

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **06/23/99**

Received By: **yacketa**

Wanted: **As time permits**

Identical to LRB:

For: **Senate Democratic Caucus 6-2257**

By/Representing: **Walter**

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

Drafter: **yacketa**

May Contact:

Alt. Drafters:

Subject: **Health - miscellaneous**

Extra Copies: **DAK**

Pre Topic:

SDC:.....Walter - #2601,

Topic:

Tobacco settlement funds

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	yacketa 06/28/99	wjackson 06/29/99	martykr 06/29/99	_____	lrb_docadmin 06/29/99		
	yacketa 06/29/99	ygeller 06/29/99		_____			
/2			jfrantze 06/29/99	_____	lrb_docadmin 06/29/99		

FE Sent For:

<END>

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FE Sent For:

1/2 6/29 jcg To 6/29 <END>

6/28/99 9:19:40 AM

P 1

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1?	yacketa	1/1 WLj 6/29	km 6/29	BWLj Jm			

FE Sent For:

<END>

yes

Agency: Tobacco Settlement Funds

caucus number 2601

duplicate flag:

duplicate with:

Other reference numbers:

LFB Sum #:

FM 753

bill number/amendment number:

LRB draft #

LRB P-draft:

description: Multiple changes to tobacco settlement

other notes Modifications to above: see document for what's in and what's not

drafting instructions: see attached memos

more instructions:

Agency: **Tobacco Settlement Funds**

Number of Amendments: 1

+

[Redacted]

CN 2601

BUDGET AMENDMENTS TO TOBACCO CONTROL ADVISORY COUNCIL

Joint Finance Motion #753

- NO • Increase funds to \$50 million in the segregated fund for the **TOBACCO CONTROL BOARD** in the second year of this biennium and every year thereafter.
- yes Specify **none of the money in the BOARD can be used to supplant existing programs or positions in DHFS or any other state agency.**
- yes Prohibit the transfer of funds to 13.10 and 13.101 *See hand!*
- yes **Insulate the BOARD's money and independence from DHFS appropriation or control** (consult with Dick Sweet at Leg. Council)
- yes **Create a 20.436 or some other statutory number outside of 20.435 for the TOBACCO CONTROL BOARD appropriation.**

need to find 100,000,000 GPR?

Specific Changes to Motion #753:

Page 1

- Change the name of the *Tobacco Control Advisory Council* to the **TOBACCO CONTROL BOARD**
- Change the status of the **Advisory Council** to a **BOARD** under Wisconsin State Statute § 15.77, on page one and throughout the motion.
- Under SB 197 (§ 3-6, 7-8), restore the BOARD's definition, creation, distribution, duties, reports to Joint Finance, funds (acceptance of outside money), subcommittees, staggered terms of the board, and effective date of the BOARD.
- Under SB 197, **restore the language of the BOARD members**; also include language specifying that the physician §1 (e) on the BOARD have expertise in cardiovascular disease as one of the areas of expertise listed
- Change BOARD member under motion #753 (j) to be a **retailer** who sells tobacco products
- Change BOARD member under motion #753 (l) to be a **representative of a hospital**
- Change all references to **DHFS action to the BOARD's action** on page one and throughout the motion.
- **Attach the BOARD to DHFS, FOR ADMINISTRATIVE PURPOSES ONLY.** *Why not make it independent?*

Yes

Page 2

- Under SB 197 (§ 7), **restore the grant purposes language** with the exception of letters (h) & (i); retain motion #753 **enforcement language.**
- **Delete** the language regarding the DHFS authority to transfer funds from the BOARD to its "new tobacco control program operations appropriation."

Page 3

- Change annual deposit into the segregated fund from **current level to \$50 million**, beginning in 2000-2001.
- Remove funding designated to DHFS for **start up costs** and positions for tobacco related activities and instead **give it to the TOBACCO CONTROL BOARD**
- **Eliminate** the funding for **BARN** software program.

Yes

CONSULT DICK SWEET OF LEG. COUNCIL ON THE DRAFTING OF THIS MOTION.

MOVE Available upon Request.

ARG

attached to HFS except sec'y of HFS shall submit budget of board to DOA exactly as submitted by board



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

May 18, 1999

TO: Senator Robert Cowles
Room 7 South, State Capitol

FROM: Amie T. Goldman and Tricia Collins

SUBJECT: Statewide Tobacco Control Program

At your request, we are providing information on your proposal to establish a statewide tobacco control program. Under your proposal, the following provisions would be incorporated into the 1999-01 biennial budget bill:

Tobacco Control Program

~~Tobacco Control Advisory Council.~~ Create a 20-member tobacco control advisory council (the "Council"), which would consist of: (a) the Attorney General or his or her designee; (b) one majority party senator, one minority party senator, one majority party representative to the Assembly and one minority party representative to the Assembly, appointed as are the members of standing committees in their respective houses; (c) the DHFS Secretary or his or her designee; (d) the Superintendent of Public Instruction or his or her designee; (e) one physician with expertise in oncology, smoking cessation or public health; (f) one student from the University of Wisconsin System; (g) two high school students, including at least one minority student; (h) five representatives of organizations that have as their primary organizational mission reducing the health or economic consequences of tobacco use or ameliorating the effects of tobacco use and reducing the incidence of particular diseases or health conditions associated with tobacco use; (i) one local health officer; [redacted]; (k) one person who is a minority group member; and [redacted].

Specify that the 13 nonpublic Council members would be appointed for three-year terms by the Governor, except that if a student member loses the status upon which the appointment was based, he or she would cease to be a Council member. Specify that the Governor would appoint one member of the Council to serve as the chairperson. Specify that the Council would meet at least four times per year; eleven members would constitute a quorum and that for the purpose of conducting business and exercising its power, a majority vote of the Council is

required. Authorize the Council to create subcommittees to assist in its work, and if the Council creates subcommittees, specify that one subcommittee would address the issue of populations most adversely affected by tobacco.

Segregated Fund. Establish a segregated, nonlapsible fund called the "Tobacco Control Fund" to support activities related to a statewide comprehensive tobacco control program. Create a segregated aids appropriation and a program operations appropriation in the Department of Health and Family Services (DHFS), Division of Public of Public Health (DPH) to support grants under and the administration of a statewide tobacco control program.

Statewide Tobacco Control Program. Require DHFS to develop a statewide tobacco control program in consultation with the Council. Require the Council to develop program and budget recommendations for a statewide tobacco control program and submit these recommendations to the DHFS Secretary by February 1, annually, beginning on February 1, 2000. Require DHFS to review these recommendations and to prepare the detailed annual budget for a statewide tobacco control program. Require DHFS to submit a detailed budget to the Joint Committee on Finance by March 1, annually, beginning on March 1, 2000, under a 14-day passive review process. Specify that \$30.9 million SEG in 2000-01 would be placed in the Committee's SEG appropriation for release once the Joint Committee on Finance has reviewed and approved the annual budget for the program.

Specify that the distribution of funding between the various components of the statewide tobacco control program budget would be based on the U.S. Centers for Disease Control's funding allocation recommendations for comprehensive tobacco control programs. In addition, specify that monies deposited in the tobacco control fund could only be used to support the following activities: (a) community programs to reduce tobacco use; (b) community programs to reduce the burden of tobacco-related diseases; (c) school programs; (d) enforcement of policies restricting access to tobacco products and reducing exposure to second hand smoke; (e) partnership grants with statewide organizations and businesses; (f) counter-marketing; (g) cessation programs; (h) surveillance and evaluation; (i) administration and management; and (j) projects designed to reduce tobacco use among minorities and pregnant women.

Require DHFS and the Council to consider successful tobacco control programs in other states when developing their recommendations. In addition, require DHFS to solicit input from the Council regarding the selection of specific programs or activities to be funded under the statewide tobacco control program. *Ddeke*

Specify that, notwithstanding these provisions, tobacco control funds could be used to support the minority health program and FQHC grants created under this proposal.

Reporting Requirements. Require DHFS to submit to the Governor and Legislature, no later than July 1, 2002, and annually thereafter, a report that evaluates the success of the program. Require the report to include the number of grants awarded during the preceding fiscal year, the purpose for which each grant was made and the donations and grants accepted by the Board.

