

**2003 DRAFTING REQUEST**

**Bill**

Received: **01/14/2003**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 267-9546**

By/Representing: **Jablonsky**

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

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Health - tobacco**

Extra Copies: **RLR**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

---

**Pre Topic:**

DOA:.....Jablonsky - BB0347,

---

**Topic:**

Eliminate Tobacco Control Board; money to DHFS; decrease general fund transfer

---

**Instructions:**

See Attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/P1	dkennedy 01/26/2003	csicilia 01/27/2003	jfrantze 01/29/2003		sbasford 02/03/2003		State
	dkennedy 02/01/2003	csicilia 01/29/2003	rschluet 02/02/2003				
		chanaman					

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		02/02/2003		_____			
/1	dkennedy 02/03/2003	csicilia 02/03/2003	rschluet 02/03/2003	_____	sbasford 02/03/2003		

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 01/14/2003

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 267-9546

By/Representing: Jablonsky

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact:

Addl. Drafters:

Subject: Health - tobacco

Extra Copies: RLR

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Jablonsky - BB0347,

Topic:

Eliminate Tobacco Control Board; money to DHFS; decrease general fund transfer

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/P1	dkennedy 01/26/2003	csicilia 01/27/2003	jfrantze 01/29/2003		sbasford 02/03/2003		State
	dkennedy 02/01/2003	csicilia 01/29/2003	rschlue 02/02/2003				
	dkennedy	chanaman 02/02/2003					

1 jgs 2/3 03

2-3-3

FE Sent For:

**<END>**

2003 DRAFTING REQUEST

Bill

Received: 01/14/2003

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 267-9546

By/Representing: Jablonsky

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact:

Addl. Drafters:

Subject: Health - tobacco

Extra Copies: RLR

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Jablonsky - BB0347,

Topic:

Eliminate Tobacco Control Board; money to DHFS

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/P1	dkennedy 01/26/2003	csicilia 01/27/2003	jfrantze 01/29/2003		sbasford 02/03/2003		
	dkennedy 02/01/2003	csicilia 01/29/2003	rschluet 02/02/2003				
		chanaman					

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

02/02/2003

\_\_\_\_\_

FE Sent For:

**<END>**

2003 DRAFTING REQUEST

Bill

Received: 01/14/2003

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 267-9546

By/Representing: Jablonsky

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact:

Addl. Drafters:

Subject: Health - tobacco

Extra Copies: RLR

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Jablonsky - BB0347,

Topic:

Eliminate Tobacco Control Board; money to DHFS

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/? dkennedy

pl qis 1/29  
03

FE Sent For:

2-203  
<END>



**STATE OF WISCONSIN**

**Department of Administration  
Division of State Executive Budget & Planning  
101 E. Wilson St., 10th Floor  
P.O. Box 7864  
Madison, WI 53707-7864**

**DATE:** 11/3/03

**TO:** Steve Miller

**FROM:** Sue Jablonsky 7-9546

I want to eliminate the Jobacco Control Board. A dollar amount + positions (yet to be determined) will go to DHS.

BB0347



**TELEPHONE DRAFTING INSTRUCTIONS**

Drafting instructions received by Debora Kennedy.

DATE: 1/23/03

CONVERSATION WITH: Sue Jablonsky

OF:

TELEPHONE NO:

REGARDING LRB # 03-1504  
OR DRAFT TOPIC:

INSTRUCTIONS:

Eliminate all positions of incumbents - new GPR Div of Public Health position

\$ 15 mil. to DHFS ; ~~new GPR approp ???~~  
transfer to SEG approp



(SOON - Inedit 1/26)  
State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-1504/P1  
DAK&RCT:/.....

D-NOTE

ejs

DOA:.....Jablonsky - BB0347, Eliminate Tobacco Control Board; money to DHFS

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SAV ✓  
x-ref ✓  
key words ✓

Do NOT GEN

- 1 AN ACT ...; relating to: eliminating the Tobacco Control Board, transferring
- 2 functions of the Tobacco Control Board to the Department of Health and Family
- 3 Services, and making appropriations.

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**OTHER HEALTH AND HUMAN SERVICES**

Under current law, the Tobacco Control Board distributes funds for activities related to preventing individuals from smoking and assisting smokers to quit smoking.

This bill eliminates the Tobacco Control Board and transfers its responsibilities to DHFS.

→ FE-S ←

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

- 4 SECTION 1. 15.195 (1) of the statutes is repealed. ✓
- 5 SECTION 2. 20.250 (1) (k) of the statutes is amended to read:

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

History: 1971 c. 125; 1975 c. 39, 40, 224; 1977 c. 29; 1979 c. 34, 221; 1981 c. 20; 1983 a. 27; 1985 a. 29, 120; 1989 a. 31; 1991 a. 39; 1993 a. 16, 184; 1995 a. 27, 225; 1999 a. 9; 2001 a. 16, 103.

