 3280? Thank you.

Jessica Ford Kelly
Office of Senator Julie Lassa
State Capitol, Room 323 - South
P.O. Box 7882
Madison, WI 53707-7882
608-266-3123
1-800-925-7491 toll-free
608-267-6797

Barman, Mike

From: Barman, Mike
Sent: Friday, November 02, 2007 2:21 PM
To: Sen.Lassa
Cc: Kelly, Jessica
Subject: LRB 07-3280 (un-introduced) (attached - requested by Jessica)

Attachments: 07-3280/1



07-32801.pdf (31
KB)

Mike Barman (Senior Program Assistant)
State of Wisconsin - Legislative Reference Bureau
Legal Section - Front Office
1 East Main Street, Suite 200, Madison, WI 53703
(608) 266-3561 / mike.barman@legis.wisconsin.gov

CRB
2

Fiscal Estimate - 2007 Session

Original Updated Corrected Supplemental

LRB Number 07-3280/1	Introduction Number SB-312
Description Creating an individual income tax checkoff for the foster youth scholarship fund and making appropriations	
Fiscal Effect	
State: <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Create New Appropriations <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Decrease Costs	
Local: <input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
Fund Sources Affected	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input checked="" type="checkbox"/> SEG <input type="checkbox"/> SEGS s. 71.10 (5i) (i)	
Affected Ch. 20 Appropriations	
Agency/Prepared By DHFS/ Michael Pancook (608) 266-9364	Authorized Signature Andy Forsaith (608) 266-7684
Date 1/3/2008	

01-11-2008
FE returned for re-write
 ↳ Requested by Kelly Starr (DHFS) & Jessica Kelly (Sen. Lassa's office)
 ↳ this old "original" FE dated 01-03-2008 will remain a part of the LRB drafting file
 ↳ only new "original" FE dated 01-16-2008 will be published (introduced).
 ✓

Fiscal Estimate Narratives

DHFS 1/3/2008

LRB Number 07-3280/1	Introduction Number SB-312	Estimate Type Original
Description Creating an individual income tax checkoff for the foster youth scholarship fund and making appropriations		

Assumptions Used in Arriving at Fiscal Estimate

Several Wisconsin individual income tax check-off designations exist to support programs targeting issues such as endangered resources, prostate cancer, and a veterans' trust fund. SB 312 creates a similar process for a foster youth scholarship. Residents of the state who are under 25 years of age and have lived in an out-of-home care placement under a court order for six months or more after age 15 or have lived in an out-of-home care placement for six months or more prior to age 15 and were adopted after age 15 would be eligible for the scholarship. Recipients of the scholarship could use the funds to defray the cost of tuition, fees, and expenses at an accredited institution of higher learning or private trade, correspondence, business, or technical school.

The Department currently administers a similar scholarship, the Division of Children and Family Services (DCFS) Scholarship Program, which is funded through the federal Chafee Foster Care Independence Program and is available to applicants between the ages of 18 and 21. While the Department would coordinate its management of the DCFS Scholarship Program and the foster youth scholarship, it would establish a separate application and award determination process for the foster youth scholarship.

Based on the experience of the income tax check-off designation for the Veteran's Trust Fund in tax year 2005, the Department estimates that the foster youth scholarship income tax check-off would generate \$133,500 annually. The establishment of a foster youth scholarship will create ongoing workload costs for the Department. The Department estimates that the workload costs of the foster youth scholarship should be similar to those for the existing DCFS Scholarship Program. The Department currently contracts with Marathon County to provide bookkeeping, fund management, and financial processing services for the DCFS Scholarship Program, paying the county 5 percent of the amount of scholarship funds awarded. A similar arrangement for the foster youth scholarship would cost \$6,400, reducing the annual revenue available for the scholarships within the program to \$127,100. This amount would increase the overall amount of scholarship funding available to former foster youth by 35.5 percent when combined with the DCFS Scholarship Program awards, which totaled \$358,000 in 2006. The increase in scholarship funds would require additional work by Department staff to process applications, determine awards, and communicate with schools, applicants, and award recipients. An increase in workload commensurate with the proportional increase in available scholarship funds would generate \$3,800 in workload costs, which the Department would absorb.

