

2011 DRAFTING REQUEST

Bill

Received: **01/18/2011**

Received By: **gmalaise**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget 6-0239**

By/Representing: **Hetzel**

May Contact:

Drafter: **gmalaise**

Subject: **Higher Education - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Hetzel, BB0231 -

Topic:

Placement of Arts Board in Department of Tourism and elimination of Percent for Art Program

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>
/?	gmalaise 01/18/2011	nmatzke 01/20/2011		_____			State
/1			rschluet 01/20/2011	_____	mbarman 01/20/2011		State
/2	gmalaise 01/31/2011	nmatzke 02/01/2011	rschluet 02/01/2011	_____	mbarman 02/01/2011		State
/3	gmalaise 02/18/2011	nmatzke 02/18/2011	jfrantze 02/18/2011	_____	sbasford 02/18/2011		

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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JTK
MDK
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1/?	gmalaise	1 nwn 1/18					

FE Sent For:

<END>

Malaise, Gordon

From: Hanaman, Cathlene
Sent: Friday, January 14, 2011 3:40 PM
To: Malaise, Gordon
Subject: FW: Statutory Language Drafting Request

From: DOADLBASADMININTERNETSHAREPOINT@WI.GOV
[mailto:DOADLBASADMININTERNETSHAREPOINT@WI.GOV]
Sent: Friday, January 14, 2011 3:35 PM
To: Hanaman, Cathlene
Cc: Hetzel, Shayna - DOA; Thornton, Scott - DOA; Thornton, Scott - DOA
Subject: Statutory Language Drafting Request

Topic: Attach Arts Board to Tourism, eliminate Percent for Art

Tracking Code: BB0231

SBO Team: ITPS

SBO Analyst: Shayna Hetzel
Phone: (608) 266-0239
E-mail: Shayna.Hetzel@wisconsin.gov

Agency Acronym: WAB

Agency Number: 215

Priority: Low

Intent:
Attach Wisconsin Arts Board and its functions to the Department of Tourism.

Eliminate the Percent for Art Program.

Attachments: False

Malaise, Gordon

From: Thornton, Scott - DOA [scott.thornton@wisconsin.gov]
Sent: Tuesday, January 18, 2011 1:54 PM
To: Malaise, Gordon
Cc: Hanaman, Cathlene; Kraus, Jennifer - DOA; Hetzel, Shayna - DOA; Hoechst, Jonathan S - DOA
Subject: RE: Statutory Language Drafting Request
 Hi Gordon -

Thank you for pointing out the different options.

We would like the draft to move the Arts Board into the department rather than it being attached (as described in your third paragraph).

Please set up the appropriations in a new program in Tourism, e.g. Program 3.

In addition, please remove the authority of the Arts Board to appoint an executive secretary. If the board requires an executive secretary it should be appointed by the department (Tourism) secretary.

Please let me know if you have further questions.

Thanks,

Scott

From: Malaise, Gordon [mailto:Gordon.Malaise@legis.wisconsin.gov]
Sent: Tuesday, January 18, 2011 11:46 AM
To: Thornton, Scott - DOA; Hetzel, Shayna - DOA
Cc: Hanaman, Cathlene - LEGIS; Kraus, Jennifer - DOA
Subject: RE: Statutory Language Drafting Request

Scott:

No, the Arts Board can still have its own appropriations even though it is attached to a department. See, for example, the State Fair Park Board and the Lower Wisconsin Riverway Board, which are attached to the Department of Tourism under s. 15.03, but have their own appropriations under ss. 20.190 and 20.360, respectively.

You can, however, if you want, put the appropriations of the Arts Board under the Department of Tourism. See, for example, the Kickapoo Reserve Management Board, which is similarly attached to the Department of Tourism. The appropriations for that board are actually appropriated to the Department of Tourism under s. 20.380 (2).

Another alternative would be to have the Arts Board *in* the Department of Tourism, rather than *attached to* that department. The distinction is that an attached board exercises its powers, duties, and functions, including rule-making and, in this case, grant making, independently, but budget, program coordination, and related management functions are performed under the direction of the agency head, while a board created in a department exercises all of its powers, duties, and functions under the direction of the agency head. I guess it comes down to how much independence you want the Arts Board to have.

Gordon

From: Thornton, Scott - DOA [mailto:scott.thornton@wisconsin.gov]
Sent: Saturday, January 15, 2011 9:13 PM
To: Malaise, Gordon; Hetzel, Shayna - DOA
Cc: Hanaman, Cathlene; Kraus, Jennifer - DOA
Subject: RE: Statutory Language Drafting Request

Hi Gordon -

I still think that we need a draft to move appropriations currently under 20.215 to 20.380? I would assume that would also affect the draft then for eliminating Percent for Art.

Thanks,

Scott

From: Malaise, Gordon [Gordon.Malaise@legis.wisconsin.gov]
Sent: Saturday, January 15, 2011 12:14 PM
To: Thornton, Scott - DOA; Hetzel, Shayna - DOA
Cc: Hanaman, Cathlene - LEGIS
Subject: FW: Statutory Language Drafting Request

Scott and Shayna:

The Arts Board already is attached to the Department of Tourism under s. 15.03 as provided in s. 15.445 and, thus, already is administratively a part of Tourism. Also, elimination of the Percent for Art Program has already been drafted as LRB-0822.

Accordingly, it appears that there is nothing new to draft and that, therefore, you may withdraw this drafting request.

Gordon

From: Hanaman, Cathlene
Sent: Friday, January 14, 2011 5:01 PM
To: Malaise, Gordon
Subject: FW: Statutory Language Drafting Request

From: Thornton, Scott - DOA [mailto:scott.thornton@wisconsin.gov]
Sent: Friday, January 14, 2011 4:12 PM
To: Hanaman, Cathlene
Cc: Hetzel, Shayna - DOA; Hoechst, Jonathan S - DOA; Kraus, Jennifer - DOA
Subject: RE: Statutory Language Drafting Request

Cathlene -

You should have received this about a half an hour ago.

In addition to the stated intent, also eliminate the Arts Board as an agency, the board remains but administratively will be part of Tourism.

Thanks,

Scott

1/18/2011

From: DOADLBASADMININTERNETSHAREPOINT@WI.GOV
[mailto:DOADLBASADMININTERNETSHAREPOINT@WI.GOV]
Sent: Friday, January 14, 2011 3:35 PM
To: Hanaman, Cathlene - LEGIS
Cc: Hetzel, Shayna - DOA; Thornton, Scott - DOA; Thornton, Scott - DOA
Subject: Statutory Language Drafting Request

Topic: Attach Arts Board to Tourism, eliminate Percent for Art

Tracking Code: BB0231

SBO Team: ITPS

SBO Analyst: Shayna Hetzel
Phone: (608) 266-0239
E-mail: Shayna.Hetzel@wisconsin.gov

Agency Acronym: WAB

Agency Number: 215

Priority: Low

Intent:
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Eliminate the Percent for Art Program.

Attachments: False



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-10977

GMM.....

awn

IN 1118

DOA:.....Hetzl, BB0231 - Placement of Arts Board in Department of Tourism and elimination of Percent for Art Program

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

not# Current law also requires the Arts Board to appoint an executive secretary to serve at its pleasure. ✓

SAV
X-ref ✓

not# In addition, the bill requires the secretary of tourism, rather than the Arts Board to appoint an executive director of the Arts Board to serve at the pleasure of the secretary. ✓

don't gen.

