

2009 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB75)

Received: **06/08/2009**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Jeffrey Mursau (608) 266-3780**

By/Representing: **Andy**

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

Drafter: **mshovers**

May Contact:

Addl. Drafters: **rchampag**

Subject: **Tax, Individual - income credit
Employ Pub - employee benefits**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Mursau@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Create unemployed homeowner tax credit; yank domestic partner retirement and group health benefits

Instructions:

See attached.

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>
/1	mshovers 06/09/2009 rchampag 06/09/2009 chanaman 06/11/2009	nnatzke 06/09/2009 bkraft 06/11/2009	mduchek 06/09/2009	_____	mbarman 06/09/2009	mbarman 06/09/2009	
/2			rschluet 06/11/2009	_____	lparisi 06/11/2009	lparisi 06/11/2009	

FE Sent For:

<END>

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/1	mshovers 06/09/2009 rchampag 06/09/2009	nmatzke 06/09/2009	mduchek 06/09/2009	_____	mbarman 06/09/2009	mbarman 06/09/2009	

12bjk 6/11



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/1	mshovers 06/09/2009 rchampag	/1 nwn 6/9	ND 6/9	JK PT			

FE Sent For:

<END>

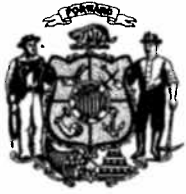
Shovers, Marc

From: Potts, Andrew
Sent: Monday, June 08, 2009 3:00 PM
To: Shovers, Marc
Subject: Budget Draft Request

Marc,

Rep. Mursau would like LRB 2552/1 drafted as a budget amendment. As part of the amendment, Rep. Mursau would also like to eliminate domestic partner retirement and group health benefits (page 331 of the LFB comparative summary).
Thanks.

Andy



2009 BILL

1 AN ACT *to amend* 71.08 (1) (intro.) and 71.10 (4) (i); and *to create* 20.835 (2) (en)
2 and 71.07 (8m) of the statutes; **relating to:** creating a refundable individual
3 income tax credit for certain recipients of unemployment compensation.

Analysis by the Legislative Reference Bureau

This bill creates a refundable individual income tax credit for individuals who receive unemployment compensation in an amount that equals at least 10 percent of the claimant's federal adjusted gross income in the year to which the claim relates. The credit may be claimed for 10 percent of the claimant's property taxes accrued on his or her primary residence and the maximum credit that may be claimed is \$200.

The credit may be claimed only for taxable year 2009, and may be claimed only by one member of a household, which is defined as a claimant and the claimant's spouse. The total amount of claims that may be paid out is \$10 million; if the eligible claims exceed this amount, the Department of Revenue must prorate the payments.

The credit may not be claimed by a nonresident or part-year resident of the state. Because the credit is refundable, if the amount of the claim exceeds the claimant's tax liability, the excess credit is refunded to the individual by check.

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:

BILL

1 4. “Household” means a claimant and an individual related to the claimant as
2 husband or wife.

3 5. “Property taxes accrued” has the meaning given in s. 71.52 (7).

4 (b) *Filing claims.* Subject to the limitations provided in this subsection, a
5 claimant may claim as a credit against the tax imposed under s. 71.02 or 71.08 an
6 amount equal to 10 percent of the property taxes accrued in the year to which the
7 claim relates. If the allowable amount of the claim exceeds the income taxes
8 otherwise due on the claimant’s income, the amount of the claim not used as an offset
9 against those taxes shall be certified by the department of revenue to the department
10 of administration for payment to the claimant by check, share draft, or other draft
11 from the appropriation under s. 20.835 (2) (en).

12 (c) *Limitations.* 1. An individual may claim a credit under this subsection only
13 for his or her homestead on which the individual has property taxes accrued.

14 2. An individual may claim the credit under this subsection only if the amount
15 of unemployment compensation the individual receives in the year to which the
16 claim relates equals at least 10 percent of the individual’s federal adjusted gross
17 income or, if the individual is married, at least 10 percent of the individual’s and his
18 or her spouse’s federal adjusted gross income, in the year to which the claim relates.

19 3. The maximum credit that may be claimed by a claimant is \$200.

20 4. No credit may be allowed under this subsection unless it is claimed within
21 the time period under s. 71.75 (2).

22 5. Only one claimant per household per year may claim a credit under this
23 subsection.

24 6. No credit may be claimed under this subsection by a part-year resident or
25 a nonresident of this state.

