



2007 DRAFTING REQUEST

Bill

Received: 11/27/2006

Received By: **jkreye**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Easton**

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

Drafter: **jkreye**

May Contact:

Addl. Drafters: **dkennedy
pkahler**

Subject: **Tax, Other - alcohol and tobacco
Health - public health
Health - medical assistance
Insurance - miscellaneous**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Easton, BB0175 -

Topic:

Increase excise tax rate on cigarette and tobacco products sales; health care quality fund

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>
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/1	jkreye 11/27/2006 jkreye 12/05/2006	wjackson 11/27/2006	nmatzke 11/27/2006	_____	sbasford 11/28/2006		State
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/11	dkennedy 01/31/2007	kfollett 01/31/2007	pgreensl 01/31/2007	_____	mbarman 01/31/2007		S&L
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May Contact:

Addl. Drafters: dkennedy
pkahler

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Health - public health
Health - medical assistance
Insurance - miscellaneous

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Drafter: jkreyc

May Contact:

Adl. Drafters: dkennedy
pkahler

Subject: Tax, Other - alcohol and tobacco
Health - public health
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Insurance - miscellaneous

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18 cjs

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6 1/25 jld

Handwritten signature and initials, possibly 'RS'

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/4			nnatzke 01/12/2007	_____	cduerst 01/12/2007		

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<END>

2007 DRAFTING REQUEST

Bill

Received: **11/27/2006**

Received By: **jkreye**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Easton**

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

Drafter: **jkreye**

May Contact:

Addl. Drafters: **dkennedy**

Subject: **Tax, Other - alcohol and tobacco
Health - miscellaneous**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Easton, BB0175 -

Topic:

Increase excise tax rate on cigarette and tobacco products sales

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
/1	jkreye 11/27/2006 jkreye 12/05/2006	wjackson 11/27/2006	nmatzke 11/27/2006	_____	sbasford 11/28/2006		State
/2	dkennedy 12/07/2006 jkreye 12/07/2006 jkreye 01/09/2007	wjackson 12/12/2006 wjackson 01/09/2007 <i>/4 Wlj 1/12</i>	rschluet 12/13/2006 <i>nwn 1/12</i>	_____	cduerst 12/13/2006 <i>nwn/rs 1/12</i>		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3			rschluet	_____	mbarman		
			01/10/2007	_____	01/10/2007		

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: **11/27/2006**

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/2	dkennedy 12/07/2006 jkreye 12/07/2006	wjackson 12/12/2006 <i>13 WJ 1/9</i>	rschmet 12/13/2006	_____	cduerst 12/13/2006		

FE Sent For:

<END>

2007 DRAFTING REQUEST

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For: **Administration-Budget**

By/Representing: **Easton**

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

Drafter: **jkreye**

May Contact:

Addl. Drafters:

Subject: **Tax, Other - alcohol and tobacco**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Easton, BB0175 -

Topic:

Increase excise tax rate on cigarette/sales

and tobacco products

Instructions:

See Attached

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/?							State
/1	jkreye 11/27/2006	wjackson 11/27/2006	nmatzke 11/27/2006		sbasford 11/28/2006		

FE Sent For:

1/2 w/ij 12/12

428/06
<END>
JF

2007 DRAFTING REQUEST

Bill

Received: 11/27/2006

Received By: jkreye

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Easton

This file may be shown to any legislator: NO

Drafter: jkreye

May Contact:

Addl. Drafters:

Subject: Tax, Other - alcohol and tobacco

Extra Copies:

Submit via email: NO

Pre Topic:

DOA:.....Easton, BB0175 -

Topic:

Increase excise tax rate on cigarette sales

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>
/?	jkreye	^ wlj 11/27	nwn 11/27	nwn 11/27			

FE Sent For:

<END>

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Increase Cigarette Tax
- Tracking Code: BB0175
- SBO team: Tax and Local Government
- SBO analyst: Easton
 - Phone: 6-7597
 - Email: Darren.easton@wisconsin.gov
- Agency acronym: DOR
- Agency number: 566
- Priority (Low, Medium, High): High

Department of Revenue LRB Draft Comments
LRB 0892/4

Please bring
yours? look to
you when
/6 over out
of typing.
Thanks.

1. **Bill and/or LRB Number:** LRB-0892/4 – Increase Cigarette Excise Tax

2. **Type of Taxes Affected:**
Cigarette and Tobacco Products Taxes

3. **Description of the Bill:** (briefly describe the subject matter of the bill and the change/s)

This bill increases the Wisconsin cigarette tax rate from \$ 0.0385 per cigarette to \$ 0.0885 per cigarette (\$0.77 per twenty cigarette pack to \$1.77 per twenty cigarette pack). Of the cigarette tax collected, \$0.05 per cigarette (\$1.00 per twenty cigarette pack) will be deposited into the health care quality fund.