4           **SECTION 3.** 20.285 (1) (kr) of the statutes is amended to read:

5           20.285 (1) (kr) *University of Wisconsin center for tobacco research and*  
6 *intervention*. All moneys received from the ~~tobacco control board~~ department of  
7 health and family services under s. 255.15 (3) (a) 1., to advance the work of the  
8 tobacco research and intervention center at the University of Wisconsin-Madison in  
9 developing new educational programs to discourage tobacco use, determining the  
10 most effective strategies for preventing tobacco use and expanding smoking  
11 cessation programs throughout the state.

History: 1971 c. 40 s. 93; 1971 c. 100 s. 23; 1971 c. 125, 215, 236; 1971 c. 323 s. 27; 1973 c. 90, 301, 333, 340; 1975 c. 39; 1975 c. 41 s. 52; 1975 c. 198 s. 63; 1975 c. 224; 1977 c. 29; 1977 c. 418 ss. 91 to 92, 924 (50), 929 (55); 1977 c. 422; 1977 c. 447 s. 206; 1979 c. 34, 221; 1981 c. 20; 1983 a. 27 ss. 213 to 215m, 2202 (20); 1983 a. 237; 1983 a. 333 s. 6; 1985 a. 29, 120, 339; 1987 a. 27, 399; 1989 a. 31; 1989 a. 56 s. 259; 1989 a. 269, 335, 353; 1991 a. 39, 167, 269; 1993 a. 16, 455; 1995 a. 27 ss. 600m to 615m, 1080b, 1085b, 1086b; 1995 a. 227, 228; 1997 a. 27 s. 257m, 263m, 271 to 281; 1997 a. 237, 252; 1999 a. 9, 32, 107; 1999 a. 150 s. 672; 2001 a. 16, 103, 109.

12           **SECTION 4.** 20.436 (~~title~~) and (intro.) of the statutes ~~are~~ repealed.

\*\*\*\*NOTE: This SECTION involves a change that must be reflected in the revised schedule in s. 20.005, stats.

13           **SECTION 5.** 20.436 (1) (title) of the statutes is renumbered ~~20.435 (9) (title)~~.

\*\*\*\*NOTE: This SECTION involves a change that must be reflected in the revised schedule in s. 20.005, stats.

14           ~~**SECTION 6.** 20.436 (1) (b) of the statutes is renumbered 20.435 (9) (b).~~

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

INSERT  
2-14

15           ~~**SECTION 7.** 20.436 (1) (g) of the statutes is renumbered 20.435 (9) (g).~~

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

INSERT  
2-15

16           **SECTION 8.** 20.436 (1) (tb) of the statutes is renumbered 20.431 (5) (tb) and  
17 amended to read:

16

5 5

5  
 1 20.43~~(b)~~<sup>(5)</sup> (tb) General program operations; tobacco control. Biennially, from the  
 2 tobacco control fund, the amounts in the schedule for general program operations of  
 3 the related to tobacco control board.

History: 1999 a. 9; 2001 a. 109.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 SECTION 9. 20.436 (1) (tc) of the statutes is renumbered 20.435 ~~(b)~~<sup>(5)</sup> (tc) and  
 5 amended to read:

6 20.435 ~~(b)~~<sup>(5)</sup> (tc) Grants from tobacco control fund. As From the tobacco control  
 7 fund, as a continuing appropriation, the amounts in the schedule for the purposes  
 8 specified under s. 255.15 (3).

History: 1999 a. 9; 2001 a. 109.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9 SECTION 10. 25.66 (1) (e) of the statutes is amended to read:  
 10 25.66 (1) (e) Beginning in fiscal year 2003–04, all moneys transferred from the  
 11 general fund under s. ~~20.436 (1)~~ 20.435 ~~(b)~~<sup>(5)</sup> (b).

History: 1999 a. 9, 84; 2001 a. 16, 109.

12 SECTION 11. 255.15 (1) of the statutes is repealed.

13 SECTION 12. 255.15 (1m) (intro.) of the statutes is amended to read:

14 255.15 (1m) DUTIES. (intro.) The ~~board~~ department shall do all of the following:

History: 1999 a. 9; 2001 a. 16.

15 SECTION 13. 255.15 (1m) (a) of the statutes is repealed.

16 SECTION 14. 255.15 (1m) (c) of the statutes is amended to read:

17 255.15 (1m) (c) Promulgate rules establishing criteria for recipients of grants  
 18 awarded under sub. (3), including performance-based standards for grant recipients  
 19 that propose to use the grant for media efforts. The ~~board~~ department shall ensure  
 20 that programs or projects conducted under the grants are culturally sensitive.