Funding Allocations. Specify that \$1.0 million annually of the amounts in the tobacco control aids appropriation would be provided to the UW Center for Tobacco Research and Intervention (CTRI) and that \$1.0 million in 1999-00 and no less than \$1.0 million thereafter would be provided to increase support for the Thomas T. Melvin program, notwithstanding the requirement to obtain approval from the Joint Finance Committee. Specify that \$92,000 of the amounts in the tobacco control aids appropriation would be provided to DPH to support a youth smokeless tobacco campaign in 1999-00, notwithstanding the requirement to obtain approval from the Committee. This funding allocation requirement would cease on June 30, 2000. Specify that \$500,000 annually of the amounts in the tobacco control aids appropriation, beginning in 2000-01, would be provided to the Medical College of Wisconsin to support tobacco prevention and cessation activities, notwithstanding the requirement to obtain approval from the Committee. Specify that these funds could only be used for activities directly related to preventing individuals from smoking and assisting smokers to quit smoking.

Specify that in 2000-01 up to \$150,000 would be allocated for grants to schools offering instruction in grades six, seven or eight that purchase or have purchased in 1998-99 the smoking/tobacco component of the *Body Awareness Resource Network* (BARN) software. Require schools to submit a grant application to DHFS in order to be eligible for a grant in an amount not to exceed the costs of the smoking/tobacco component of the BARN software. Further, direct the Department of Public Instruction (DPI) to coordinate with the software manufacturer and CESA staff training sessions for the use of the software in the classroom at no additional cost. Provide that this funding allocation requirement would cease on June 30, 2001.

Funding. Deposit the first \$6,292,000 of tobacco settlement revenues received in 1999-00 to the newly created tobacco control fund and provide \$400,000 SEG in 1999-00 in the DPH segregated program operations appropriation and \$5,892,000 SEG in 1999-00 in the tobacco control fund aids appropriation and authorize 2.0 SEG positions, beginning in 1999-00, to support tobacco control and administrative activities. These positions would include an epidemiologist to coordinate surveillance activities and a program manager to coordinate program activities and staff the Council. Of the total \$5,892,000, \$1.0 million would be provided to CTRI, \$1.0 million would be provided to increase support for the Thomas T. Melvin program, \$300,000 would be provided to support a minority health program, \$92,000 would be provided to support a youth smokeless tobacco campaign and \$3.5 million to support federally qualified health centers (FQHCs) in 1999-00.

Annually, deposit the first \$30.9 million of tobacco settlement revenues received in that fiscal year to the tobacco control fund, beginning in 2000-01.

DHFS could include a request for additional position authority and administrative expenses as part of the annual tobacco control program budget submitted to the Joint Committee on Finance and the Committee could, if necessary, transfer funds to support these activities from the tobacco control fund to the new tobacco control program operations appropriation.

Tobacco-Related Provisions Contained in Budget Bill. Delete the following provisions from the bill: (a) \$500,000 GPR annually provided to the Medical College of Wisconsin; (b) \$500,000 GPR annually provided to the DPI for K-8 smoking prevention programs; (c) \$500,000 GPR annually provided to DHFS to establish a smoking prevention program for women and children; (d) \$1 million annually provided to the UW Center for Tobacco Research and Intervention; and (e) \$200,000 GPR in 1999-00 provided to the Office of the Commissioner of Insurance to fund a one-time grant to an organization that would help establish health insurance purchasing pools for private small employees. In addition, provide \$166,700 GPR annually from general school aids to adjust two-thirds funding of partial school revenues to reflect the deletion of DPI funding under the proposal.

Minority Health Program

Specify that \$300,000 annually of the amounts in the tobacco control aids appropriation would be provided to support a minority health program, notwithstanding the requirement to obtain approval from the Committee. Create a minority health program that would provide \$300,000 SEG annually to support the following activities: (a) a grant of up to \$100,000 annually for a private nonprofit corporation to conduct a public information campaign on minority health; and (b) \$200,000 annually for grants of amounts up to \$50,000 to conduct activities relating to the improvement of the health status of economically disadvantaged minority group members. Establish a 50% match requirement for the minority health status grants. Specify that the required contribution for the grant could be funding or in-kind contributions. Require DHFS to establish the application procedures for both the public information and health status grants.

In addition, require DHFS to do all of the following: (a) identify barriers to health care that prevent economically disadvantaged minority group members in this state from participating fully and equally in all aspects of life; (b) conduct statewide hearings on issues of concern to the health interests of economically disadvantaged minority group members; (c) review, monitor and advise all state agencies with respect to the impact on the health of economically disadvantaged minority group members of current and emerging state policies, procedures, practices, statutes and rules; (d) work closely with all state agencies, including the University of Wisconsin System and the technical college system, with the private sector and with groups concerned about the health of economically disadvantaged minority group members to develop long-term solutions to health problems of minority group members; (e) disseminate information on the status of the health of economically disadvantaged minority group members in the state; (f) encourage economically disadvantaged minority group members who are students to enter into career health professions, by developing materials that are culturally sensitive and appropriate and that promote health care professions as careers for the University of Wisconsin system, the technical college system and the Medical College of Wisconsin to use in recruiting the students; and (g) submit a biennial report that would include recommendations on program policies, procedures and practices and services affecting the health status of economically disadvantaged minority group members to the appropriate standing committees of the Legislature and the Governor.

Create the following definitions that relate to these provisions: (a) "African American" as a person whose ancestors originated in any of the black racial groups of Africa; (b) "American

Indian" as a person who is enrolled as a member of a federally recognized American Indian tribe or band or who possesses documentation of at least one-fourth American Indian ancestry or documentation of tribal recognition as an American Indian; (c) "Asian" as a person whose ancestors originated in Asia south and southeast of the Himalayas and west of Wallace's Line in Malay Archipelago; (d) "economically disadvantaged" as having an income that is at or below 125% of the poverty line; (e) "Hispanic" as a person of any race whose ancestors originated in Mexico, Puerto Rico, Cuba, Central America or South America whose culture or origin is Spanish; (f) "minority group member" as an African American, American Indian, Hispanic or Asian; (g) "nonprofit corporation" as a non-stock corporation organized under Chapter 181 of the statutes; (h) "poverty line" as the non-farm federal poverty line for the United States as defined by the U.S. Department of Labor; and (i) "state agency" as an association, authority, board, department, commission, independent agency, institution, office, society or other body in state government created or authorized to be created by the constitution or any law, including the legislature, the office of the governor and the courts, but excluding the University of Wisconsin Hospitals and Clinics Authority.

Community Health Centers

Specify that \$3,500,000 in 1999-00 and \$4,000,000 in 2000-01 and annually thereafter of the amounts in the tobacco control aids appropriation would be provided to support FQHCs.

Create an FQHC grant program and authorize DHFS to award grants to support community, migrant and homeless health centers. Specify that DHFS would award each of the following health centers the following percentages of the total available for these grants.

Beloit Area Health Community Center	7%
Bridge Community Health Clinic	4
Family Health Medical and Dental Center	6
Milwaukee Health Services	13
Kenosha Community Health Center	3
Family Health Center of Marshfield	16
North Woods Community Health Centers	4
Northern Health Center	3
Scenic Bluffs Community Health Center	8
Sixteenth Street Community Health Center	14
Health Care for the Homeless, Milwaukee	9
N.E.W. Community Clinic	2
The Successor Rainbow Clinic	10

Under your proposal, \$30.9 million SEG in 2000-01 would be provided in the Committee's supplemental appropriation. These funds would be available to DHFS to support specified tobacco control activities once DHFS has submitted to the Committee and the Committee has approved a detailed budget for the use of these funds.

In 1999-00, \$400,000 SEG would be provided in the DPH tobacco control program operations appropriation to support 2.0 positions and tobacco-related surveillance activities and \$5,892,000 SEG would be provided in the DPH tobacco control aids appropriation to support the following: (a) \$1 million for the CTRI; (b) \$1 million for the Thomas T. Melvin program; (c) \$92,000 for a smokeless tobacco campaign; (d) \$300,000 for a minority health program; and (e) \$3.5 million to support FQHCs.