BILL

1 7. The right to file a claim under this subsection is personal to the claimant and
2 does not survive the claimant's death. When a claimant dies after having filed a
3 timely claim the amount thereof shall be disbursed under s. 71.75 (10). The right to
4 file a claim under this subsection may be exercised on behalf of a living claimant by
5 the claimant's legal guardian or attorney-in-fact.

6 8. A claim under this subsection may be claimed only for a taxable year that
7 begins after December 31, 2008, and before January 1, 2010.

8 9. The maximum total amount of claims that may be paid under this credit is
9 \$10,000,000. If the total amount of eligible claims exceeds \$10,000,000, the
10 department of revenue shall prorate the amount of the payment that each eligible
11 claimant receives.

12 (d) *Administration.* Subsection (9e) (d), to the extent that it applies to the credit
13 under that subsection, applies to the credit under this subsection.

14 **SECTION 4.** 71.08 (1) (intro.) of the statutes, as affected by 2009 Wisconsin Act
15 2, is amended to read:

16 71.08 (1) **IMPOSITION.** (intro.) If the tax imposed on a natural person, married
17 couple filing jointly, trust, or estate under s. 71.02, not considering the credits under
18 ss. 71.07 (1), (2dd), (2de), (2di), (2dj), (2dL), (2dr), (2ds), (2dx), (2dy), (2fd), (3m), (3n),
19 (3p), (3r), (3s), (3t), (3w), (5b), (5d), (5e), (5f), (6), (6e), (8m), and (9e), 71.28 (1dd),
20 (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1dy), (1fd), (2m), (3), (3n), (3t), and (3w), and
21 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1dy), (1fd), (2m), (3), (3n), (3t), and
22 (3w), and subchs. VIII and IX and payments to other states under s. 71.07 (7), is less
23 than the tax under this section, there is imposed on that natural person, married
24 couple filing jointly, trust or estate, instead of the tax under s. 71.02, an alternative
25 minimum tax computed as follows:



**ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 75**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 241, line 14: after that line insert:

3 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
4 the following amounts for the purposes indicated:

	2009-10	2010-11
5		
6 20.835 Shared revenue tax relief		

7 (2) TAX RELIEF

8 (8) ✓ (em) ✓ (eo) Unemployed homeowner tax
9 credit GPR C 5,000,000 5,000,000 ✓

10 **2.** Page 367, line 17: after that line insert:

11 "SECTION 627e. 20.835 (2) (eo) of the statutes is created to read:

Insert 2-3

1 20.835 (2) (eo) *Unemployed homeowner tax credit.* The amounts in the
2 schedule to pay the claims approved under s. 71.07 (8m)."

3 3. Page 791, line 6: after that line insert:

4 "SECTION 1583v. 71.07 (8m) of the statutes is created to read:

5 71.07 (8m) UNEMPLOYED HOMEOWNER TAX CREDIT. (a) *Definitions.* In this
6 subsection:

7 1. "Claimant" means an eligible individual who claims the credit under this
8 subsection.

9 2. "Eligible individual" means an individual who has received unemployment
10 compensation from this state during the taxable year to which the individual's claim
11 relates.

12 3. "Homestead" means the primary residence owned and occupied by the
13 claimant, including owned as a joint tenant or tenant in common, or occupied as a
14 buyer in possession under a land contract, and the land surrounding it, not exceeding
15 one acre, that is reasonably necessary for use of the dwelling as a home, and may
16 consist of a part of a multidwelling or multipurpose building and a part of the land
17 upon which it is built.

18 4. "Household" means a claimant and an individual related to the claimant as
19 husband or wife.

20 5. "Property taxes accrued" has the meaning given in s. 71.52 (7).

21 (b) *Filing claims.* Subject to the limitations provided in this subsection, a
22 claimant may claim as a credit against the tax imposed under s. 71.02 or 71.08 an
23 amount equal to 10 percent of the property taxes accrued in the year to which the
24 claim relates. If the allowable amount of the claim exceeds the income taxes

1 otherwise due on the claimant's income, the amount of the claim not used as an offset
2 against those taxes shall be certified by the department of revenue to the department
3 of administration for payment to the claimant by check, share draft, or other draft
4 from the appropriation under s. 20.835 (2) ~~(en)~~^{e(eo)}.

5 (c) *Limitations.* 1. An individual may claim a credit under this subsection only
6 for his or her homestead on which the individual has property taxes accrued.