History: 1999 a. 9; 2001 a. 16.

21 SECTION 15. 255.15 (3) (a) (intro.) of the statutes is amended to read:

SECTION 15

1 255.15 (3) (a) (intro.) From the appropriation under s. ~~20.436 (1)~~ 20.435 (5) (tc),  
 2 the ~~board~~ department shall distribute the following amounts to or for all of the  
 3 following:

History: 1999 a. 9; 2001 a. 16.

4 SECTION 16. 255.15 (3) (b) (intro.) of the statutes is amended to read:

5 255.15 (3) (b) (intro.) From the appropriation under s. ~~20.436 (1)~~ 20.435 (5) (tc),  
 6 the ~~board~~ department may distribute grants for any of the following:

History: 1999 a. 9; 2001 a. 16.

7 SECTION 17. 255.15 (4) of the statutes is amended to read:

8 255.15 (4) REPORTS. Not later than April 15, 2002, and annually thereafter, the  
 9 ~~board~~ department shall submit to the governor and to the chief clerk of each house  
 10 of the legislature for distribution under s. 13.172 (2) a report that evaluates the  
 11 success of the grant program under sub. (3). The report shall specify the number of  
 12 grants awarded during the immediately preceding fiscal year and the purpose for  
 13 which each grant was made. The report shall also specify donations and grants  
 14 accepted by the ~~board~~ department under sub. (5).

History: 1999 a. 9; 2001 a. 16.

15 SECTION 18. 255.15 (5) of the statutes is amended to read:

16 255.15 (5) FUNDS. The ~~board~~ department may accept for any of ~~its~~ the purposes  
 17 under this section any donations and grants of money, equipment, supplies,  
 18 materials and services from any person. The ~~board~~ department shall include in the  
 19 report under sub. (4) any donation or grant accepted by the ~~board~~ department under  
 20 this subsection, including the nature, amount and conditions, if any, of the donation  
 21 or grant and the identity of the donor. ✓

History: 1999 a. 9; 2001 a. 16.

22 SECTION 19. 255.15 (6) of the statutes is amended to read:

1           255.15 (6) ~~SUBCOMMITTEES~~ COMMITTEES. ~~The board department may create~~  
 2 subcommittees ~~committees~~ to assist in its work ~~under this section~~. If the board  
 3 department creates subcommittees committees under this ~~sub~~section, one of the  
 4 subcommittees committees shall address the issue of populations most adversely  
 5 affected by tobacco.

*to assist in its work*

History: 1999 a. 9; 2001 a. 16.

6           **SECTION 9151. Nonstatutory provisions; tobacco control board.**

7           (1) **ELIMINATION OF THE TOBACCO CONTROL BOARD.**

8           (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
 9 liabilities of the tobacco control board shall become the assets and liabilities of the  
 10 department of health and family services.

11           (b) *Tangible personal property.* On the effective date of this paragraph, all  
 12 tangible personal property, including records, of the tobacco control board is  
 13 transferred to the department of health and family services.

14           (c) *Contracts.* 1. All contracts entered into by the tobacco control board in effect  
 15 on the effective date of this paragraph remain in effect and are transferred to the  
 16 department of health and family services. The department of health and family  
 17 services shall carry out any obligations under such a contract until the contract is  
 18 modified or rescinded by the department of health and family services to the extent  
 19 allowed under the contract.

20           2. All contracts entered into by the department of health and family services  
 21 in effect on the effective date of this paragraph that are primarily related to the  
 22 functions of the tobacco control board, as determined by the secretary of  
 23 administration, remain in effect. The department of health and family services shall  
 24 carry out any obligations under such a contract until the contract is modified or

1 rescinded by the department of health and family services to the extent allowed  
2 under the contract.

3 (c) *Rules and orders.* All rules promulgated by the tobacco control board that  
4 are in effect on the effective date of this paragraph remain in effect until their  
5 specified expiration date or until amended or repealed by the department of health  
6 and family services. All orders issued by the tobacco control board that are in effect  
7 on the effective date of this paragraph remain in effect until their specified expiration  
8 date or until modified or rescinded by the department of health and family services.

9 (e) *Pending matters.* Any matter pending with the tobacco control board on the  
10 effective date of this paragraph is transferred to the department of health and family  
11 services and all materials submitted to or actions taken by the tobacco control board  
12 with respect to the pending matter are considered as having been submitted to or  
13 taken by the department of health and family services.

14

15

(END)

D-NOTE

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1504/P1ins  
DAK&RCT:.....