Beginning in 2000-01, the following activities would be supported with funds provided in the tobacco control aids appropriation: (a) \$500,000 for the Medical College of Wisconsin to support smoking prevention and cessation activities; (b) \$4.0 million to support FQHCs; (c) \$1.0 million for the CTRI; (d) \$1.0 million for the Thomas T. Melvin program; and (e) \$300,000 for a minority health program. Finally, this proposal would require that the first \$6,292,000 in 1999-00 and \$30.9 million in 2000-01 of tobacco settlement revenues received by the state would be deposited to a new tobacco control fund.

AG/TC/sas

1999 - 2000 LEGISLATURE


1999 SENATE BILL 197 

June 15, 1999 - Introduced by Committee on Human Services and Aging, by request of Attorney General James Doyle, American Cancer Society, Southern District, American Cancer Society, Midwest Division, American Heart Association, American Heart Association, Marathon County, American Heart Association, Sheboygan Division, American Lung Association, Wisconsin Education Association Council (WEAC), State Medical Society of Wisconsin, Aurora Health Care, Glaxo Welcome, Dean Health System, Children Hospital System, Medical College of Wisconsin, Marshfield Clinic, Wisconsin Public Health Association, March of Dimes Birth Defects Foundation, Wisconsin Nurses Association, Wisconsin Academy of Family Physicians, Wisconsin Grocers Association, Medical Associates Health Plans, Church Health Services, Wisconsin Association of Local Health Departments and Boards, Wisconsin Nursing Coalition, Association of Operating Room Nurses, Association of Women's Health, Obstetrics, and Neonatal Nurses, Milwaukee, District Nurses Association, 1199W/United Professionals for Quality Health Care/SEIU, Wisconsin Association of Licensed Practical Nurses, Wisconsin Association of Nurse Anesthetists, Wisconsin Association of Rehabilitation Nurses, Wisconsin Chapter of American College Nurse-Midwives, Wisconsin Federation of Nurses and Health Professionals, AFT, AFL-CIO, Wisconsin Society of Perianesthesia, Professional Fire Fighters of Wisconsin, Care Foundation, Inc., Children's Health System, Inc., Consortium for Primary Care in Wisconsin, Family and Sports Orthopedic Center, Ltd., Family Resource Center of Iowa County Inc., Franciscan Skemp Healthcare, Wisconsin Alcohol, Tobacco and Other Drug Education Network (WATODEN), Wisconsin Environmental Health Association (WEHA), Wisconsin Primary Health Care Association, YWCA of Waukesha, WI Alzheimer's Association Chapter Network, La Crosse Health Department, Confront Addiction Now, Ozaukee Council, Playful Kids Learning Center, Price County Health Department, Highland Dental Health, Wisconsin Indianhead Technical College - Superior Campus, Medical Associates of Beaver Dam - St. Mary's/Dean Ventures, CARE Foundation, Family and Sports Orthopedic Center, LLC, Beaver Dam, National Honor Society, Beaver Dam, St. Croix Department of Health and Human Services, Central States Occupational Medicine Association, Mercy Health


System/Mercy Care Insurance Company, Medical Health Associates, Fond du Lac County Tobacco Control Coalition, Winnebago County Tobacco Free Coalition, Senators Robson, Roessler, Burke, Rosenzweig, Cowles, Wirsch, Schultz, Darling, Grobschmidt, Risser, Clausing, Erpenbach, Huelsman, George and Shibilski, Representatives Urban, Bock, Riley, Walker, M. Lehman, Townsend, Handrick, Freese, Ott, Klusman, Morris-Tatum, Coggs, Young, Schoof, J. Lehman, Hebl, Miller, Turner, La Fave, Black, Hasenohrl, Richards, Carpenter, Plouff, Cullen, Reynolds, Boyle, Travis, Wasserman, Berceau, Meyerhofer, Schneider, Sinicki, Staskunas, Lassa, Meyer and Krusick. Referred to Committee on Human Services and Aging.

Pg2Ln1 **An Act** to create 15.77, 20.436, 25.17 (1) (tt), 25.66, 230.08 (2) (wy) and 255.15
Pg2Ln2 of the statutes; relating to: creating a health trust fund and health trust board,
Pg2Ln3 granting rule-making authority and making an appropriation.


Analysis by the Legislative Reference Bureau

SB197 

In November 1998, Wisconsin and 45 other states entered into the Attorneys General Master Tobacco Settlement (settlement) with the tobacco industry, which requires tobacco companies to make payments to the states in perpetuity. Under the settlement, it is estimated that Wisconsin will receive a total of \$5.9 billion through 2025.


SB197 

This bill directs that the first \$50 million received annually under the settlement be deposited into a segregated fund. Under the bill, moneys deposited into the fund may only be used for the costs associated with providing grants to organizations for activities related to smoking cessation and tobacco use reduction.

SB197 

The bill also creates an independent board composed of the attorney general, two senators and two representatives of the assembly (one from each party in each house); the secretary of health and family services; the superintendent of public instruction; one physician with expertise in oncology, smoking cessation or public health; one student from the University of Wisconsin System; two high school students; five representatives of organizations that have as their primary organizational mission reducing the health or economic consequences of tobacco use or ameliorating the effects of tobacco use and reducing incidence of particular diseases or health conditions associated with tobacco use; one local health officer;


and one person who is a minority group member.

SB197 

The bill requires the board to develop a competitive grant program and to administer the grant program. Under the bill, the board must promulgate rules specifying criteria for receiving a grant, including performance standards for media-based projects for which grants are awarded.


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:

SB197, s. 1 

Pg2Ln4


Section 1. 15.77 of the statutes is created to read:

SB197, s. 1 - continued 


Pg2Ln5


Pg2Ln6

15.77 ^{Tab. control} Health trust board. (1) There is created a health trust board. The health trust board shall consist of the following members:

SB197, s. 1 - continued 

Pg2Ln7

 The attorney general or his or her designee.


SB197, s. 1 - continued 


Pg3Ln1

Pg3Ln2


Pg3Ln3


Pg3Ln4

 One majority party senator, one minority party senator, one majority party representative to the assembly and one minority party representative to the assembly, appointed as are the members of standing committees in their respective houses.


SB197, s. 1 - continued 

Pg3Ln5

 The secretary of health and family services or his or her designee.

SB197, s. 1 - continued 

Pg3Ln6

 The superintendent of public instruction.

Cardiovascular disease

SB197, s. 1 - continued



Pg3Ln7

One physician with expertise in oncology, smoking cessation or public health.

Pg3Ln8

SB197, s. 1 - continued



Pg3Ln9

One student from the University of Wisconsin System.

SB197, s. 1 - continued



Pg3Ln10

Pg3Ln11

Two high school students, including at least one minority student, as defined in s. 39.40 (1).

SB197, s. 1 - continued



Pg3Ln12

Pg3Ln13

Pg3Ln14

Pg3Ln15

Five representatives of organizations that have as their primary organizational mission reducing the health or economic consequences of tobacco use or ameliorating the effects of tobacco use and reducing the incidence of particular diseases or health conditions associated with tobacco use.

SB197, s. 1 - continued



Pg3Ln16

One local health officer.

SB197, s. 1 - continued



Pg3Ln17

One person who is a minority group member, as defined in s. 560.036 (1) (f).



1 grocery retailer who sells tob.
1 rep. of hosp.

SB197, s. 1 - continued



Pg3Ln18

Pg3Ln19

Pg3Ln20

Pg3Ln21

(2) The members specified in sub. (1) (e) to (j) shall be appointed for 3-year terms, except that if a student member appointed under sub. (1) (f) or (g) loses the status upon which the appointment was based, he or she shall cease to be a member of the health trust board.

SB197, s. 1 - continued



Pg3Ln22

Pg3Ln23

Pg3Ln24

(3) The board shall meet at least 4 times per year. Ten members constitute a quorum. For the purpose of conducting business and exercising its powers, a majority vote of the board is required.