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

Analysis by the Legislative Reference Bureau

EDUCATION ✓

OTHER EDUCATIONAL AND CULTURAL AGENCIES ✓

Under current law, the Arts Board is attached to the Department of Tourism, which means that the Arts Board exercises its powers, duties, and functions, including rule making and operational planning, independently of the secretary of tourism, except that budgeting, program coordination, and related management functions are performed under the direction and supervision of the secretary of tourism. ✓

This bill places the Arts Board in the Department of Tourism, which means that the Arts Board exercises all of its powers, duties, and functions under the direction and supervision of the secretary of tourism. ✓ The bill also transforms the appropriations to the Arts Board into appropriations to the Department of Tourism and moves the statutory provisions governing the powers, duties, and functions of the Arts Board from the chapter of the statutes relating to historical societies and the Arts Board to the chapter of the statutes relating to the Department of Tourism. ✓

Current law requires at least 0.02 percent of the appropriation for the construction, reconstruction, renovation, or remodeling of, or for an addition to, a state building to be used to acquire works of art for the building (Percent for Art

Program). That requirement, however, does not apply if the total construction cost of the project is \$250,000 or less. Under the Percent for Art Program, the Arts Board must select the work of art to be incorporated into the project and contract to procure the work of art. After acquisition of the work of art, the Arts Board must ensure that the work of art is properly executed and installed in public view, is properly maintained and not artistically altered without the consent of the artist, and is maintained and displayed on the grounds of the state building for at least 25 years, unless earlier removal is in the public interest. If a work of art is removed from a state building, the Arts Board must loan the work of art to a museum or to an educational or other public institution that is capable of maintaining and exhibiting the work of art.

This bill eliminates the Percent for Art Program, except that for a work of art acquired before the effective date of the bill, the bill maintains the requirements that the Arts Board ensure that the work of art is properly maintained and not artistically altered without the consent of the artist and is maintained and displayed on the grounds of the state building for at least 25 years, unless earlier removal is in the public interest, and that the Arts Board loan a removed work of art to a museum or to an educational or other public institution that is capable of maintaining and exhibiting the work of art.

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.** 13.48 (10) (a) of the statutes is amended to read:
2 13.48 (10) (a) No state board, agency, officer, department, commission, or body
3 corporate may enter into a contract for the construction, reconstruction, remodeling
4 of, or addition to any building, structure, or facility, in connection with any building
5 project which involves a cost in excess of \$150,000 without completion of final plans
6 and arrangement for supervision of construction and prior approval by the building
7 commission. ~~The building commission may not approve a contract for the~~
8 ~~construction, reconstruction, renovation or remodeling of or an addition to a state~~
9 ~~building as defined in s. 44.51(2) unless it determines that s. 44.57 has been complied~~
10 ~~with or does not apply.~~ This section applies to the department of transportation only
11 in respect to buildings, structures, and facilities to be used for administrative or

1 operating functions, including buildings, land, and equipment to be used for the
2 motor vehicle emission inspection and maintenance program under s. 110.20[✓]

3 **SECTION 2.** 15.445 (1) of the statutes is amended to read:

4 15.445 (1) ARTS BOARD. There is created an arts board ~~which is attached to~~ in
5 the department of tourism ~~under s. 15.03.~~[✓] The arts board shall consist of 15 members
6 appointed for 3-year terms who are residents of this state and who are known for
7 their concern for the arts. At least 2 members shall be from the northwest portion
8 of this state, at least 2 members shall be from the northeast portion of this state, at
9 least 2 members shall be from the southwest portion of this state, and at least 2
10 members shall be from the southeast portion of this state[✓].

11 **History:** 1995 a. 27 ss. 104, 114, 166m, 192, 193, 218e, 9116 (5); 1995 a. 216, 225; 1997 a. 36, 194; 1999 a. 197; 2003 a. 77; 2005 a. 396; 2009 a. 69.

11 **SECTION 3.** 20.215 (intro.) of the statutes is repealed.

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

12 **SECTION 4.** 20.215 (1) (title) of the statutes is renumbered 20.380 (3) (title)[✓].

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

13 **SECTION 5.** 20.215 (1) (a) of the statutes is renumbered 20.380 (3) (a) and
14 amended to read:

15 20.380 (3) (a) *General program operations.* The amounts in the schedule for
16 general program operations of the arts board.[✓]

History: 1973 c. 90; 1975 c. 39; 1977 c. 29; 1979 c. 34; 1983 a. 27; 1985 a. 29; 1987 a. 27, 399; 1989 a. 31, 359; 1991 a. 39 ss. 283, 284, 3703; 1993 a. 16; 1995 a. 27; 1997 a. 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20.

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

17 **SECTION 6.** 20.215 (1) (b) of the statutes is renumbered 20.380 (3) (b) and
18 amended to read:

19 20.380 (3) (b) *State aid for the arts.* The amounts in the schedule for
20 grants-in-aid or contract payments to groups, individuals, organizations and

1 institutions by the arts board under s. ~~44.53~~ 41.53 (1) (f) and (2) (a), and for grants
 2 and loans related to arts incubators under s. ~~44.60~~ and for the grant under ~~1999~~
 3 ~~Wisconsin Act 9, section 9105 (1c)~~ 41.60.

History: 1973 c. 90; 1975 c. 39; 1977 c. 29; 1979 c. 34; 1983 a. 27; 1985 a. 29; 1987 a. 27, 399; 1989 a. 31, 359; 1991 a. 39 ss. 283, 284, 3703; 1993 a. 16; 1995 a. 27; 1997 a. 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20.

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

4 SECTION 7. 20.215 (1) (c) of the statutes is renumbered 20.380 (3) (c) and
 5 amended to read:

6 20.380 (3) (c) *Portraits of governors.* The amounts in the schedule to pay for
 7 costs associated with the selection and purchase of portraits of governors under s.
 8 ~~44.53~~ 41.53 (1) (g).

History: 1973 c. 90; 1975 c. 39; 1977 c. 29; 1979 c. 34; 1983 a. 27; 1985 a. 29; 1987 a. 27, 399; 1989 a. 31, 359; 1991 a. 39 ss. 283, 284, 3703; 1993 a. 16; 1995 a. 27; 1997 a. 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20.

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

9 SECTION 8. 20.215 (1) (d) of the statutes is renumbered 20.380 (3) (d) and
 10 amended to read:

11 20.380 (3) (d) *Challenge grant program.* The amounts in the schedule for
 12 challenge grants under ss. ~~44.53~~ 41.53 (1) (i) and ~~44.565~~ 41.565.

History: 1973 c. 90; 1975 c. 39; 1977 c. 29; 1979 c. 34; 1983 a. 27; 1985 a. 29; 1987 a. 27, 399; 1989 a. 31, 359; 1991 a. 39 ss. 283, 284, 3703; 1993 a. 16; 1995 a. 27; 1997 a. 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20.

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

13 SECTION 9. 20.215 (1) (e) of the statutes is renumbered 20.380 (3) ~~(d)~~ and
 14 amended to read:

15 20.380 (3) ~~(d)~~ ^{e (e)} *High Point fund.* The amounts in the schedule for a grant to the
 16 Milwaukee Foundation, Inc., for deposit in the High Point fund under s. ~~44.53~~ 41.53
 17 (1) (j).

History: 1973 c. 90; 1975 c. 39; 1977 c. 29; 1979 c. 34; 1983 a. 27; 1985 a. 29; 1987 a. 27, 399; 1989 a. 31, 359; 1991 a. 39 ss. 283, 284, 3703; 1993 a. 16; 1995 a. 27; 1997 a. 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20.

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

1 SECTION 10. 20.215 (1) (f) of the statutes is renumbered 20.380 (3) (f) and
2 amended to read:

3 20.380 (3) (f) *Wisconsin regranting program.* The amounts in the schedule for
4 grants under s. ~~44.62~~ 41.62.

History: 1973 c. 90; 1975 c. 39; 1977 c. 29; 1979 c. 34; 1983 a. 27; 1985 a. 29; 1987 a. 27, 399; 1989 a. 31, 359; 1991 a. 39 ss. 283, 284, 3703; 1993 a. 16; 1995 a. 27; 1997 a. 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20.