The bill also increases the Wisconsin tobacco products tax from 25% of the manufacturer's established list price to 57.5% of the manufacturer's established list price. Of the tobacco products taxes collected 56.5% will be deposited into the health care quality fund.

4. **Statutory language problems, if any:** X Yes No

(If yes, describe problems and indicate suggested corrective language. Example of problem: The bill language is unclear, does not fully accomplish the desired result, or has undesirable side effects.)

139.326
(5)

- Manufacturers, bonded direct marketers, and distributors who are authorized by the department to purchase tax stamps receive a discount of 1.6% of the tax paid on stamp purchases. Reduce the discount to 0.7%.
- As provided in sec. 139.315, Wis. Stats., when the tax is increased, taxpayers will be required to remit tax on cigarettes on hand where stamps are already affixed and on unaffixed stamps as of the effective date of the increase (floor tax). Taxpayers are currently given only 15 days to remit this tax. This puts a significant burden on retailers because they must remit the increased tax they have not yet collected from customers and the time to do an inventory and prepare forms is short. Increase the days to remit the tax to 30.
- Decrease the amount refunded to the tribes for the collection of the cigarette and tobacco tax, under sec. 139.323, 139.325, 139.803, and 139.805, Wis. Stats., from 70% to 40%.
(alter) (alter)
- Increase the tax on cigarettes to \$2.02 per pack (101 mills) and increase the tax on tobacco products to 65.6% of the price.

5. **Effective date problems, if any, including transitional problems:** X Yes No

(If yes, describe problem and suggested effective date or transitional language needed.)

The department recommends that the effective date be September 1, 2007 or the first day of the month 60 days after the day after publication. This will allow sufficient time to create forms, amend forms, and obtain a listing of all cigarette retailers that floor tax would be due from. Also it should take effect on the 1st day of a month and not in the middle since cigarette and tobacco products taxes are paid on a monthly basis.

Statutory Language Request
November 17, 2006

TITLE: INCREASE THE CIGARETTE TAX

RECOMMENDATION FOR ACTION:

Increase the tax on cigarettes from 77 cents per pack to \$2 per pack. On cigarettes weighing not more than 3 pounds per thousand, the tax increase equals 100 mills on each cigarette. The increase is 61.5 mills.

EFFECTIVE DATE OR INITIAL APPLICABILITY:

July 1, 2007

PERSON TO CONTACT:

Darren Easton
6-7597
Darren.easton@wisconsin.gov

This bill increases the rate of the excise tax imposed on the sale of cigarettes from 77 cents per pack to \$2.00 per pack.

139,31(1)(a) & (b)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0892/1

JK:f:...

WLj

DOA:.....Easton, BB0175 - Increase excise tax rate on cigarette sales

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

in 11-27-06

Do Not Gen

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

Analysis by the Legislative Reference Bureau

TAXATION

OTHER TAXATION

This bill increases the rate of the excise tax imposed on the sale of cigarettes from 77 cents per pack to \$2.00 per pack.

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:

2 SECTION 1. 139.31 (1) (a) of the statutes is amended to read:

3 139.31 (1) (a) On cigarettes weighing not more than 3 pounds per thousand,

4 38.5 100 mills on each cigarette.

History: 1971 c. 125; 1981 c. 20, 317, 390; 1983 a. 2, 27; 1985 a. 29; 1987 a. 27; 1991 a. 269; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 22.

5 SECTION 2. 139.31 (1) (b) of the statutes is amended to read:

2007 DRAFTING REQUEST

Bill

Received: 11/27/2006

Received By: jkreye

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Easton

This file may be shown to any legislator: NO

Drafter: jkreye

May Contact:

Addl. Drafters: dkennedy

Subject: Tax, Other - alcohol and tobacco
Health - miscellaneous

Extra Copies:

Submit via email: NO

Pre Topic:

DOA:.....Easton, BB0175 -

Topic:

Increase excise tax rate on cigarettes and tobacco products

Instructions:

See Attached

Drafting History:

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/?				_____			State
/1	jkreye 11/27/2006 jkreye	wjackson 11/27/2006	nnetzke 11/27/2006	_____	sbasford 11/28/2006		

FE Sent For:

<END>

Kreye, Joseph

From: Natzke, Noah
Sent: Monday, December 04, 2006 9:14 AM
To: Kreye, Joseph
Subject: FW: LRB Draft: 07-0892/1 Increase excise tax rate on cigarette sales
Attachments: Changes to LRB Cigarette Tax Draft.doc

Joe,

It seems someone at the DOA thinks I'm a drafter. Below is feedback from an analyst on -0892. I was out of the office on Friday, hence the delay in forwarding this to you.

Noah Natzke
Legislative Reference Bureau
266-0132

From: Easton, Darren - DOA
Sent: Friday, December 01, 2006 11:43 AM
To: Natzke, Noah
Subject: RE: LRB Draft: 07-0892/1 Increase excise tax rate on cigarette sales

Hello Noah,

The referenced draft needs to be expanded to cover the items in the attached document. Call me if you need to.