SB197, s. 2




Pg4Ln1

Pg4Ln2


Pg4Ln3

Section 2. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:


Pg4Ln4	20.436 Tobacco health care board.				
Pg4Ln5	(1) Smoking cessation and education				
Pg4Ln6	(a) General program operations	SEG	A	-0-	-0-
Pg4Ln7	(b) Grants	SEG	B	-0-	-0-
Pg4Ln8	(g) Gifts and grants	PR	C	-0-	-0-

SB197, s. 3 


Pg4Ln9 **Section 3.** 20.436 of the statutes is created to read:

SB197, s. 3 - continued 


Pg4Ln10 20.436 Health trust board. There is appropriated from the health trust fund
Pg4Ln11 to the health trust board for the following programs:

SB197, s. 3 - continued 


Pg4Ln12 (1) **Smoking cessation and education.** (a) General program operations. The
Pg4Ln13 amounts in the schedule for general program operations of the health trust board.

SB197, s. 3 - continued 


Pg4Ln14 (b) Grants. Biennially, the amounts in the schedule for the purposes specified
Pg4Ln15 under s. 255.15 (3).

SB197, s. 3 - continued 


Pg4Ln16 (g) Gifts and grants. All moneys received from gifts, grants and donations for
Pg4Ln17 the purposes specified under s. 255.15 *to be used for those purposes*

SB197, s. 4 

Pg4Ln18 **Section 4.** 25.17 (1) (tt) of the statutes is created to read:

SB197, s. 4 - continued 

Pg4Ln19 25.17 (1) (tt) ~~Health trust fund~~ *Tobacco control* (s. 25.66);

SB197, s. 5 

Pg4Ln20 **Section 5.** 25.66 of the statutes is created to read:

Tob. control board


SB197, s. 5 - continued 

Pg4Ln21

25.66 Health trust fund. (1) **Definition.** In this section, "board" means the

Pg4Ln22


health trust board.

SB197, s. 5 - continued 

Pg4Ln23

(2) **Creation.** There is created a separate nonlapsible trust fund, known as the health trust fund, to consist of the lesser of the following:


Pg4Ln24

SB197, s. 5 - continued 

Pg5Ln1

(a) The first \$50,000,000 of the moneys received annually under the Attorneys General Master Tobacco Settlement Agreement of November 23, 1998.


Pg5Ln2

SB197, s. 5 - continued 

Pg5Ln3

(b) The moneys received annually under the Attorneys General Master Tobacco Settlement Agreement of November 23, 1998.


Pg5Ln4

SB197, s. 5 - continued 

Pg5Ln5


(3) **Distribution.** Amounts in the fund may be distributed only for the purposes specified in s. 20.436.

Pg5Ln6

SB197, s. 6 


Pg5Ln7

Section 6. 230.08 (2) (wy) of the statutes is created to read:

SB197, s. 6 - continued 


Pg5Ln8

230.08 (2) (wy) The executive director and staff of the health trust board.

SB197, s. 7 


Pg5Ln9

Section 7. 255.15 of the statutes is created to read:

SB197, s. 7 - continued 

Pg5Ln10

255.15 Health trust board. (1) **Definitions.** In this section:

SB197, s. 7 - continued 

Pg5Ln11

(a) "Board" means the health trust board under s. 15.77.

SB197, s. 7 - continued



Pg5Ln12

(b) "Tobacco settlement" means the Attorneys General Master Tobacco Settlement Agreement of November 23, 1998.

Pg5Ln13

SB197, s. 7 - continued



Pg5Ln14

(2) **Duties.** The board shall do all of the following:

SB197, s. 7 - continued



Pg5Ln15

(a) Appoint an executive director within the classified service who shall employ staff within the classified service with appropriate programmatic and technical expertise.

Pg5Ln16

Pg5Ln17

SB197, s. 7 - continued



Pg5Ln18

(b) Administer the grant program under sub. (3).

SB197, s. 7 - continued



Pg5Ln19

(c) Promulgate rules establishing criteria for recipients of grants awarded under sub. (3), including performance-based standards for grant recipients that propose to use the grant for media efforts. The board shall ensure that programs or projects conducted under the grants are culturally sensitive.

Pg5Ln20

Pg5Ln21

Pg5Ln22

SB197, s. 7 - continued



Pg5Ln23

(d) Provide a forum for the discussion, development, and recommendation of public policy alternatives in the field of smoking cessation and prevention.

Pg5Ln24

SB197, s. 7 - continued



Pg6Ln1

(e) Provide a clearinghouse of information on matters relating to tobacco issues and how they are being met in different places throughout the nation such that both lay and professional groups in the field of government, health care and education may have additional avenues for sharing experiences and interchanging ideas in the formulation of public policy on tobacco.

Pg6Ln2

Pg6Ln3

Pg6Ln4

Pg6Ln5

SB197, s. 7 - continued



Pg6Ln6

(5) **Grants.** From the appropriation under s. 20.436 (1) (b), the board may award grants to public and private organizations for any of the following:

Pg6Ln7

SB197, s. 7 - continued



Pg6Ln8

(a) Tobacco use cessation and education programs.

SB197, s. 7 - continued



Pg6Ln9

(b) School-based tobacco use prevention programs.

SB197, s. 7 - continued



Pg6Ln10

(c) Marketing activities that promote tobacco use cessation and that decrease the likelihood of initial tobacco use.

Pg6Ln11

SB197, s. 7 - continued



Pg6Ln12

(d) Projects designed to reduce tobacco use among minorities and pregnant women.

Pg6Ln13

SB197, s. 7 - continued



Pg6Ln14

(e) Surveillance and evaluation of the prevalence of tobacco use and exposure to environmental tobacco smoke among youth and adults.

Pg6Ln15

SB197, s. 7 - continued



Pg6Ln16

(f) Development of public and private policies that restrict access to tobacco products and reduce exposure to environmental tobacco smoke.

Pg6Ln17

SB197, s. 7 - continued



Pg6Ln18

(g) Development of partnerships among businesses or other organizations and communities to address the needs of and to educate specific populations that are targeted by the tobacco industry.

Pg6Ln19

Pg6Ln20

SB197, s. 7 - continued



Pg6Ln21

(h) Scientific research on tobacco-related cancer prevention.

SB197, s. 7 - continued



Pg6Ln22

(i) Other activities that address tobacco-related issues.

SB197, s. 7 - continued



Pg6Ln23

(4) **Reports.** Not later than July 1, 2001, and annually thereafter, the board shall submit to the governor and to the chief clerk of each house of the legislature for distribution under s. 13.172 (2) a report that evaluates the success of the grant program under sub. (3). The report shall specify the number of grants awarded

Pg6Ln24

Pg6Ln25

Pg7Ln1

+ enforcement (p. 1235 lines 24-25)

Pg7Ln2
Pg7Ln3
Pg7Ln4

during the immediately preceding fiscal year and the purpose for which each grant was made. The report shall also specify donations and grants accepted by the board under sub. (5).

SB197, s. 7 - continued



Pg7Ln5
Pg7Ln6
Pg7Ln7
Pg7Ln8
Pg7Ln9

(5) Funds. The board may accept for any of its purposes any donations and grants of money, equipment, supplies, materials and services from any person. The board shall include in the report under sub. (4) any donation or grant accepted by the board under this subsection, including the nature, amount and conditions, if any, of the donation or grant and the identity of the donor.

SB197, s. 7 - continued



Pg7Ln10
Pg7Ln11
Pg7Ln12

(6) Subcommittees. The board may create subcommittees to assist in its work. If the board creates subcommittees, one of the subcommittees shall address the issue of populations most adversely affected by tobacco.

SB197, s. 9158



Pg7Ln13

Section 9158. Nonstatutory provisions; other.

SB197, s. 9158 - continued



Pg7Ln14
Pg7Ln15
Pg7Ln16
Pg7Ln17
Pg7Ln18
Pg7Ln19
Pg7Ln20
Pg7Ln21

(1) Health trust board. Notwithstanding section 15.77 (2) of the statutes, as created by this act, 4 of the initial members of the health trust board appointed under section 15.77 (1) (e) to (j) of the statutes, as created by this act, shall serve for terms expiring on May 1, 2003; 3 of the initial members of the health trust board appointed under section 15.77 (1) (e) to (j) of the statutes, as created by this act, shall serve for terms expiring on May 1, 2002; and 4 of the initial members of the health trust board appointed under section 15.77 (1) (e) to (j) of the statutes, as created by this act, shall serve for a term expiring on May 1, 2001.

