



*SOON* *D-NOTE*  
State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0411/12  
TY/ML/DK:cmh:km

*In edit 6/11*

*RMR*

LFB:.....Goldman - Tobacco control program

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

**LFB AMENDMENT**

**TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 130, line 7: after that line insert:

3 “SECTION **34d.** 15.197 (28) of the statutes is created to read:

4 15.197 (**28**) TOBACCO CONTROL COUNCIL. (a) There is created a tobacco control  
5 council. The council shall consist of the following members:

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

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

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

12 4. The superintendent of public instruction or his or her designee.

*who is enrolled in an institution within*

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

2 6. One student ~~from~~ the University of Wisconsin System.

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

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

9 9. One local health officer.

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

11 (f).

12 11. One member of the Wisconsin Grocery Association.

13 12. One member of the Wisconsin Health and Hospital Association.

14 (b) The members specified in par. (a) 5. to 12. shall be appointed for 3-year  
15 terms, except that if a student member appointed under par. (a) 6. or 7. loses the  
16 status upon which the appointment was based, he or she shall cease to be a member  
17 of the tobacco control council. The Governor shall designate one of the members  
18 appointed under par. (a) 5. to 12. as chairperson of the council.

19 (c) The council shall meet at least 4 times per year. Eleven members constitute  
20 a quorum. For the purpose of conducting business and ~~exercising its powers~~, a  
21 majority vote of the <sup>entire</sup> council is required.

22 (d) If the council creates subcommittees, one subcommittee shall study the  
23 issue of those populations most adversely affected by tobacco.”

24 2. Page 384, line 4: delete lines 4 to 9.

*making final recommendations  
under ss. 255.15(2)*

1           **3.** Page 391, line 7: delete lines 7 to 9 and substitute:

2           “**SECTION 250m.** 20.250 (1) (k) of the statutes is created to read:

3           20.250 (1) (k) *Tobacco-related illnesses.* All moneys received from the  
4           department of health and human services under s. 255.15 (3) (a) 4, for tobacco use  
5           prevention and cessation activities.”

6           **4.** Page 392, line 8: delete lines 8 to 10.

7           **5.** Page 400, line 5: after that line insert:

8           “**SECTION 294m.** 20.285 (1) (kr) of the statutes is created to read:

9           20.285 (1) (kr) *University of Wisconsin Center for Tobacco Research.* All moneys  
10          received from the department of health and human services under s. 255.15 (3) (a)  
11          1, to advance the work of the University of Wisconsin Center for Tobacco Research  
12          and Intervention in developing new educational programs to discourage tobacco use,  
13          determining the most effective strategies for preventing tobacco use and expanding  
14          smoking cessation programs throughout the state.”

15          **6.** Page 420, line 19: after that line insert:

16          “**SECTION 385e.** 20.435 (1) (tc) of the statutes is created to read:

17          20.435 (1) (tc) *Program operations; statewide tobacco control program.* From  
18          the tobacco control fund, subject to s. 255.15 (3) (d), the amounts in the schedule for  
19          the general program operations of the statewide tobacco control program under s.  
20          255.15.”

21          **7.** Page 430, line 4: after that line insert:

22          “**SECTION 432g.** 20.435 (5) (fh) of the statutes is created to read:

23          20.435 (5) (fh) *Community health services.* The amounts in the schedule for the  
24          minority health program under s. 146.185 and for grants under s. 250.15 ~~to~~

add  
comma  
after  
period

1 ~~community health centers that provide primary health care, health education and~~  
2 ~~social services to low-income individuals.”~~

3 **8.** Page 430, line 23: after that line insert:

4 “**SECTION 439m.** 20.435 (5) (tc) of the statutes is created to read:

5 20.435 (5) (tc) *Statewide tobacco control program.* From the tobacco control  
6 fund the amounts in the schedule for the purposes specified under s. 255.15 (3) (a)  
7 and (b).”

8 **9.** Page 497, line 19: after that line insert:

9 “**SECTION 698m.** 25.17 (1) (tc) of the statutes is created to read:

10 25.17 (1) (tc) Tobacco control fund (s. 25.66);”

11 **10.** Page 501, line 16: after that line insert:

12 “**SECTION 717m.** 25.66 of the statutes is created to read:

13 **25.66 Tobacco control fund.** (1) There is created a separate nonlapsible  
14 trust fund, known as the tobacco control fund, to consist of the following:

15 (a) The first \$2,492,000 of the moneys received in fiscal year 1999–2000 under  
16 the Attorneys General Master Tobacco Settlement Agreement of November 23, 1998.

17 (b) Beginning in fiscal year 2000–01, the first \$26,600,000 of the moneys  
18 received each year under the Attorneys General Master Tobacco Settlement  
19 Agreement of November 23, 1998.

20 (2) Amounts in the fund may be distributed only for the purposes specified in  
21 s. 255.15.”

22 **11.** Page 983, line 3: after that line insert:

23 “**SECTION 2041g.** 115.25 (38) of the statutes is created to read:

letter "g" 95

the department of public instruction shall

Page 1415, line 2: after that line insert:

~~1415~~ (19)

SOFTWARE TRAINING. In coordination with Pyramid Media and with the appropriate staff of the cooperative educational service agencies, offer free training through June 30, 2001, on the classroom use of the module of the Body Awareness Resource Network software that concerns smoking and tobacco use."

MOVE to # on p. 13  
→ (1) reverts  
2  
3  
4

5           **12.** Page 984, line 22: delete the material beginning with that line and ending  
6 with page 985, line 4.

7           **13.** Page 1048, line 25: after that line insert:

8           "SECTION 2240r. 146.185 of the statutes is created to read:

9           **146.185 Minority health. (1)** In this section:

10           (a) "African American" means a person whose ancestors originated in any of the  
11 black racial groups of Africa.

12           (b) "American Indian" means a person who is enrolled as a member of a  
13 federally recognized American Indian tribe or band or who possesses documentation  
14 of at least one-fourth American Indian ancestry or documentation of tribal  
15 recognition as an American Indian.

16           (c) "Asian" means a person whose ancestors originated in Asia south and  
17 southeast of the Himalayas and west of Wallace's Line in the Malay Archipelago.

18           (d) "Economically disadvantaged" means having an income that is at or below  
19 125% of the poverty line.

20           (e) "Hispanic" means a person of any race whose ancestors originated in  
21 Mexico, Puerto Rico, Cuba, Central America or South America or whose culture or  
22 origin is Spanish.

23           (f) "Minority group member" means any of the following:

24           1. An African American.

1           2. An American Indian.

2           3. A Hispanic.

3           4. An Asian.

4           (g) "Nonprofit corporation" means a nonstock corporation organized under ch.  
5 181 that is a nonprofit corporation, as defined in s. 181.0103 (17).

6           (h) "Poverty line" means the nonfarm federal poverty line for the continental  
7 United States, as defined by the federal department of labor under 42 USC 9902 (2).

8           (i) "State agency" has the meaning given in s. ~~16.004 (12) (a)~~ 16.70 (1)

9           (2) The department shall do all of the following:

10           (a) Identify the barriers to health care that prevent economically  
11 disadvantaged minority group members in this state from participating fully and  
12 equally in all aspects of life.

13           (b) Conduct statewide hearings on issues of concern to the health interests of  
14 economically disadvantaged minority group members.

*board of regents of  
the*

15           (c) Review, monitor and advise all state agencies with respect to the impact on  
16 the health of economically disadvantaged minority group members of current and  
17 emerging state policies, procedures, practices, statutes and rules.

*with the University of  
Wisconsin Hospitals  
and Clinics Authority*

18           (d) Work closely with all state agencies, including the University of Wisconsin

19 System and the technical college system, board with the private sector and with groups  
20 concerned with issues of the health of economically disadvantaged minority group  
21 members to develop long-term solutions to health problems of minority group  
22 members.

23           (e) Disseminate information on the status of the health of economically  
24 disadvantaged minority group members in this state.

1 (f) Encourage economically disadvantaged minority group members who are  
2 students to enter career health care professions, by developing materials that are  
3 culturally sensitive and appropriate and that promote health care professions as  
4 careers, for use by the University of Wisconsin System, the technical college system  
5 and the Medical College of Wisconsin in recruiting the students.

6 (g) Submit a biennial report on the activities of the department under this  
7 section that includes recommendations on program policies, procedures, practices  
8 and services affecting the health status of economically disadvantaged minority  
9 group members, to the appropriate standing committees under s. 13.172 (3) and to  
10 the governor.

11 (3) From the appropriation under s. 20.435 (5) (fh), the department shall award  
12 grants for activities to improve the health status of economically disadvantaged  
13 minority group members. A person may apply, in the manner specified by the  
14 department, for a grant of up to \$50,000 to conduct these activities. A grant awarded  
15 under this subsection may not exceed 50% of the cost of the activities. An applicant's  
16 required contribution for a grant may consist of funding or an in-kind contribution.

17 (4) From the appropriation under s. 20.435 (5) (fh), the department shall award  
18 a grant of up to \$100,000 in each fiscal year to a private nonprofit corporation that  
19 applies, in the manner specified by the department, to conduct a public information  
20 campaign on minority health.”

21 **14.** Page 1118, line 13: after that line insert:

22 “SECTION 2400m. 250.15 of the statutes is created to read:

*in each fiscal year*

1           **250.15 Grants for community health centers.** (1) DEFINITION. In this  
2 section, "community health center" means a health care entity that provides primary  
3 health care, health education and social services to low-income individuals.

4           (2) GRANTS. (a) From the appropriation under s. 20.435 (5) (fh), the department  
5 shall award \$50,000 ~~annually~~ <sup>in each fiscal year</sup> as a grant to a community health center in a 1st class  
6 city <sup>and shall award \$85,000 in each fiscal year as a grant to a</sup>  
7 <sup>nurse-managed community health center in a first class city</sup>

8           (b) From the appropriation under s. 20.435 (5) (fh), the department shall award  
9 grants totaling \$3,500,000 in fiscal year 1999-2000 and totaling \$4,000,000 in fiscal  
10 year 2000-~~2001~~ and in each fiscal year thereafter, to community health centers that  
11 receive federal grants under 42 USC 254b (e), (g) or (h). Each grant shall equal the  
12 amount that results from multiplying the total amount available for grants under  
13 this paragraph <sup>in the fiscal year in which the grants are to be awarded</sup> by the quotient obtained by dividing the amount that the community  
14 health center received under 42 USC 254b (e), (g) or (h) in the most recently  
15 concluded federal fiscal year in which those grants were made by the total amount  
16 of federal grants under 42 USC 254b (e), (g) and (h) made in that <sup>federal fiscal</sup> year to community  
17 health centers in this state."

17           **15.** Page 1150, line 5: after that line insert:

18           "SECTION 2486g. 255.15 of the statutes is created to read:

19           **255.15 Statewide tobacco control program.** (1) DEFINITIONS. In this  
20 section, "council" means the tobacco control council ~~under s. 15.197(28)~~

21           (2) PROGRAM DEVELOPMENT. (a) The council shall develop program and budget  
22 recommendations annually ~~beginning February 1, 2000~~ <sup>not later than February 1, 2000, and annually</sup> for a statewide tobacco  
23 control program and shall submit its recommendations ~~to the secretary of the~~ <sup>hereafter,</sup>  
24 ~~department.~~ <sup>health and family services</sup> The department shall review the recommendations and shall develop,

*health and family services*



*and shall base its recommendations*

*recommendations*

1 and prepare an annual detailed plan for, a statewide tobacco control program based  
 2 on the ~~recommendations~~. In developing the ~~program, the department and~~ the  
 3 council shall consider successful tobacco control programs in other states. The  
 4 annual plan shall specify how the funds under sub. (3) (b) will be distributed and the  
 5 projected cost of administering the statewide tobacco control program. ~~The~~  
 6 ~~department shall base its plan~~ on recommendations of the U.S. Centers for Disease  
 7 Control and Prevention regarding the allocation of funding for comprehensive  
 8 tobacco control programs.