Thanks,

Darren
6-7597

From: Natzke, Noah [mailto:Noah.Natzke@legis.wisconsin.gov]
Sent: Monday, November 27, 2006 4:57 PM
To: Easton, Darren - DOA
Cc: Koskinen, John - DOA; Hanaman, Cathlene; Palchik, Laurie A - DOA
Subject: LRB Draft: 07-0892/1 Increase excise tax rate on cigarette sales

Following is the PDF version of draft 07-0892/1.

Taxes collected under subch. II of ch. 139

Changes to LRB Cigarette Tax Draft

1. Put all monies from the cigarette tax into a segregate fund, called The Health Care Quality Fund, in Chapter 25.
2. Also direct any monies from the Master Settlement Agreement and any refinancing monies into the Health Care Quality Fund.
3. Increase the tax rate on all tobacco products from 25 percent of the manufacturer's list price to 65 percent of the list price. (ss 139.76) \approx 139.78(1)
4. Put all monies from the tobacco tax into a segregated fund, called the Tobacco Control Fund, in Chapter 25.
5. Create 4 new SEG appropriations in Program Four at DHFS to spend revenues from the Health Care Quality Fund:

- Medicaid & BadgerCare Benefits
- Medicaid Administration (see 20.435(4)(b m)) (bv) +
- SeniorCare Benefits (see 20.435(4)(p9))
- SeniorCare Administration (see 20.435(4)(j6))

Taxes collected under subch. III of ch. 139

spoke to Darren on 12-4

*change TPT to 42 percent
cig tax to \$1.25/pack*

12/6/06

Kennedy, Debora

To: Pink, Michelle C - DOA
Subject: 05-0892, increasing cigarette tax to fund MA, etc.

In order to complete this draft, I need clarification of or answers to the following (I have spoken with Darren Easton, and he referred me to you); my questions are based on the one-page set of instructions entitled "Changes to LRB Cigarette Tax Draft):

1. Are ALL moneys from the cigarette tax to go into the health care quality fund, or just the difference between what is collected now and the increase under the bill?
2. Where does the money under the Master Settlement agreement under s. 995.11 go now? What does "any refinancing moneys" mean?
3. Concerning the new appropriations of moneys from the health care quality fund: are they to be biennial? Continuing?

Thank you.

Debora A. Kennedy
Managing Attorney
Legislative Reference Bureau
(608) 266-0137
debora.kennedy@legis.state.wi.us

Further: See 25.69 Permanent endowment fund — is for receipt of proceeds from sale of st.'s right to payments from the tobacco settlement agreement. Has state sold all rights?

Kennedy, Debora

From: Johnston, James - DOA
Sent: Wednesday, December 06, 2006 1:03 PM
To: Kennedy, Debora
Cc: Easton, Darren - DOA; Pink, Michelle C - DOA; Koskinen, John - DOA; Schmiedicke, David P - DOA
Subject: Response to questions on increasing cigarette tax to fund MA, etc.

Debora,

Sorry for any confusion about the drafting. Answers to your questions are in red.

In order to complete this draft, I need clarification of or answers to the following (I have spoken with Darren Easton, and he referred me to you); my questions are based on the one-page set of instructions entitled "Changes to LRB Cigarette Tax Draft):

1. Are ALL moneys from the cigarette tax to go into the health care quality fund, or just the difference between what is collected now and the increase under the bill?

Only the revenues raised above what is collected now and the increase under the bill are to be placed into the health care quality fund.

2. Where does the money under the Master Settlement agreement under s. 995.11 go now? What does "any refinancing moneys" mean?

We are deleting this portion of the request for the time being.

3. Concerning the new appropriations of moneys from the health care quality fund: are they to be biennial? Continuing?

The new DHFS appropriations should be continuing.

Thank you.

Jim

M. A. benefits

20.435(4)(b) in stat. references:

46.27(9)(a)
(10)(a) 1.

46.275(5)(a)
(c)

46.278(6)(d)

46.2785(5)(a)

X 46.279(4n)

46.283(5)

46.284(5)(a)

+ 46.485(2g)(intro.)

X " (3r)

49.45(2)(a) 17.

(5m)(am)

(6m)(a)(intro.)

(6v)(b)

(6x)(a)

(6y)(a)

(am)

(6z)(a)(intro.)

(8)(b)

(24m)(intro.)

X (51)(a)

(52)

49.472(6)(a)

(b)

49.473(5)

X 49.02(3)(c) 3.

X (e)

Badger Care benefits

20.435(4)(bc) refs:

49.665(4)(at) 1, a.

cm.

2.

Senior Care benefits

20.435(4)(bv)(j)(pg) refs

49.688(7)(a)

(b)

Assessments
in hospitals

(4)(b)(g)(o)
(w)