SB197, s. 9458



Pg7Ln22

Section 9458. Effective dates; other.

SB197, s. 9458 - continued



Pg7Ln23
Pg7Ln24
Pg7Ln25

(1) Health trust fund. This act takes effect on the day after publication of the 1999-2001 biennial budget act.

(End)

MODIFY

TAY
SDC

Agency: Tobacco Settlement Funds

caucus number 2601

duplicate flag:

duplicate with:

Other reference numbers:	LFB Sum #:
FM 753	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Multiple changes to tobacco settlement

other notes **Modifications to above: see document for what's in and what's not NEW MODIFICATION ADD \$2 M TO THE TRUST FUNBD IN YEAR 2 (ABOVE JFC)**

drafting instructions: see attached memos

more instructions:

Agency: **Tobacco Settlement Funds**

Number of Amendments: 1



D-NOTE
State of Wisconsin
 1999 - 2000 LEGISLATURE

LRBb1041/1

TAY.....

WJ
RMR

SDC:.....Walter - #2601, Tobacco settlement funds

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

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

2 ✓ 1. Page 24, line 9: after that line insert:

3 ✓ 2. Page 25, line 17 ² delete the material beginning with that line and ending
 4 with page 26, line 21.

5 ✓ 3. Page 193, line 16: delete lines 16 and 17.

6 ✓ 4. Page 202, line 14: delete that line.

7 ✓ 5. Page 300, line 18 ⁸ delete "department of health and family services" and
 8 substitute "tobacco control board".

9 ✓ 6. Page 309, line 18: delete "department of health and family services" and
 10 substitute "tobacco control board".

INSERT
 1-2 ✓

INSERT
 1-6 ✓

1 ✓7. Page 340, line 5: delete lines 5 to 9.

2 ✓8. Page 351, line 5: delete lines 5 to 7.

2-2
✓
3 →

3 ✓9. Page 470, line 10: delete "\$26,600,000" and substitute "\$28,600,000".

4 ✓10. Page 470, line 13: delete "only".

INSERT
2-4 ✓
5 →

5 ✓11. Page 1233, line 22: delete that line and substitute "section, "board" means
6 the tobacco control board."

7 ✓12. Page 1233, line 23: delete the material beginning with that line and
8 ending with page 1234, line 19 and substitute:

INSERT
7-8 ✓
9 →

9 ✓13. Page 1234, line 20: delete "20.435 (5) (tc)" and substitute "20.436 (1) (tc)".

10 ✓14. Page 1234, line 21: delete "department" and substitute "board".

11 ✓15. Page 1235, line 11: delete lines 11 to 19 and substitute:

12 "(b) From the appropriation under s. 20.436 (1) (tc), the board may distribute
13 grants for any of the following:"

14 16. Page 1236, line 11: delete lines 11 to ²¹~~20~~ and substitute:

15 "(d) From the appropriation under s. 20.436 (1) (tb),[✓] beginning in fiscal year
16 2000-01 and annually thereafter, the board may expend for administration of the
17 program under this section not more than 5% of the total amount deposited in that
18 fiscal year into the tobacco control fund under s. 25.66.[✓]

INSERT
2-16 ✓
19 →

19 ✓17. Page 1520, line 8: delete lines 8 to 16.

20 ✓18. Page 1542, line 9: delete lines 9 to 13.

INSERT
2-20 ✓
21 →

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1041/1dn

TAY.../.....

wlj

On the advice of Assistant Chief Counsel, Jeff Kuesel, I eliminated the word "only" from the segregated fund language because that word would impermissibly bind future legislatures (it also made it questionable whether the moneys could be spent for administrative costs). However, please do not be concerned about that. The moneys are only appropriated for the purposes we have specified in the bill. There is no way that moneys from the fund may be used for any other purpose, since they are not appropriated for any other purpose. Only by amending the statutes may those funds be used for any other purpose, which would be the case even with the word "only."

Tina A. Yacker
Legislative Attorney
Phone: (608) 261-6927
E-mail: Tina.Yacker@legis.state.wi.us

INSBOTS

1999 SENATE BILL 197

June 15, 1999 - Introduced by COMMITTEE ON HUMAN SERVICES AND AGING, by request of Attorney General James Doyle, American Cancer Society, Southern District, American Cancer Society, Midwest Division, American Heart Association, American Heart Association, Marathon County, American Heart Association, Sheboygan Division, American Lung Association, Wisconsin Education Association Council (WEAC), State Medical Society of Wisconsin, Aurora Health Care, Glaxo Welcome, Dean Health System, Children Hospital System, Medical College of Wisconsin, Marshfield Clinic, Wisconsin Public Health Association, March of Dimes Birth Defects Foundation, Wisconsin Nurses Association, Wisconsin Academy of Family Physicians, Wisconsin Grocers Association, Medical Associates Health Plans, Church Health Services, Wisconsin Association of Local Health Departments and Boards, Wisconsin Nursing Coalition, Association of Operating Room Nurses, Association of Women's Health, Obstetrics, and Neonatal Nurses, Milwaukee, District Nurses Association, 1199W/United Professionals for Quality Health Care/SEIU, Wisconsin Association of Licensed Practical Nurses, Wisconsin Association of Nurse Anesthetists, Wisconsin Association of Rehabilitation Nurses, Wisconsin Chapter of American College Nurse-Midwives, Wisconsin Federation of Nurses and Health Professionals, AFT, AFL-CIO, Wisconsin Society of Perianesthesia, Professional Fire Fighters of Wisconsin, Care Foundation, Inc., Children's Health System, Inc., Consortium for Primary Care in Wisconsin, Family and Sports Orthopedic Center, Ltd., Family Resource Center of Iowa County Inc., Franciscan Skemp Healthcare, Wisconsin Alcohol, Tobacco and Other Drug Education Network (WATODEN), Wisconsin Environmental Health Association (WEHA), Wisconsin Primary Health Care Association, YWCA of Waukesha, WI Alzheimer's Association Chapter Network, La Crosse Health Department, Confront Addiction Now, Ozaukee Council, Playful Kids Learning Center, Price County Health Department, Highland Dental Health, Wisconsin Indianhead Technical College - Superior Campus, Medical Associates of Beaver Dam - St. Mary's/Dean Ventures, CARE Foundation, Family and Sports Orthopedic Center, LLC, Beaver Dam, National Honor Society, Beaver Dam, St. Croix Department of Health and Human Services, Central States Occupational Medicine Association, Mercy Health System/Mercy Care Insurance Company, Medical Health Associates, Fond du Lac County Tobacco Control Coalition, Winnebago County Tobacco Free Coalition, Senators Robson, Roessler, Burke, Rosenzweig, Cowles, Wirch, Schultz, Darling, Grobschmidt, Risser, Clausing, Erpenbach, Huelsman, George and Shibilski, Representatives Urban, Bock, Riley, Walker, M. Lehman, Townsend, Handrick, Freese, Ott, Klusman, Morris-Tatum, Coggs, Young, Schoof, J. Lehman, Hebl, Miller, Turner, La Fave, Black, Hasenohrl, Richards, Carpenter, Plouff, Cullen, Reynolds, Boyle, Travis, Wasserman, Berceau, Meyerhofer, Schneider, Sinicki, Staskunas, Lassa, Meyer and Krusick. Referred to Committee on Human Services and Aging.

SENATE BILL 197

1 **AN ACT to create** 15.77, 20.436, 25.17 (1) (tt), 25.66, 230.08 (2) (wy) and 255.15
 2 of the statutes; **relating to:** creating a health trust fund and health trust board,
 3 granting rule-making authority and making an appropriation.

Analysis by the Legislative Reference Bureau

In November 1998, Wisconsin and 45 other states entered into the Attorneys General Master Tobacco Settlement (settlement) with the tobacco industry, which requires tobacco companies to make payments to the states in perpetuity. Under the settlement, it is estimated that Wisconsin will receive a total of \$5.9 billion through 2025.

This bill directs that the first \$50 million received annually under the settlement be deposited into a segregated fund. Under the bill, moneys deposited into the fund may only be used for the costs associated with providing grants to organizations for activities related to smoking cessation and tobacco use reduction.

