



1997 ASSEMBLY BILL 380

May 22, 1997 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Rules.

1 **AN ACT relating to:** amending and revising various provisions of the statutes for
2 the purpose of correcting errors, supplying omissions, correcting and clarifying
3 references, eliminating defects, reconciling conflicts and repelling unintended
4 repeals resulting from partial vetoes of legislative acts (Revisor's Correction
5 Bill).

Analysis by the Legislative Reference Bureau

This revisor's correction bill is explained in the NOTES provided by the revisor of statutes bureau in the body of the bill.

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

6 **SECTION 1.** 15.445 (1) of the statutes, as affected by 1995 Wisconsin Act 27,
7 section 104, is amended to read:
8 15.445 (1) ARTS BOARD. There is created an arts board which is attached to the
9 department of tourism under s. 15.03. The arts board shall consist of 15 members
10 appointed for 3-year terms who are residents of this state and who are known for

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1 their concern for the arts. At least 2 members shall be from the northwest portion
2 of this state, at least 2 members shall be from the northeast portion of this state, at
3 least 2 members shall be from the southwest portion of this state and at least 2
4 members shall be from the southeast portion of this state. ~~This subsection does not
5 apply after June 30, 1997, unless the joint committee on finance has approved the
6 funding report of the arts board under 1995 Wisconsin Act 27, section 9105 (3g) (a).~~

Note: As the result of the governor's partial veto of 1995 Wis. Act 27, section 103,
the stricken language was added by 1995 Wis. Act 27, section 104, without being shown
as underscored. The creation of this language having been vetoed, this language is
deleted.

7 **SECTION 2.** 15.447 (1) of the statutes, as affected by 1995 Wisconsin Act 27,
8 section 128, is amended to read:

9 15.447 (1) COUNCIL ON TOURISM. There is created in the department of tourism
10 a council on tourism consisting of 14 members serving 3-year terms, and the
11 secretary of tourism or the secretary's designee, one member of the majority party
12 in each house and one member of the minority party in each house appointed as are
13 members of standing committees in their respective houses, the executive secretary
14 of the arts board and the director of the historical society and, subject to s. 44.65, the
15 ~~executive secretary of the arts board~~. Nominations for appointments to the council
16 of members, other than ex officio members, shall be sought from but not limited to
17 multicounty regional associations engaged in promoting tourism, statewide
18 associations of businesses related to tourism, area visitor and convention bureaus,
19 arts organizations, chambers of commerce, the Great Lakes inter-tribal council and
20 other agencies or organizations with knowledge of American Indian tourism
21 activities, and persons engaged in the lodging, restaurant, campground, amusement
22 establishment, recreation establishment or retail liquor or fermented malt
23 beverages business. Nominations shall be sought from throughout this state, to

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1 ensure that council members live in different geographical areas of the state and that
2 they reflect the tourism industry's diversity and its distribution throughout both
3 urban and rural areas of the state. Each council member, other than ex officio
4 members, shall have experience in marketing and promotion strategy.

Note: As the result of the governor's partial veto of 1995 Wis. Act 27, section 127m, the underscored language was deleted by Act 27, section 128 without being stricken, and the stricken language was added by Act 27, section 128 without being shown as underscored. The removal of the underscored language having been vetoed, that language is restored; and the creation of the stricken language having been vetoed, that language is deleted.

5 **SECTION 3.** 16.971 (5) (e) of the statutes, as created by 1995 Wisconsin Act 27,
6 is amended to read:

7 16.971 (5) (e) No moneys may be authorized for use by the department under
8 this subsection unless the department determines that such use will permit the
9 effective utilization of information technology by agencies and will be consistent with
10 the department's responsibilities to ensure adequate information technology
11 resources for agencies under sub. (1m) and to implement a statewide strategic plan
12 for information technology purposes under sub. (2) (m). If a grant is distributed to
13 the legislature, a legislative service agency, the courts, or a judicial branch agency,
14 the use shall be consistent with the appropriate plan under s. 13.90 (6) or 758.19 (7).
15 The department shall accord priority to utilization of moneys under this subsection
16 for projects that will effect cost savings, avoid future cost increases or enable
17 improved provision of state services.

NOTE: Inserts "or" required as the result of the governor's partial veto of 1995 Wis. Act 27, section 419.

18 **SECTION 4.** 25.61 of the statutes, as created by 1995 Wisconsin Act 27, is
19 amended to read:

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1 **25.61 Information technology investment fund.** There is created a
2 separate nonlapsible trust fund designated as the information technology
3 investment fund consisting of all revenues accruing to the state from fees assessed
4 under ss. 16.701, and 16.702 and from gifts, grants and bequests made for
5 information technology development purposes and moneys transferred to the fund
6 from other funds.