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

5 SECTION 11. 20.215 (1) (g) of the statutes is renumbered 20.380 (3) (g) and
6 amended to read:

7 20.380 (3) (g) *Gifts and grants; state operations.* All moneys received by the arts
8 board as gifts and grants for expenses other than aids, to be used for the purposes
9 for which made.

History: 1973 c. 90; 1975 c. 39; 1977 c. 29; 1979 c. 34; 1983 a. 27; 1985 a. 29; 1987 a. 27, 399; 1989 a. 31, 359; 1991 a. 39 ss. 283, 284, 3703; 1993 a. 16; 1995 a. 27; 1997 a. 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20.

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

10 SECTION 12. 20.215 (1) (h) of the statutes is renumbered 20.380 (3) (h) and
11 amended to read:

12 20.380 (3) (h) *Gifts and grants; aids to individuals and organizations.* All
13 moneys received by the arts board as gifts and grants for the purpose of providing
14 aids to individuals and organizations, to be used for the purposes for which made.

History: 1973 c. 90; 1975 c. 39; 1977 c. 29; 1979 c. 34; 1983 a. 27; 1985 a. 29; 1987 a. 27, 399; 1989 a. 31, 359; 1991 a. 39 ss. 283, 284, 3703; 1993 a. 16; 1995 a. 27; 1997 a. 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20.

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

15 SECTION 13. 20.215 (1) (j) of the statutes is renumbered 20.380 (3) (j) and
16 amended to read:

17 20.380 (3) (j) *Support of arts programs.* All moneys received by the arts board
18 from the Wisconsin Artistic Endowment Foundation under s. 247.06 (1) (a) for

1 operating support of arts organizations and for grants under the Wisconsin
2 regranting program under s. ~~44.62~~ 41.62.

History: 1973 c. 90; 1975 c. 39; 1977 c. 29; 1979 c. 34; 1983 a. 27; 1985 a. 29; 1987 a. 27, 399; 1989 a. 31, 359; 1991 a. 39 ss. 283, 284, 3703; 1993 a. 16; 1995 a. 27; 1997 a. 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20.

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

3 SECTION 14. 20.215 (1) (k) of the statutes is repealed.

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

4 SECTION 15. 20.215 (1) (ka) of the statutes is repealed.

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

5 SECTION 16. 20.215 (1) (km) of the statutes is renumbered 20.380 (3) (km) and
6 amended to read:

7 20.380 (3) (km) *State aid for the arts; Indian gaming receipts.* The amounts in
8 the schedule for grants-in-aid or contract payments to American Indian groups,
9 individuals, organizations, and institutions under s. ~~44.53~~ 41.53 (1) (fm) and (2) (am).

10 All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 4b.
11 shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
12 unencumbered balance on June 30 of each year shall revert to the appropriation
13 account under s. 20.505 (8) (hm).

History: 1973 c. 90; 1975 c. 39; 1977 c. 29; 1979 c. 34; 1983 a. 27; 1985 a. 29; 1987 a. 27, 399; 1989 a. 31, 359; 1991 a. 39 ss. 283, 284, 3703; 1993 a. 16; 1995 a. 27; 1997 a. 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20.

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

14 SECTION 17. 20.215 (1) (m) of the statutes is renumbered 20.380 (3) (m) and
15 amended to read:

16 20.380 (3) (m) *Federal grants; state operations.* All moneys received by the arts
17 board from the federal government for expenses other than aids, to be used for the
18 purposes for which made.

History: 1973 c. 90; 1975 c. 39; 1977 c. 29; 1979 c. 34; 1983 a. 27; 1985 a. 29; 1987 a. 27, 399; 1989 a. 31, 359; 1991 a. 39 ss. 283, 284, 3703; 1993 a. 16; 1995 a. 27; 1997 a. 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20.

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

1 SECTION 18. 20.215 (1) (o) of the statutes is renumbered 20.380 (3) (o) and
2 amended to read:

3 20.380 (3) (o) *Federal grants; aids to individuals and organizations.* All
4 moneys received by the arts board from the federal government for the purpose of
5 providing aids to individuals and organizations, to be used for the purposes for which
6 made.✓

History: 1973 c. 90; 1975 c. 39; 1977 c. 29; 1979 c. 34; 1983 a. 27; 1985 a. 29; 1987 a. 27, 399; 1989 a. 31, 359; 1991 a. 39 ss. 283, 284, 3703; 1993 a. 16; 1995 a. 27; 1997 a. 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20.

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

7 SECTION 19. 20.505 (8) (hm) 4b. of the statutes is amended to read:

8 20.505 (8) (hm) 4b. The amount transferred to s. ~~20.215 (1)~~ 20.380 (3) (km) shall
9 be the amount in the schedule under s. ~~20.215 (1)~~ 20.380 (3) (km).✓

History: 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296m, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692, 9456 (3m); 1997 a. 237, 283; 1999 a. 5; 1999 a. 9 ss. 508 to 587d, 9401 (2zt), (2zu); 1999 a. 24, 52, 105, 113, 148, 185; 2001 a. 16 ss. 684d, 685d, 800 to 905; 2001 a. 104 ss. 21, 141; 2001 a. 109; 2003 a. 33 ss. 364d, 365d, 369d, 370d, 374d, 376d, 378d, 380d to 384d, 567 to 615f, 639, 640, 642d to 644, 2811 to 2813; 2003 a. 48 ss. 10, 11; 2003 a. 84; 2003 a. 139 ss. 9 to 12; 2003 a. 206 s. 23; 2003 a. 326; 2005 a. 25 ss. 389 to 429m, 2493, 2494, 2495, 9401, 9409; 2005 a. 60, 124, 141, 142, 253, 344, 414, 433; 2007 a. 20 ss. 323, 326, 516e to 542g, 9121 (6) (a); 2007 a. 226; 2009 a. 11, 28, 302, 318; s. 13.92 (2) (i).

10 SECTION 20. Chapter 44 (title) of the statutes is amended to read:

11 CHAPTER 44

12 HISTORICAL SOCIETIES AND ~~ARTS BOARD~~ HISTORICAL
13 PRESERVATION✓

14 SECTION 21. 44.02 (12) of the statutes is amended to read:

15 44.02 (12) Be the custodian of the official series of the portraits of the governors
16 of Wisconsin under s. ~~44.53~~ 41.53 (1) (g) and maintain the portraits in proper
17 condition. The society may permit any or all of the portraits to be exhibited in such
18 state buildings for such periods of time as it deems feasible.✓

History: 1971 c. 125; 1977 c. 26, 29; 1979 c. 34; 1981 c. 20; 1983 a. 27; 1985 a. 29; 1987 a. 27, 395, 399; 1989 a. 31; 1989 a. 56 s. 259; 1989 a. 359; 1991 a. 39, 226, 269; 1993 a. 437, 471; 1995 a. 3, 27; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2009 a. 28.