The bill also creates an independent board composed of the attorney general, two senators and two representatives of the assembly (one from each party in each house); the secretary of health and family services; the superintendent of public instruction; one physician with expertise in oncology, smoking cessation or public health; one student from the University of Wisconsin System; two high school students; five representatives of organizations that have as their primary organizational mission reducing the health or economic consequences of tobacco use or ameliorating the effects of tobacco use and reducing incidence of particular diseases or health conditions associated with tobacco use; one local health officer; and one person who is a minority group member.

The bill requires the board to develop a competitive grant program and to administer the grant program. Under the bill, the board must promulgate rules specifying criteria for receiving a grant, including performance standards for media-based projects for which grants are awarded.

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:

4 " SECTION 15.77 of the statutes is created to read: *tobacco control*
 5 15.77 (Health trust board.) (a) (There is created a health trust board.) The
 6 health trust board shall consist of the following members:
 7 (a) The attorney general or his or her designee.

except that the secretary of health and human services shall submit to the department of administration the proposed budget of the board exactly as prepared by the board to the extent that it comports with the requirements of the department of administration.

SENATE BILL 197

INSERT
1-2
cont

1 (b)^{2.} One majority party senator, one minority party senator, one majority party
2 representative to the assembly and one minority party representative to the
3 assembly, appointed as are the members of standing committees in their respective
4 houses.

5 (c)^{3.} The secretary of health and family services or his or her designee.

6 (d)^{4.} The superintendent of public instruction.

7 (e)^{5.} One physician with expertise in oncology, ^{cardiovascular disease,} smoking cessation or public
8 health.

9 (f)^{6.} One student from the University of Wisconsin System.

10 (g)^{7.} Two high school students, including at least one minority student, as
11 defined in s. 39.40 (1).

12 (h)^{8.} Five representatives of organizations that have as their primary
13 organizational mission reducing the health or economic consequences of tobacco use
14 or ameliorating the effects of tobacco use and reducing the incidence of particular
15 diseases or health conditions associated with tobacco use.

16 (i)^{9.} One local health officer.

17 (j)^{10.} One person who is a minority group member, as defined in s. 560.036 (1) (f).

18 (b)(2) The members specified in ~~sub (a) (1) through (j)~~ ^{par. (a) 5. to 12.} shall be appointed for 3-year
19 terms, except that if a student member appointed under ~~sub (1) (d) or (g)~~ ^{par (a) 6. or 7.} loses the
20 status upon which the appointment was based, he or she shall cease to be a member
21 of the ~~health trust~~ ^{tobacco control} board.

22 (c)(3) The board shall meet at least 4 times per year. Ten members constitute a
23 quorum. For the purpose of conducting business and exercising its powers, a
24 majority vote of the board is required. (1)

- 11. one retailer who sells tobacco products
- 12. one representative of a hospital

(end of insert 1-2)

SENATE BILL 197

SECTION 2

1 SECTION 2. 20.005(3) (schedule) of the statutes; at the appropriate place, insert
2 the following amounts for the purposes indicated:

3 # page 208, line 1; before that line insert;

1999-00 2000-01

INSERT

4 "20.436 Tobacco health care board^(b)

1-6

SCHEDULE

5 (1) SMOKING CESSATION AND EDUCATION

6	(tb) General program operations	SEG	A B	400,000 100	400,000 100
7	(tc) Grants	SEG	B C	2,092,000 -0-	28,200,000 100

8 (g) Gifts and grants PR C -0- -0-

9 # page 359, line 14; after that line insert:
SECTION 3. 20.436 of the statutes is created to read:

INSERT 2-2

10 20.436 Health trust board. There is appropriated from the ^{tobacco control} health trust fund
11 to the ^{tobacco control} health trust board for the following programs:

12 (1) SMOKING CESSATION AND EDUCATION. ^(tb) General program operations. ^{Biennially,} The
13 amounts in the schedule for general program operations of the ^{tobacco control} health trust board.

14 ^(tc) Grants. ^{As a continuing appropriation} Biennially, the amounts in the schedule for the purposes specified
15 under s. 255.15 (3). "

16 (g) Gifts and grants. All moneys received from gifts, grants and donations for
17 the purposes specified under s. 255.15. ^{to be used for those purposes}

18 SECTION 4. 25.17 (1) (tt) of the statutes is created to read:

19 25.17 (1) (tt) Health trust fund (s. 25.66);

20 SECTION 5. 25.66 of the statutes is created to read:

21 25.66 Health trust fund. (1) DEFINITION. In this section, "board" means the
22 health trust board.

23 (2) CREATION. There is created a separate nonlapsible trust fund, known as the
24 health trust fund, to consist of the lesser of the following:

SENATE BILL 197

1 (a) The first \$50,000,000 of the moneys received annually under the Attorneys
2 General Master Tobacco Settlement Agreement of November 23, 1998.

3 (b) The moneys received annually under the Attorneys General Master Tobacco
4 Settlement Agreement of November 23, 1998.

5 (3) DISTRIBUTION. Amounts in the fund may be distributed only for the purposes
6 specified in s. 20.436.

7 #. page 1198, line 23: after that line insert!
"SECTION 6. 230.08 (2) (wy) of the statutes is created to read:

8 230.08 (2) (wy) The executive director and staff of the health trust board. (1) tobacco control

INSERT
2-4

9 SECTION 7. 255.15 of the statutes is created to read:

10 255.15 Health trust board. (1) DEFINITIONS. In this section:

11 (a) "Board" means the health trust board under s. 15.77. tobacco control board

12 (b) "Tobacco settlement" means the Attorneys General Master Tobacco
13 Settlement Agreement of November 23, 1998.

14 (m) (2) DUTIES. The board shall do all of the following:

15 (a) Appoint an executive director within the classified service who shall employ
16 staff within the classified service with appropriate programmatic and technical
17 expertise.

18 (b) Administer the grant program under sub. (3).

19 (c) Promulgate rules establishing criteria for recipients of grants awarded
20 under sub. (3), including performance-based standards for grant recipients that
21 propose to use the grant for media efforts. The board shall ensure that programs or
22 projects conducted under the grants are culturally sensitive.

23 (d) Provide a forum for the discussion, development, and recommendation of
24 public policy alternatives in the field of smoking cessation and prevention.

✓
INSERT
2-8

✓

SENATE BILL 197

SECTION 7

1 (e) Provide a clearinghouse of information on matters relating to tobacco issues
 2 and how they are being met in different places throughout the nation such that both
 3 lay and professional groups in the field of government, health care and education
 4 may have additional avenues for sharing experiences and interchanging ideas in the
 5 formulation of public policy on tobacco.

[END INSERT 2-8] etc

6 (3) GRANTS. From the appropriation under s. 20.436 (1) (b), the board may
 7 award grants to public and private organizations for any of the following:

- 8 (a) Tobacco use cessation and education programs.
- 9 (b) School-based tobacco use prevention programs.
- 10 (c) Marketing activities that promote tobacco use cessation and that decrease
 11 the likelihood of initial tobacco use.
- 12 (d) Projects designed to reduce tobacco use among minorities and pregnant
 13 women.
- 14 (e) Surveillance and evaluation of the prevalence of tobacco use and exposure
 15 to environmental tobacco smoke among youth and adults.
- 16 (f) Development of public and private policies that restrict access to tobacco
 17 products and reduce exposure to environmental tobacco smoke.
- 18 (g) Development of partnerships among businesses or other organizations and
 19 communities to address the needs of and to educate specific populations that are
 20 targeted by the tobacco industry.
- 21 (h) Scientific research on tobacco-related cancer prevention.
- 22 (i) Other activities that address tobacco-related issues.

INSERT 2-11

23 (4) REPORTS. Not later than July 1, 2001, and annually thereafter, the board
 24 shall submit to the governor and to the chief clerk of each house of the legislature for
 25 distribution under s. 13.172 (2) a report that evaluates the success of the grant

regarding the allocation of funding for comprehensive tobacco control programs

(P) Develop and prepare an annual plan regarding the allocation of funding for a comprehensive tobacco control program based on successful tobacco control programs in other states and based on recommendation of the U.S. Centers for Disease Control

SENATE BILL 197

1 program under sub. (3). The report shall specify the number of grants awarded
2 during the immediately preceding fiscal year and the purpose for which each grant
3 was made. The report shall also specify donations and grants accepted by the board
4 under sub. (5).