9 (b) ~~Beginning~~ <sup>not later than</sup> March 1, 2000, and annually thereafter, the department shall  
 10 submit the plan under par. (a) to the joint committee on finance. If, within 14 days  
 11 after the submission of the plan, the cochairpersons of the committee do not notify  
 12 the secretary that a meeting has been scheduled for the purpose of reviewing the  
 13 plan, the department may expend the funds under sub. (3) (b) and (d) in the manner  
 14 proposed in the plan. If, within 14 days after the submission of the plan, the  
 15 cochairpersons notify the secretary that the committee has scheduled a meeting for  
 16 the purpose of reviewing the plan, the department may expend the funds under sub.  
 17 (3) (b) and (d) in the manner proposed in the plan only to the extent approved by the  
 18 committee.

19 (3) USE OF FUNDS. (a) From the appropriation under s. 20.435 (5) (tc), the  
 20 department shall distribute the following amounts to or for all of the following:

- 21 1. The University of Wisconsin <sup>Board of Regents of the</sup> ~~Center~~ <sup>a</sup> for Tobacco Research and Intervention,  
 22 \$1,000,000 in each fiscal year. <sup>System</sup>
- 23 2. The Thomas T. Melvin youth tobacco prevention and education program <sup>Center at the University of Wisconsin -</sup> ~~Madison~~  
 24 under s. 255.10, \$1,000,000 in fiscal year 1999-2000 and not less than \$1,000,000 in  
 25 fiscal year 2000-01 and in each fiscal year thereafter.

*department shall review the council's recommendations and shall develop and prepare an annual detailed plan for, a statewide tobacco control program based on the recommendations. The*

1           3. A youth smokeless tobacco cessation and prevention campaign developed by  
2 the division within the department that has primary responsibility for  
3 administering public health programs, \$92,000 in fiscal year 1999–2000.

4           4. The Medical College of Wisconsin for tobacco use prevention and cessation  
5 activities, \$500,000 in fiscal year 2000–01 and in each fiscal year thereafter. Funds  
6 distributed under this subdivision may only be used for activities directly related to  
7 preventing individuals from smoking and assisting smokers to quit smoking.

8           5. Grants to any applying school in which grade 6, 7 or 8 is taught that  
9 purchases in calendar year 1998 or after the module of the Body Awareness Resource  
10 Network software produced by Pyramid Media that concerns smoking and tobacco  
11 use, \$150,000 in fiscal year 2000–01. The amount of the grant to each school may  
12 not exceed the actual cost to ~~that~~<sup>the</sup> school of the software.

13           (b) After consulting with the council regarding the selection of specific  
14 programs or activities to be funded under this paragraph and subject to sub. (2) (b),

15 from the appropriation under s. 20.435 (5) (tc), the department may ~~expend money~~<sup>grants</sup> distribute  
16 for ~~all~~<sup>any</sup> of the following:

17           1. Community–based programs to reduce tobacco use.

18           2. Community–based programs to reduce the burden of tobacco–related  
19 diseases.

20           3. School–based programs relating to tobacco use cessation and prevention.

21           4. Enforcement of local laws aimed at reducing exposure to secondhand smoke  
22 and restricting underage access to tobacco.

23           5. Grants for partnerships among statewide organizations and businesses that  
24 support activities related to tobacco use cessation and prevention.

*\*\*\*NOTE: What are partnership grants? Who's partnering with whom and for what purpose exactly? Is there a way to describe what the committee was after here?\*\*\**

- 1           6. Marketing activities that promote tobacco use cessation and prevention.
- 2           7. Projects designed to reduce tobacco use among minorities and pregnant
- 3 women.
- 4           8. Other tobacco use cessation programs.
- 5           9. Surveillance of indicators of tobacco use and evaluation of the activities
- 6 funded under this section.

7           (c) No recipient of moneys distributed under par. (b) may expend more than

8 10% of those moneys for administrative costs.

9           (d) From the appropriation under s. 20.435 (1) (tc), subject to sub. (2) (b), in each

10 fiscal year the department may expend for administration of the program under this

11 section not more than 5% of the total amount deposited in that fiscal year into the

12 tobacco control fund under s. 25.66.

13           (4) REPORTS. Not later than ~~July~~<sup>September</sup> 1, 2002, and annually thereafter, the

14 department shall submit to the governor and to the chief clerk of each house of the

15 legislature for distribution under s. 13.172 (2) a report that evaluates the success of

16 the program under this section. The report shall specify the number of programs

17 supported under sub. (3) (b) during the immediately preceding fiscal year and the

18 purpose of each program. The report shall also specify any donations, grants or

19 bequests to the department for the tobacco control program under this section.”

20           **16.** Page 1408, line 15: after that line insert:

21           “(9i) TOBACCO CONTROL COUNCIL. Notwithstanding section 15.197 (28) (b) of the

22 statutes, as created by this act, 4 of the initial members of the tobacco control council

23 appointed under section 15.197 (28) (a) 5. to 12. of the statutes, as created by this act,

1 shall serve for terms expiring on ~~May~~<sup>July</sup> 1, 2003; 5 of the initial members of the tobacco  
 2 control council appointed under section 15.197 (28) (a) 5. to 12. of the statutes, as  
 3 created by this act, shall serve for terms expiring on ~~May~~<sup>July</sup> 1, 2002; and 4 of the initial  
 4 members of the tobacco control council appointed under section 15.197 (28) (a) 5. to  
 5 12. of the statutes, as created by this act, shall serve for a term expiring on ~~May~~<sup>July</sup> 1,  
 6 2001.

7 (9j) POSITION AUTHORIZATION. There is authorized for the department of health  
 8 and family services 2 FTE SEG positions to be funded from the appropriation under  
 9 section 20.435 (1) (tc) of the statutes, as created by this act, for the purpose of  
 10 assisting in the administration of the statewide tobacco control program under  
 11 section 255.15 of the statutes, as created by this act.

12 (9k) GRANT TO COMMUNITY HEALTH CENTER.

13 (a) Subject to paragraph (b), the department of health and family services shall  
 14 award ~~at least~~ \$1,000,000 and not more than ~~1,000,000~~ in fiscal year 1999–2000, ~~and~~  
 15 ~~not more than \$45,000 in fiscal year 2000–2001~~ as a grant to a community health  
 16 center that is located in a 1st class city and that emphasizes the health care needs  
 17 of ~~minorities~~ <sup>minority group members, as defined in section 146.185 (1)(f) of the statutes, as</sup> high-risk pregnant women, infants, children, the elderly ~~and urban~~  
 18 ~~Native Americans~~ <sup>and</sup> Created by this act,

19 (b) The department of health and family services may not award the ~~grant~~ grant  
 20 under paragraph (a) unless the department submits to the cochairpersons of the joint  
 21 committee on finance a report that details the amount of the proposed grant and the  
 22 services to be provided under the grant by the community health center. If the  
 23 cochairpersons of the committee do not notify the secretary of health and family  
 24 services within 14 working days after receiving the report that the committee has  
 25 scheduled a meeting for the purpose of reviewing the report, the department of

1 health and family services shall award the grant under paragraph (a). If, within 14  
2 working days after receiving the report, the cochairpersons notify the secretary of  
3 health and family services that the committee has scheduled a meeting for the  
4 purpose of reviewing the report, the department of health and family services may  
5 award the grant under paragraph (a) only if, and to the extent that, it is approved  
6 by the committee.”.

7 **17.** Page 1409, line 4: delete lines 4 to 25.

8 **18.** Page 1410, line 12: after that line insert:

9 “(2g) FINANCIAL AUDITS OF THE MEDICAL COLLEGE OF WISCONSIN AND THE  
10 UNIVERSITY OF WISCONSIN CENTER FOR TOBACCO RESEARCH AND INTERVENTION.

11 (a) Beginning on July 1, 2001, the legislative audit bureau shall conduct a  
12 financial audit of the Medical College of Wisconsin that examines the use of funds  
13 appropriated under section 20.250 (1) (k) of the statutes, as created by this act, and  
14 shall file its report as described under section 13.94 (1) (b) of the statutes by June 30,  
15 2002.

16 (b) Beginning on July 1, 2000, the legislative audit bureau shall conduct a  
17 financial audit of the University of Wisconsin Center for Tobacco Research and  
18 Intervention that examines the use of funds appropriated under section 20.285 (1)  
19 (kr) of the statutes, as created by this act, and shall file its report as described under  
20 section 13.94 (1) (b) of the statutes by June 30, 2001.”

← NO CHANGE -- JUST STRAY MARKS

21 **19.** Page 1424, line 23: delete the material beginning with that line and  
22 ending with page 1425, line 5.

23 **20.** Page 1473, line 21: delete lines 21 and 22.

24

(END)

X  
INSERT  
FR.  
page 5

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

LRBb0411/2dn  
TAY.....

cm4

Amie Goldman:

At the suggestion of Peter Dykman and Jeff Kuesel, I have made certain changes to this draft mostly for logic's sake. You may wish to review s. 255.15 (2). It reads differently from the motion, but I believe it accomplishes the same goal. If the council makes recommendations based on all of the information on which the department is to base its plan for a tobacco control program, and if the department must base its plan on the recommendations of the council, then simply by virtue of basing its plan on the council's recommendations, the department is basing its plans on the information that JFC desires the department to base its plans on.

Also, the terms for council members expire July 1, rather than May 1 (which is when board members' terms end), so I changed the dates in the nonstatutory provision.

Finally, the fiscal year ends on June 30 and the department is required to submit a report on July 1 that evaluates the success of the tobacco control program during the immediately preceding fiscal year. Since that would only give the department one day to evaluate the program and prepare the report, which the department is very unlikely to be able to do, I changed the date for submission to September 1. If you think that thwarts the committee's intent, I'll change it back, but then the likelihood is that the department will always be out of compliance with the statute.

add paren. →

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

**DRAFTER'S NOTE  
FROM THE  
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TAY:cmh:km

June 11, 1999

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Tina A. Yacker  
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E-mail: Tina.Yacker@legis.state.wi.us



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0411/Z  
TY/ML/DK:cmh:km

EWJ

LFB:.....Goldman - Tobacco control program

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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22 recommendations under s. 255.15 (2), a majority vote of the entire council is required.

23          (d) If the council creates subcommittees, one subcommittee shall study the  
24 issue of those populations most adversely affected by tobacco.”

1           **2.** Page 384, line 4: delete lines 4 to 9.

2           **3.** Page 391, line 7: delete lines 7 to 9 and substitute:

3           “**SECTION 250m.** 20.250 (1) (k) of the statutes is created to read:

4           20.250 (1) (k) *Tobacco-related illnesses.* All moneys received from the  
5 department of health and human services under s. 255.15 (3) (a) 4., for tobacco use  
6 prevention and cessation activities.”.

7           **4.** Page 392, line 8: delete lines 8 to 10.

8           **5.** Page 400, line 5: after that line insert:

9           “**SECTION 294m.** 20.285 (1) (kr) of the statutes is created to read:

10           20.285 (1) (kr) *University of Wisconsin Center for Tobacco Research* <sup>and Intervention</sup> All moneys  
11 received from the department of health and human services under s. 255.15 (3) (a)

12           1., to advance the work of the ~~University of Wisconsin Center for Tobacco Research~~  
*center at the University of Wisconsin - Madison*

13           and ~~intervention~~ *in developing new educational programs to discourage tobacco use,*  
14 determining the most effective strategies for preventing tobacco use and expanding  
15 smoking cessation programs throughout the state.”.

