2017 DRAFTING REQUEST

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For:

Patrick Snyder (608) 266-0654

Drafter:

ewheeler

By:

Nicole

Secondary Drafters:

Date:

10/4/2017

May Contact:

Leg. Council - Rachel Snyder

Same as LRB:

Submit via email:

YES

Requester's email:

Rep.Snyder@legis.wisconsin.gov

Carbon copy (CC) to:

Elizabeth.Wheeler@legis.wisconsin.gov

elisabeth.shea@legis.wisconsin.gov Rachel.Snyder@legis.wisconsin.gov steve.doyle@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Foster home licensing

Instructions:

See attached

Drafting History:

Vers.	<u>Drafted</u>	Reviewed	Submitted	<u>Jacketed</u>	Required
/?	ewheeler 10/19/2017	anienaja 10/19/2017			
/P1	ewheeler 11/16/2017	anienaja 11/16/2017	lparisi 10/19/2017		
/P2	eshea 11/22/2017	anienaja 11/28/2017	dwalker 11/16/2017		State S&L
/1			dwalker	mbarman	State

Vers.

Drafted

Reviewed

Submitted 11/28/2017 <u>Jacketed</u> 11/28/2017

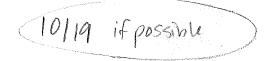
Required S&L

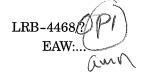
FE Sent For:

<**END>**

(>12-05-2017 ("/1")







PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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Jew.

AN ACT ...; relating to: the ability of a public licensing agency to license a foster

2 home in another county.

Analysis by the Legislative Reference Bureau

This bill modifies the conditions under which a foster home license (ssued) may be issued by an out-of-county public licensing agency.

Under current law, a public licensing agency may only license a foster home in the county in which it is located, subject to certain exceptions. The exceptions include if the licensee is a foster parent who has moved to another county with a child who has been placed in the foster parent's home and the license will allow the foster parent to continue to care for that child, or if the foster home is located in an adjacent county. Currently, a license that is issued from an out-of-county public licensing agency is child-specific, meaning that the license is only valid as to certain children who are identified on the license, and terminates immediately upon the removal of all of those children from the foster home. Under current law, a license issued under these two exceptions may only be issued if the public licensing agency of the county where the foster home is located enters into an agreement with the public licensing agency (that has issued) the license.

This bill specifies that if a license is issued by an out-of-county public licensing agency under one of the two exceptions listed above, the license is not child-specific. However, under the bill the agreement between the public licensing agencies as required under current law must identify the children that may be placed in the foster home and the license does not expire when the listed children are removed

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from the foster home. Under the bill, the license is only valid when there is an agreement in effect.

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

SECTION 1. 48.75 (1g) (b) of the statutes is amended to read:

×48.75 (1g) (b) A license issued under this subsection par. (a) 1., 4., or 5. shall specifically identify each child to be placed in the foster home and shall terminate on the removal of all of those children from the foster home.

History: 1985 a. 176; 1985 a. 332 s. 251 (1); 1989 a. 336; 1993 a. 395, 446; 1995 a. 225; 1997 a. 27, 237; 1999 a. 9, 103; 2005 a. 232; 2007 a. 20 ss. 1362, 1363, 9121 (6) (a); 2007 a. 186; 2009 a. 28, 71; 2015 a. 172, 373, 378.

Section 2. 48.75 (1g) (c) (intro.) of the statutes is amended to read:

×48.75 (**1g**) (c) (intro.) No license may be issued under par. (a) 1., 2., or 3. unless the public licensing agency issuing the license has notified the public licensing agency of the county in which the foster home will be located of its intent to issue the license and no license may be issued under par. (a) 2. or 3. is valid unless the 2 public licensing agencies have entered into a written agreement under this paragraph. A public licensing agency is not required to enter into any agreement under this paragraph allowing the public licensing agency of another county to license a foster home within its jurisdiction. The written agreement shall include all of the following:

History: 1985 a. 176; 1985 a. 332 s. 251 (1); 1989 a. 336; 1993 a. 395, 446; 1995 a. 225; 1997 a. 27, 237; 1999 a. 9, 103; 2005 a. 232; 2007 a. 20 ss. 1362, 1363, 9121 (6) (a); 2007 a. 186; 2009 a. 28, 71; 2015 a. 172, 373, 378.