5 (5) FUNDS. The board may accept for any of its purposes any donations and
6 grants of money, equipment, supplies, materials and services from any person. The
7 board shall include in the report under sub. (4) any donation or grant accepted by the
8 board under this subsection, including the nature, amount and conditions, if any, of
9 the donation or grant and the identity of the donor.

10 (6) SUBCOMMITTEES. The board may create subcommittees to assist in its work.
11 If the board creates subcommittees, one of the subcommittees shall address the issue
12 of populations most adversely affected by tobacco. (11)

13 SECTION 9158. Nonstatutory provisions; other. #. Page 1570, line 16: after
14 that line insert!

15 (1) ^{TOBACCO CONTROL} HEALTH TRUST BOARD. Notwithstanding section 15.77 (2) of the statutes, as
16 created by this act, 4 of the initial members of the ^{tobacco control} health trust board appointed under
17 section 15.77(1)(a) to (j) of the statutes, as created by this act, shall serve for terms
18 expiring on May 1, 2003; 4 of the initial members of the ^{tobacco control} health trust board appointed
19 under section 15.77(1)(a) to (j) of the statutes, as created by this act, shall serve for
20 terms expiring on May 1, 2002; and 5 of the initial members of the ^{tobacco control} health trust board
21 appointed under section 15.77(1)(e) to (j) of the statutes, as created by this act, shall
22 serve for a term expiring on May 1, 2001. (11)

23 SECTION 9458. Effective dates; other.

24 (1) HEALTH TRUST FUND. This act takes effect on the day after publication of the
25 1999-2001 biennial budget act.

(END)

INSERT 2-18 cont.

nonstat
INSERT 2-20

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1041/1dn
TAY:wlj:km

June 29, 1999

On the advice of Assistant Chief Counsel, Jeff Kuesel, I eliminated the word "only" from the segregated fund language because that word would impermissibly bind future legislatures (it also made it questionable whether the moneys could be spent for administrative costs). However, please do not be concerned about that. The moneys are only appropriated for the purposes we have specified in the bill. There is no way that moneys from the fund may be used for any other purpose, since they are not appropriated for any other purpose. Only by amending the statutes may those funds be used for any other purpose, which would be the case even with the word "only."

Tina A. Yacker
Legislative Attorney
Phone: (608) 261-6927
E-mail: Tina.Yacker@legis.state.wi.us

Yacker, Tina

From: Burnett, Douglas
Sent: Tuesday, June 29, 1999 7:58 PM
To: Yacker, Tina
Cc: Hubli, Scott
Subject: FW: Concerns with Tobacco Bill Draft

Tina-We just got the tobacco draft reviewed and there are 2 substantive issues with it-not the first one below, but 2 and 3. Is it possible to redraft this?

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

From: Mason, Cory
Sent: Tuesday, June 29, 1999 7:37 PM
To: Robson, Judy; Burnett, Douglas
Subject: Concerns with Tobacco Bill Draft

Doug,

Judy has three changes:

- Page 1, line 4:** The reference to the "Health Trust Board" should read "Tobacco Control Board" as it does throughout the rest of the bill.
Please make this change
- Page 3, line 20:** Item 9. Page 351, line 5: delete line 5 to 7. Why is this deleted and does it any way affect the Board or Gwen's minority health Board?
- Page 5, line 18:** Item 18. Fails to include the following criterion for a grant:
Development of public and private policies that restrict access to tobacco products and reduce exposure to environmental tobacco smoke. (See SB 197, Section 7, (3) (f).)
Please add this provision.

Cory Mason
Committee Clerk
Senator Robson's Office
Human Services and Aging
JCRAR

PO Box 7882
15S
State Capitol
Madison WI, 53707-7882
608/266-2253
608/267-5171
cory.mason@legis.state.wi.us

+jlg

SDC:.....Walter - #2601, Tobacco settlement funds

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

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

2 1. Page 24, line 9: after that line insert:

3 "SECTION 28m. 15.195 (1) of the statutes is created to read:

4 15.195 (1) ~~HEALTH TRUST BOARD~~ ^{TOBACCO CONTROL} BOARD. (a) There is created a tobacco control board,
5 except that the secretary of health and human services shall submit to the
6 department of administration the proposed budget of the board exactly as prepared
7 by the board to the extent that it comports with the requirements of the department
8 of administration. The tobacco control board shall consist of the following members:

9 1. The attorney general or his or her designee.

1 2. One majority party senator, one minority party senator, one majority party
2 representative to the assembly and one minority party representative to the
3 assembly, appointed as are the members of standing committees in their respective
4 houses.

5 3. The secretary of health and family services or his or her designee.

6 4. The superintendent of public instruction.

7 5. One physician with expertise in oncology, cardiovascular disease, smoking
8 cessation or public health.

9 6. One student from the University of Wisconsin System.

10 7. Two high school students, including at least one minority student, as defined
11 in s. 39.40 (1).

12 8. Five representatives of organizations that have as their primary
13 organizational mission reducing the health or economic consequences of tobacco use
14 or ameliorating the effects of tobacco use and reducing the incidence of particular
15 diseases or health conditions associated with tobacco use.

16 9. One local health officer.

17 10. One person who is a minority group member, as defined in s. 560.036 (1)
18 (f).

19 11. One retailer who sells tobacco products.

20 12. One representative of a hospital.

21 (b) The members specified in par. (a) 5. to 12. shall be appointed for 3-year
22 terms, except that if a student member appointed under par. (a) 6. or 7. loses the
23 status upon which the appointment was based, he or she shall cease to be a member
24 of the tobacco control board.

1 (c) The board shall meet at least 4 times per year. Ten members constitute a
2 quorum. For the purpose of conducting business and exercising its powers, a
3 majority vote of the board is required.”.

4 **2.** Page 25, line 12: delete the material beginning with that line and ending
5 with page 26, line 21.

6 **3.** Page 193, line 16: delete lines 16 and 17.

7 **4.** Page 202, line 14: delete that line.

8 **5.** Page 208, line 1: before that line insert:

9 **“20.436 Tobacco control board.**

10 (1) SMOKING CESSATION AND EDUCATION

11 (g) Gifts and grants	PR	C	-0-	-0-
12 (tb) General program operations	SEG	B	400,000	400,000
13 (tc) Grants	SEG	C	2,092,000	28,200,000

14 ”.

15 **6.** Page 300, line 18: delete “department of health and family services” and
16 substitute “tobacco control board”.

17 **7.** Page 309, line 18: delete “department of health and family services” and
18 substitute “tobacco control board”.

19 **8.** Page 340, line 5: delete lines 5 to 9.

20 *#. Page 352, line 14: delete lines 14 to 17*
9. Page 351, line 5: delete lines 5 to 7

21 **10.** Page 359, line 14: after that line insert:

22 **“SECTION 457m. 20.436 of the statutes is created to read:**

1 **20.436 Tobacco control board.** There is appropriated from the tobacco
2 control fund to the tobacco control board for the following programs:

3 **(1) SMOKING CESSATION AND EDUCATION. (g) Gifts and grants.** All moneys
4 received from gifts, grants and donations for the purposes specified under s. 255.15
5 to be used for those purposes.

6 **(tb) General program operations.** Biennially, the amounts in the schedule for
7 general program operations of the tobacco control board.

8 **(tc) Grants.** As a continuing appropriation, the amounts in the schedule for the
9 purposes specified under s. 255.15 (3).”.

10 **11.** Page 470, line 10: delete “\$26,600,000” and substitute “\$28,600,000”.

11 **12.** Page 470, line 13: delete “only”.

12 **13.** Page 1198, line 23: after that line insert:

13 “SECTION 2364me. 230.08 (2) (wy) of the statutes is created to read:

14 230.08 (2) (wy) The executive director and staff of the tobacco control board.”.

15 **14.** Page 1233, line 22: delete that line and substitute “section, “board” means
16 the tobacco control board.”.

17 **15.** Page 1233, line 23: delete the material beginning with that line and
18 ending with page 1234, line 19 and substitute:

19 “(1m) DUTIES. The board shall do all of the following:

20 (a) Appoint an executive director within the classified service who shall employ
21 staff within the classified service with appropriate programmatic and technical
22 expertise.