16           **6.** Page 420, line 19: after that line insert:

17           “**SECTION 385e.** 20.435 (1) (tc) of the statutes is created to read:

18           20.435 (1) (tc) *Program operations; statewide tobacco control program.* From  
19 the tobacco control fund, subject to s. 255.15 (3) (d), the amounts in the schedule for  
20 the general program operations of the statewide tobacco control program under s.  
21 255.15.”.

22           **7.** Page 430, line 4: after that line insert:

23           “**SECTION 432g.** 20.435 (5) (fh) of the statutes is created to read:

1           20.435 (5) (fh) *Community health services*. The amounts in the schedule for the  
2 minority health program under s. 146.185 and for grants under s. 250.15.”.

3           **8.** Page 430, line 23: after that line insert:

4           “**SECTION 439m.** 20.435 (5) (tc) of the statutes is created to read:

5           20.435 (5) (tc) *Statewide tobacco control program*. From the tobacco control  
6 fund the amounts in the schedule for the purposes specified under s. 255.15 (3) (a)  
7 and (b).”.

8           **9.** Page 497, line 19: after that line insert:

9           “**SECTION 698m.** 25.17 (1) (tc) of the statutes is created to read:

10           25.17 (1) (tc) Tobacco control fund (s. 25.66);”.

11           **10.** Page 501, line 16: after that line insert:

12           “**SECTION 717m.** 25.66 of the statutes is created to read:

13           **25.66 Tobacco control fund.** (1) There is created a separate nonlapsible  
14 trust fund, known as the tobacco control fund, to consist of the following:

15           (a) The first \$2,492,000 of the moneys received in fiscal year 1999–2000 under  
16 the Attorneys General Master Tobacco Settlement Agreement of November 23, 1998.

17           (b) Beginning in fiscal year 2000–01, the first \$26,600,000 of the moneys  
18 received each year under the Attorneys General Master Tobacco Settlement  
19 Agreement of November 23, 1998.

20           (2) Amounts in the fund may be distributed only for the purposes specified in  
21 s. 255.15.”.

22           **11.** Page 984, line 22: delete the material beginning with that line and ending  
23 with page 985, line 4.

24           **12.** Page 1048, line 25: after that line insert:

1           **SECTION 2240r.** 146.185 of the statutes is created to read:

2           **146.185 Minority health.** (1) In this section:

3           (a) “African American” means a person whose ancestors originated in any of the  
4 black racial groups of Africa.

5           (b) “American Indian” means a person who is enrolled as a member of a  
6 federally recognized American Indian tribe or band or who possesses documentation  
7 of at least one-fourth American Indian ancestry or documentation of tribal  
8 recognition as an American Indian.

9           (c) “Asian” means a person whose ancestors originated in Asia south and  
10 southeast of the Himalayas and west of Wallace’s Line in the Malay Archipelago.

11           (d) “Economically disadvantaged” means having an income that is at or below  
12 125% of the poverty line.

13           (e) “Hispanic” means a person of any race whose ancestors originated in  
14 Mexico, Puerto Rico, Cuba, Central America or South America or whose culture or  
15 origin is Spanish.

16           (f) “Minority group member” means any of the following:

- 17           1. An African American.
- 18           2. An American Indian.
- 19           3. A Hispanic.
- 20           4. An Asian.

21           (g) “Nonprofit corporation” means a nonstock corporation organized under ch.  
22 181 that is a nonprofit corporation, as defined in s. 181.0103 (17).

23           (h) “Poverty line” means the nonfarm federal poverty line for the continental  
24 United States, as defined by the federal department of labor under 42 USC 9902 (2).

25           (i) “State agency” has the meaning given in s. 16.70 (1).

1           (2) The department shall do all of the following:

2           (a) Identify the barriers to health care that prevent economically  
3 disadvantaged minority group members in this state from participating fully and  
4 equally in all aspects of life.

5           (b) Conduct statewide hearings on issues of concern to the health interests of  
6 economically disadvantaged minority group members.

7           (c) Review, monitor and advise all state agencies with respect to the impact on  
8 the health of economically disadvantaged minority group members of current and  
9 emerging state policies, procedures, practices, statutes and rules.

10           (d) Work closely with all state agencies, including the board of regents of the  
11 University of Wisconsin System and the technical college system board, with the  
12 University of Wisconsin Hospitals and Clinics Authority, with the private sector and  
13 with groups concerned with issues of the health of economically disadvantaged  
14 minority group members to develop long-term solutions to health problems of  
15 minority group members.

16           (e) Disseminate information on the status of the health of economically  
17 disadvantaged minority group members in this state.

18           (f) Encourage economically disadvantaged minority group members who are  
19 students to enter career health care professions, by developing materials that are  
20 culturally sensitive and appropriate and that promote health care professions as  
21 careers, for use by the University of Wisconsin System, the technical college system  
22 and the Medical College of Wisconsin in recruiting the students.

23           (g) Submit a biennial report on the activities of the department under this  
24 section that includes recommendations on program policies, procedures, practices  
25 and services affecting the health status of economically disadvantaged minority

1 group members, to the appropriate standing committees under s. 13.172 (3) and to  
2 the governor.

3 (3) From the appropriation under s. 20.435 (5) (fh), the department shall award  
4 grants for activities to improve the health status of economically disadvantaged  
5 minority group members. A person may apply, in the manner specified by the  
6 department, for a grant of up to \$50,000 in each fiscal year to conduct these activities.  
7 A grant awarded under this subsection may not exceed 50% of the cost of the  
8 activities. An applicant's required contribution for a grant may consist of funding or  
9 an in-kind contribution.

10 (4) From the appropriation under s. 20.435 (5) (fh), the department shall award  
11 a grant of up to \$100,000 in each fiscal year to a private nonprofit corporation that  
12 applies, in the manner specified by the department, to conduct a public information  
13 campaign on minority health.”.

14 **13.** Page 1118, line 13: after that line insert:

15 “SECTION 2400m. 250.15 of the statutes is created to read:

16 **250.15 Grants for community health centers. (1) DEFINITION.** In this  
17 section, “community health center” means a health care entity that provides primary  
18 health care, health education and social services to low-income individuals.

19 (2) GRANTS. (a) From the appropriation under s. 20.435 (5) (fh), the department  
20 shall award \$50,000 in each fiscal year as a grant to a community health center in  
21 a 1st class city and shall award \$85,000 in each fiscal year as a grant to a  
22 nurse-managed community health center in a first class city.

23 (b) From the appropriation under s. 20.435 (5) (fh), the department shall award  
24 grants totaling \$3,500,000 in fiscal year 1999-2000 and totaling \$4,000,000 in fiscal

1 year 2000–01 and in each fiscal year thereafter, to community health centers that  
2 receive federal grants under 42 USC 254b (e), (g) or (h). Each grant shall equal the  
3 amount that results from multiplying the total amount available for grants under  
4 this paragraph in the fiscal year in which the grants are to be awarded by the  
5 quotient obtained by dividing the amount that the community health center received  
6 under 42 USC 254b (e), (g) or (h) in the most recently concluded federal fiscal year  
7 in which those grants were made by the total amount of federal grants under 42 USC  
8 254b (e), (g) and (h) made in that federal fiscal year to community health centers in  
9 this state.”.

10 **14.** Page 1150, line 5: after that line insert:

11 “SECTION 2486g. 255.15 of the statutes is created to read:

12 **255.15 Statewide tobacco control program. (1) DEFINITIONS.** In this  
13 section, “council” means the tobacco control council.

14 **(2) PROGRAM DEVELOPMENT.** (a) The council shall develop program and budget  
15 recommendations annually for a statewide tobacco control program and shall submit  
16 its recommendations not later than February 1, 2000, and annually thereafter, to the  
17 secretary of health and family services. In developing the recommendations, the  
18 council shall consider successful tobacco control programs in other states and shall  
19 base its recommendations on recommendations of the U.S. Centers for Disease  
20 Control and Prevention regarding the allocation of funding for comprehensive  
21 tobacco control programs. The department shall review the council’s  
22 recommendations and shall develop, and prepare an annual detailed plan for, a  
23 statewide tobacco control program based on the recommendations. The annual plan

1 shall specify how the funds under sub. (3) (b) will be distributed and the projected  
2 cost of administering the statewide tobacco control program.

3 (b) Not later than March 1, 2000, and annually thereafter, the department shall  
4 submit the plan under par. (a) to the joint committee on finance. If, within 14 days  
5 after the submission of the plan, the cochairpersons of the committee do not notify  
6 the secretary that a meeting has been scheduled for the purpose of reviewing the  
7 plan, the department may expend the funds under sub. (3) (b) and (d) in the manner  
8 proposed in the plan. If, within 14 days after the submission of the plan, the  
9 cochairpersons notify the secretary that the committee has scheduled a meeting for  
10 the purpose of reviewing the plan, the department may expend the funds under sub.  
11 (3) (b) and (d) in the manner proposed in the plan only to the extent approved by the  
12 committee.

13 (3) USE OF FUNDS. (a) From the appropriation under s. 20.435 (5) (tc), the  
14 department shall distribute the following amounts to or for all of the following:

15 1. The board of regents of the University of Wisconsin System for <sup>(true)</sup> tobacco  
16 research and intervention center at the University of Wisconsin-Madison,  
17 \$1,000,000 in each fiscal year.

18 2. The Thomas T. Melvin youth tobacco prevention and education program  
19 under s. 255.10, \$1,000,000 in fiscal year 1999-2000 and not less than \$1,000,000 in  
20 fiscal year 2000-01 and in each fiscal year thereafter.

21 3. A youth smokeless tobacco cessation and prevention campaign developed by  
22 the division within the department that has primary responsibility for  
23 administering public health programs, \$92,000 in fiscal year 1999-2000.

24 4. The Medical College of Wisconsin for tobacco use prevention and cessation  
25 activities, \$500,000 in fiscal year 2000-01 and in each fiscal year thereafter. Funds



1 distributed under this subdivision may only be used for activities directly related to  
2 preventing individuals from smoking and assisting smokers to quit smoking.

3 5. Grants to any applying school in which grade 6, 7 or 8 is taught that  
4 purchases in calendar year 1998 or after the module of the Body Awareness Resource  
5 Network software produced by Pyramid Media that concerns smoking and tobacco  
6 use, \$150,000 in fiscal year 2000–01. The amount of the grant to each school may  
7 not exceed the actual cost to the school of the software.

8 (b) After consulting with the council regarding the selection of specific  
9 programs or activities to be funded under this paragraph and subject to sub. (2) (b),  
10 from the appropriation under s. 20.435 (5) (tc), the department may distribute grants  
11 for any of the following:

- 12 1. Community-based programs to reduce tobacco use.
- 13 2. Community-based programs to reduce the burden of tobacco-related  
14 diseases.
- 15 3. School-based programs relating to tobacco use cessation and prevention.
- 16 4. Enforcement of local laws aimed at reducing exposure to secondhand smoke  
17 and restricting underage access to tobacco.
- 18 5. Grants for partnerships among statewide organizations and businesses that  
19 support activities related to tobacco use cessation and prevention.
- 20 6. Marketing activities that promote tobacco use cessation and prevention.
- 21 7. Projects designed to reduce tobacco use among minorities and pregnant  
22 women.
- 23 8. Other tobacco use cessation programs.
- 24 9. Surveillance of indicators of tobacco use and evaluation of the activities  
25 funded under this section.

1 (c) No recipient of moneys distributed under par. (b) may expend more than  
2 10% of those moneys for administrative costs.

3 (d) From the appropriation under s. 20.435 (1)(tc), subject to sub. (2)(b), in each  
4 fiscal year the department may expend for administration of the program under this  
5 section not more than 5% of the total amount deposited in that fiscal year into the  
6 tobacco control fund under s. 25.66.