7 2. An individual may claim the credit under this subsection only if the amount
8 of unemployment compensation the individual receives in the year to which the
9 claim relates equals at least 10 percent of the individual's federal adjusted gross
10 income or, if the individual is married, at least 10 percent of the individual's and his
11 or her spouse's federal adjusted gross income, in the year to which the claim relates.

12 3. The maximum credit that may be claimed by a claimant is \$200.

13 4. No credit may be allowed under this subsection unless it is claimed within
14 the time period under s. 71.75 (2).

15 5. Only one claimant per household per year may claim a credit under this
16 subsection.

17 6. No credit may be claimed under this subsection by a part-year resident or
18 a nonresident of this state.

19 7. The right to file a claim under this subsection is personal to the claimant and
20 does not survive the claimant's death. When a claimant dies after having filed a
21 timely claim the amount thereof shall be disbursed under s. 71.75 (10). The right to
22 file a claim under this subsection may be exercised on behalf of a living claimant by
23 the claimant's legal guardian or attorney-in-fact.

24 8. A claim under this subsection may be claimed only for a taxable year that
25 begins after December 31, 2008, and before January 1, 2010.

1 9. The maximum total amount of claims that may be paid under this credit is
2 \$10,000,000. If the total amount of eligible claims exceeds \$10,000,000, the
3 department of revenue shall prorate the amount of the payment that each eligible
4 claimant receives. ✓

5 (d) *Administration*. Subsection (9e) (d), to the extent that it applies to the credit
6 under that subsection, applies to the credit under this subsection." ✓

7 4. Page 796, line 1: after "(6e)," insert "(8m)." ✓

8 5. Page 797, line 3: after "s. 71.07 (3w)," insert "unemployed homeowner tax
9 credit under s. 71.07 (8m)." ✓

10 6. Page 1875, line 6: after that line insert:

11 "^{eu}(8m) UNEMPLOYED HOMEOWNER TAX CREDIT. The treatment of section 71.07 (8m)
12 of the statutes, and sections 71.08 (1) (intro.) and 71.10 (4) (i), to the extent that they
13 relate to the credit under section 71.07 (8m) of the statutes, first applies to taxable
14 years beginning on January 1, 2009." ✓

15 (END)

Insert 4-10

(as it relates to the credit under section 71.07 (8m) of the statutes)



ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 75

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 425, line 24: delete the material beginning with that line and ending
3 with page 427, line 21. ✓

4 **2.** Page 427, line 25: delete the material beginning with that line and ending
5 with page 428, line 5. ✓

6 **3.** Page 435, line 16: delete the material beginning with that line and ending
7 with page 436, line 2. ✓

8 **4.** Page 436, line 13: delete lines 13 to 19.

9 **5.** Page 437, line 23: delete the material beginning with that line and ending
10 with page 440, line 25.

11 **6.** Page 441, line 12: delete lines 12 to 25.

2-3

✓

end)
2-3

- 1 **7.** Page 442, line 15: delete lines 15 to 23.
- 2 **8.** Page 443, line 5: delete the material beginning with that line and ending
- 3 with page 445, line 10.

- 4 **9.** Page 646, line 3: delete lines 3 to 14.
- 5 **10.** Page 646, line 16: delete “Standards Except as provided in sub. (2d).
- 6 standards” and substitute “Standards”.
- 7 **11.** Page 647, line 3: delete lines 3 to 7.
- 8 **12.** Page 648, line 1: delete lines 1 to 5.
- 9 **13.** Page 648, line 19: delete lines 19 to 24.
- 10 **14.** Page 649, line 10: delete lines 10 to 14.
- 11 **15.** Page 649, line 24: delete the material beginning with that line and ending
- 12 with page 650, line 5.
- 13 **16.** Page 650, line 7: delete lines 7 to 12.
- 14 **17.** Page 651, line 16: delete lines 16 to 19.
- 15 **18.** Page 653, line 6: delete lines 6 to 24.
- 16 **19.** Page 656, line 23: delete the material beginning with that line and ending
- 17 with page 658, line 8.
- 18 **20.** Page 692, line 22: delete the material beginning with that line and ending
- 19 with page 693, line 11.
- 20 **21.** Page 742, line 8: delete the material beginning with that line and ending
- 21 with page 744, line 4.
- 22 **22.** Page 746, line 3: delete lines 3 to 13.