NOTE: Inserts "and" required as the result of the governor's partial veto of 1995
Wis. Act 27, section 1420.

7 **SECTION 5.** 25.61 of the statutes, as affected by 1995 Wisconsin Act 351 and
8 1997 Wisconsin Act (this act), is repealed and recreated to read:

9 **25.61 Information technology investment fund.** There is created a
10 separate nonlapsible trust fund designated as the information technology
11 investment fund consisting of all revenues accruing to the state from fees assessed
12 under s. 16.701 and from gifts, grants and bequests made for information technology
13 development purposes and moneys transferred to the fund from other funds.

NOTE: Deletes cross-reference. Section 16.702 is repealed by 1995 Wis. Act 351 eff.
7-1-2000.

14 **SECTION 6.** 47.03 (11) (e) of the statutes, as affected by 1995 Wisconsin Act 27,
15 section 2419d, is amended to read:

16 47.03 **(11)** (e) The department shall distribute at least \$218,600 from the
17 appropriations in s. 20.445 (5) (bm) and (na) in each fiscal year for homecraft services
18 relating to the marketing and distribution of homecraft products ~~and to the purchase~~
19 ~~of capital equipment~~ for each client who participates in the homecraft program.

NOTE: As the result of the governor's partial veto of 1995 Wis. Act 27, section
2419c, the stricken language was added by 1995 Wis. Act 27, section 2419d, without being
shown as underscored. The creation of the stricken language having been vetoed, that
language is deleted.

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1 **SECTION 7.** 48.57 (3p) (g) (intro.) of the statutes, as affected by 1995 Wisconsin
2 Act 289, section 71f, is amended to read:

3 48.57 **(3p)** (g) (intro.) ~~Subject to par. (h), the~~ The county department may not
4 make payments to a person applying for payments under sub. (3m) and a person
5 receiving payments under sub. (3m) may not employ a person in a position in which
6 that person would have regular contact with the child for whom those payments are
7 being made or permit a person to be an adult resident if any of the following applies:

NOTE: Section 48.57 (3p) (h) was deleted by the governor's partial veto of 1995 Wis.
Act 289.

8 **SECTION 8.** 49.143 (3) of the statutes, as created by 1995 Wisconsin Act 289, is
9 amended to read:

10 49.143 **(3)** PERFORMANCE STANDARDS. The department shall ~~establishing~~
11 establish performance standards for the administration of Wisconsin works. If a
12 Wisconsin works agency does not meet the standards established under this
13 subsection, the department may withhold any or all payment from the Wisconsin
14 works agency.

NOTE: Replaces word form rendered incorrect by the governor's partial veto of 1995
Wis. Act 289, section 85.

15 **SECTION 9.** 71.85 (3) (b) of the statutes is repealed.

NOTE: This section was created by 1995 Wis. Act 255 to read as follows:

“71.85 **(3)** (b) Section 71.05 (6) (b) 22. or 23. may continue to accrue while the
taxpayer is in the Operation Balkan Endeavor theater of operations and for 180 days
after the taxpayer leaves the Operation Balkan Endeavor theater of operations.”

Through partial veto, the creation of s. 71.05 (6) (b) 22. and 23. was deleted from
Act 255, resulting in s. 71.85 (3) (b) being without effect. Subsequent legislation resulted
in the creation of provisions numbered s. 71.05 (6) (b) 22. and 23., but with are completely
unrelated to the subject matter of Act 255.

16 **SECTION 10.** 100.263 of the statutes, as affected by 1995 Wisconsin Act 27,
17 section 3608g, is amended to read:

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1 **100.263 Recovery.** In addition to other remedies available under this chapter,
2 the court may award the department the reasonable and necessary costs of
3 investigation and an amount reasonably necessary to remedy the harmful effects of
4 the violation and the court may award the department of justice the reasonable and
5 necessary expenses of prosecution, including attorney fees, from any person who
6 violates this chapter. The department and the department of justice shall deposit in
7 the state treasury for deposit in the general fund all moneys that the court awards
8 to the department, the department of justice or the state under this section. Ten
9 percent of the money deposited in the general fund that was awarded under this
10 section for the costs of investigation and the expenses of prosecution, including
11 attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).
12 ~~All of the money deposited in the general fund that was awarded under this section~~
13 ~~to remedy the harmful effects of the violation shall be credited to the appropriation~~
14 ~~account under s. 20.455 (1) (gm).~~

NOTE: "Reasonable and necessary" was added to this provision by amendment of 1995 Wis. Act 27, section 3608 which created it. Through inadvertence, the subsequent amendment of this provision by Act 27, section 3608g did not include this phrase. The creation of the last sentence, shown stricken above, was deleted from Act 27, section 3608 by the governor's partial veto. The creation of this language having been vetoed, the language is deleted from the subsequent treatment of the provision in Act 27, section 3608g.

