

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2413/1dn

TAY:cmh:ijs

March 8, 1999

Senator Robson:

Because of time constraints, I have had to make certain decisions regarding the health trust board and the purposes of the grants. Please review the draft carefully to ensure that it comports with your intent. In particular, please note the following:

1. For this draft, I have included an appropriation but have specified "\$-0-" for expenditure in fiscal years 1999-00 and 2000-01. When you know the dollar amounts that you need to include in the proposal, contact me and I will either redraft the proposal or draft an amendment, whichever is appropriate. Please note, however, that s. 16.47 (2), stats., states that neither house may pass any bill containing an appropriation, increasing the cost of state government or decreasing state revenues by more than \$10,000 annually until both houses pass the executive budget bill, except that the governor or joint committee on finance or, under certain circumstances, the committee on organization of either house may enact emergency appropriation bills prior to the passage of the executive budget bill.

Note that if this bill is introduced and enacted as an emergency measure prior to passage of the budget, the appropriation set forth in this bill will be repealed by action of the budget bill (which repeals and recreates the appropriations schedule). You may instead wish to consider having this bill drafted as an amendment to the budget bill to include the correct appropriation line amount. Alternatively, you may wish to include an effective date that is later than the projected date for passage of the budget bill. Finally, you may instead wish to introduce this bill for potential passage after the passage of the budget bill. If you choose this option, please check with me after budget passage to ensure that the cross-references in this bill are still accurate and that the numbers for created statutes in the bill have not been supplanted by the budget bill.

2. I have provided for 3-year staggered terms only for those members who are not state officials. Usually, state officials serve on boards for their entire term of office (it would not make sense, for example, to limit the board membership term of the Attorney General to three years if the Attorney General were elected for several consecutive terms of office). The four members that are appointed by the rest of the board will also serve staggered terms. Because of that, some of those members will remain on the board after others have left. However, under this draft, none of the four members appointed by the rest of the board will be able to vote on the appointment of a successor to one of those four members. This seems like the best way to avoid possible delegation problems. Is that ok?

3. You had mentioned that you wanted the board to “plan, implement, review and budget the tobacco settlement.” With some time to reflect, I realized that I did not really know what that meant. Please review s. 255.15 (2) (c), created in this draft, to determine if I’ve captured your intent. Is the board to make recommendations to DOA regarding the expenditure of all tobacco settlement moneys? Or is the board to determine its budget based on the amounts to be deposited in the trust fund? Note that if you mean the latter, that would already be part of the budget process and there would be no need to specify it. If it is the former, must DOA follow the board’s suggestions? Keep in mind that the board (under this draft) is financed with \$100 million annually of the tobacco settlement moneys, but presumably that would not account for all of the settlement moneys. Do you intend the board to have some measure of control over all of the settlement moneys?

4. You may wish to impose a matching requirement on grant recipients such as that found in s. 46.93 (2m) (grants administered by the adolescent pregnancy prevention and pregnancy services board), which requires a grant recipient to provide matching funds equal to 20% of the grant amount awarded. This is not legally required, but it is done frequently.

5. The recommendations of the CDC are not very descriptive. What is meant, for example, by “community programs to reduce the burden of tobacco–related diseases”? The description that follows that term does not seem to be substantively different from the description of “community programs to reduce tobacco use.” I think the CDC outline is instructive in budgeting for certain activities but may actually be more specific than you need to be in this bill. I think your objective might be better met by specifying broad program goals into which the specific recommendations may fit. Please review s. 255.15 (3), created in this bill, to determine if I’ve captured your intent with respect to the CDC outline.

You may also wish to note, in determining the amounts to specify in the appropriations schedule, that the CDC recommends that about 5% of the total annual program funds be allocated to state program administration and management.

If you or any committee members have any questions about this draft, I would be happy to meet with you to discuss the draft. Please let me know if you wish to waive confidentiality with respect to any of the committee members or any other person. Otherwise, I will be unable to speak with the other committee members unless you are present.

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