7 (4) REPORTS. Not later than September 1, 2002, and annually thereafter, the  
8 department shall submit to the governor and to the chief clerk of each house of the  
9 legislature for distribution under s. 13.172 (2) a report that evaluates the success of  
10 the program under this section. The report shall specify the number of programs  
11 supported under sub. (3) (b) during the immediately preceding fiscal year and the  
12 purpose of each program. The report shall also specify any donations, grants or  
13 bequests to the department for the tobacco control program under this section.”

14 **15.** Page 1408, line 15: after that line insert:

15 “(9i) TOBACCO CONTROL COUNCIL. Notwithstanding section 15.197 (28) (b) of the  
16 statutes, as created by this act, 4 of the initial members of the tobacco control council  
17 appointed under section 15.197 (28) (a) 5. to 12. of the statutes, as created by this act,  
18 shall serve for terms expiring on July 1, 2003; 5 of the initial members of the tobacco  
19 control council appointed under section 15.197 (28) (a) 5. to 12. of the statutes, as  
20 created by this act, shall serve for terms expiring on July 1, 2002; and 4 of the initial  
21 members of the tobacco control council appointed under section 15.197 (28) (a) 5. to  
22 12. of the statutes, as created by this act, shall serve for a term expiring on July 1,  
23 2001.

24 (9k) GRANT TO COMMUNITY HEALTH CENTER.

1 (a) Subject to paragraph (b), the department of health and family services shall  
2 award \$1,000,000 in fiscal year 1999–2000 as a grant to a community health center  
3 that is located in a 1st class city and that emphasizes the health care needs of  
4 minority group members, as defined in section 146.185 (1) (f) of the statutes, as  
5 created by this act, high-risk pregnant women, infants, children and the elderly.

6 (b) The department of health and family services may not award the grant  
7 under paragraph (a) unless the department submits to the cochairpersons of the joint  
8 committee on finance a report that details the amount of the proposed grant and the  
9 services to be provided under the grant by the community health center. If the  
10 cochairpersons of the committee do not notify the secretary of health and family  
11 services within 14 working days after receiving the report that the committee has  
12 scheduled a meeting for the purpose of reviewing the report, the department of  
13 health and family services shall award the grant under paragraph (a). If, within 14  
14 working days after receiving the report, the cochairpersons notify the secretary of  
15 health and family services that the committee has scheduled a meeting for the  
16 purpose of reviewing the report, the department of health and family services may  
17 award the grant under paragraph (a) only if, and to the extent that, it is approved  
18 by the committee.”.

19 **16.** Page 1409, line 4: delete lines 4 to 25.

20 **17.** Page 1410, line 12: after that line insert:

21 “(2g) FINANCIAL AUDITS OF THE MEDICAL COLLEGE OF WISCONSIN AND THE  
22 UNIVERSITY OF WISCONSIN CENTER FOR TOBACCO RESEARCH AND INTERVENTION.

23 (a) Beginning on July 1, 2001, the legislative audit bureau shall conduct a  
24 financial audit of the Medical College of Wisconsin that examines the use of funds

1 appropriated under section 20.250 (1) (k) of the statutes, as created by this act, and  
2 shall file its report as described under section 13.94 (1) (b) of the statutes by June 30,  
3 2002.

4 (b) Beginning on July 1, 2000, the legislative audit bureau shall conduct a  
5 financial audit of the ~~University of Wisconsin Center for Tobacco Research and~~  
6 ~~Intervention~~ *center at the University of Wisconsin - Madison* that examines the use of funds appropriated under section 20.285 (1)  
7 (kr) of the statutes, as created by this act, and shall file its report as described under  
8 section 13.94 (1) (b) of the statutes by June 30, 2001.”.

9 **18.** Page 1415, line 2: after that line insert:

10 “(1g) SOFTWARE TRAINING. In coordination with Pyramid Media and with the  
11 appropriate staff of the cooperative educational service agencies, the department of  
12 public instruction shall offer free training through June 30, 2001, on the classroom  
13 use of the module of the Body Awareness Resource Network software that concerns  
14 smoking and tobacco use.”.

15 **19.** Page 1424, line 23: delete the material beginning with that line and  
16 ending with page 1425, line 5.

17 **20.** Page 1473, line 21: delete lines 21 and 22.

18

(END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0411/84  
TY/ML/DK:cmh&wlj:jf  
R myk

TODAY

LFB:.....Goldman - Tobacco control program

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 1. Page 130, line 7: after that line insert:

3 "SECTION 34d. 15.197 (28) of the statutes is created to read:

4 15.197 (28) TOBACCO CONTROL COUNCIL. (a) There is created a tobacco control  
5 council. The council shall consist of the following members:

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

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

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

12 4. The superintendent of public instruction or his or her designee.

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

2           6. One student who is enrolled in an institution within the University of  
3           Wisconsin System.

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

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

10          9. One local health officer.

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

13          11. One member of the Wisconsin Grocer Association.

14          12. One member of the Wisconsin Health and Hospital Association.

15          (b) The members specified in par. (a) 5. to 12. shall be appointed for 3-year  
16          terms, except that if a student member appointed under par. (a) 6. or 7. loses the  
17          status upon which the appointment was based, he or she shall cease to be a member  
18          of the tobacco control council. The Governor shall designate one of the members  
19          appointed under par. (a) 5. to 12. as chairperson of the council.

20          (c) The council shall meet at least 4 times per year. Eleven members constitute  
21          a quorum. For the purpose of conducting business and making final  
22          recommendations under s. 255.15 (2), a majority vote of the entire council is required.

23          (d) If the council creates subcommittees, one subcommittee shall study the  
24          issue of those populations most adversely affected by tobacco.”

1           **2.** Page 384, line 4: delete lines 4 to 9.

2           **3.** Page 391, line 7: delete lines 7 to 9 and substitute:

3           “**SECTION 250m.** 20.250 (1) (k) of the statutes is created to read:

4           20.250 (1) (k) *Tobacco-related illnesses.* All moneys received from the  
5           department of health and ~~human~~<sup>family</sup> services under s. 255.15 (3) (a) 4., for tobacco use  
6           prevention and cessation activities.”

7           **4.** Page 392, line 8: delete lines 8 to 10.

8           **5.** Page 400, line 5: after that line insert:

9           “**SECTION 294m.** 20.285 (1) (kr) of the statutes is created to read:

10           20.285 (1) (kr) *University of Wisconsin center for tobacco research and*  
11           *intervention.* All moneys received from the department of health and ~~human~~<sup>family</sup> services  
12           under s. 255.15 (3) (a) 1., to advance the work of the tobacco research and  
13           intervention center at the University of Wisconsin–Madison in developing new  
14           educational programs to discourage tobacco use, determining the most effective  
15           strategies for preventing tobacco use and expanding smoking cessation programs  
16           throughout the state.”

17           **6.** Page 420, line 19: after that line insert:

18           “**SECTION 385e.** 20.435 (1) (tc) of the statutes is created to read:

19           20.435 (1) (tc) *Program operations; statewide tobacco control program.* From  
20           the tobacco control fund, subject to s. 255.15 (3) (d), the amounts in the schedule for  
21           the general program operations of the statewide tobacco control program under s.  
22           255.15.”

23           **7.** Page 430, line 4: after that line insert:

24           “**SECTION 432g.** 20.435 (5) (fh) of the statutes is created to read:

1           20.435 (5) (fh) *Community health services*. The amounts in the schedule for the  
2 minority health program under s. 146.185 and for grants under s. 250.15.”.

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4           “**SECTION 439m.** 20.435 (5) (tc) of the statutes is created to read:

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7 and (b).”.

8           **9.** Page 497, line 19: after that line insert:

9           “**SECTION 698m.** 25.17 (1) (tc) of the statutes is created to read:

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11          **10.** Page 501, line 16: after that line insert:

12          “**SECTION 717m.** 25.66 of the statutes is created to read:

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14 trust fund, known as the tobacco control fund, to consist of the following:

15          (a) The first \$2,492,000 of the moneys received in fiscal year 1999–2000 under  
16 the Attorneys General Master Tobacco Settlement Agreement of November 23, 1998.

17          (b) Beginning in fiscal year 2000–01, the first \$26,600,000 of the moneys  
18 received each year under the Attorneys General Master Tobacco Settlement  
19 Agreement of November 23, 1998.

20          (2) Amounts in the fund may be distributed only for the purposes specified in  
21 s. 255.15.”.

22          **11.** Page 984, line 22: delete the material beginning with that line and ending  
23 with page 985, line 4.

24          **12.** Page 1048, line 25: after that line insert:



1           **SECTION 2240r.** 146.185 of the statutes is created to read:

2           **146.185 Minority health. (1)** In this section:

3           (a) “African American” means a person whose ancestors originated in any of the  
4 black racial groups of Africa.

5           (b) “American Indian” means a person who is enrolled as a member of a  
6 federally recognized American Indian tribe or band or who possesses documentation  
7 of at least one-fourth American Indian ancestry or documentation of tribal  
8 recognition as an American Indian.

9           (c) “Asian” means a person whose ancestors originated in Asia south and  
10 southeast of the Himalayas and west of Wallace’s Line in the Malay Archipelago.

11           (d) “Economically disadvantaged” means having an income that is at or below  
12 125% of the poverty line.

13           (e) “Hispanic” means a person of any race whose ancestors originated in  
14 Mexico, Puerto Rico, Cuba, Central America or South America or whose culture or  
15 origin is Spanish.

16           (f) “Minority group member” means any of the following:

- 17           1. An African American.
- 18           2. An American Indian.
- 19           3. A Hispanic.
- 20           4. An Asian.

21           (g) “Nonprofit corporation” means a nonstock corporation organized under ch.  
22 181 that is a nonprofit corporation, as defined in s. 181.0103 (17).

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24 United States, as defined by the federal department of labor under 42 USC 9902 (2).

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2           (a) Identify the barriers to health care that prevent economically  
3 disadvantaged minority group members in this state from participating fully and  
4 equally in all aspects of life.

5           (b) Conduct statewide hearings on issues of concern to the health interests of  
6 economically disadvantaged minority group members.

7           (c) Review, monitor and advise all state agencies with respect to the impact on  
8 the health of economically disadvantaged minority group members of current and  
9 emerging state policies, procedures, practices, statutes and rules.

10          (d) Work closely with all state agencies, including the board of regents of the  
11 University of Wisconsin System and the technical college system board, with the  
12 University of Wisconsin Hospitals and Clinics Authority, with the private sector and  
13 with groups concerned with issues of the health of economically disadvantaged  
14 minority group members to develop long-term solutions to health problems of  
15 minority group members.

16          (e) Disseminate information on the status of the health of economically  
17 disadvantaged minority group members in this state.

18          (f) Encourage economically disadvantaged minority group members who are  
19 students to enter career health care professions, by developing materials that are  
20 culturally sensitive and appropriate and that promote health care professions as  
21 careers, for use by the University of Wisconsin System, the technical college system  
22 and the Medical College of Wisconsin in recruiting the students.

23          (g) Submit a biennial report on the activities of the department under this  
24 section that includes recommendations on program policies, procedures, practices  
25 and services affecting the health status of economically disadvantaged minority

1 group members, to the appropriate standing committees under s. 13.172 (3) and to  
2 the governor.

3 (3) From the appropriation under s. 20.435 (5) (fh), the department shall award  
4 grants for activities to improve the health status of economically disadvantaged  
5 minority group members. A person may apply, in the manner specified by the  
6 department, for a grant of up to \$50,000 in each fiscal year to conduct these activities.  
7 A grant awarded under this subsection may not exceed 50% of the cost of the  
8 activities. An applicant's required contribution for a grant may consist of funding or  
9 an in-kind contribution.

10 (4) From the appropriation under s. 20.435 (5) (fh), the department shall award  
11 a grant of up to \$100,000 in each fiscal year to a private nonprofit corporation that  
12 applies, in the manner specified by the department, to conduct a public information  
13 campaign on minority health.”.