Section 3. 48.75 (1g) (c) 4. of the statutes is created to read:

 \times 48.75 (1g) (c) 4. A list identifying each child to be placed in the foster home.

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Wheeler, Elizabeth

From:

Borgerding, Nicole

Sent:

Wednesday, November 15, 2017 10:35 AM

To:

Wheeler, Elizabeth

Cc: Subject: Berkowitz, Margie Additional Bill Drafts

Follow Up Flag:

Follow up

Flag Status:

Flagged

Hi Elizabeth,

I am sorry to reaching out again, it just so happens that you were one of the drafters who worked on a number of our proposals for the task force.

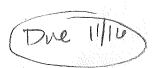
If possible, can we please collapse LRB 4468 and LRB 0240, both relating to licensing foster homes.

Thank you, we GREATLY appreciate it.

Nicole

Nicole Borgerding Office of State Representative Patrick Snyder 85th Assembly District 608-266-0654







PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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foster home licenstral

AN ACT to amend 48.75 (1g) (b) and 48.75 (1g) (c) (intro.); and to create 48.75

(1g) (c) 4. of the statutes; **relating to** the ability of a public licensing agency

to license a foster home in another county.

Analysis by the Legislative Reference Bureau

(NSA) This bill modifies the conditions under which a foster home license may be issued by an out-of-county public licensing agency.

Under current law, a public licensing agency may only license a foster home in the county in which it is located, subject to certain exceptions. The exceptions include if the licensee is a foster parent who has moved to another county with a child who has been placed in the foster parent's home and the license will allow the foster parent to continue to care for that child, or if the foster home is located in an adjacent county. Currently, a license that is issued from an out-of-county public licensing agency is child-specific, meaning that the license is only valid as to certain children who are identified on the license, and terminates immediately upon the removal of all of those children from the foster home. Under current law, a license issued under these two exceptions may be issued only if the public licensing agency of the county where the foster home is located enters into an agreement with the public licensing agency issuing the license.

This bill specifies that if a license is issued by an out-of-county public licensing agency under one of the two exceptions listed above, the license is not child-specific. However, under the bill, the agreement between the public licensing agencies as required under current law must identify the children that may be placed in the foster home and the license does not expire when the listed children are removed



from the foster home. Under the bill, the license is only valid when there is an agreement in effect.

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

SECTION 1. 48.75 (1g) (b) of the statutes is amended to read:

48.75 (1g) (b) A license issued under this subsection par. (a) 1., 4., or 5. shall specifically identify each child to be placed in the foster home and shall terminate on the removal of all of those children from the foster home.

Section 2. 48.75 (1g) (c) (intro.) of the statutes is amended to read:

48.75 (1g) (c) (intro.) No license may be issued under par. (a) 1., 2., or 3. unless the public licensing agency issuing the license has notified the public licensing agency of the county in which the foster home will be located of its intent to issue the license and no license may be issued under par. (a) 2. or 3. is valid unless the 2 public licensing agencies have entered into a written agreement under this paragraph. A public licensing agency is not required to enter into any agreement under this paragraph allowing the public licensing agency of another county to license a foster home within its jurisdiction. The written agreement shall include all of the following:

Section 3. 48.75 (1g) (c) 4. of the statutes is created to read:

48.75 (1g) (c) 4. A list identifying each child to be placed in the foster home.

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(END)

(INS 2-17)

"RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...