INSERT 2-14

1 SECTION 1. 20.436 (1) (b) of the statutes is renumbered 20.435 (5) (b) and  
2 amended to read:

3 20.435 (5) (b) *Annual ~~Tobacco control~~; annual transfer from general fund.*  
4 Annually, beginning on June 15, 2004, a sum sufficient to be transferred to the  
5 tobacco control fund equal to \$25,000,000, less the amount transferred from the  
6 permanent endowment fund under s. 13.101 (16) (b) in that year.

History: 1999 a. 9; 2001 a. 109.

INSERT 2-15

7 SECTION 2. 20.436 (1) (g) of the statutes is renumbered 20.435 (5) (g) and  
8 amended to read:

9 20.435 (5) (g) *Gifts ~~Tobacco control~~; gifts and grants.* All moneys received from  
10 gifts, grants and donations for the purposes specified under s. 255.15 to be used for  
11 those purposes.

History: 1999 a. 9; 2001 a. 109.

*Under core  
no striking*



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

LRB-1504/P1dn  
DAK&RCTY.....

EPB

date

To Sue Jablonsky:

1. We generally do not create new positions in the budget bill because, under s. 16.505 (1) and (2), stats., the governor can adjust some positions without legislative approval. Therefore, I did not create one GPR position in the Division of Health, as requested. ✓
2. This bill becomes effective on the day after publication; is that what you want?
3. Because the incumbent employees are not going to DHFS, I have included no nonstatutory provisions that address transfer of employees.
- 4 3. Because the Tobacco Control Board has rules for the grants, please see <sup>the</sup> provisions in SEC 9151 (1) (d) concerning rules. ✓
5. I do not know as yet what, if anything, you want to do about the date in s. 20.436 (1) (b) (see 03-0530/P2); also, do you want that change incorporated into this bill? ✓

Debora A. Kennedy  
Managing Attorney  
Phone: (608) 266-0137  
E-mail: debora.kennedy@legis.state.wi.us

Section

CS

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

LRB-1504/P1dn  
DAK&RCT:cjs:rs

February 2, 2003

To Sue Jablonsky:

1. We generally do not create new positions in the budget bill because, under s. 16.505 (1) and (2), stats., the governor can adjust some positions without legislative approval. Therefore, I did not create one GPR position in the Division of Health, as requested.
2. This bill becomes effective on the day after publication; is that what you want?
3. Because the incumbent employees are not going to DHFS, I have included no nonstatutory provisions that address transfer of employees.
4. Because the Tobacco Control Board has rules for the grants, please see the provisions in SECTION 9151 (1) (c) concerning rules.

Debora A. Kennedy  
Managing Attorney  
Phone: (608) 266-0137  
E-mail: [debora.kennedy@legis.state.wi.us](mailto:debora.kennedy@legis.state.wi.us)

1/3 From Sue Gabelowsky

Transfer of tobacco control money goes to  
20.435(1), rather than (5)

Combine -1504 and -0530



TODAY 2/3  
State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-1504/1  
DAK&RCT:cjs:

stays

DOA:.....Jablonsky - BB0347, Eliminate Tobacco Control Board; money to DHFS ; decrease general fund transfer

FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION

DO NOT GEN

- 1 AN ACT ...; relating to: ~~eliminating the Tobacco Control Board, transferring~~
- 2 ~~functions of the Tobacco Control Board to the Department of Health and Family~~
- 3 ~~Services, and making appropriations.~~ the budget

and administration of the tobacco control fund

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

~~HEALTH AND HUMAN SERVICES~~ HEALTH sub

Under current law, the Tobacco Control Board distributes funds for activities related to preventing individuals from smoking and assisting smokers to quit smoking.

This bill eliminates the Tobacco Control Board and transfers its responsibilities to DHFS.

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

INSERT ANAL

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

INSERT 1-3

SECTION 1. 15.195 (1) of the statutes is repealed.

SECTION 2

1 SECTION 2. 20.250 (1) (k) of the statutes is amended to read:

2 20.250 (1) (k) *Tobacco-related illnesses*. All moneys received from the tobacco  
3 control board department of health and family services under s. 255.15 (3) (a) 4., for  
4 tobacco use prevention and cessation activities.

5 SECTION 3. 20.285 (1) (kr) of the statutes is amended to read:

6 20.285 (1) (kr) *University of Wisconsin center for tobacco research and*  
7 *intervention*. All moneys received from the tobacco control board department of  
8 health and family services under s. 255.15 (3) (a) 1., to advance the work of the  
9 tobacco research and intervention center at the University of Wisconsin-Madison in  
10 developing new educational programs to discourage tobacco use, determining the  
11 most effective strategies for preventing tobacco use and expanding smoking  
12 cessation programs throughout the state.