14 **13.** Page 1118, line 13: after that line insert:

15 “SECTION 2400m. 250.15 of the statutes is created to read:

16 **250.15 Grants for community health centers.** (1) DEFINITION. In this  
17 section, “community health center” means a health care entity that provides primary  
18 health care, health education and social services to low-income individuals.

19 (2) GRANTS. (a) From the appropriation under s. 20.435 (5) (fh), the department  
20 shall award \$50,000 in each fiscal year as a grant to a community health center in  
21 a 1st class city and shall award ~~\$75,000~~<sup>\$100,000</sup> in each fiscal year as a grant to a  
22 nurse-managed community health center in a first class city.

23 (b) From the appropriation under s. 20.435 (5) (fh), the department shall award  
24 grants totaling \$3,500,000 in fiscal year 1999–2000 and totaling \$4,000,000 in fiscal

1 year 2000–01 and in each fiscal year thereafter, to community health centers that  
2 receive federal grants under 42 USC 254b (e), (g) or (h). Each grant shall equal the  
3 amount that results from multiplying the total amount available for grants under  
4 this paragraph in the fiscal year in which the grants are to be awarded by the  
5 quotient obtained by dividing the amount that the community health center received  
6 under 42 USC 254b (e), (g) or (h) in the most recently concluded federal fiscal year  
7 in which those grants were made by the total amount of federal grants under 42 USC  
8 254b (e), (g) and (h) made in that federal fiscal year to community health centers in  
9 this state.”.

10 **14.** Page 1150, line 5: after that line insert:

11 “SECTION 2486g. 255.15 of the statutes is created to read:

12 **255.15 Statewide tobacco control program.** (1) DEFINITIONS. In this  
13 section, “council” means the tobacco control council.

14 (2) PROGRAM DEVELOPMENT. (a) The council shall develop program and budget  
15 recommendations annually for a statewide tobacco control program and shall submit  
16 its recommendations not later than February 1, 2000, and annually thereafter, to the  
17 secretary of health and family services. In developing the recommendations, the  
18 council shall consider successful tobacco control programs in other states and shall  
19 base its recommendations on recommendations of the U.S. Centers for Disease  
20 Control and Prevention regarding the allocation of funding for comprehensive  
21 tobacco control programs. The department shall review the council’s  
22 recommendations and shall develop, and prepare an annual detailed plan for, a  
23 statewide tobacco control program based on the recommendations. The annual plan

1 shall specify how the funds under sub. (3) (b) will be distributed and the projected  
2 cost of administering the statewide tobacco control program.

3 (b) Not later than March 1, 2000, and annually thereafter, the department shall  
4 submit the plan under par. (a) to the joint committee on finance. If, within 14 days  
5 after the submission of the plan, the cochairpersons of the committee do not notify  
6 the secretary that a meeting has been scheduled for the purpose of reviewing the  
7 plan, the department may expend the funds under sub. (3) (b) and (d) in the manner  
8 proposed in the plan. If, within 14 days after the submission of the plan, the  
9 cochairpersons notify the secretary that the committee has scheduled a meeting for  
10 the purpose of reviewing the plan, the department may expend the funds under sub.  
11 (3) (b) and (d) in the manner proposed in the plan only to the extent approved by the  
12 committee.

13 (3) USE OF FUNDS. (a) From the appropriation under s. 20.435 (5) (tc), the  
14 department shall distribute the following amounts to or for all of the following:

15 1. The board of regents of the University of Wisconsin System for the tobacco  
16 research and intervention center at the University of Wisconsin–Madison,  
17 \$1,000,000 in each fiscal year.

18 2. The Thomas T. Melvin youth tobacco prevention and education program  
19 under s. 255.10, \$1,000,000 in fiscal year 1999–2000 and not less than \$1,000,000 in  
20 fiscal year 2000–01 and in each fiscal year thereafter.

21 3. A youth smokeless tobacco cessation and prevention campaign developed by  
22 the division within the department that has primary responsibility for  
23 administering public health programs, \$92,000 in fiscal year 1999–2000.

24 4. The Medical College of Wisconsin for tobacco use prevention and cessation  
25 activities, \$500,000 in fiscal year 2000–01 and in each fiscal year thereafter. Funds

1 distributed under this subdivision may only be used for activities directly related to  
2 preventing individuals from smoking and assisting smokers to quit smoking.

3 5. Grants to any applying school in which grade 6, 7 or 8 is taught that  
4 purchases in calendar year 1998 or after the module of the Body Awareness Resource  
5 Network software produced by Pyramid Media that concerns smoking and tobacco  
6 use, \$150,000 in fiscal year 2000–01. The amount of the grant to each school may  
7 not exceed the actual cost to the school of the software.

8 (b) After consulting with the council regarding the selection of specific  
9 programs or activities to be funded under this paragraph and subject to sub. (2) (b),  
10 from the appropriation under s. 20.435 (5) (tc), the department may distribute grants  
11 for any of the following:

12 1. Community–based programs to reduce tobacco use.

13 2. Community–based programs to reduce the burden of tobacco–related  
14 diseases.

15 3. School–based programs relating to tobacco use cessation and prevention.

16 4. Enforcement of local laws aimed at reducing exposure to secondhand smoke  
17 and restricting underage access to tobacco.

18 5. Grants for partnerships among statewide organizations and businesses that  
19 support activities related to tobacco use cessation and prevention.

20 6. Marketing activities that promote tobacco use cessation and prevention.

21 7. Projects designed to reduce tobacco use among minorities and pregnant  
22 women.

23 8. Other tobacco use cessation programs.

24 9. Surveillance of indicators of tobacco use and evaluation of the activities  
25 funded under this section.

1 (c) No recipient of moneys distributed under par. (b) may expend more than  
2 10% of those moneys for administrative costs.

3 (d) From the appropriation under s. 20.435 (1)(tc), subject to sub. (2)(b), in each  
4 fiscal year the department may expend for administration of the program under this  
5 section not more than 5% of the total amount deposited in that fiscal year into the  
6 tobacco control fund under s. 25.66.

7 (4) REPORTS. Not later than September 1, 2002, and annually thereafter, the  
8 department shall submit to the governor and to the chief clerk of each house of the  
9 legislature for distribution under s. 13.172 (2) a report that evaluates the success of  
10 the program under this section. The report shall specify the number of programs  
11 supported under sub. (3)(b) during the immediately preceding fiscal year and the  
12 purpose of each program. The report shall also specify any donations, grants or  
13 bequests to the department for the tobacco control program under this section.”

14 **15.** Page 1408, line 15: after that line insert:

15 “(9i) TOBACCO CONTROL COUNCIL. Notwithstanding section 15.197 (28) (b) of the  
16 statutes, as created by this act, 4 of the initial members of the tobacco control council  
17 appointed under section 15.197 (28) (a) 5. to 12. of the statutes, as created by this act,  
18 shall serve for terms expiring on July 1, 2003; 5 of the initial members of the tobacco  
19 control council appointed under section 15.197 (28) (a) 5. to 12. of the statutes, as  
20 created by this act, shall serve for terms expiring on July 1, 2002; and 4 of the initial  
21 members of the tobacco control council appointed under section 15.197 (28) (a) 5. to  
22 12. of the statutes, as created by this act, shall serve for a term expiring on July 1,  
23 2001.

24 (9k) GRANT TO COMMUNITY HEALTH CENTER.

1           (a) Subject to paragraph (b), the department of health and family services shall  
2 award \$1,000,000 in fiscal year 1999–2000 as a grant to a community health center  
3 that is located in a 1st class city and that emphasizes the health care needs of  
4 minority group members, as defined in section 146.185 (1) (f) of the statutes, as  
5 created by this act, high-risk pregnant women, infants, children and the elderly.

6           (b) The department of health and family services may not award the grant  
7 under paragraph (a) unless the department submits to the cochairpersons of the joint  
8 committee on finance a report that details the amount of the proposed grant and the  
9 services to be provided under the grant by the community health center. If the  
10 cochairpersons of the committee do not notify the secretary of health and family  
11 services within 14 working days after receiving the report that the committee has  
12 scheduled a meeting for the purpose of reviewing the report, the department of  
13 health and family services shall award the grant under paragraph (a). If, within 14  
14 working days after receiving the report, the cochairpersons notify the secretary of  
15 health and family services that the committee has scheduled a meeting for the  
16 purpose of reviewing the report, the department of health and family services may  
17 award the grant under paragraph (a) only if, and to the extent that, it is approved  
18 by the committee.”.

19           **16.** Page 1409, line 4: delete lines 4 to 25.

20           **17.** Page 1410, line 12: after that line insert:

21           “(2g) FINANCIAL AUDITS OF THE MEDICAL COLLEGE OF WISCONSIN AND THE  
22 UNIVERSITY OF WISCONSIN CENTER FOR TOBACCO RESEARCH AND INTERVENTION.

23           (a) Beginning on July 1, 2001, the legislative audit bureau shall conduct a  
24 financial audit of the Medical College of Wisconsin that examines the use of funds



1 appropriated under section 20.250 (1) (k) of the statutes, as created by this act, and  
2 shall file its report as described under section 13.94 (1) (b) of the statutes by June 30,  
3 2002.

4 (b) Beginning on July 1, 2000, the legislative audit bureau shall conduct a  
5 financial audit of the tobacco research and intervention center at the University of  
6 Wisconsin–Madison that examines the use of funds appropriated under section  
7 20.285 (1) (kr) of the statutes, as created by this act, and shall file its report as  
8 described under section 13.94 (1) (b) of the statutes by June 30, 2001.”.

9 **18.** Page 1415, line 2: after that line insert:

10 “(1g) SOFTWARE TRAINING. In coordination with Pyramid Media and with the  
11 appropriate staff of the cooperative educational service agencies, the department of  
12 public instruction shall offer free training through June 30, 2001, on the classroom  
13 use of the module of the Body Awareness Resource Network software that concerns  
14 smoking and tobacco use.”.

15 **19.** Page 1424, line 23: delete the material beginning with that line and  
16 ending with page 1425, line 5.

17 **20.** Page 1473, line 21: delete lines 21 and 22.

18 (END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0411/4 5  
TY/ML/DK:cmh&wlj:ch

RMR

LFB:.....Goldman - Tobacco control program

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

**LFB AMENDMENT**

**TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45**

TODAY

1 At the locations indicated, amend the bill as follows:

2 1. Page 130, line 7: after that line insert:

3 "SECTION 34d. 15.197 (28) of the statutes is created to read:

4 15.197 (28) TOBACCO CONTROL COUNCIL. (a) There is created a tobacco control  
5 council. The council shall consist of the following members:

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

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

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

12 4. The superintendent of public instruction or his or her designee.

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

2           6. One student who is enrolled in an institution within the University of  
3           Wisconsin System.

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

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

10          9. One local health officer.

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

13          11. One member of the Wisconsin Grocer Association.

14          12. One member of the Wisconsin Health and Hospital Association.

15          (b) The members specified in par. (a) 5. to 12. shall be appointed for 3-year  
16          terms, except that if a student member appointed under par. (a) 6. or 7. loses the  
17          status upon which the appointment was based, he or she shall cease to be a member  
18          of the tobacco control council. The Governor shall designate one of the members  
19          appointed under par. (a) 5. to 12. as chairperson of the council.

20          (c) The council shall meet at least 4 times per year. Eleven members constitute  
21          a quorum. For the purpose of conducting business and making final  
22          recommendations under s. 255.15 (2), a majority vote of the entire council is required.

23          (d) If the council creates subcommittees, one subcommittee shall study the  
24          issue of those populations most adversely affected by tobacco.”

1           **2.** Page 384, line 4: delete lines 4 to 9.