DRAFTING ATTORNEYS:
PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN
(Request Made By: <u>Ewherler</u>) (Date: <u>11 / 16 / 2017</u>)
Note: BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR" (exception: companion bills)
Please transfer the drafting file for 2015 LRB to the grarting file for 2017 LRB For Rep. / Sen. OR
O Please copy the drafting file for
2017 LRB
and place it in the drafting file for
2017 LRB 4468 (For Rep.) Sen. Snyder
Are These "Companion Bills" ?? Yes No
If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history ("guts") from the original file:



LRB-0240/2 EHS&EAW:kjf

2017 BILL



AN ACT to amend 48.75 (1d) and 48.78 (2) (a); and to create 48.66 (6) of the statutes; relating to: continuity of foster care when the license of a child welfare agency to license foster homes is revoked, suspended, or surrendered or when a contract under which a child welfare agency provides foster home licensing services is terminated.

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Analysis by the Legislative Reference Bureau

This bill provides for the continuity of foster care when the license of a child welfare agency to license foster homes is revoked, suspended, or surrendered or when a contract under which a child welfare agency provides foster home licensing services is terminated. This bill also changes the standard for when a foster home license may be revoked.

Under current law, subject to certain exceptions, no person may provide care and maintenance for children unless the person obtains a license to operate a foster home from the Department of Children and Families or a county department of human services or social services (county department) or from a child welfare agency, if that agency is licensed by DCF to license foster homes. Current law also permits DCF to enter into contracts with nonprofit or proprietary agencies, including child welfare agencies, for the purchase of services. Currently, a child welfare or public licensing agency may revoke a foster home license if the licensee has substantially and intentionally violated any provision of the Children's Code or rules promulgated by DCF. This bill provides that a child welfare or public licensing agency may revoke

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a foster home license if the licensee has violated any provision of the Children's Code or rules promulgated by DCF.

This bill provides that if DCF informs a child welfare agency of its intent to revoke or suspend the agency's license to license foster homes or to terminate a contract under which a child welfare agency provides foster home licensing services for DCF or if a child welfare agency informs DCF of its intent to surrender such a license or to terminate such a contract, DCF may do any of the following:

1. Require the child welfare agency to provide DCF with complete copies of the child welfare agency's financial, child placement, and foster care licensing records.

- 2. Transfer any child placement or foster care licensing records obtained from a child welfare agency to any county department or child welfare agency to which a foster home license issued by the child welfare agency is transferred under the bill or to any public licensing agency or child welfare agency that relicenses a foster home licensed by the child welfare agency as provided in the bill.
- 3. Prohibit the child welfare agency from accepting new placements or issuing new foster care licenses.

Also under the bill, if DCF revokes or suspends a child welfare agency's license to license foster homes or terminates a contract under which a child welfare agency provides foster home licensing services for DCF, or if a child welfare agency surrenders such a license or terminates such a contract, DCF may transfer each foster home license issued by the child welfare agency to a county department, DCF, or another child welfare agency that consents to the transfer. A license so transferred remains valid until it expires or 180 days after the date of the transfer, whichever is later.

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

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

Section 1. 48.66 (6) of the statutes is created to read:

48.66 (6) (a) If the department notifies a child welfare agency of its intent to revoke or suspend the child welfare agency's license under s. 227.51 or notifies a child welfare agency of its intent to terminate a contract under which the child welfare agency provides foster home licensing services for the department or if a child welfare agency notifies the department of its intent to surrender or surrenders its license or terminates such a contract, the department may do any of the following:

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- 1. Require the child welfare agency to provide the department with complete copies of the child welfare agency's financial, child placement, and foster home licensing records in accordance with department requirements.
- 2. Transfer any child placement or foster home licensing records obtained under par. (b) to any county department or child welfare agency to which a foster home license issued by the child welfare agency is transferred under par. (a) or to any public licensing agency or child welfare agency that relicenses a foster home licensed by the child welfare agency.
- 3. Prohibit the child welfare agency from accepting new placements or issuing new foster home licenses.
- (b) If the department revokes or suspends a child welfare agency's license under s. 227.51 or terminates a contract under which the child welfare agency provides foster home licensing services for the department, or if a child welfare agency surrenders its license or terminates such a contract, the department may transfer each foster home license issued by the child welfare agency to a county department or the department, or to another child welfare agency that consents to the transfer. A license transferred under this paragraph remains valid until it expires or 180 days after the date of the transfer, whichever is later.