13 SECTION 4. 20.436 (intro.) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change that must be reflected in the revised  
schedule in s. 20.005, stats.

14 SECTION 5. 20.436 (1) (title) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change that must be reflected in the revised  
schedule in s. 20.005, stats.

15 SECTION 6. 20.436 (1) (b) of the statutes is renumbered 20.435 (1) (b) and  
16 amended to read: From the general fund

17 20.435 (1) (b) *Annual Tobacco control; annual transfer from general fund*.  
18 Annually, beginning on June 15, 2004, a sum sufficient to be transferred to the  
19 tobacco control fund equal to \$25,000,000, less the amount transferred from the  
20 permanent endowment fund under s. 13.101 (16) (b) in that year. fiscal To the tobacco control fund

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

\$15,054,500 for fiscal year 2003-04 and equal to  
\$15,062,000 for fiscal year 2004-05 and every year thereafter  
fiscal

1 SECTION 7. 20.436 (1) (g) of the statutes is renumbered 20.435 (1) (g) and ✓  
 2 amended to read: (1) (B)  
 3 20.435 (1) (g) *Gifts Tobacco control; gifts and grants.* All moneys received from  
 4 gifts, grants and donations for the purposes specified under s. 255.15 to be used for  
 5 those purposes.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6 SECTION 8. 20.436 (1) (tb) of the statutes is renumbered 20.435 (1) (tb) and ✓  
 7 amended to read: (1) (B)  
 8 20.435 (1) (tb) *General program operations; tobacco control.* Biennially, from  
 9 the tobacco control fund, the amounts in the schedule for general program operations  
 10 of the related to tobacco control board.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11 SECTION 9. 20.436 (1) (tc) of the statutes is renumbered 20.435 (1) (tc) and ✓  
 12 amended to read: (1) (B)  
 13 20.435 (1) (tc) *Grants from tobacco control fund.* As From the tobacco control  
 14 fund, as a continuing appropriation, the amounts in the schedule for the purposes  
 15 specified under s. 255.15 (3).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16 SECTION 10. 25.66 (1) (e) of the statutes is amended to read:  
 17 25.66 (1) (e) Beginning in fiscal year 2003–04, all moneys transferred from the  
 18 general fund under s. 20.436 (1) 20.435 (1) (b). (1)

19 SECTION 11. 255.15 (1) of the statutes is repealed.

20 SECTION 12. 255.15 (1m) (intro.) of the statutes is amended to read:

21 255.15 (1m) DUTIES. (intro.) The ~~board~~ department shall do all of the following:

1           **SECTION 13.** 255.15 (1m) (a) of the statutes is repealed.

2           **SECTION 14.** 255.15 (1m) (c) of the statutes is amended to read:

3           255.15 (1m) (c) Promulgate rules establishing criteria for recipients of grants  
4 awarded under sub. (3), including performance-based standards for grant recipients  
5 that propose to use the grant for media efforts. The ~~board~~ department shall ensure  
6 that programs or projects conducted under the grants are culturally sensitive.

7           **SECTION 15.** 255.15 (3) (a) (intro.) of the statutes is amended to read:

8           255.15 (3) (a) (intro.) From the appropriation under s. ~~20.436 (1)~~ 20.435 (3) (tc),  
9 the ~~board~~ department shall distribute the following amounts to or for all of the  
10 following:

11           **SECTION 16.** 255.15 (3) (b) (intro.) of the statutes is amended to read:

12           255.15 (3) (b) (intro.) From the appropriation under s. ~~20.436 (1)~~ 20.435 (3) (tc),  
13 the ~~board~~ department may distribute grants for any of the following:

14           **SECTION 17.** 255.15 (4) of the statutes is amended to read:

15           255.15 (4) REPORTS. Not later than April 15, 2002, and annually thereafter, the  
16 ~~board~~ department shall submit to the governor and to the chief clerk of each house  
17 of the legislature for distribution under s. 13.172 (2) a report that evaluates the  
18 success of the grant program under sub. (3). The report shall specify the number of  
19 grants awarded during the immediately preceding fiscal year and the purpose for  
20 which each grant was made. The report shall also specify donations and grants  
21 accepted by the ~~board~~ department under sub. (5).

22           **SECTION 18.** 255.15 (5) of the statutes is amended to read:

23           255.15 (5) FUNDS. The ~~board~~ department may accept for any of its the purposes  
24 under this section any donations and grants of money, equipment, supplies,  
25 materials and services from any person. The ~~board~~ department shall include in the

1 report under sub. (4) any donation or grant accepted by the ~~board~~ department under  
2 this subsection, including the nature, amount and conditions, if any, of the donation  
3 or grant and the identity of the donor.