- 1 **23.** Page 990, line 1: delete lines 1 to 3.
- 2 **24.** Page 1160, line 8: delete lines 8 to 14.
- 3 **25.** Page 1160, line 20: delete the material beginning with that line and
4 ending with page 1163, line 8.
- 5 **26.** Page 1163, line 12: delete lines 12 to 17.
- 6 **27.** Page 1163, line 22: delete the material beginning with that line and
7 ending with page 1164, line 2.
- 8 **28.** Page 1164, line 5: delete “or domestic partner”.
- 9 **29.** Page 1164, line 6: delete the material beginning with that line and ending
10 with page 1166, line 11.
- 11 **30.** Page 1182, line 14: delete the material beginning with that line and
12 ending with page 1183, line 4.
- 13 **31.** Page 1290, line 13: delete the material beginning with that line and
14 ending with page 1291, line 2.
- 15 **32.** Page 1298, line 3: delete the material beginning with that line and ending
16 with page 1307, line 16.
- 17 **33.** Page 1333, line 10: delete the material beginning with that line and
18 ending with page 1341, line 25.
- 19 **34.** Page 1349, line 11: delete lines 11 to 16.
- 20 **35.** Page 1350, line 11: delete the material beginning with that line and
21 ending with page 1351, line 3.
- 22 **36.** Page 1351, line 8: delete lines 8 to 19.

- 1 **37.** Page 1402, line 10: delete lines 10 to 12.
- 2 **38.** Page 1402, line 17: delete lines 17 to 19.
- 3 **39.** Page 1412, line 23: delete the material beginning with that line and
- 4 ending with page 1413, line 3.
- 5 **40.** Page 1419, line 16: delete lines 16 to 18.
- 6 **41.** Page 1438, line 17: delete lines 17 to 19.
- 7 **42.** Page 1450, line 7: delete lines 7 to 16.
- 8 **43.** Page 1463, line 1: delete lines 1 to 20.
- 9 **44.** Page 1594, line 17: delete lines 17 to 21.
- 10 **45.** Page 1637, line 5: delete lines 5 to 11.
- 11 **46.** Page 1641, line 21: delete the material beginning with that line and
- 12 ending with page 1648, line 2.
- 13 **47.** Page 1654, line 13: delete the material beginning with that line and
- 14 ending with page 1666, line 6.
- 15 **48.** Page 1673, line 24: delete the material beginning with that line and
- 16 ending with page 1674, line 22.
- 17 **49.** Page 1704, line 24: delete the material beginning with that line and
- 18 ending with page 1705, line 6.
- 19 **50.** Page 1705, line 8: delete lines 8 to 14.
- 20 **51.** Page 1705, line 16: delete “domestic partner under s. 770.05,”.
- 21 **52.** Page 1705, line 18: delete the material beginning with “or of a” and ending
- 22 with “ch. 770” on line 19.

Shovers, Marc

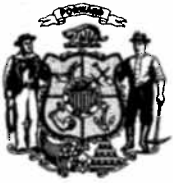
From: Potts, Andrew
Sent: Thursday, June 11, 2009 1:56 PM
To: Shovers, Marc
Subject: LRB b0799

Marc,
Rep. Mursau would like to change the funding source on the amendment. Instead of domestic partner benefits, he would like to use the Becky Young Community Corrections program. I'll send the stripes back so you can redraft. Thanks.

Andy

to pay claims
approved
code s. 710.7(8m)

~~prohibited~~
~~is~~ ~~2011-13~~ ~~in~~ ~~terms~~ ~~of~~
~~appropriate~~



je
L-stays

ASSEMBLY AMENDMENT,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 75

Inserts

INSERT A

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 241, line 14: after that line insert:

3 "(eo) Unemployed homeowner tax

4 credit GPR C 5,000,000 5,000,000".

5 2. Page 367, line 17: after that line insert:

6 "SECTION 627e. 20.835 (2) (eo) of the statutes is created to read:

7 20.835 (2) (eo) *Unemployed homeowner tax credit*. The amounts in the

8 schedule to pay the claims approved under s. 71.07 (8m)."

9 ~~3. Page 425, line 24: delete the material beginning with that line and ending~~
10 ~~with page 427, line 21.~~

11 ~~4. Page 427, line 25: delete the material beginning with that line and ending~~
12 ~~with page 428, line 5.~~

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~~5. Page 435, line 16: delete the material beginning with that line and ending with page 436, line 2.~~

~~6. Page 436, line 13: delete lines 13 to 19.~~

~~7. Page 437, line 23: delete the material beginning with that line and ending with page 440, line 25.~~

~~8. Page 441, line 12: delete lines 12 to 25.~~

~~9. Page 442, line 15: delete lines 15 to 23.~~

~~10. Page 443, line 5: delete the material beginning with that line and ending with page 445, line 10.~~

11. Page 791, line 6: after that line insert:

SECTION 1583v. 71.07 (8m) of the statutes is created to read:

71.07 (8m) UNEMPLOYED HOMEOWNER TAX CREDIT. (a) *Definitions.* In this subsection:

1. "Claimant" means an eligible individual who claims the credit under this subsection.