Long-Range Fiscal Implications

FOSTER YOUTH SCHOLARSHIP COSTS

ASSUMPTIONS

Fringe Rate 0.4622
 Salary Independent Living Coordinator 25.762
 Salary BPP Support Staff 23.415

ON-GOING COSTS

DCFS Scholarship Workload Staff Person	Hours	Weeks	Total Hours	Av Hourly Salary	Salary	Fringe	Total Cost	
Indep. Living Coordinator	Award Period	15	4	60 \$	25.76 \$	1,545.72 \$	714.43 \$	2,260.15
	Application Period	6	20	120 \$	25.76 \$	3,091.44 \$	1,428.86 \$	4,520.30
	Remaining Period	2	28	56 \$	25.76 \$	1,442.67 \$	666.80 \$	2,109.47
BPP Support Staff	Award Period	2	4	8 \$	23.42 \$	187.32 \$	86.58 \$	273.90
	Application Period	1	20	20 \$	23.42 \$	468.30 \$	216.45 \$	684.75
	Remaining Period	0.75	28	21 \$	23.42 \$	491.72 \$	227.27 \$	718.99
TOTAL								\$ 10,567.56

Expected Annual Foster Youth Scholarship Funds	
Expected Revenue Generated	\$ 133,500 based on first year of Veteran's Trust Fund check off (Tax Year 05)
Processing Costs	\$ 6,357 based on Marathon County fee for DCFS Scholarship (5% of funds awarded)
Scholarship Funds Awarded	\$ 127,143

Estimated Increased in Workload	
DCFS Scholarship Funds (CY 06)	\$ 358,000
Expected Foster Youth Revenue	\$ 127,143
Pct. of Increase in Overall Scholar Funds	35.51%

Foster Youth Workload Costs	
DCFS Workload Cost	\$ 10,568
Estimate Increased Workload	35.51%
Foster Youth Workload	\$ 3,753

Fiscal Estimate Worksheet - 2007 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

LRB Number 07-3280/1		Introduction Number SB-312	
Description Creating an individual income tax checkoff for the foster youth scholarship fund and making appropriations			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes	\$	\$	
(FTE Position Changes)			
State Operations - Other Costs	6,400		
Local Assistance			
Aids to Individuals or Organizations	127,100		
TOTAL State Costs by Category	\$133,500		\$
B. State Costs by Source of Funds			
GPR			
FED			
PRO/PRS			
SEG/SEG-S	133,500		
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)			
	Increased Rev	Decreased Rev	
GPR Taxes	\$	\$	
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S	133,500		
TOTAL State Revenues	\$133,500		\$
NET ANNUALIZED FISCAL IMPACT			
	State	Local	
NET CHANGE IN COSTS	\$133,500	\$	
NET CHANGE IN REVENUE	\$133,500	\$	
Agency/Prepared By		Authorized Signature	
DHFS/ Michael Pancook (608) 266-9364		Andy Forsaith (608) 266-7684	
		Date	
		1/3/2008	

Barman, Mike

From: FES User Mike Barman [DOAFiscalEstimates@wisconsin.gov]
Sent: Friday, January 11, 2008 12:56 PM
To: DOAFiscalEstimates@wisconsin.gov; DOAFiscalEstimates@wisconsin.gov
Cc: Barman, Mike
Subject: FISCAL ESTIMATE - RETURNED TO FEC - LRB # 07-3280/1 Estimate Type Original, INTRO # SB-312

The assignment for Agency DHFS for LRB# 07-3280/1 Estimate Type Original is being returned to you. The assignment can once again be found under 'Returned Estimates' on the FEC Fiscal Estimates menu. It can be inactivated or returned to the Agency for corrections.

DHFS requested "original" FE return for re-write ... OKed by sponsor''s office.

Submitted from the web 1/11/2008 12:56:16 PM

Fiscal Estimates URL = <http://fes.doa.state.wi.us>

This message has been generated from the Fiscal Estimate System by FES User Mike Barman. Please click on the following link to respond to Mike Barman.
<mailto:Mike.Barman@legis.state.wi.us?subject=FISCAL%20ESTIMATE%20-%20RETURNED%20TO%20FEC%20-%20LRB%20#%2007-3280/1%20Estimate%20Type%20Original%2C%20INTRO%20#%20SB-312&cc=Mike.Barman@legis.state.wi.us> Using the Reply button will send a message to the FES System Mailbox.