1 **SECTION 22.** Subchapter III (title) of chapter 44 [precedes 44.51] of the statutes
2 is renumbered subchapter III (title) of chapter 41 [precedes 41.51].[✓]

3 **SECTION 23.** 44.51 (intro.) and (1) of the statutes are consolidated, renumbered
4 44.51 and amended to read:

5 **44.51 Definitions.** In this subchapter, unless the context requires otherwise:
6 (1) ~~“Board”~~ otherwise, ~~“board”~~ means the arts board.[✓]

7 **SECTION 24.** 44.51 (1m) of the statutes is repealed.[✓]

8 **SECTION 25.** 44.51 (2) of the statutes is repealed.[✓]

9 **SECTION 26.** 44.51 (3) of the statutes is repealed.[✓]

10 **SECTION 27.** 44.53 (title) of the statutes is renumbered 41.53 (title).[✓]

11 **SECTION 28.** 44.53 (1) (intro.) of the statutes is renumbered 41.53 (1) (intro.).[✓]

12 **SECTION 29.** 44.53 (1) (a) of the statutes is renumbered 41.53 (1) (a).[✓]

13 **SECTION 30.** 44.53 (1) (b) of the statutes is renumbered 41.53 (1) (b).[✓]

14 **SECTION 31.** 44.53 (1) (c) of the statutes is renumbered 41.53 (1) (c).[✓]

15 **SECTION 32.** 44.53 (1) (d) of the statutes is renumbered 41.53 (1) (d).[✓]

16 **SECTION 33.** 44.53 (1) (e) of the statutes is renumbered 41.53 (1) (e).[✓]

17 **SECTION 34.** 44.53 (1) (f) of the statutes is renumbered 41.53 (1) (f) and amended
18 to read:

19 41.53 (1) (f) Plan and implement, when funds are available in the
20 appropriations under s. ~~20.215 (1)~~ 20.380 (3) (b) and (o),[✓] a program of contracts with
21 or grants-in-aid to groups or, in appropriate cases, individuals of exceptional talent
22 engaged in or concerned with the arts. No grantee may receive any funds distributed
23 as grants-in-aid under this paragraph unless the grantee provides at least 50% of

Invent
9-2 3

1 the estimated total cost of the project, either in the form of moneys or in-kind
2 contributions of equivalent value, to be funded under this paragraph.✓

History: 1973 c. 90; 1981 c. 20; 1983 a. 27 s. 933; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1999 a. 9; 2003 a. 33; 2005 a. 25.
3 **SECTION 35.** 44.53 (1) (g) of the statutes is renumbered 41.53 (1) (g) and

4 amended to read:

5 41.53 (1) (g) Arrange and schedule the portrait of the governor or any former
6 governor. Costs incurred under this paragraph shall be charged to the appropriation
7 under s. ~~20.215 (1)~~ 20.380 (3) (c) up to a limit of \$10,000 per portrait. Costs in excess
8 of \$10,000 per portrait may be charged to the appropriation under s. ~~20.215 (1)~~
9 20.380 (3) (c) only with the prior approval of the joint committee on finance.✓

History: 1973 c. 90; 1981 c. 20; 1983 a. 27 s. 933; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1999 a. 9; 2003 a. 33; 2005 a. 25.

10 **SECTION 36.** 44.53 (1) (h) of the statutes is renumbered 41.53 (1) (h).

11 **SECTION 37.** 44.53 (1) (i) of the statutes is renumbered 41.53 (1) (i).✓

12 **SECTION 38.** 44.53 (1) (j) of the statutes is renumbered 41.53 (1) (j) and amended

13 to read:

14 41.53 (1) (j) Annually pay to the Milwaukee Foundation, Inc., for deposit in the
15 High Point fund, the amount appropriated under s. ~~20.215 (1)~~ 20.380 (3) (e).✓

History: 1973 c. 90; 1981 c. 20; 1983 a. 27 s. 933; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1999 a. 9; 2003 a. 33; 2005 a. 25.✓

16 **SECTION 39.** 44.53 (2) (intro.) of the statutes is renumbered 41.53 (2) (intro.).

17 **SECTION 40.** 44.53 (2) (a) of the statutes is renumbered 41.53 (2) (a).✓

18 **SECTION 41.** 44.53 (2) (am) of the statutes is renumbered 41.53 (2) (am).✓

19 **SECTION 42.** 44.53 (2) (b) of the statutes is renumbered 41.53 (2) (b).✓

20 **SECTION 43.** 44.53 (2) (c) of the statutes is amended to read:

21 44.53 (2) (c) Award an operational grant to an organization if the sum of all
22 operational grants awarded in the current year does not exceed 50% of the sum of all
23 grants awarded to organizations from the appropriations under s. ~~20.215 (1)~~ 20.380
24 (3) (b) and (o) in the current year. In this paragraph, "operational grant" means a

1 grant awarded by the board to support those administrative costs of an organization
2 that are not directly related to the development of an artistic performance or product. ✓

3 **SECTION 44.** 44.55 of the statutes is amended to read:

4 **44.55 Executive secretary.** The board secretary shall appoint an executive
5 secretary of the board outside the classified service to serve at its the pleasure of the
6 secretary. ✓

7 History: 1973 c. 90.

7 **SECTION 45.** 44.56 (title) of the statutes is renumbered 41.56 (title). ✓

8 **SECTION 46.** 44.56 (1) of the statutes is renumbered 41.56 (1). ✓

9 **SECTION 47.** 44.56 (2) of the statutes is renumbered 41.56 (2) and amended to
10 read:

11 41.56 (2) Every recipient of a grant awarded by the board under the board's
12 general grants program or community arts program from the appropriation under
13 s. ~~20.215 (1)~~ 20.380 (3) (b) shall perform a public service ~~which~~ that shall be mutually
14 agreed upon by the board and the grant recipient at the time the grant is awarded. ✓

15 History: 1981 c. 20.

15 **SECTION 48.** 44.565 (title) of the statutes is renumbered 41.565 (title). ✓

16 **SECTION 49.** 44.565 (1) of the statutes is renumbered 41.565 (1). ✓

17 **SECTION 50.** 44.565 (2) (a) of the statutes is amended to read:

18 44.565 (2) (a) From the appropriation under s. ~~20.215 (1)~~ 20.380 (3) (d), ✓ the
19 board shall award arts challenge initiative grants to arts organizations and local arts
20 agencies. ✓

21 History: 1987 a. 27, 399; 1989 a. 31.

21 **SECTION 51.** 44.565 (2) (b) (intro.) of the statutes is renumbered 41.565 (2) (b)
22 (intro.) and amended to read:

23 41.565 (2) (b) (intro.) The board shall award grants from the appropriation
24 under s. ~~20.215 (1)~~ 20.380 (3) (d) to match up to 25% of an arts organization's or a local

1 arts agency's income from contributions for the fiscal year in which a grant may be
2 awarded ~~which that~~ exceeds the amount of income from contributions in the previous
3 fiscal year and income from earned income ~~which that~~ exceeds the amount of earned
4 income from the previous fiscal year in that fiscal year subject to the following
5 requirements: ✓

6 **History:** 1987 a. 27, 399; 1989 a. 31.

6 **SECTION 52.** 44.565 (2) (b) 1. of the statutes is renumbered 41.565 (2) (b) 1. ✓

7 **SECTION 53.** 44.565 (2) (b) 2. of the statutes is renumbered 41.565 (2) (b) 2. ✓

8 **SECTION 54.** 44.565 (2) (c) of the statutes is renumbered 41.565 (2) (c). ✓

9 **SECTION 55.** 44.565 (2) (d) of the statutes is renumbered 41.565 (2) (d). ✓

10 **SECTION 56.** 44.565 (2) (e) of the statutes is renumbered 41.565 (2) (e). ✓

11 **SECTION 57.** 44.565 (3) of the statutes is renumbered 41.565 (3) and amended

12 to read:

13 41.565 (3) If the amount in the appropriation under s. ~~20.215 (1)~~ 20.380 (3) (d) ✓

14 in any fiscal year is insufficient to fund all grants under this section, the board shall
15 award grants, including the minimum and maximum grants under sub. (2) (e), on
16 a prorated basis. ✓

17 **History:** 1987 a. 27, 399; 1989 a. 31.

