

### Fiscal Estimate - 2007 Session

Original       Updated       Corrected       Supplemental

<b>LRB Number</b> <b>07-3775/1</b>	<b>Introduction Number</b> <b>AB-0717</b>	
<b>Description</b> The bill requires the manufacturer to file a written certification with Commerce stating the cigarettes it seeks to sell in Wisconsin meet the fire safety performance standard.		
<b>Fiscal Effect</b>		
<b>State:</b>		
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate		
<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Decrease Costs	
<b>Local:</b>		
<input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate		
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
<b>Fund Sources Affected</b>		
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
<b>Affected Ch. 20 Appropriations</b>		
<b>Agency/Prepared By</b> DOJ/ Mark Rinehart (608) 264-9463	<b>Authorized Signature</b> Mark Rinehart (608) 264-9463	<b>Date</b> 1/29/2008

## Fiscal Estimate Narratives

DOJ 1/29/2008

LRB Number <b>07-3775/1</b>	Introduction Number <b>AB-0717</b>	Estimate Type <b>Original</b>
<b>Description</b> The bill requires the manufacturer to file a written certification with Commerce stating the cigarettes it seeks to sell in Wisconsin meet the fire safety performance standard.		

### Assumptions Used in Arriving at Fiscal Estimate

Generally, 2007 Assembly Bill 717 prohibits any person from selling or offering to sell cigarettes to a person in Wisconsin unless the cigarettes meet certain testing, certification, identification, and fire safety performance standards. Any person who knowingly sells or offers to sell cigarettes in violation of these standards faces differing levels of forfeitures based on the type and frequency of the violations. The Department of Commerce (DOC) or the Department of Justice (DOJ) may file an action in civil court for violations of these standards. If DOC files, DOJ is required to provide its legal services.

It appears that the enforcement structure contemplated by AB 717 is similar to current law in Chapter 100, Wis. stats. Under ch. 100, the Department of Agriculture, Trade and Consumer Protection (DATCP) is directed to enforce various trade practice regulations and DOJ is required to furnish all legal services required by DATCP relating to the enforcement of many of those regulations. In practice, DATCP receives trade practice complaints, investigates the complaints, and attempts to mitigate the complaints. If DATCP's attempt to resolve a complaint is unsuccessful, DATCP refers the complaint to DOJ for prosecution.

The Department of Justice assumes that enforcement of most, if not all, violations of s. 167.35, as created by AB 717, would be handled much like current violations of trade practice regulations as described above.

DOJ is not aware of any information that accurately indicates how many new cases DOC would refer to DOJ for prosecution under the provisions of AB 717. If the number of new referrals to DOJ is significant, or DOJ is required to perform the initial investigations of many suspected violations of 167.35, the department will require additional resources to handle the increased caseload.

### Long-Range Fiscal Implications