4 **SECTION 19.** 255.15 (6) of the statutes is amended to read:

5 255.15 (6) ~~SUBCOMMITTEES~~ COMMITTEES. ~~The board may create subcommittees~~  
6 ~~to assist in its work.~~ If the ~~board~~ department creates ~~subcommittees~~ committees to  
7 assist in its work under this section, one of the ~~subcommittees~~ committees shall  
8 address the issue of populations most adversely affected by tobacco.

9 **SECTION 9151. Nonstatutory provisions; tobacco control board.**

10 (1) ELIMINATION OF THE TOBACCO CONTROL BOARD.

11 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
12 liabilities of the tobacco control board shall become the assets and liabilities of the  
13 department of health and family services.

14 (b) *Contracts.*

15 1. All contracts entered into by the tobacco control board in effect on the  
16 effective date of this subdivision remain in effect and are transferred to the  
17 department of health and family services. The department of health and family  
18 services shall carry out any obligations under such a contract until the contract is  
19 modified or rescinded by the department of health and family services to the extent  
20 allowed under the contract.

21 2. All contracts entered into by the department of health and family services  
22 in effect on the effective date of this subdivision that are primarily related to the  
23 functions of the tobacco control board, as determined by the secretary of  
24 administration, remain in effect. The department of health and family services shall  
25 carry out any obligations under such a contract until the contract is modified or



1 rescinded by the department of health and family services to the extent allowed  
2 under the contract.

3 (c) *Rules and orders.* All rules promulgated by the tobacco control board that  
4 are in effect on the effective date of this paragraph remain in effect until their  
5 specified expiration date or until amended or repealed by the department of health  
6 and family services. All orders issued by the tobacco control board that are in effect  
7 on the effective date of this paragraph remain in effect until their specified expiration  
8 date or until modified or rescinded by the department of health and family services.

9 (END)

DOA:.....Jablonsky - BB0030, Tobacco control fund; decrease in transfer from general fund

FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: general fund transfer to the tobacco control fund.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Currently, on June 15 annually, beginning June 15, 2004, JCF must transfer from the permanent endowment fund to the tobacco control fund the lesser of \$25,000,000 or the proceeds of, and investment earnings on, investments of the permanent endowment fund in the prior calendar year. Also on June 15 annually, beginning June 15, 2004, a transfer must be made from the general fund to the tobacco control fund of \$25,000,000, less the amount that is required to be transferred to the tobacco control fund from the permanent endowment fund.

This bill requires JCF to transfer annually, beginning on June 15, 2004, from the permanent endowment fund to the tobacco control fund the lesser of \$15,054,500 for fiscal year 2003-04, and the lesser of \$15,062,000 for fiscal year 2004-05, or the proceeds of, and investment earnings on, investments of the permanent endowment fund in the prior calendar year. The bill also makes a transfer from the general fund to the tobacco control fund annually, beginning on June 15, 2004, of \$15,054,500 for fiscal year 2003-04, and \$15,062,000 for fiscal year 2004-05, less the amount transferred by JCF to the tobacco control fund from the permanent endowment fund in that fiscal year.

INSERT ANAL



and every fiscal year thereafter

and every year thereafter

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

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

*and every fiscal year thereafter*

INSERT  
1-3

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18

SECTION 1. 13.101 (16) (b) of the statutes is amended to read:

13.101 (16) (b) Annually, on June 15, beginning in 2004, the committee shall transfer from the permanent endowment fund to the tobacco control fund the lesser of ~~\$25,000,000~~ \$15,054,500 for fiscal year 2003-04, and the lesser of \$15,062,000 for fiscal year 2004-05, or the proceeds of, and investment earnings on, investments of the permanent endowment fund in the prior calendar year.

SECTION 2. 20.436 (intro.) of the statutes is amended to read:

**20.436 Tobacco control board.** (intro.) There is appropriated from the tobacco control fund, or from other funds if so indicated, to the tobacco control board for the following programs:

SECTION 3. 20.436 (1) (b) of the statutes is amended to read:

20.436 (1) (b) *Annual transfer from general fund.* Annually, on June 15, beginning on June 15, 2004, from the general fund, a sum sufficient to be transferred to the tobacco control fund equal to ~~\$25,000,000~~ \$15,054,500 for fiscal year 2003-04 and equal to \$15,062,000 for fiscal year 2004-05, less the amount transferred to the tobacco control fund from the permanent endowment fund under s. 13.101 (16) (b) in that fiscal year.

(END)



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-1504/1  
DAK&RCT:cjs:rs

DOA:.....Jablonsky – BB0347, Eliminate Tobacco Control Board; money to DHFS; decrease general fund transfer

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

---

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**HEALTH**

Under current law, the Tobacco Control Board distributes funds for activities related to preventing individuals from smoking and assisting smokers to quit smoking. This bill eliminates the Tobacco Control Board and transfers its responsibilities and administration of the tobacco control fund to DHFS.