17 **SECTION 58.** 44.565 (4) of the statutes is renumbered 41.565 (4). ✓

18 **SECTION 59.** 44.57 (1) of the statutes is repealed. ✓

19 **SECTION 60.** 44.57 (2) of the statutes is repealed. ✓

20 **SECTION 61.** 44.57 (3) of the statutes is repealed. ✓

21 **SECTION 62.** 44.57 (4) of the statutes is repealed. ✓

22 **SECTION 63.** 44.57 (5) (intro.) of the statutes is amended to read:

23 44.57 (5) BOARD RESPONSIBILITIES. (intro.) After acquisition of the work of art
24 under sub. (4) s. 44.57 (4), 2009 stats., the board shall: ✓

1 **SECTION 64.** 44.57 (5) (a) of the statutes is repealed.✓

2 **SECTION 65.** 44.57 (5) (b) of the statutes is repealed.✓

3 **SECTION 66.** 44.57 (5) (c) of the statutes is amended to read:

4 44.57 (5) (c) Cooperate with the bureau of facilities management and consult
5 with the artist or the artist's representative to ensure that each work of art acquired
6 under ~~this section~~ s. 44.57 (4), 2009 stats.✓ is properly maintained and is not
7 artistically altered without the consent of the artist or the artist's representative.✓

8 **SECTION 67.** 44.57 (5) (d) of the statutes is amended to read:

9 44.57 (5) (d) Ensure that any work of art acquired under ~~this section~~ s. 44.57
10 (4), 2009 stats.✓ is maintained and displayed on the grounds of the state building for
11 at least 25 years, unless the board finds that earlier removal is in the public interest.
12 When the board, in consultation with the agency making principal use of the building
13 to which the work of art is appurtenant, determines that the work of art should be
14 removed, the board shall loan the work of art to an accredited museum in the state
15 or to an educational or other appropriate public institution capable of maintaining
16 and exhibiting the work of art.✓

17 **SECTION 68.** 44.60 of the statutes is renumbered 41.60.✓

18 **SECTION 69.** 44.62 (title) of the statutes is renumbered 41.62 (title).✓

19 **SECTION 70.** 44.62 (1) (intro.) of the statutes is renumbered 41.62 (1) (intro.).✓

20 **SECTION 71.** 44.62 (1) (a) of the statutes is renumbered 41.62 (1) (a) and
21 amended to read:

22 41.62 (1) (a) "Local arts agency" has the meaning given in s. ~~44.565~~ 41.565 (1).✓

23 **SECTION 72.** 44.62 (1) (b) of the statutes is renumbered 41.62 (1) (b).✓

History: 1995 a. 27; 2001 a. 16.

1 **SECTION 73.** 44.62 (2) of the statutes is renumbered 41.62 (2) and amended to
2 read:

3 41.62 (2) Subject to sub. (3), the board shall award grants under the Wisconsin
4 regranting program to local arts agencies and municipalities. Grants shall be
5 awarded from the appropriations under s. ~~20.215 (1)~~ 20.380 (3) (f) and (j).

History: 1995 a. 27; 2001 a. 16.

6 **SECTION 74.** 44.62 (3) of the statutes is renumbered 41.62 (3).

7 **SECTION 75.** 44.62 (4) of the statutes is renumbered 41.62 (4).

8 **SECTION 76.** 66.1305 (2) (a) 1. of the statutes is amended to read:

9 66.1305 (2) (a) 1. "Arts incubator" has the meaning given in s. ~~44.60~~ 41.60 (1)

10 (a).

History: 1981 c. 314; 1989 a. 31; 1993 a. 16; 1999 a. 150 s. 408; Stats. 1999 s. 66.1305; 2009 a. 28.

11 **SECTION 77.** 66.1305 (2) (b) 3. of the statutes is amended to read:

12 66.1305 (2) (b) 3. Apply for a grant or loan under s. ~~44.60~~ 41.60 in connection

13 with an arts incubator.

History: 1981 c. 314; 1989 a. 31; 1993 a. 16; 1999 a. 150 s. 408; Stats. 1999 s. 66.1305; 2009 a. 28.

14 **SECTION 78.** 66.1333 (2m) (am) of the statutes is amended to read:

15 66.1333 (2m) (am) "Arts incubator" has the meaning given in s. ~~44.60~~ 41.60 (1)

16 (a).

History: 1973 c. 172; 1975 c. 4, 94, 350; 1979 c. 89, 110, 221; 1981 c. 20, 112, 232; 1983 a. 24, 189; 1985 a. 219; 1987 a. 27, 403; 1989 a. 31, 89; 1991 a. 316; 1993 a. 16, 112, 172, 184, 268, 301; 1995 a. 27, 225; 1999 a. 9; 1999 a. 150 ss. 441 to 446; Stats. 1999 s. 66.1333; 1999 a. 185 s. 58; 2001 a. 30; 2003 a. 43, 320; 2005 a. 453; 2007 a. 96; 2009 a. 28, 95.

17 **SECTION 79.** 66.1333 (2m) (d) 7. of the statutes is amended to read:

18 66.1333 (2m) (d) 7. Studying the feasibility of and initial design for an arts

19 incubator, developing and operating an arts incubator, and applying for a grant or

20 loan under s. ~~44.60~~ 41.60 in connection with an arts incubator.

History: 1973 c. 172; 1975 c. 4, 94, 350; 1979 c. 89, 110, 221; 1981 c. 20, 112, 232; 1983 a. 24, 189; 1985 a. 219; 1987 a. 27, 403; 1989 a. 31, 89; 1991 a. 316; 1993 a. 16, 112, 172, 184, 268, 301; 1995 a. 27, 225; 1999 a. 9; 1999 a. 150 ss. 441 to 446; Stats. 1999 s. 66.1333; 1999 a. 185 s. 58; 2001 a. 30; 2003 a. 43, 320; 2005 a. 453; 2007 a. 96; 2009 a. 28, 95.

21 **SECTION 80.** 247.06 (1) (a) of the statutes is amended to read:

1 247.06 (1) (a) The foundation may distribute moneys appropriated under s.
2 20.220 (1) (r) to the arts board for programs that provide operating support to arts
3 organizations and for the Wisconsin regranting program under s. ~~44.62~~ 41.62.

4 History: 2001 a. 16.

SECTION 81. 247.06 (2) (b) of the statutes is amended to read:

5 247.06 (2) (b) The foundation may not distribute moneys to the arts board
6 under sub. (1) (a) in any fiscal year in which the foundation determines that the
7 amount of general purpose revenue appropriated to the ~~arts board~~ department of
8 tourism under s. ~~20.215~~ 20.380 (3) is less than the amount appropriated in the
9 previous fiscal year.

10 History: 2001 a. 16.

SECTION 9104. Nonstatutory provisions; Arts Board.

11 (1) **ELIMINATION OF PERCENT FOR ART PROGRAM.** Notwithstanding the repeal of
12 section 44.57 (4) and (5) (a) and (b) of the statutes by this act, any contract entered
13 into by the arts board under section 44.57 (4), 2009 stats., for the procurement of a
14 work of art that is in effect on the day before the effective date of this subsection
15 remains in effect. The arts board shall carry out any obligation under the contract,
16 unless the contract is modified or rescinded as permitted under the contract, and
17 shall ensure that the work of art procured under the contract is properly executed
18 and installed as required under section 44.57 (5) (a) and (b), 2009 stats.

19

(END)

Insert 9.2)

Section #. 44.53 (1) (fm) of the statutes is renumbered 41.53 (1) (fm) and amended to read:

20,380(3)

41.53 (1) (fm) Conduct a program identical to that described in par. (f), but only for American Indian individuals and groups. The program shall be funded from the appropriation under s. ~~20.215~~ ~~(1)~~ (km).

History: 1973 c. 90; 1981 c. 20; 1983 a. 27 s. 933; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1999 a. 9; 2003 a. 33; 2005 a. 25.

ced & insert

Malaise, Gordon

From: Thornton, Scott - DOA [scott.thornton@wisconsin.gov]
Sent: Sunday, January 30, 2011 3:20 PM
To: Malaise, Gordon
Cc: Hetzel, Shayna - DOA; Hoechst, Jonathan S - DOA
Subject: Placement of Arts Board in Department of Tourism
Gordon -

Please add non-stat language to LRB-1097 to transfer incumbent staff of the Arts Board to Tourism for those positions that are not eliminated in the budget.

Let me know if you have any questions.