SECTION 2. 48.75 (1d) of the statutes is amended to read:

48.75 (**1d**) Child welfare agencies, if licensed to do so by the department, and public licensing agencies may license foster homes under the rules promulgated by the department under s. 48.67 governing the licensing of foster homes. A Except as provided under s. 48.66 (6), a foster home license shall be issued for a term not to exceed 2 years from the date of issuance, and is not transferable, and. A foster home license may be revoked by the child welfare agency or by the public licensing agency

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because the licensee has substantially and intentionally violated any provision of this chapter or of the rules of the department promulgated under s. 48.67 or because the licensee fails to meet the minimum requirements for a license. The licensee shall be given written notice of any revocation and the grounds for the revocation.

Section 3. 48.78 (2) (a) of the statutes is amended to read:

48.78 (2) (a) No agency may make available for inspection or disclose the contents of any record kept or information received about an individual who is or was in its care or legal custody, except as provided under sub. (2m) or s. 48.371, 48.38 (5) (b) or (d) or (5m) (d), 48.396 (3) (bm) or (c) 1r., 48.432, 48.433, 48.48 (17) (bm), 48.57 (2m), 48.66 (6), 48.93, 48.981 (7), 938.396 (2m) (c) 1r., 938.51, or 938.78 or by order of the court.

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(END)

Shea, Elisabeth

From:

Snyder, Rachel

Sent: To: Wednesday, November 22, 2017 2:03 PM Wheeler, Elizabeth; Shea, Elisabeth

Subject:

FW: LRB 4468/P1 DCF suggested changes

Please incorporate the changes suggested by DCF, below, into LRB-4468.

Rachel E. Snyder

Staff Attorney
Wisconsin Legislative Council
(608) 266-0922

From: Borgerding, Nicole

Sent: Monday, November 20, 2017 1:36 PM

To: Snyder, Rachel <Rachel.Snyder@legis.wisconsin.gov>
Subject: Fwd: LRB 4468/P1 DCF suggested changes

Sent from my iPhone

Begin forwarded message:

From: "Morouney, Lonna S - DCF" < LonnaS. Morouney@wisconsin.gov>

Date: November 7, 2017 at 11:32:02 AM CST

To: "Borgerding, Nicole" < Nicole.Borgerding@legis.wisconsin.gov >

Subject: RE: LRB 4468/P1 DCF suggested changes

Sure!

From: Borgerding, Nicole [mailto:Nicole.Borgerding@legis.wisconsin.gov]

Sent: Tuesday, November 07, 2017 11:26 AM

To: Morouney, Lonna S - DCF

Subject: RE: LRB 4468/P1 DCF suggested changes

Hi Lonna,

Thank you for sending over. When you have a moment, can you please send me the electronic copy of the draft that the department requested in regards to once a license is revoked? I cannot seem to find it.

Thank you!

From: Morouney, Lonna S - DCF

Sent: Tuesday, November 07, 2017 9:11 AM

To: Borgerding, Nicole < Nicole.Borgerding@legis.wisconsin.gov>

Subject: LRB 4468/P1 DCF suggested changes

Hello Nicole.

Here are our suggested changes to the cross-county foster parent licensing bill draft, LRB 4468/P1:

Section 1

Page 2 line 2: Add "and" between par.(a)1. "and" 4.

Page 2, line 2: remove "5." Page 2, line 3: remove "on"

Page 2 Line 4: remove "the removal of all children from the foster home." Replace with "at the end of the licensing period or up to six months after the child returns home or is placed elsewhere, whichever

occurs first." Section 3

Page 2, lines 15-16 delete

Let me know if you have any questions. Thanks!

Lonna Morouney

Legislative Liaison

Department of Children and Families

201 East Washington Avenue

Madison, WI 53703

T: 608.422.7072

E: LonnaS.Morouney@wisconsin.gov

<17-0240_2.pdf>





LRB-4468/P2 EAW:amn&kjf

11/28/17 (1)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION



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AN ACT to amend 48.75 (1d), 48.75 (1g) (b), 48.75 (1g) (c) (intro.) and 48.78 (2)

(a); and to create 48.66 (6) and 48.75 (1g) (c) 4. of the statutes; relating to:

foster home licensing.