23 (b) Administer the grant program under sub. (3).

1 (c) Promulgate rules establishing criteria for recipients of grants awarded
2 under sub. (3), including performance-based standards for grant recipients that
3 propose to use the grant for media efforts. The board shall ensure that programs or
4 projects conducted under the grants are culturally sensitive.

5 (d) Provide a forum for the discussion, development, and recommendation of
6 public policy alternatives in the field of smoking cessation and prevention.

7 (e) Provide a clearinghouse of information on matters relating to tobacco issues
8 and how they are being met in different places throughout the nation such that both
9 lay and professional groups in the field of government, health care and education
10 may have additional avenues for sharing experiences and interchanging ideas in the
11 formulation of public policy on tobacco.

12 (f) Develop and prepare an annual plan regarding the allocation of funding for
13 a statewide tobacco control program based on successful tobacco control programs in
14 other states and based on recommendations of the U.S. Centers for Disease Control
15 regarding the allocation of funding for comprehensive tobacco control programs.”.

16 **16.** Page 1234, line 20: delete “20.435 (5) (tc)” and substitute “20.436 (1) (tc)”.

17 **17.** Page 1234, line 21: delete “department” and substitute “board”.

18 **18.** Page 1235, line 11: delete lines 11 to 19 and substitute:

19 “(b) From the appropriation under s. 20.436 (1) (tc), the board may distribute
20 grants for any of the following:”.

21 **19.** Page 1236, line 11: delete lines 11 to 21 and substitute:

22 “(d) From the appropriation under s. 20.436 (1) (tb), beginning in fiscal year
23 2000–01 and annually thereafter, the board may expend for administration of the

MUSE
page 1236, line 8: after that line insert!
text: treat "10. Development of policies that restrict access to tobacco products and reduce exposure to environmental tobacco smoke."

10. Development of policies that restrict access to tobacco products and reduce exposure to environmental tobacco smoke.”.

1 program under this section not more than 5% of the total amount deposited in that
2 fiscal year into the tobacco control fund under s. 25.66.

3 (4) REPORTS. Not later than July 1, 2001, and annually thereafter, the board
4 shall submit to the governor and to the chief clerk of each house of the legislature for
5 distribution under s. 13.172 (2) a report that evaluates the success of the grant
6 program under sub. (3). The report shall specify the number of grants awarded
7 during the immediately preceding fiscal year and the purpose for which each grant
8 was made. The report shall also specify donations and grants accepted by the board
9 under sub. (5).

10 (5) FUNDS. The board may accept for any of its purposes any donations and
11 grants of money, equipment, supplies, materials and services from any person. The
12 board shall include in the report under sub. (4) any donation or grant accepted by the
13 board under this subsection, including the nature, amount and conditions, if any, of
14 the donation or grant and the identity of the donor.

15 (6) SUBCOMMITTEES. The board may create subcommittees to assist in its work.
16 If the board creates subcommittees, one of the subcommittees shall address the issue
17 of populations most adversely affected by tobacco.”

18 **20.** Page 1520, line 8: delete lines 8 to 16.

19 **21.** Page 1542, line 9: delete lines 9 to 13.

20 **22.** Page 1570, line 16: after that line insert:

21 “(11mg) TOBACCO CONTROL BOARD. Notwithstanding section 15.77 (2) of the
22 statutes, as created by this act, 4 of the initial members of the tobacco control board
23 appointed under section 15.195 (1) (a) 5. to 12. of the statutes, as created by this act,
24 shall serve for terms expiring on May 1, 2003; 4 of the initial members of the tobacco

1 control board appointed under section 15.195 (1) (a) 5. to 12. of the statutes, as
 2 created by this act, shall serve for terms expiring on May 1, 2002; and 4 of the initial
 3 members of the health trust board appointed under section 15.195 (1) (a) 5. to 12. of
 4 the statutes, as created by this act, shall serve for a term expiring on May 1, 2001.”.

(END)

5

Page 1570, line 16 : after that line insert!

nonstat"

(9c) TOBACCO CONTROL BOARD; POSITION AUTHORIZATION.

NO TP

There is authorized for the tobacco control board
 1.0 FTE SES ^e executive director position and 1.0 FTE
SES other position to be funded from the appropriation
 under section 20.436 (1) (1b) ^v of the statutes, as
~~is~~ created by this act.”.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1041/2
TAY:wlj&jlg:jf

SDC:.....Walter -- #2601, Tobacco settlement funds

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

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

2 **1.** Page 24, line 9: after that line insert:

3 **"SECTION 28m.** 15.195 (1) of the statutes is created to read:

4 15.195 (1) TOBACCO CONTROL BOARD. (a) There is created a tobacco control
5 board, except that the secretary of health and human services shall submit to the
6 department of administration the proposed budget of the board exactly as prepared
7 by the board to the extent that it comports with the requirements of the department
8 of administration. The tobacco control board shall consist of the following members:

9 1. The attorney general or his or her designee.

1 2. One majority party senator, one minority party senator, one majority party
2 representative to the assembly and one minority party representative to the
3 assembly, appointed as are the members of standing committees in their respective
4 houses.

5 3. The secretary of health and family services or his or her designee.

6 4. The superintendent of public instruction.

7 5. One physician with expertise in oncology, cardiovascular disease, smoking
8 cessation or public health.

9 6. One student from the University of Wisconsin System.

10 7. Two high school students, including at least one minority student, as defined
11 in s. 39.40 (1).

12 8. Five representatives of organizations that have as their primary
13 organizational mission reducing the health or economic consequences of tobacco use
14 or ameliorating the effects of tobacco use and reducing the incidence of particular
15 diseases or health conditions associated with tobacco use.

16 9. One local health officer.

17 10. One person who is a minority group member, as defined in s. 560.036 (1)
18 (f).

19 11. One retailer who sells tobacco products.

20 12. One representative of a hospital.

21 (b) The members specified in par. (a) 5. to 12. shall be appointed for 3–year
22 terms, except that if a student member appointed under par. (a) 6. or 7. loses the
23 status upon which the appointment was based, he or she shall cease to be a member
24 of the tobacco control board.

1 (c) The board shall meet at least 4 times per year. Ten members constitute a
2 quorum. For the purpose of conducting business and exercising its powers, a
3 majority vote of the board is required.”.

4 **2.** Page 25, line 12: delete the material beginning with that line and ending
5 with page 26, line 21.

6 **3.** Page 193, line 16: delete lines 16 and 17.

7 **4.** Page 202, line 14: delete that line.

8 **5.** Page 208, line 1: before that line insert:

9 **“20.436 Tobacco control board.**

10 (1) SMOKING CESSATION AND EDUCATION

11	(g) Gifts and grants	PR	C	-0-	-0-
12	(tb) General program operations	SEG	B	400,000	400,000
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5 to be used for those purposes.

6 (tb) *General program operations.* Biennially, the amounts in the schedule for
7 general program operations of the tobacco control board.

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19 “(b) From the appropriation under s. 20.436 (1) (tc), the board may distribute
20 grants for any of the following:”.

21 **19.** Page 1236, line 8: after that line insert:

22 “10. Development of policies that restrict access to tobacco products and reduce
23 exposure to environmental tobacco smoke.”.

24 **20.** Page 1236, line 11: delete lines 11 to 21 and substitute:

1 “(d) From the appropriation under s. 20.436 (1) (tb), beginning in fiscal year
2 2000–01 and annually thereafter, the board may expend for administration of the
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5 (4) REPORTS. Not later than July 1, 2001, and annually thereafter, the board
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4 created by this act, shall serve for terms expiring on May 1, 2002; and 4 of the initial
5 members of the health trust board appointed under section 15.195 (1) (a) 5. to 12. of
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7 **24.** Page 1570, line 16: after that line insert:

8 “(9c) TOBACCO CONTROL BOARD; POSITION AUTHORIZATION. There is authorized for
9 the tobacco control board 1.0 FTE SEG executive director position and 1.0 FTE SEG
10 other position to be funded from the appropriation under section 20.436 (1) (tb) of the
11 statutes, as created by this act.”.

12 (END)