2           **3.** Page 391, line 7: delete lines 7 to 9 and substitute:

3           “**SECTION 250m.** 20.250 (1) (k) of the statutes is created to read:

4           20.250 (1) (k) *Tobacco-related illnesses.* All moneys received from the  
5 department of health and family services under s. 255.15 (3) (a) 4., for tobacco use  
6 prevention and cessation activities.”.

7           **4.** Page 392, line 8: delete lines 8 to 10.

8           **5.** Page 400, line 5: after that line insert:

9           “**SECTION 294m.** 20.285 (1) (kr) of the statutes is created to read:

10           20.285 (1) (kr) *University of Wisconsin center for tobacco research and*  
11 *intervention.* All moneys received from the department of health and family services  
12 under s. 255.15 (3) (a) 1., to advance the work of the tobacco research and  
13 intervention center at the University of Wisconsin–Madison in developing new  
14 educational programs to discourage tobacco use, determining the most effective  
15 strategies for preventing tobacco use and expanding smoking cessation programs  
16 throughout the state.”.

17           **6.** Page 420, line 19: after that line insert:

18           “**SECTION 385e.** 20.435 (1) (tc) of the statutes is created to read:

19           20.435 (1) (tc) *Program operations; statewide tobacco control program.* From  
20 the tobacco control fund, subject to s. 255.15 (3) (d), the amounts in the schedule for  
21 the general program operations of the statewide tobacco control program under s.  
22 255.15.”.

23           **7.** Page 430, line 4: after that line insert:

24           “**SECTION 432g.** 20.435 (5) (fh) of the statutes is created to read:

1           20.435 (5) (fh) *Community health services*. The amounts in the schedule for the  
2 minority health program under s. 146.185 and for grants under s. 250.15.”.

3           **8.** Page 430, line 23: after that line insert:

4           “**SECTION 439m.** 20.435 (5) (tc) of the statutes is created to read:

5           20.435 (5) (tc) *Statewide tobacco control program*. From the tobacco control  
6 fund the amounts in the schedule for the purposes specified under s. 255.15 (3) (a)  
7 and (b).”.

8           **9.** Page 497, line 19: after that line insert:

9           “**SECTION 698m.** 25.17 (1) (tc) of the statutes is created to read:

10          25.17 (1) (tc) Tobacco control fund (s. 25.66);”.

11          **10.** Page 501, line 16: after that line insert:

12          “**SECTION 717m.** 25.66 of the statutes is created to read:

13          **25.66 Tobacco control fund.** (1) There is created a separate nonlapsible  
14 trust fund, known as the tobacco control fund, to consist of the following:

15          (a) The first \$2,492,000 of the moneys received in fiscal year 1999–2000 under  
16 the Attorneys General Master Tobacco Settlement Agreement of November 23, 1998.

17          (b) Beginning in fiscal year 2000–01, the first \$26,600,000 of the moneys  
18 received each year under the Attorneys General Master Tobacco Settlement  
19 Agreement of November 23, 1998.

20          (2) Amounts in the fund may be distributed only for the purposes specified in  
21 s. 255.15.”.

22          **11.** Page 984, line 22: delete the material beginning with that line and ending  
23 with page 985, line 4.

24          **12.** Page 1048, line 25: after that line insert:

1           **“SECTION 2240r.** 146.185 of the statutes is created to read:

2           **146.185 Minority health. (1)** In this section:

3           (a) “African American” means a person whose ancestors originated in any of the  
4 black racial groups of Africa.

5           (b) “American Indian” means a person who is enrolled as a member of a  
6 federally recognized American Indian tribe or band or who possesses documentation  
7 of at least one-fourth American Indian ancestry or documentation of tribal  
8 recognition as an American Indian.

9           (c) “Asian” means a person whose ancestors originated in Asia south and  
10 southeast of the Himalayas and west of Wallace’s Line in the Malay Archipelago.

11           (d) “Economically disadvantaged” means having an income that is at or below  
12 125% of the poverty line.

13           (e) “Hispanic” means a person of any race whose ancestors originated in  
14 Mexico, Puerto Rico, Cuba, Central America or South America or whose culture or  
15 origin is Spanish.

16           (f) “Minority group member” means any of the following:

- 17           1. An African American.
- 18           2. An American Indian.
- 19           3. A Hispanic.
- 20           4. An Asian.

21           (g) “Nonprofit corporation” means a nonstock corporation organized under ch.  
22 181 that is a nonprofit corporation, as defined in s. 181.0103 (17).

23           (h) “Poverty line” means the nonfarm federal poverty line for the continental  
24 United States, as defined by the federal department of labor under 42 USC 9902 (2).

25           (i) “State agency” has the meaning given in s. 16.70 (1).

1           (2) The department shall do all of the following:

2           (a) Identify the barriers to health care that prevent economically  
3 disadvantaged minority group members in this state from participating fully and  
4 equally in all aspects of life.

5           (b) Conduct statewide hearings on issues of concern to the health interests of  
6 economically disadvantaged minority group members.

7           (c) Review, monitor and advise all state agencies with respect to the impact on  
8 the health of economically disadvantaged minority group members of current and  
9 emerging state policies, procedures, practices, statutes and rules.

10           (d) Work closely with all state agencies, including the board of regents of the  
11 University of Wisconsin System and the technical college system board, with the  
12 University of Wisconsin Hospitals and Clinics Authority, with the private sector and  
13 with groups concerned with issues of the health of economically disadvantaged  
14 minority group members to develop long-term solutions to health problems of  
15 minority group members.

16           (e) Disseminate information on the status of the health of economically  
17 disadvantaged minority group members in this state.

18           (f) Encourage economically disadvantaged minority group members who are  
19 students to enter career health care professions, by developing materials that are  
20 culturally sensitive and appropriate and that promote health care professions as  
21 careers, for use by the University of Wisconsin System, the technical college system  
22 and the Medical College of Wisconsin in recruiting the students.

23           (g) Submit a biennial report on the activities of the department under this  
24 section that includes recommendations on program policies, procedures, practices  
25 and services affecting the health status of economically disadvantaged minority

1 group members, to the appropriate standing committees under s. 13.172 (3) and to  
2 the governor.

3 (3) From the appropriation under s. 20.435 (5) (fh), the department shall award  
4 grants for activities to improve the health status of economically disadvantaged  
5 minority group members. A person may apply, in the manner specified by the  
6 department, for a grant of up to \$50,000 in each fiscal year to conduct these activities.  
7 A grant awarded under this subsection may not exceed 50% of the cost of the  
8 activities. An applicant's required contribution for a grant may consist of funding or  
9 an in-kind contribution.

10 (4) From the appropriation under s. 20.435 (5) (fh), the department shall award  
11 a grant of up to \$100,000 in each fiscal year to a private nonprofit corporation that  
12 applies, in the manner specified by the department, to conduct a public information  
13 campaign on minority health.”

14 **13.** Page 1118, line 13: after that line insert:

15 “SECTION 2400m. 250.15 of the statutes is created to read:

16 **250.15 Grants for community health centers.** (1) DEFINITION. In this  
17 section, “community health center” means a health care entity that provides primary  
18 health care, health education and social services to low-income individuals.

19 (2) GRANTS. (a) From the appropriation under s. 20.435 (5) (fh), the department  
20 shall award \$50,000 in each fiscal year as a grant to a community health center in  
21 a 1st class city and shall award \$100,000 in each fiscal year as a grant to a  
22 nurse-managed community health center in a first class city.

23 (b) From the appropriation under s. 20.435 (5) (fh), the department shall award  
24 grants totaling \$3,500,000 in fiscal year 1999–2000 and totaling \$4,000,000 in fiscal



1 year 2000–01 and in each fiscal year thereafter, to community health centers that  
2 receive federal grants under 42 USC 254b (e), (g) or (h). Each grant shall equal the  
3 amount that results from multiplying the total amount available for grants under  
4 this paragraph in the fiscal year in which the grants are to be awarded by the  
5 quotient obtained by dividing the amount that the community health center received  
6 under 42 USC 254b (e), (g) or (h) in the most recently concluded federal fiscal year  
7 in which those grants were made by the total amount of federal grants under 42 USC  
8 254b (e), (g) and (h) made in that federal fiscal year to community health centers in  
9 this state.”

10 **14.** Page 1150, line 5: after that line insert:

11 “SECTION 2486g. 255.15 of the statutes is created to read:

12 **255.15 Statewide tobacco control program.** (1) DEFINITIONS. In this  
13 section, “council” means the tobacco control council.

14 (2) PROGRAM DEVELOPMENT. (a) The council shall develop program and budget  
15 recommendations annually for a statewide tobacco control program and shall submit  
16 its recommendations not later than February 1, 2000, and annually thereafter, to the  
17 secretary of health and family services. In developing the recommendations, the  
18 council shall consider successful tobacco control programs in other states and shall  
19 base its recommendations on recommendations of the U.S. Centers for Disease  
20 Control and Prevention regarding the allocation of funding for comprehensive  
21 tobacco control programs. The department shall review the council’s  
22 recommendations and shall develop, and prepare an annual detailed plan for, a  
23 statewide tobacco control program based on the recommendations. The annual plan

1 shall specify how the funds under sub. (3) (b) will be distributed and the projected  
2 cost of administering the statewide tobacco control program.

3 (b) Not later than March 1, 2000, and annually thereafter, the department shall  
4 submit the plan under par. (a) to the joint committee on finance. If, within 14 days  
5 after the submission of the plan, the cochairpersons of the committee do not notify  
6 the secretary that a meeting has been scheduled for the purpose of reviewing the  
7 plan, the department may expend the funds under sub. (3) (b) and (d) in the manner  
8 proposed in the plan. If, within 14 days after the submission of the plan, the  
9 cochairpersons notify the secretary that the committee has scheduled a meeting for  
10 the purpose of reviewing the plan, the department may expend the funds under sub.  
11 (3) (b) and (d) in the manner proposed in the plan only to the extent approved by the  
12 committee.

13 (3) USE OF FUNDS. (a) From the appropriation under s. 20.435 (5) (tc), the  
14 department shall distribute the following amounts to or for all of the following:

15 1. The board of regents of the University of Wisconsin System for the tobacco  
16 research and intervention center at the University of Wisconsin–Madison,  
17 \$1,000,000 in each fiscal year.

18 2. The Thomas T. Melvin youth tobacco prevention and education program  
19 under s. 255.10, \$1,000,000 in fiscal year 1999–2000 and not less than \$1,000,000 in  
20 fiscal year 2000–01 and in each fiscal year thereafter.

21 3. A youth smokeless tobacco cessation and prevention campaign developed by  
22 the division within the department that has primary responsibility for  
23 administering public health programs, \$92,000 in fiscal year 1999–2000.

24 4. The Medical College of Wisconsin for tobacco use prevention and cessation  
25 activities, \$500,000 in fiscal year 2000–01 and in each fiscal year thereafter. Funds

1 distributed under this subdivision may only be used for activities directly related to  
2 preventing individuals from smoking and assisting smokers to quit smoking.

3 5. Grants to any applying school in which grade 6, 7 or 8 is taught that  
4 purchases in calendar year 1998 or after the module of the Body Awareness Resource  
5 Network software produced by Pyramid Media that concerns smoking and tobacco  
6 use, \$150,000 in fiscal year 2000–01. The amount of the grant to each school may  
7 not exceed the actual cost to the school of the software.