Thanks,

Scott

Scott B. Thornton
Policy Initiatives Advisor - Administrative
State Budget Office
Wisconsin Department of Administration
(608) 266-5051
scott.thornton@wi.gov



State of Wisconsin
2011 - 2012 LEGISLATURE

IN 1/31



LRB-1097/1
GMM:nwn:rs

2
RMR

DOA:.....Hetzl, BB0231 - Placement of Arts Board in Department of
Tourism and elimination of Percent for Art Program

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

1

don't gen
AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, the Arts Board is attached to the Department of Tourism, which means that the Arts Board exercises its powers, duties, and functions, including rule making and operational planning, independently of the secretary of tourism, except that budgeting, program coordination, and related management functions are performed under the direction and supervision of the secretary of tourism. Current law also requires the Arts Board to appoint an executive secretary to serve at its pleasure.

This bill places the Arts Board *in* the Department of Tourism, which means that the Arts Board exercises all of its powers, duties, and functions under the direction and supervision of the secretary of tourism. The bill also transforms the appropriations to the Arts Board into appropriations to the Department of Tourism and moves the statutory provisions governing the powers, duties, and functions of the Arts Board from the chapter of the statutes relating to historical societies and the Arts Board to the chapter of the statutes relating to the Department of Tourism. In addition, the bill requires the secretary of tourism, rather than the Arts Board to appoint an executive director of the Arts Board to serve at the pleasure of the secretary.

Current law requires at least 0.02 percent of the appropriation for the construction, reconstruction, renovation, or remodeling of, or for an addition to, a state building to be used to acquire works of art for the building (Percent for Art Program). That requirement, however, does not apply if the total construction cost of the project is \$250,000 or less. Under the Percent for Art Program, the Arts Board must select the work of art to be incorporated into the project and contract to procure the work of art. After acquisition of the work of art, the Arts Board must ensure that the work of art is properly executed and installed in public view, is properly maintained and not artistically altered without the consent of the artist, and is maintained and displayed on the grounds of the state building for at least 25 years, unless earlier removal is in the public interest. If a work of art is removed from a state building, the Arts Board must loan the work of art to a museum or to an educational or other public institution that is capable of maintaining and exhibiting the work of art.

This bill eliminates the Percent for Art Program, except that for a work of art acquired before the effective date of the bill, the bill maintains the requirements that the Arts Board ensure that the work of art is properly maintained and not artistically altered without the consent of the artist and is maintained and displayed on the grounds of the state building for at least 25 years, unless earlier removal is in the public interest, and that the Arts Board loan a removed work of art to a museum or to an educational or other public institution that is capable of maintaining and exhibiting the work of art.

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.** 13.48 (10) (a) of the statutes is amended to read:
2 13.48 (10) (a) No state board, agency, officer, department, commission, or body
3 corporate may enter into a contract for the construction, reconstruction, remodeling
4 of, or addition to any building, structure, or facility, in connection with any building
5 project which involves a cost in excess of \$150,000 without completion of final plans
6 and arrangement for supervision of construction and prior approval by the building
7 commission. ~~The building commission may not approve a contract for the~~
8 ~~construction, reconstruction, renovation or remodeling of or an addition to a state~~
9 ~~building as defined in s. 44.51 (2) unless it determines that s. 44.57 has been complied~~

1 ~~with or does not apply.~~ This section applies to the department of transportation only
2 in respect to buildings, structures, and facilities to be used for administrative or
3 operating functions, including buildings, land, and equipment to be used for the
4 motor vehicle emission inspection and maintenance program under s. 110.20.

5 **SECTION 2.** 15.445 (1) of the statutes is amended to read:

6 15.445 (1) ARTS BOARD. There is created an arts board ~~which is attached to in~~
7 the department of tourism ~~under s. 15.03~~. The arts board shall consist of 15 members
8 appointed for 3-year terms who are residents of this state and who are known for
9 their concern for the arts. At least 2 members shall be from the northwest portion
10 of this state, at least 2 members shall be from the northeast portion of this state, at
11 least 2 members shall be from the southwest portion of this state, and at least 2
12 members shall be from the southeast portion of this state.

13 **SECTION 3.** 20.215 (intro.) of the statutes is repealed.

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

14 **SECTION 4.** 20.215 (1) (title) of the statutes is renumbered 20.380 (3) (title).

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

15 **SECTION 5.** 20.215 (1) (a) of the statutes is renumbered 20.380 (3) (a) and
16 amended to read:

17 20.380 (3) (a) *General program operations.* The amounts in the schedule for
18 general program operations of the arts board.

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

19 **SECTION 6.** 20.215 (1) (b) of the statutes is renumbered 20.380 (3) (b) and
20 amended to read:

1 20.380 (3) (b) *State aid for the arts.* The amounts in the schedule for
2 grants-in-aid or contract payments to groups, individuals, organizations and
3 institutions by the arts board under s. ~~44.53~~ 41.53 (1) (f) and (2) (a), and for grants
4 and loans related to arts incubators under s. ~~44.60~~ and for the grant under 1999
5 ~~Wisconsin Act 9, section 9105 (1e)~~ 41.60.

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

6 **SECTION 7.** 20.215 (1) (c) of the statutes is renumbered 20.380 (3) (c) and
7 amended to read:

8 20.380 (3) (c) *Portraits of governors.* The amounts in the schedule to pay for
9 costs associated with the selection and purchase of portraits of governors under s.
10 ~~44.53~~ 41.53 (1) (g).

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

11 **SECTION 8.** 20.215 (1) (d) of the statutes is renumbered 20.380 (3) (d) and
12 amended to read:

13 20.380 (3) (d) *Challenge grant program.* The amounts in the schedule for
14 challenge grants under ss. ~~44.53~~ 41.53 (1) (i) and ~~44.565~~ 41.565.

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

15 **SECTION 9.** 20.215 (1) (e) of the statutes is renumbered 20.380 (3) (e) and
16 amended to read:

17 20.380 (3) (e) *High Point fund.* The amounts in the schedule for a grant to the
18 Milwaukee Foundation, Inc., for deposit in the High Point fund under s. ~~44.53~~ 41.53
19 (1) (j).

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

1 **SECTION 10.** 20.215 (1) (f) of the statutes is renumbered 20.380 (3) (f) and
2 amended to read:

3 20.380 (3) (f) *Wisconsin regranting program.* The amounts in the schedule for
4 grants under s. ~~44.62~~ 41.62.

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

5 **SECTION 11.** 20.215 (1) (g) of the statutes is renumbered 20.380 (3) (g) and
6 amended to read:

7 20.380 (3) (g) *Gifts and grants; state operations.* All moneys received by the arts
8 board as gifts and grants for expenses other than aids, to be used for the purposes
9 for which made.

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

10 **SECTION 12.** 20.215 (1) (h) of the statutes is renumbered 20.380 (3) (h) and
11 amended to read:

12 20.380 (3) (h) *Gifts and grants; aids to individuals and organizations.* All
13 moneys received by the arts board as gifts and grants for the purpose of providing
14 aids to individuals and organizations, to be used for the purposes for which made.

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

15 **SECTION 13.** 20.215 (1) (j) of the statutes is renumbered 20.380 (3) (j) and
16 amended to read:

17 20.380 (3) (j) *Support of arts programs.* All moneys received by the arts board
18 from the Wisconsin Artistic Endowment Foundation under s. 247.06 (1) (a) for
19 operating support of arts organizations and for grants under the Wisconsin
20 regranting program under s. ~~44.62~~ 41.62.

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

1 **SECTION 14.** 20.215 (1) (k) of the statutes is repealed.

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

2 **SECTION 15.** 20.215 (1) (ka) of the statutes is repealed.

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

3 **SECTION 16.** 20.215 (1) (km) of the statutes is renumbered 20.380 (3) (km) and
4 amended to read:

5 20.380 (3) (km) *State aid for the arts; Indian gaming receipts.* The amounts in
6 the schedule for grants-in-aid or contract payments to American Indian groups,
7 individuals, organizations, and institutions under s. ~~44.53~~ 41.53 (1) (fm) and (2) (am).
8 All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 4b.
9 shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
10 unencumbered balance on June 30 of each year shall revert to the appropriation
11 account under s. 20.505 (8) (hm).