2. "Eligible individual" means an individual who has received unemployment compensation from this state during the taxable year to which the individual's claim relates.

3. "Homestead" means the primary residence owned and occupied by the claimant, including owned as a joint tenant or tenant in common, or occupied as a buyer in possession under a land contract, and the land surrounding it, not exceeding one acre, that is reasonably necessary for use of the dwelling as a home, and may

1 consist of a part of a multidwelling or multipurpose building and a part of the land
2 upon which it is built.

3 4. "Household" means a claimant and an individual related to the claimant as
4 husband or wife.

5 5. "Property taxes accrued" has the meaning given in s. 71.52 (7).

6 (b) *Filing claims.* Subject to the limitations provided in this subsection, a
7 claimant may claim as a credit against the tax imposed under s. 71.02 or 71.08 an
8 amount equal to 10 percent of the property taxes accrued in the year to which the
9 claim relates. If the allowable amount of the claim exceeds the income taxes
10 otherwise due on the claimant's income, the amount of the claim not used as an offset
11 against those taxes shall be certified by the department of revenue to the department
12 of administration for payment to the claimant by check, share draft, or other draft
13 from the appropriation under s. 20.835 (2) (eo).

14 (c) *Limitations.* 1. An individual may claim a credit under this subsection only
15 for his or her homestead on which the individual has property taxes accrued.

16 2. An individual may claim the credit under this subsection only if the amount
17 of unemployment compensation the individual receives in the year to which the
18 claim relates equals at least 10 percent of the individual's federal adjusted gross
19 income or, if the individual is married, at least 10 percent of the individual's and his
20 or her spouse's federal adjusted gross income, in the year to which the claim relates.

21 3. The maximum credit that may be claimed by a claimant is \$200.

22 4. No credit may be allowed under this subsection unless it is claimed within
23 the time period under s. 71.75 (2).

24 5. Only one claimant per household per year may claim a credit under this
25 subsection.

1 6. No credit may be claimed under this subsection by a part-year resident or
2 a nonresident of this state.

3 7. The right to file a claim under this subsection is personal to the claimant and
4 does not survive the claimant's death. When a claimant dies after having filed a
5 timely claim the amount thereof shall be disbursed under s. 71.75 (10). The right to
6 file a claim under this subsection may be exercised on behalf of a living claimant by
7 the claimant's legal guardian or attorney-in-fact.

8 8. A claim under this subsection may be claimed only for a taxable year that
9 begins after December 31, 2008, and before January 1, 2010.

10 9. The maximum total amount of claims that may be paid under this credit is
11 \$10,000,000. If the total amount of eligible claims exceeds \$10,000,000, the
12 department of revenue shall prorate the amount of the payment that each eligible
13 claimant receives.

14 (d) *Administration.* Subsection (9e) (d), to the extent that it applies to the credit
15 under that subsection, applies to the credit under this subsection.”.

16 **12.** Page 796, line 1: after “(6e),” insert “(8m).”.

17 **13.** Page 797, line 3: after “s. 71.07 (3w),” insert “unemployed homeowner tax
18 credit under s. 71.07 (8m).”.

19 **14.** Page 1863, line 15: delete lines 15 to 23.

20 **15.** Page 1875, line 6: after that line insert:

21 “(8u) UNEMPLOYED HOMEOWNER TAX CREDIT. The treatment of sections 71.07
22 (8m), 71.08 (1) (intro.) (as it relates to the credit under section 71.07 (8m) of the
23 statutes), and 71.10 (4) (i) (as it relates to the credit under section 71.07 (8m) of the

1 statutes) of the statutes, first applies to taxable years beginning on January 1,
2 2009.”.

3 (END)

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB
.....

1 Insert A

2 **1.** Page 252, line 14: decrease the dollar amount for fiscal year 2009-10 by
3 \$10,000,000 for the purpose of funding, in the amount of \$5,000,000 in each fiscal
4 year 2009-10 and 2010-11, the unemployed homeowner tax credit appropriation
5 account under s. 20.835 (2) (eo).