8 (b) After consulting with the council regarding the selection of specific  
9 programs or activities to be funded under this paragraph and subject to sub. (2) (b),  
10 from the appropriation under s. 20.435 (5) (tc), the department may distribute grants  
11 for any of the following:

- 12 1. Community–based programs to reduce tobacco use.
- 13 2. Community–based programs to reduce the burden of tobacco–related  
14 diseases.
- 15 3. School–based programs relating to tobacco use cessation and prevention.
- 16 4. Enforcement of local laws aimed at reducing exposure to secondhand smoke  
17 and restricting underage access to tobacco.
- 18 5. Grants for partnerships among statewide organizations and businesses that  
19 support activities related to tobacco use cessation and prevention.
- 20 6. Marketing activities that promote tobacco use cessation and prevention.
- 21 7. Projects designed to reduce tobacco use among minorities and pregnant  
22 women.
- 23 8. Other tobacco use cessation programs.
- 24 9. Surveillance of indicators of tobacco use and evaluation of the activities  
25 funded under this section.

1 (c) No recipient of moneys distributed under par. (b) may expend more than  
2 10% of those moneys for administrative costs.

3 (d) From the appropriation under s. 20.435 (1) (tc), subject to sub. (2) (b), <sup>beginning in</sup> ~~in each~~  
4 fiscal year <sup>2000-01</sup> the department may expend for administration of the program under this  
5 section not more than 5% of the total amount deposited in that fiscal year into the  
6 tobacco control fund under s. 25.66.

7 (4) REPORTS. Not later than September 1, 2002, and annually thereafter, the  
8 department shall submit to the governor and to the chief clerk of each house of the  
9 legislature for distribution under s. 13.172 (2) a report that evaluates the success of  
10 the program under this section. The report shall specify the number of programs  
11 supported under sub. (3) (b) during the immediately preceding fiscal year and the  
12 purpose of each program. The report shall also specify any donations, grants or  
13 bequests to the department for the tobacco control program under this section.”

14 **15.** Page 1408, line 15: after that line insert:

15 “(9i) TOBACCO CONTROL COUNCIL. Notwithstanding section 15.197 (28) (b) of the  
16 statutes, as created by this act, 4 of the initial members of the tobacco control council  
17 appointed under section 15.197 (28) (a) 5. to 12. of the statutes, as created by this act,  
18 shall serve for terms expiring on July 1, 2003; 5 of the initial members of the tobacco  
19 control council appointed under section 15.197 (28) (a) 5. to 12. of the statutes, as  
20 created by this act, shall serve for terms expiring on July 1, 2002; and 4 of the initial  
21 members of the tobacco control council appointed under section 15.197 (28) (a) 5. to  
22 12. of the statutes, as created by this act, shall serve for a term expiring on July 1,  
23 2001.

24 (9k) GRANT TO COMMUNITY HEALTH CENTER.

1 (a) Subject to paragraph (b), the department of health and family services shall  
2 award \$1,000,000 in fiscal year 1999–2000 as a grant to a community health center  
3 that is located in a 1st class city and that emphasizes the health care needs of  
4 minority group members, as defined in section 146.185 (1) (f) of the statutes, as  
5 created by this act, high-risk pregnant women, infants, children and the elderly.

6 (b) The department of health and family services may not award the grant  
7 under paragraph (a) unless the department submits to the cochairpersons of the joint  
8 committee on finance a report that details the amount of the proposed grant and the  
9 services to be provided under the grant by the community health center. If the  
10 cochairpersons of the committee do not notify the secretary of health and family  
11 services within 14 working days after receiving the report that the committee has  
12 scheduled a meeting for the purpose of reviewing the report, the department of  
13 health and family services shall award the grant under paragraph (a). If, within 14  
14 working days after receiving the report, the cochairpersons notify the secretary of  
15 health and family services that the committee has scheduled a meeting for the  
16 purpose of reviewing the report, the department of health and family services may  
17 award the grant under paragraph (a) only if, and to the extent that, it is approved  
18 by the committee.”.

19 **16.** Page 1409, line 4: delete lines 4 to 25.

20 **17.** Page 1410, line 12: after that line insert:

21 “(2g) FINANCIAL AUDITS OF THE MEDICAL COLLEGE OF WISCONSIN AND THE  
22 UNIVERSITY OF WISCONSIN CENTER FOR TOBACCO RESEARCH AND INTERVENTION.

23 (a) Beginning on July 1, 2001, the legislative audit bureau shall conduct a  
24 financial audit of the Medical College of Wisconsin that examines the use of funds

1 appropriated under section 20.250 (1) (k) of the statutes, as created by this act, and  
2 shall file its report as described under section 13.94 (1) (b) of the statutes by June 30,  
3 2002.

4 (b) Beginning on July 1, 2000, the legislative audit bureau shall conduct a  
5 financial audit of the tobacco research and intervention center at the University of  
6 Wisconsin–Madison that examines the use of funds appropriated under section  
7 20.285 (1) (kr) of the statutes, as created by this act, and shall file its report as  
8 described under section 13.94 (1) (b) of the statutes by June 30, 2001.”.

9 **18.** Page 1415, line 2: after that line insert:

10 “(1g) SOFTWARE TRAINING. In coordination with Pyramid Media and with the  
11 appropriate staff of the cooperative educational service agencies, the department of  
12 public instruction shall offer free training through June 30, 2001, on the classroom  
13 use of the module of the Body Awareness Resource Network software that concerns  
14 smoking and tobacco use.”.

15 **19.** Page 1424, line 23: delete the material beginning with that line and  
16 ending with page 1425, line 5.

17 **20.** Page 1473, line 21: delete lines 21 and 22.

18 (END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0411/5  
TY/ML/DK:cmh&wlj:kjf

LFB:.....Goldman – Tobacco control program

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

**LFB AMENDMENT**

**TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 130, line 7: after that line insert:

3 **“SECTION 34d.** 15.197 (28) of the statutes is created to read:

4 15.197 (28) TOBACCO CONTROL COUNCIL. (a) There is created a tobacco control  
5 council. The council shall consist of the following members:

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

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

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

12 4. The superintendent of public instruction or his or her designee.

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

2           6. One student who is enrolled in an institution within the University of  
3           Wisconsin System.

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

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

10          9. One local health officer.

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

13          11. One member of the Wisconsin Grocer Association.

14          12. One member of the Wisconsin Health and Hospital Association.

15          (b) The members specified in par. (a) 5. to 12. shall be appointed for 3-year  
16          terms, except that if a student member appointed under par. (a) 6. or 7. loses the  
17          status upon which the appointment was based, he or she shall cease to be a member  
18          of the tobacco control council. The Governor shall designate one of the members  
19          appointed under par. (a) 5. to 12. as chairperson of the council.

20          (c) The council shall meet at least 4 times per year. Eleven members constitute  
21          a quorum. For the purpose of conducting business and making final  
22          recommendations under s. 255.15 (2), a majority vote of the entire council is required.

23          (d) If the council creates subcommittees, one subcommittee shall study the  
24          issue of those populations most adversely affected by tobacco.”



1           **2.** Page 384, line 4: delete lines 4 to 9.

2           **3.** Page 391, line 7: delete lines 7 to 9 and substitute:

3           “**SECTION 250m.** 20.250 (1) (k) of the statutes is created to read:

4           20.250 (1) (k) *Tobacco-related illnesses.* All moneys received from the  
5 department of health and family services under s. 255.15 (3) (a) 4., for tobacco use  
6 prevention and cessation activities.”

7           **4.** Page 392, line 8: delete lines 8 to 10.

8           **5.** Page 400, line 5: after that line insert:

9           “**SECTION 294m.** 20.285 (1) (kr) of the statutes is created to read:

10           20.285 (1) (kr) *University of Wisconsin center for tobacco research and*  
11 *intervention.* All moneys received from the department of health and family services  
12 under s. 255.15 (3) (a) 1., to advance the work of the tobacco research and  
13 intervention center at the University of Wisconsin–Madison in developing new  
14 educational programs to discourage tobacco use, determining the most effective  
15 strategies for preventing tobacco use and expanding smoking cessation programs  
16 throughout the state.”

17           **6.** Page 420, line 19: after that line insert:

18           “**SECTION 385e.** 20.435 (1) (tc) of the statutes is created to read:

19           20.435 (1) (tc) *Program operations; statewide tobacco control program.* From  
20 the tobacco control fund, subject to s. 255.15 (3) (d), the amounts in the schedule for  
21 the general program operations of the statewide tobacco control program under s.  
22 255.15.”

23           **7.** Page 430, line 4: after that line insert:

24           “**SECTION 432g.** 20.435 (5) (fh) of the statutes is created to read:

1           20.435 (5) (fh) *Community health services*. The amounts in the schedule for the  
2 minority health program under s. 146.185 and for grants under s. 250.15.”.

3           **8.** Page 430, line 23: after that line insert:

4           “**SECTION 439m.** 20.435 (5) (tc) of the statutes is created to read:

5           20.435 (5) (tc) *Statewide tobacco control program*. From the tobacco control  
6 fund the amounts in the schedule for the purposes specified under s. 255.15 (3) (a)  
7 and (b).”.

8           **9.** Page 497, line 19: after that line insert:

9           “**SECTION 698m.** 25.17 (1) (tc) of the statutes is created to read:

10          25.17 (1) (tc) *Tobacco control fund* (s. 25.66);”.

11          **10.** Page 501, line 16: after that line insert:

12          “**SECTION 717m.** 25.66 of the statutes is created to read:

13          **25.66 Tobacco control fund.** (1) There is created a separate nonlapsible  
14 trust fund, known as the tobacco control fund, to consist of the following:

15           (a) The first \$2,492,000 of the moneys received in fiscal year 1999–2000 under  
16 the Attorneys General Master Tobacco Settlement Agreement of November 23, 1998.

17           (b) Beginning in fiscal year 2000–01, the first \$26,600,000 of the moneys  
18 received each year under the Attorneys General Master Tobacco Settlement  
19 Agreement of November 23, 1998.

20           (2) Amounts in the fund may be distributed only for the purposes specified in  
21 s. 255.15.”.

22          **11.** Page 984, line 22: delete the material beginning with that line and ending  
23 with page 985, line 4.

24          **12.** Page 1048, line 25: after that line insert:

1           **“SECTION 2240r.** 146.185 of the statutes is created to read:

2           **146.185 Minority health. (1)** In this section:

3           (a) “African American” means a person whose ancestors originated in any of the  
4 black racial groups of Africa.

5           (b) “American Indian” means a person who is enrolled as a member of a  
6 federally recognized American Indian tribe or band or who possesses documentation  
7 of at least one-fourth American Indian ancestry or documentation of tribal  
8 recognition as an American Indian.

9           (c) “Asian” means a person whose ancestors originated in Asia south and  
10 southeast of the Himalayas and west of Wallace’s Line in the Malay Archipelago.

11           (d) “Economically disadvantaged” means having an income that is at or below  
12 125% of the poverty line.

13           (e) “Hispanic” means a person of any race whose ancestors originated in  
14 Mexico, Puerto Rico, Cuba, Central America or South America or whose culture or  
15 origin is Spanish.

16           (f) “Minority group member” means any of the following:

- 17           1. An African American.
- 18           2. An American Indian.
- 19           3. A Hispanic.
- 20           4. An Asian.

21           (g) “Nonprofit corporation” means a nonstock corporation organized under ch.  
22 181 that is a nonprofit corporation, as defined in s. 181.0103 (17).

23           (h) “Poverty line” means the nonfarm federal poverty line for the continental  
24 United States, as defined by the federal department of labor under 42 USC 9902 (2).

25           (i) “State agency” has the meaning given in s. 16.70 (1).

1           (2) The department shall do all of the following:

2           (a) Identify the barriers to health care that prevent economically  
3 disadvantaged minority group members in this state from participating fully and  
4 equally in all aspects of life.

5           (b) Conduct statewide hearings on issues of concern to the health interests of  
6 economically disadvantaged minority group members.

7           (c) Review, monitor and advise all state agencies with respect to the impact on  
8 the health of economically disadvantaged minority group members of current and  
9 emerging state policies, procedures, practices, statutes and rules.