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

12 **SECTION 17.** 20.215 (1) (m) of the statutes is renumbered 20.380 (3) (m) and
13 amended to read:

14 20.380 (3) (m) *Federal grants; state operations.* All moneys received by the arts
15 board from the federal government for expenses other than aids, to be used for the
16 purposes for which made.

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

17 **SECTION 18.** 20.215 (1) (o) of the statutes is renumbered 20.380 (3) (o) and
18 amended to read:

19 20.380 (3) (o) *Federal grants; aids to individuals and organizations.* All
20 moneys received by the arts board from the federal government for the purpose of

1 providing aids to individuals and organizations, to be used for the purposes for which
2 made.

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

3 **SECTION 19.** 20.505 (8) (hm) 4b. of the statutes is amended to read:

4 20.505 (8) (hm) 4b. The amount transferred to s. ~~20.215 (1)~~ 20.380 (3) (km) shall
5 be the amount in the schedule under s. ~~20.215 (1)~~ 20.380 (3) (km).

6 **SECTION 20.** Chapter 44 (title) of the statutes is amended to read:

7 **CHAPTER 44**
8 **HISTORICAL SOCIETIES AND ARTS**
9 **BOARD HISTORICAL PRESERVATION**

10 **SECTION 21.** 44.02 (12) of the statutes is amended to read:

11 44.02 (12) Be the custodian of the official series of the portraits of the governors
12 of Wisconsin under s. ~~44.53~~ 41.53 (1) (g) and maintain the portraits in proper
13 condition. The society may permit any or all of the portraits to be exhibited in such
14 state buildings for such periods of time as it deems feasible.

15 **SECTION 22.** Subchapter III (title) of chapter 44 [precedes 44.51] of the statutes
16 is renumbered subchapter III (title) of chapter 41 [precedes 41.51].

17 **SECTION 23.** 44.51 (intro.) and (1) of the statutes are consolidated, renumbered
18 44.51 and amended to read:

19 **44.51 Definitions.** In this subchapter, unless the context requires otherwise:
20 (1) ~~“Board”~~ otherwise, “board” means the arts board.

21 **SECTION 24.** 44.51 (1m) of the statutes is repealed.

22 **SECTION 25.** 44.51 (2) of the statutes is repealed.

23 **SECTION 26.** 44.51 (3) of the statutes is repealed.

1 **SECTION 27.** 44.53 (title) of the statutes is renumbered 41.53 (title).

2 **SECTION 28.** 44.53 (1) (intro.) of the statutes is renumbered 41.53 (1) (intro.).

3 **SECTION 29.** 44.53 (1) (a) of the statutes is renumbered 41.53 (1) (a).

4 **SECTION 30.** 44.53 (1) (b) of the statutes is renumbered 41.53 (1) (b).

5 **SECTION 31.** 44.53 (1) (c) of the statutes is renumbered 41.53 (1) (c).

6 **SECTION 32.** 44.53 (1) (d) of the statutes is renumbered 41.53 (1) (d).

7 **SECTION 33.** 44.53 (1) (e) of the statutes is renumbered 41.53 (1) (e).

8 **SECTION 34.** 44.53 (1) (f) of the statutes is renumbered 41.53 (1) (f) and amended
9 to read:

10 41.53 (1) (f) Plan and implement, when funds are available in the
11 appropriations under s. ~~20.215 (1)~~ 20.380 (3) (b) and (o), a program of contracts with
12 or grants-in-aid to groups or, in appropriate cases, individuals of exceptional talent
13 engaged in or concerned with the arts. No grantee may receive any funds distributed
14 as grants-in-aid under this paragraph unless the grantee provides at least 50% of
15 the estimated total cost of the project, either in the form of moneys or in-kind
16 contributions of equivalent value, to be funded under this paragraph.

17 **SECTION 35.** 44.53 (1) (fm) of the statutes is renumbered 41.53 (1) (fm) and
18 amended to read:

19 41.53 (1) (fm) Conduct a program identical to that described in par. (f), but only
20 for American Indian individuals and groups. The program shall be funded from the
21 appropriation under s. ~~20.215 (1)~~ 20.380 (3) (km).

22 **SECTION 36.** 44.53 (1) (g) of the statutes is renumbered 41.53 (1) (g) and
23 amended to read:

24 41.53 (1) (g) Arrange and schedule the portrait of the governor or any former
25 governor. Costs incurred under this paragraph shall be charged to the appropriation

1 under s. ~~20.215 (1)~~ 20.380 (3) (c) up to a limit of \$10,000 per portrait. Costs in excess
2 of \$10,000 per portrait may be charged to the appropriation under s. ~~20.215 (1)~~
3 20.380 (3) (c) only with the prior approval of the joint committee on finance.

4 **SECTION 37.** 44.53 (1) (h) of the statutes is renumbered 41.53 (1) (h).

5 **SECTION 38.** 44.53 (1) (i) of the statutes is renumbered 41.53 (1) (i).

6 **SECTION 39.** 44.53 (1) (j) of the statutes is renumbered 41.53 (1) (j) and amended
7 to read:

8 41.53 (1) (j) Annually pay to the Milwaukee Foundation, Inc., for deposit in the
9 High Point fund, the amount appropriated under s. ~~20.215 (1)~~ 20.380 (3) (e).

10 **SECTION 40.** 44.53 (2) (intro.) of the statutes is renumbered 41.53 (2) (intro.).

11 **SECTION 41.** 44.53 (2) (a) of the statutes is renumbered 41.53 (2) (a).

12 **SECTION 42.** 44.53 (2) (am) of the statutes is renumbered 41.53 (2) (am).

13 **SECTION 43.** 44.53 (2) (b) of the statutes is renumbered 41.53 (2) (b).

14 **SECTION 44.** 44.53 (2) (c) of the statutes is amended to read:

15 44.53 (2) (c) Award an operational grant to an organization if the sum of all
16 operational grants awarded in the current year does not exceed 50% of the sum of all
17 grants awarded to organizations from the appropriations under s. ~~20.215 (1)~~ 20.380
18 (3) (b) and (o) in the current year. In this paragraph, "operational grant" means a
19 grant awarded by the board to support those administrative costs of an organization
20 that are not directly related to the development of an artistic performance or product.

21 **SECTION 45.** 44.55 of the statutes is amended to read:

22 **44.55 Executive secretary.** The board secretary shall appoint an executive
23 secretary of the board outside the classified service to serve at its the pleasure of the
24 secretary.

25 **SECTION 46.** 44.56 (title) of the statutes is renumbered 41.56 (title).

1 **SECTION 47.** 44.56 (1) of the statutes is renumbered 41.56 (1).

2 **SECTION 48.** 44.56 (2) of the statutes is renumbered 41.56 (2) and amended to
3 read:

4 41.56 (2) Every recipient of a grant awarded by the board under the board's
5 general grants program or community arts program from the appropriation under
6 s. ~~20.215 (1)~~ 20.380 (3) (b) shall perform a public service ~~which that~~ shall be mutually
7 agreed upon by the board and the grant recipient at the time the grant is awarded.

8 **SECTION 49.** 44.565 (title) of the statutes is renumbered 41.565 (title).

9 **SECTION 50.** 44.565 (1) of the statutes is renumbered 41.565 (1).

10 **SECTION 51.** 44.565 (2) (a) of the statutes is amended to read:

11 44.565 (2) (a) From the appropriation under s. ~~20.215 (1)~~ 20.380 (3) (d), the
12 board shall award arts challenge initiative grants to arts organizations and local arts
13 agencies.

