State of Wisconsin
2011 - 2012 LEGISLATURE

IN 2/18

DNOTE

LRB-1097/2
GMM:nwn:rs

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

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

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. 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.

(including the University of Wisconsin - Madison)

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows: Except as provided in par. (c), no

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~~

**** NOTE: This is reconciled w. 13.48(10)(a). This section has been affected by drafts with the following LRB #s: -1097/2 and -1187/P4.

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

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

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

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.

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.

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

20.380 **(3)** (a) *General program operations.* The amounts in the schedule for 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.

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

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

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

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

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

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

20.380 **(3)** (d) *Challenge grant program.* The amounts in the schedule for 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.

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

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

providing 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.

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

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

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

CHAPTER 44

HISTORICAL SOCIETIES AND ~~ARTS~~

~~BOARD~~ HISTORICAL PRESERVATION

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

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

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

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

44.51 Definitions. In this subchapter, unless the context requires ~~otherwise:~~ ~~(1) "Board"~~ otherwise, "board" means the arts board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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:

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

SECTION 69. 44.60 of the statutes is renumbered 41.60.

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

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

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

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

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

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

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

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

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

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

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

5 (2) PLACEMENT OF ARTS BOARD IN DEPARTMENT OF TOURISM.

6 (a) *Employee transfers.* All incumbent employees holding positions in the arts
7 board are transferred on the effective of this paragraph to the department of tourism.

8 (b) *Employee status.* Employees transferred under paragraph (a) have all the
9 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
10 statutes in the department of tourism that they enjoyed in the arts board
11 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,
12 no employee so transferred who has attained permanent status in class is required
13 to serve a probationary period.

LRB-1097/3dn
GMM:nwn:

14 **(END)**

D NOTE Date

Shayna Hetzel, and Breann Boggs, and Jonathan Hoechst:

This draft reconciles LRB-1097/P2, LRB-1187/P4, and LRB-1465/P3. All of those LRB numbers drafts should continue to appear in the compiled bill.

GMM

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1097/3dn
GMM:nwn:jf

February 18, 2011

Shayna Hetzel, and Breann Boggs, and Jonathan Hoechst:

This draft reconciles LRB-1097/2, LRB-1187/P4, and LRB-1465/P3. All of these drafts should continue to appear in the compiled bill.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.wisconsin.gov

State of Wisconsin
2011 - 2012 LEGISLATURE

LRB-1097/3
GMM:nwn:jf

DOA:.....Hetzel, 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 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~~ Except as provided in par. (c), no state board, agency, officer,
3 department, commission, or body corporate, including the University of
4 Wisconsin–Madison, may enter into a contract for the construction, reconstruction,
5 remodeling of, or addition to any building, structure, or facility, in connection with
6 any building project which involves a cost in excess of $150,000 without completion
7 of final plans and arrangement for supervision of construction and prior approval by
8 the building commission. ~~The building commission may not approve a contract for~~
9 ~~the construction, reconstruction, renovation or remodeling of or an addition to a state~~

~~building as defined in s. 44.51 (2) unless it determines that s. 44.57 has been complied with or does not apply.~~ This section applies to the department of transportation only in respect to buildings, structures, and facilities to be used for administrative or operating functions, including buildings, land, and equipment to be used for the motor vehicle emission inspection and maintenance program under s. 110.20.

****NOTE: This is reconciled s. 13.48 (10) (a). This SECTION has been affected by drafts with the following LRB numbers: -1097/2 and -1187/P4.

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

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

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.

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.

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

20.380 **(3)** (a) *General program operations.* The amounts in the schedule for 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.

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

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

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

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

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

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

20.380 **(3)** (d) *Challenge grant program.* The amounts in the schedule for 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.

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

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

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

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

20.380 **(3)** (f) *Wisconsin regranting program.* The amounts in the schedule for 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.

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

20.380 **(3)** (g) *Gifts and grants; state operations.* All moneys received by the arts board as gifts and grants for expenses other than aids, 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.

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

20.380 **(3)** (h) *Gifts and grants; aids to individuals and organizations.* All moneys received by the arts board as gifts and grants for the purpose of providing 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.

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

20.380 **(3)** (j) *Support of arts programs.* All moneys received by the arts board from the Wisconsin Artistic Endowment Foundation under s. 247.06 (1) (a) for operating support of arts organizations and for grants under the Wisconsin 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:

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

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

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

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

CHAPTER 44

HISTORICAL SOCIETIES AND ~~ARTS~~

~~BOARD~~ HISTORICAL PRESERVATION

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

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

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

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

44.51 Definitions. In this subchapter, unless the context requires ~~otherwise:~~ ~~(1) "Board"~~ otherwise, "board" means the arts board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 38. 44.53 (1) (j) of the statutes is renumbered 41.53 (1) (j) and amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 **SECTION 57.** 44.565 (3) of the statutes is renumbered 41.565 (3) and amended
5 to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 68. 44.60 of the statutes is renumbered 41.60.

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

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

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

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

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

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

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

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

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

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

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

1 **SECTION 77.** 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 78.** 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 79.** 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 80.** 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 81.** 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.

5 (2) PLACEMENT OF ARTS BOARD IN DEPARTMENT OF TOURISM.

6 (a) *Employee transfers.* All incumbent employees holding positions in the arts
7 board are transferred on the effective of this paragraph to the department of tourism.

8 (b) *Employee status.* Employees transferred under paragraph (a) have all the
9 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
10 statutes in the department of tourism that they enjoyed in the arts board
11 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,
12 no employee so transferred who has attained permanent status in class is required
13 to serve a probationary period.

14 **(END)**