10          (d) Work closely with all state agencies, including the board of regents of the  
11 University of Wisconsin System and the technical college system board, with the  
12 University of Wisconsin Hospitals and Clinics Authority, with the private sector and  
13 with groups concerned with issues of the health of economically disadvantaged  
14 minority group members to develop long-term solutions to health problems of  
15 minority group members.

16          (e) Disseminate information on the status of the health of economically  
17 disadvantaged minority group members in this state.

18          (f) Encourage economically disadvantaged minority group members who are  
19 students to enter career health care professions, by developing materials that are  
20 culturally sensitive and appropriate and that promote health care professions as  
21 careers, for use by the University of Wisconsin System, the technical college system  
22 and the Medical College of Wisconsin in recruiting the students.

23          (g) Submit a biennial report on the activities of the department under this  
24 section that includes recommendations on program policies, procedures, practices  
25 and services affecting the health status of economically disadvantaged minority

1 group members, to the appropriate standing committees under s. 13.172 (3) and to  
2 the governor.

3 (3) From the appropriation under s. 20.435 (5) (fh), the department shall award  
4 grants for activities to improve the health status of economically disadvantaged  
5 minority group members. A person may apply, in the manner specified by the  
6 department, for a grant of up to \$50,000 in each fiscal year to conduct these activities.  
7 A grant awarded under this subsection may not exceed 50% of the cost of the  
8 activities. An applicant's required contribution for a grant may consist of funding or  
9 an in-kind contribution.

10 (4) From the appropriation under s. 20.435 (5) (fh), the department shall award  
11 a grant of up to \$100,000 in each fiscal year to a private nonprofit corporation that  
12 applies, in the manner specified by the department, to conduct a public information  
13 campaign on minority health.”.

14 **13.** Page 1118, line 13: after that line insert:

15 “SECTION 2400m. 250.15 of the statutes is created to read:

16 **250.15 Grants for community health centers.** (1) DEFINITION. In this  
17 section, “community health center” means a health care entity that provides primary  
18 health care, health education and social services to low-income individuals.

19 (2) GRANTS. (a) From the appropriation under s. 20.435 (5) (fh), the department  
20 shall award \$50,000 in each fiscal year as a grant to a community health center in  
21 a 1st class city and shall award \$100,000 in each fiscal year as a grant to a  
22 nurse-managed community health center in a first class city.

23 (b) From the appropriation under s. 20.435 (5) (fh), the department shall award  
24 grants totaling \$3,500,000 in fiscal year 1999–2000 and totaling \$4,000,000 in fiscal

1 year 2000–01 and in each fiscal year thereafter, to community health centers that  
2 receive federal grants under 42 USC 254b (e), (g) or (h). Each grant shall equal the  
3 amount that results from multiplying the total amount available for grants under  
4 this paragraph in the fiscal year in which the grants are to be awarded by the  
5 quotient obtained by dividing the amount that the community health center received  
6 under 42 USC 254b (e), (g) or (h) in the most recently concluded federal fiscal year  
7 in which those grants were made by the total amount of federal grants under 42 USC  
8 254b (e), (g) and (h) made in that federal fiscal year to community health centers in  
9 this state.”.

10 **14.** Page 1150, line 5: after that line insert:

11 “**SECTION 2486g.** 255.15 of the statutes is created to read:

12 **255.15 Statewide tobacco control program.** (1) **DEFINITIONS.** In this  
13 section, “council” means the tobacco control council.

14 (2) **PROGRAM DEVELOPMENT.** (a) The council shall develop program and budget  
15 recommendations annually for a statewide tobacco control program and shall submit  
16 its recommendations not later than February 1, 2000, and annually thereafter, to the  
17 secretary of health and family services. In developing the recommendations, the  
18 council shall consider successful tobacco control programs in other states and shall  
19 base its recommendations on recommendations of the U.S. Centers for Disease  
20 Control and Prevention regarding the allocation of funding for comprehensive  
21 tobacco control programs. The department shall review the council’s  
22 recommendations and shall develop, and prepare an annual detailed plan for, a  
23 statewide tobacco control program based on the recommendations. The annual plan

1 shall specify how the funds under sub. (3) (b) will be distributed and the projected  
2 cost of administering the statewide tobacco control program.

3 (b) Not later than March 1, 2000, and annually thereafter, the department shall  
4 submit the plan under par. (a) to the joint committee on finance. If, within 14 days  
5 after the submission of the plan, the cochairpersons of the committee do not notify  
6 the secretary that a meeting has been scheduled for the purpose of reviewing the  
7 plan, the department may expend the funds under sub. (3) (b) and (d) in the manner  
8 proposed in the plan. If, within 14 days after the submission of the plan, the  
9 cochairpersons notify the secretary that the committee has scheduled a meeting for  
10 the purpose of reviewing the plan, the department may expend the funds under sub.  
11 (3) (b) and (d) in the manner proposed in the plan only to the extent approved by the  
12 committee.

13 (3) USE OF FUNDS. (a) From the appropriation under s. 20.435 (5) (tc), the  
14 department shall distribute the following amounts to or for all of the following:

15 1. The board of regents of the University of Wisconsin System for the tobacco  
16 research and intervention center at the University of Wisconsin–Madison,  
17 \$1,000,000 in each fiscal year.

18 2. The Thomas T. Melvin youth tobacco prevention and education program  
19 under s. 255.10, \$1,000,000 in fiscal year 1999–2000 and not less than \$1,000,000 in  
20 fiscal year 2000–01 and in each fiscal year thereafter.

21 3. A youth smokeless tobacco cessation and prevention campaign developed by  
22 the division within the department that has primary responsibility for  
23 administering public health programs, \$92,000 in fiscal year 1999–2000.

24 4. The Medical College of Wisconsin for tobacco use prevention and cessation  
25 activities, \$500,000 in fiscal year 2000–01 and in each fiscal year thereafter. Funds

1 distributed under this subdivision may only be used for activities directly related to  
2 preventing individuals from smoking and assisting smokers to quit smoking.

3 5. Grants to any applying school in which grade 6, 7 or 8 is taught that  
4 purchases in calendar year 1998 or after the module of the Body Awareness Resource  
5 Network software produced by Pyramid Media that concerns smoking and tobacco  
6 use, \$150,000 in fiscal year 2000–01. The amount of the grant to each school may  
7 not exceed the actual cost to the school of the software.

8 (b) After consulting with the council regarding the selection of specific  
9 programs or activities to be funded under this paragraph and subject to sub. (2) (b),  
10 from the appropriation under s. 20.435 (5) (tc), the department may distribute grants  
11 for any of the following:

- 12 1. Community–based programs to reduce tobacco use.
- 13 2. Community–based programs to reduce the burden of tobacco–related  
14 diseases.
- 15 3. School–based programs relating to tobacco use cessation and prevention.
- 16 4. Enforcement of local laws aimed at reducing exposure to secondhand smoke  
17 and restricting underage access to tobacco.
- 18 5. Grants for partnerships among statewide organizations and businesses that  
19 support activities related to tobacco use cessation and prevention.
- 20 6. Marketing activities that promote tobacco use cessation and prevention.
- 21 7. Projects designed to reduce tobacco use among minorities and pregnant  
22 women.
- 23 8. Other tobacco use cessation programs.
- 24 9. Surveillance of indicators of tobacco use and evaluation of the activities  
25 funded under this section.



1 (c) No recipient of moneys distributed under par. (b) may expend more than  
2 10% of those moneys for administrative costs.

3 (d) From the appropriation under s. 20.435 (1) (tc), subject to sub. (2) (b),  
4 beginning in fiscal year 2000–01, the department may expend for administration of  
5 the program under this section not more than 5% of the total amount deposited in  
6 that fiscal year into the tobacco control fund under s. 25.66.

7 (4) REPORTS. Not later than September 1, 2002, and annually thereafter, the  
8 department shall submit to the governor and to the chief clerk of each house of the  
9 legislature for distribution under s. 13.172 (2) a report that evaluates the success of  
10 the program under this section. The report shall specify the number of programs  
11 supported under sub. (3) (b) during the immediately preceding fiscal year and the  
12 purpose of each program. The report shall also specify any donations, grants or  
13 bequests to the department for the tobacco control program under this section.”.

14 **15.** Page 1408, line 15: after that line insert:

15 “(9i) TOBACCO CONTROL COUNCIL. Notwithstanding section 15.197 (28) (b) of the  
16 statutes, as created by this act, 4 of the initial members of the tobacco control council  
17 appointed under section 15.197 (28) (a) 5. to 12. of the statutes, as created by this act,  
18 shall serve for terms expiring on July 1, 2003; 5 of the initial members of the tobacco  
19 control council appointed under section 15.197 (28) (a) 5. to 12. of the statutes, as  
20 created by this act, shall serve for terms expiring on July 1, 2002; and 4 of the initial  
21 members of the tobacco control council appointed under section 15.197 (28) (a) 5. to  
22 12. of the statutes, as created by this act, shall serve for a term expiring on July 1,  
23 2001.

24 (9k) GRANT TO COMMUNITY HEALTH CENTER.

1           (a) Subject to paragraph (b), the department of health and family services shall  
2 award \$1,000,000 in fiscal year 1999–2000 as a grant to a community health center  
3 that is located in a 1st class city and that emphasizes the health care needs of  
4 minority group members, as defined in section 146.185 (1) (f) of the statutes, as  
5 created by this act, high–risk pregnant women, infants, children and the elderly.

6           (b) The department of health and family services may not award the grant  
7 under paragraph (a) unless the department submits to the cochairpersons of the joint  
8 committee on finance a report that details the amount of the proposed grant and the  
9 services to be provided under the grant by the community health center. If the  
10 cochairpersons of the committee do not notify the secretary of health and family  
11 services within 14 working days after receiving the report that the committee has  
12 scheduled a meeting for the purpose of reviewing the report, the department of  
13 health and family services shall award the grant under paragraph (a). If, within 14  
14 working days after receiving the report, the cochairpersons notify the secretary of  
15 health and family services that the committee has scheduled a meeting for the  
16 purpose of reviewing the report, the department of health and family services may  
17 award the grant under paragraph (a) only if, and to the extent that, it is approved  
18 by the committee.”.

19           **16.** Page 1409, line 4: delete lines 4 to 25.

20           **17.** Page 1410, line 12: after that line insert:

21           “(2g) FINANCIAL AUDITS OF THE MEDICAL COLLEGE OF WISCONSIN AND THE  
22 UNIVERSITY OF WISCONSIN CENTER FOR TOBACCO RESEARCH AND INTERVENTION.

23           (a) Beginning on July 1, 2001, the legislative audit bureau shall conduct a  
24 financial audit of the Medical College of Wisconsin that examines the use of funds

1 appropriated under section 20.250 (1) (k) of the statutes, as created by this act, and  
2 shall file its report as described under section 13.94 (1) (b) of the statutes by June 30,  
3 2002.

4 (b) Beginning on July 1, 2000, the legislative audit bureau shall conduct a  
5 financial audit of the tobacco research and intervention center at the University of  
6 Wisconsin–Madison that examines the use of funds appropriated under section  
7 20.285 (1) (kr) of the statutes, as created by this act, and shall file its report as  
8 described under section 13.94 (1) (b) of the statutes by June 30, 2001.”.

9 **18.** Page 1415, line 2: after that line insert:

10 “(1g) SOFTWARE TRAINING. In coordination with Pyramid Media and with the  
11 appropriate staff of the cooperative educational service agencies, the department of  
12 public instruction shall offer free training through June 30, 2001, on the classroom  
13 use of the module of the Body Awareness Resource Network software that concerns  
14 smoking and tobacco use.”.

15 **19.** Page 1424, line 23: delete the material beginning with that line and  
16 ending with page 1425, line 5.

17 **20.** Page 1473, line 21: delete lines 21 and 22.

18 (END)