14 **SECTION 52.** 44.565 (2) (b) (intro.) of the statutes is renumbered 41.565 (2) (b)
15 (intro.) and amended to read:

16 41.565 (2) (b) (intro.) The board shall award grants from the appropriation
17 under s. ~~20.215 (1)~~ 20.380 (3) (d) to match up to 25% of an arts organization's or a local
18 arts agency's income from contributions for the fiscal year in which a grant may be
19 awarded ~~which that~~ exceeds the amount of income from contributions in the previous
20 fiscal year and income from earned income ~~which that~~ exceeds the amount of earned
21 income from the previous fiscal year in that fiscal year subject to the following
22 requirements:

23 **SECTION 53.** 44.565 (2) (b) 1. of the statutes is renumbered 41.565 (2) (b) 1.

24 **SECTION 54.** 44.565 (2) (b) 2. of the statutes is renumbered 41.565 (2) (b) 2.

25 **SECTION 55.** 44.565 (2) (c) of the statutes is renumbered 41.565 (2) (c).

1 **SECTION 56.** 44.565 (2) (d) of the statutes is renumbered 41.565 (2) (d).

2 **SECTION 57.** 44.565 (2) (e) of the statutes is renumbered 41.565 (2) (e).

3 **SECTION 58.** 44.565 (3) of the statutes is renumbered 41.565 (3) and amended
4 to read:

5 41.565 (3) If the amount in the appropriation under s. ~~20.215 (1)~~ 20.380 (3) (d)
6 in any fiscal year is insufficient to fund all grants under this section, the board shall
7 award grants, including the minimum and maximum grants under sub. (2) (e), on
8 a prorated basis.

9 **SECTION 59.** 44.565 (4) of the statutes is renumbered 41.565 (4).

10 **SECTION 60.** 44.57 (1) of the statutes is repealed.

11 **SECTION 61.** 44.57 (2) of the statutes is repealed.

12 **SECTION 62.** 44.57 (3) of the statutes is repealed.

13 **SECTION 63.** 44.57 (4) of the statutes is repealed.

14 **SECTION 64.** 44.57 (5) (intro.) of the statutes is amended to read:

15 44.57 (5) BOARD RESPONSIBILITIES. (intro.) After acquisition of the work of art
16 under ~~sub. (4) s. 44.57 (4), 2009 stats.,~~ the board shall:

17 **SECTION 65.** 44.57 (5) (a) of the statutes is repealed.

18 **SECTION 66.** 44.57 (5) (b) of the statutes is repealed.

19 **SECTION 67.** 44.57 (5) (c) of the statutes is amended to read:

20 44.57 (5) (c) Cooperate with the bureau of facilities management and consult
21 with the artist or the artist's representative to ensure that each work of art acquired
22 under ~~this section s. 44.57 (4), 2009 stats.,~~ is properly maintained and is not
23 artistically altered without the consent of the artist or the artist's representative.

24 **SECTION 68.** 44.57 (5) (d) of the statutes is amended to read:

1 44.57 (5) (d) Ensure that any work of art acquired under ~~this section s. 44.57~~
2 ~~(4), 2009 stats.~~, is maintained and displayed on the grounds of the state building for
3 at least 25 years, unless the board finds that earlier removal is in the public interest.
4 When the board, in consultation with the agency making principal use of the building
5 to which the work of art is appurtenant, determines that the work of art should be
6 removed, the board shall loan the work of art to an accredited museum in the state
7 or to an educational or other appropriate public institution capable of maintaining
8 and exhibiting the work of art.

9 **SECTION 69.** 44.60 of the statutes is renumbered 41.60.

10 **SECTION 70.** 44.62 (title) of the statutes is renumbered 41.62 (title).

11 **SECTION 71.** 44.62 (1) (intro.) of the statutes is renumbered 41.62 (1) (intro.).

12 **SECTION 72.** 44.62 (1) (a) of the statutes is renumbered 41.62 (1) (a) and
13 amended to read:

14 41.62 (1) (a) "Local arts agency" has the meaning given in s. ~~44.565~~ 41.565 (1).

15 **SECTION 73.** 44.62 (1) (b) of the statutes is renumbered 41.62 (1) (b).

16 **SECTION 74.** 44.62 (2) of the statutes is renumbered 41.62 (2) and amended to
17 read:

18 41.62 (2) Subject to sub. (3), the board shall award grants under the Wisconsin
19 regranting program to local arts agencies and municipalities. Grants shall be
20 awarded from the appropriations under s. ~~20.215 (1)~~ 20.380 (3) (f) and (j).

21 **SECTION 75.** 44.62 (3) of the statutes is renumbered 41.62 (3).

22 **SECTION 76.** 44.62 (4) of the statutes is renumbered 41.62 (4).

23 **SECTION 77.** 66.1305 (2) (a) 1. of the statutes is amended to read:

24 66.1305 (2) (a) 1. "Arts incubator" has the meaning given in s. ~~44.60~~ 41.60 (1)
25 (a).

1 **SECTION 78.** 66.1305 (2) (b) 3. of the statutes is amended to read:

2 66.1305 (2) (b) 3. Apply for a grant or loan under s. ~~44.60~~ 41.60 in connection
3 with an arts incubator.

4 **SECTION 79.** 66.1333 (2m) (am) of the statutes is amended to read:

5 66.1333 (2m) (am) "Arts incubator" has the meaning given in s. ~~44.60~~ 41.60 (1)
6 (a).

7 **SECTION 80.** 66.1333 (2m) (d) 7. of the statutes is amended to read:

8 66.1333 (2m) (d) 7. Studying the feasibility of and initial design for an arts
9 incubator, developing and operating an arts incubator, and applying for a grant or
10 loan under s. ~~44.60~~ 41.60 in connection with an arts incubator.

11 **SECTION 81.** 247.06 (1) (a) of the statutes is amended to read:

12 247.06 (1) (a) The foundation may distribute moneys appropriated under s.
13 20.220 (1) (r) to the arts board for programs that provide operating support to arts
14 organizations and for the Wisconsin regranting program under s. ~~44.62~~ 41.62.

15 **SECTION 82.** 247.06 (2) (b) of the statutes is amended to read:

16 247.06 (2) (b) The foundation may not distribute moneys to the arts board
17 under sub. (1) (a) in any fiscal year in which the foundation determines that the
18 amount of general purpose revenue appropriated to the ~~arts board~~ department of
19 tourism under s. ~~20.215~~ 20.380 (3) is less than the amount appropriated in the
20 previous fiscal year.

21 **SECTION 9104. Nonstatutory provisions; Arts Board.**

22 (1) ELIMINATION OF PERCENT FOR ART PROGRAM. Notwithstanding the repeal of
23 section 44.57 (4) and (5) (a) and (b) of the statutes by this act, any contract entered
24 into by the arts board under section 44.57 (4), 2009 stats., for the procurement of a
25 work of art that is in effect on the day before the effective date of this subsection

1 remains in effect. The arts board shall carry out any obligation under the contract,
2 unless the contract is modified or rescinded as permitted under the contract, and
3 shall ensure that the work of art procured under the contract is properly executed
4 and installed as required under section 44.57 (5) (a) and (b), 2009 stats.

(END)

5
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14-4

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1097/2ins
GMM.....

(INSERT 14-4)

- 1 ~~(2)~~ PLACEMENT OF ARTS BOARD IN DEPARTMENT OF TOURISM. ✓
- 2 (a) *Employee transfers.* All incumbent employees holding positions in the arts
3 board are transferred on the effective of this paragraph to the department of tourism. ✓
4 (b) *Employee status.* Employees transferred under paragraph (a) have all the
5 rights and the same status under subchapter V of chapter 111 ✓ and chapter 230 of the
6 statutes ✓ in the department of tourism that they enjoyed in the arts board immediately
7 before the transfer. ✓ Notwithstanding section 230.28 (4) of the statutes, no employee
8 so transferred who has attained permanent status in class is required to serve a
9 probationary period. ✓

(END OF INSERT)