Analysis by the Legislative Reference Bureau

This bill provides for the continuity of foster care when the license of a child welfare agency to license foster homes is revoked, suspended, or surrendered or when a contract under which a child welfare agency provides foster home licensing services is terminated. This bill also changes the standard for when a foster home license may be revoked, and modifies the conditions under which a foster home license may be issued by an out-of-county public licensing agency.

Under current law, subject to certain exceptions, no person may provide care and maintenance for children unless the person obtains a license to operate a foster home from the Department of Children and Families or a county department of human services or social services (county department) or from a child welfare agency, if that agency is licensed by DCF to license foster homes. Current law also permits DCF to enter into contracts with nonprofit or proprietary agencies, including child welfare agencies, for the purchase of services. Currently, a child welfare or public licensing agency may revoke a foster home license if the licensee has substantially and intentionally violated any provision of the Children's Code or rules promulgated by DCF. This bill provides that a child welfare or public licensing agency may revoke a foster home license if the licensee has violated any provision of the Children's Code or rules promulgated by DCF.

This bill provides that if DCF informs a child welfare agency of its intent to revoke or suspend the agency's license to license foster homes or to terminate a

contract under which a child welfare agency provides foster home licensing services for DCF or if a child welfare agency informs DCF of its intent to surrender such a license or to terminate such a contract, DCF may do any of the following:

- 1. Require the child welfare agency to provide DCF with complete copies of the child welfare agency's financial, child placement, and foster care licensing records.
- 2. Transfer any child placement or foster care licensing records obtained from a child welfare agency to any county department or child welfare agency to which a foster home license issued by the child welfare agency is transferred under the bill or to any public licensing agency or child welfare agency that relicenses a foster home licensed by the child welfare agency as provided in the bill.
- 3. Prohibit the child welfare agency from accepting new placements or issuing new foster care licenses.

Also under the bill, if DCF revokes or suspends a child welfare agency's license to license foster homes or terminates a contract under which a child welfare agency provides foster home licensing services for DCF, or if a child welfare agency surrenders such a license or terminates such a contract, DCF may transfer each foster home license issued by the child welfare agency to a county department, DCF, or another child welfare agency that consents to the transfer. A license so transferred remains valid until it expires or 180 days after the date of the transfer, whichever is later.

Under current law, a public licensing agency may only license a foster home in the county in which it is located, subject to certain exceptions. The exceptions include if the licensee is a foster parent who has moved to another county with a child who has been placed in the foster parent's home and the license will allow the foster parent to continue to care for that child, or if the foster home is located in an adjacent county. Currently, a license that is issued from an out-of-county public licensing agency is child-specific, meaning that the license is only valid as to certain children who are identified on the license, and terminates immediately upon the removal of all of those children from the foster home. Under current law, a license issued under these two exceptions may be issued only if the public licensing agency of the county where the foster home is located enters into an agreement with the public licensing agency issuing the license.

This bill specifies that if a license is issued by an out-of-county public licensing agency under one of the two exceptions listed above, the license is not child-specific. However, under the bill, the agreement between the public licensing agencies as required under current law must identify the children that may be placed in the foster home and the license does not expire when the listed children are removed from the foster home. Under the bill, the license is only valid when there is an agreement in effect.

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

SECTION 1.	48 66 (6)	of the	gtatuteg	is created	to read.