Currently, on June 15 annually, beginning June 15, 2004, JCF must transfer from the permanent endowment fund to the tobacco control fund the lesser of \$25,000,000 or the proceeds of, and investment earnings on, investments of the permanent endowment fund in the prior calendar year. Also on June 15 annually, beginning June 15, 2004, a transfer must be made from the general fund to the tobacco control fund of \$25,000,000, less the amount that is required to be transferred to the tobacco control fund from the permanent endowment fund. This bill requires JCF to transfer annually, beginning on June 15, 2004, from the permanent endowment fund to the tobacco control fund the lesser of \$15,054,500 for fiscal year 2003-04, and the lesser of \$15,062,000 for fiscal year 2004-05 and every fiscal year thereafter, or the proceeds of, and investment earnings on, investments of the permanent endowment fund in the prior calendar year. The bill also makes

a transfer from the general fund to the tobacco control fund annually, beginning on June 15, 2004, of \$15,054,500 for fiscal year 2003–04, and \$15,062,000 for fiscal year 2004–05 and every fiscal year thereafter, less the amount transferred by JCF to the tobacco control fund from the permanent endowment fund in that fiscal year.

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

---

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

1           **SECTION 1.** 13.101 (16) (b) of the statutes is amended to read:

2           13.101 (16) (b) Annually, on June 15, beginning in 2004, the committee shall  
3 transfer from the permanent endowment fund to the tobacco control fund the lesser  
4 of ~~\$25,000,000~~ \$15,054,500 for fiscal year 2003–04, and the lesser of \$15,062,000 for  
5 fiscal year 2004–05 and every fiscal year thereafter, or the proceeds of, and  
6 investment earnings on, investments of the permanent endowment fund in the prior  
7 calendar year.

8           **SECTION 2.** 15.195 (1) of the statutes is repealed.

9           **SECTION 3.** 20.250 (1) (k) of the statutes is amended to read:

10           20.250 (1) (k) *Tobacco-related illnesses.* All moneys received from the tobacco  
11 ~~control board~~ department of health and family services under s. 255.15 (3) (a) 4., for  
12 tobacco use prevention and cessation activities.

13           **SECTION 4.** 20.285 (1) (kr) of the statutes is amended to read:

14           20.285 (1) (kr) *University of Wisconsin center for tobacco research and*  
15 *intervention.* All moneys received from the ~~tobacco control board~~ department of  
16 health and family services under s. 255.15 (3) (a) 1., to advance the work of the  
17 tobacco research and intervention center at the University of Wisconsin–Madison in  
18 developing new educational programs to discourage tobacco use, determining the

1 most effective strategies for preventing tobacco use and expanding smoking  
2 cessation programs throughout the state.

3 **SECTION 5.** 20.436 (intro.) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change that must be reflected in the revised  
schedule in s. 20.005, stats.

4 **SECTION 6.** 20.436 (1) (title) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change that must be reflected in the revised  
schedule in s. 20.005, stats.

5 **SECTION 7.** 20.436 (1) (b) of the statutes is renumbered 20.435 (1) (b) and  
6 amended to read:

7 20.435 (1) (b) *Annual Tobacco control; annual transfer from general fund.*  
8 Annually, beginning on June 15, 2004, a sum sufficient to be transferred from the  
9 general fund to the tobacco control fund equal to ~~\$25,000,000~~ \$15,054,500 for fiscal  
10 year 2003–04 and equal to \$15,062,000 for fiscal year 2004–05 and every fiscal year  
11 thereafter, less the amount transferred to the tobacco control fund from the  
12 permanent endowment fund under s. 13.101 (16) (b) in that fiscal year.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

13 **SECTION 8.** 20.436 (1) (g) of the statutes is renumbered 20.435 (1) (g) and  
14 amended to read:

15 20.435 (1) (g) *Gifts Tobacco control; gifts and grants.* All moneys received from  
16 gifts, grants and donations for the purposes specified under s. 255.15 to be used for  
17 those purposes.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

18 **SECTION 9.** 20.436 (1) (tb) of the statutes is renumbered 20.435 (1) (tb) and  
19 amended to read:

1           20.435 (1) (tb) *General program operations; tobacco control*. Biennially, from  
2 the tobacco control fund, the amounts in the schedule for general program operations  
3 of the related to tobacco control board.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4           **SECTION 10.** 20.436 (1) (tc) of the statutes is renumbered 20.435 (1) (tc) and  
5 amended to read:

6           20.435 (1) (tc) *Grants from tobacco control fund*. As From the tobacco control  
7 fund, as a continuing appropriation, the amounts in the schedule for the purposes  
8 specified under s. 255.15 (3).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9           **SECTION 11.** 25.66 (1) (e) of the statutes is amended to read:

10           25.66 (1) (e) Beginning in fiscal year 2003–04, all moneys transferred from the  
11 general fund under s. ~~20.436 (1)~~ 20.435 (1) (b).