48.66 (6) (a) If the department notifies a child welfare agency of its intent to revoke or suspend the child welfare agency's license under s. 227.51 or notifies a child welfare agency of its intent to terminate a contract under which the child welfare agency provides foster home licensing services for the department or if a child welfare agency notifies the department of its intent to surrender or surrenders its license or terminates such a contract, the department may do any of the following:

- 1. Require the child welfare agency to provide the department with complete copies of the child welfare agency's financial, child placement, and foster home licensing records in accordance with department requirements.
- 2. Transfer any child placement or foster home licensing records obtained under par. (b) to any county department or child welfare agency to which a foster home license issued by the child welfare agency is transferred under par. (a) or to any public licensing agency or child welfare agency that relicenses a foster home licensed by the child welfare agency.
- 3. Prohibit the child welfare agency from accepting new placements or issuing new foster home licenses.
- (b) If the department revokes or suspends a child welfare agency's license under s. 227.51 or terminates a contract under which the child welfare agency provides foster home licensing services for the department, or if a child welfare agency surrenders its license or terminates such a contract, the department may transfer each foster home license issued by the child welfare agency to a county department or the department, or to another child welfare agency that consents to the transfer. A license transferred under this paragraph remains valid until it expires or 180 days after the date of the transfer, whichever is later.

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48.75 (1d) Child welfare agencies, if licensed to do so by the department, and public licensing agencies may license foster homes under the rules promulgated by the department under s. 48.67 governing the licensing of foster homes. —A Except as provided under s. 48.66 (6), a foster home license shall be issued for a term not to exceed 2 years from the date of issuance, and is not transferable, and. A foster home license may be revoked by the child welfare agency or by the public licensing agency because the licensee has substantially and intentionally violated any provision of this chapter or of the rules of the department promulgated under s. 48.67 or because the licensee fails to meet the minimum requirements for a license. The licensee shall be given written notice of any revocation and the grounds for the revocation.

Section 3. 48.75 (1g) (b) of the statutes is amended to read:

48.75 (1g) (b) A license issued under this subsection par. (a) 1. 4. or 5 shall specifically identify each child to be placed in the foster home and shall terminate on the removal of all of those children from the foster home or to months after the child.

SECTION 4. 48.75 (1g) (c) (intro.) of the statutes is amended to read: Occurs first S

48.75 (1g) (c) (intro.) No license may be issued under par. (a) 1., 2., or 3. unless the public licensing agency issuing the license has notified the public licensing agency of the county in which the foster home will be located of its intent to issue the license and no license may be issued under par. (a) 2. or 3. is valid unless the 2 public licensing agencies have entered into a written agreement under this paragraph. A public licensing agency is not required to enter into any agreement under this paragraph allowing the public licensing agency of another county to license a foster home within its jurisdiction. The written agreement shall include all of the following:

1	SECTION 5. 48.75 (1g) (c) 4. of the statutes is created to read:
2	48.75 (1g) (c) 4. A list identifying each child to be placed in the foster home.
3	SECTION 6. 48.78 (2) (a) of the statutes is amended to read:
4	48.78 (2) (a) No agency may make available for inspection or disclose the
5	contents of any record kept or information received about an individual who is or was
6	in its care or legal custody, except as provided under sub. (2m) or s. 48.371, 48.38 (5)
7	(b) or (d) or (5m) (d), 48.396 (3) (bm) or (c) 1r., 48.432, 48.433, 48.48 (17) (bm), 48.57
8	(2m), <u>48.66 (6)</u> , 48.93, 48.981 (7), 938.396 (2m) (c) 1r., 938.51, or 938.78 or by order
9	of the court.
10	(END)

Barman, Mike

From:

Borgerding, Nicole

Sent:

Tuesday, November 28, 2017 11:43 AM

To:

LRB.Legal

Subject:

Draft Review: LRB -4468/1

Please Jacket LRB -4468/1 for the ASSEMBLY.

Barman, Mike

From:

Borgerding, Nicole

Sent:

Tuesday, December 05, 2017 1:41 PM

To:

LRB.Legal

Subject:

Fiscal Estimates for Foster Forward Legislative Package

Good afternoon,

I am requesting the fiscal estimates be started for the following proposals. Please let me know if you have any other questions!

LRB 4466/1

LRB 4564/1

LRB 4562/1

LRB 4468/1

LRB 4767/1

LRB 4929/3

LRB 4764/1

LRB 4766/1

LRB 4582/1

LRB 4850/1

LB 4576/1

LRB 4925/2

Thank you for all of your help,

Nicole