12           **SECTION 12.** 255.15 (1) of the statutes is repealed.

13           **SECTION 13.** 255.15 (1m) (intro.) of the statutes is amended to read:

14           255.15 (1m) DUTIES. (intro.) ~~The board~~ department shall do all of the following:

15           **SECTION 14.** 255.15 (1m) (a) of the statutes is repealed.

16           **SECTION 15.** 255.15 (1m) (c) of the statutes is amended to read:

17           255.15 (1m) (c) Promulgate rules establishing criteria for recipients of grants  
18 awarded under sub. (3), including performance–based standards for grant recipients  
19 that propose to use the grant for media efforts. ~~The board~~ department shall ensure  
20 that programs or projects conducted under the grants are culturally sensitive.

21           **SECTION 16.** 255.15 (3) (a) (intro.) of the statutes is amended to read:

1           255.15 (3) (a) (intro.) From the appropriation under s. ~~20.436 (1)~~ 20.435 (1) (tc),  
2       the ~~board~~ department shall distribute the following amounts to or for all of the  
3       following:

4           **SECTION 17.** 255.15 (3) (b) (intro.) of the statutes is amended to read:

5           255.15 (3) (b) (intro.) From the appropriation under s. ~~20.436 (1)~~ 20.435 (1) (tc),  
6       the ~~board~~ department may distribute grants for any of the following:

7           **SECTION 18.** 255.15 (4) of the statutes is amended to read:

8           255.15 (4) REPORTS. Not later than April 15, 2002, and annually thereafter, the  
9       ~~board~~ department shall submit to the governor and to the chief clerk of each house  
10      of the legislature for distribution under s. 13.172 (2) a report that evaluates the  
11      success of the grant program under sub. (3). The report shall specify the number of  
12      grants awarded during the immediately preceding fiscal year and the purpose for  
13      which each grant was made. The report shall also specify donations and grants  
14      accepted by the ~~board~~ department under sub. (5).

15          **SECTION 19.** 255.15 (5) of the statutes is amended to read:

16          255.15 (5) FUNDS. The ~~board~~ department may accept for any of its the purposes  
17      under this section any donations and grants of money, equipment, supplies,  
18      materials and services from any person. The ~~board~~ department shall include in the  
19      report under sub. (4) any donation or grant accepted by the ~~board~~ department under  
20      this subsection, including the nature, amount and conditions, if any, of the donation  
21      or grant and the identity of the donor.

22          **SECTION 20.** 255.15 (6) of the statutes is amended to read:

23          255.15 (6) ~~SUBCOMMITTEES~~ COMMITTEES. ~~The board may create subcommittees~~  
24      ~~to assist in its work.~~ If the ~~board~~ department creates ~~subcommittees~~ committees to



1 assist in its work under this section, one of the ~~subcommittees~~ committees shall  
2 address the issue of populations most adversely affected by tobacco.

3 **SECTION 9151. Nonstatutory provisions; tobacco control board.**

4 (1) ELIMINATION OF THE TOBACCO CONTROL BOARD.

5 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
6 liabilities of the tobacco control board shall become the assets and liabilities of the  
7 department of health and family services.

8 (b) *Contracts.*

9 1. All contracts entered into by the tobacco control board in effect on the  
10 effective date of this subdivision remain in effect and are transferred to the  
11 department of health and family services. The department of health and family  
12 services shall carry out any obligations under such a contract until the contract is  
13 modified or rescinded by the department of health and family services to the extent  
14 allowed under the contract.

15 2. All contracts entered into by the department of health and family services  
16 in effect on the effective date of this subdivision that are primarily related to the  
17 functions of the tobacco control board, as determined by the secretary of  
18 administration, remain in effect. The department of health and family services shall  
19 carry out any obligations under such a contract until the contract is modified or  
20 rescinded by the department of health and family services to the extent allowed  
21 under the contract.

22 (c) *Rules and orders.* All rules promulgated by the tobacco control board that  
23 are in effect on the effective date of this paragraph remain in effect until their  
24 specified expiration date or until amended or repealed by the department of health  
25 and family services. All orders issued by the tobacco control board that are in effect

1 on the effective date of this paragraph remain in effect until their specified expiration  
2 date or until modified or rescinded by the department of health and family services.

3 (END)