15 **SECTION 11.** 106.115 (1) (i) of the statutes, as affected by 1995 Wisconsin Act 27,
16 section 3699, is amended to read:

17 106.115 (1) (i) The national and community service corps under 42 USC 12501
18 to 12682 and s. ~~106.40~~ 16.22.

NOTE: Inserts correct cross-reference. The renumbering of s. 16.22 to s. 106.40 by 1995 Wis. Act 27 was eliminated by the governor's partial veto of 1995 Wis. Act 27, section 280.

19 **SECTION 12.** 150.31 (5r) of the statutes, as created by 1995 Wisconsin Act 27,
20 is amended to read:

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1 150.31 **(5r)** The department shall decrease the statewide bed limit specified in
2 sub. (1) by the number of any beds that a nursing home shall agree to reduce in order
3 to convert a separate area of its total area to an assisted living facility under s. 50.034
4 (4) ~~(b)~~.

NOTE: There is no s. 50.034 (4) (b). 1995 Wis. Act 27 divided s. 50.034 (4) into several paragraphs, but these were removed by the governor's partial veto.

5 **SECTION 13.** 165.87 (1) (bn) of the statutes, as affected by 1995 Wisconsin Act
6 27, is amended to read:

7 165.87 **(1)** (bn) Five twenty-seconds of all moneys collected from penalty
8 assessments under this section shall be credited to the appropriation account under
9 and utilized in accordance with s. 20.505 (6) (g), except for moneys transferred to ss.
10 ~~20.435~~ 20.410 (3) (jk) and 20.505 (6) (h). In regard to any grant to any local unit of
11 government for which the state is providing matching funds from moneys under this
12 paragraph, the local unit of government shall provide matching funds equal to at
13 least 10%.

NOTE: 1995 Wis. Act 27 repealed s. 20.435 (3) (jk) and created the analogous s. 20.410 (3) (jk) as part of the transfer of juvenile corrections to the department of corrections. As the result of the governor's partial vetoes of the treatments of s. 165.87 (1) (bn) by 1995 Wis. Act 27, sections 4460e and 4460em, the cross-reference in this provision was not changed.

14 **SECTION 14.** 303.01 (2) (em) of the statutes, as affected by 1995 Wisconsin Act
15 27, section 6385, is amended to read:

16 303.01 **(2)** (em) Lease space, with or without equipment, within the precincts
17 of state prisons, as specified in s. 302.02, or within the confines of correctional
18 institutions operated by the department for holding in secure custody persons
19 adjudged delinquent, to not more than 3 private businesses to employ prison inmates
20 and institution residents to manufacture products or components or to provide
21 services for sale on the open market. The department shall comply with s. 16.75 in

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1 selecting businesses under this paragraph. ~~The department may select a business~~
2 ~~or enter into a lease under this paragraph only with the approval of the joint~~
3 ~~committee on finance.~~ The department shall consult with appropriate trade
4 organizations and labor unions prior to issuing requests for proposals and prior to
5 selecting proposals under this paragraph. Each such private business may conduct
6 its operations as a private business, subject to the wage standards under sub. (4), the
7 disposition of earnings under sub. (8), the requirements for notification and hearing
8 under sub. (1) (c), the requirement for prison industries board approval under s.
9 303.015 (1) (b) and the authority of the department to maintain security and control
10 in its institutions. The private business and its operations are not a prison industry.
11 Inmates employed by the private business are not subject to the requirements of
12 inmates participating in prison industries, except as provided in this paragraph;

NOTE: As the result of the governor's partial veto of 1995 Wis. Act 27, section 6384,
the stricken language was added by 1995 Wis. Act 27, section 6385, without being shown
as underscored. The creation of the stricken language having been vetoed, that language
is deleted.

13 **SECTION 15.** 938.34 (5m) of the statutes, as created by 1995 Wisconsin Act 77,
14 is amended to read:

15 938.34 **(5m)** COMMUNITY SERVICE WORK PROGRAM. Order the juvenile to
16 participate in a youth corps program, as defined in s. ~~106.40~~ 16.22 (1) (dm) or another
17 community service work program, if the sponsor of the program approves the
18 juvenile's participation in the program.

NOTE: See NOTE to SECTION 11 of this bill.

19 **SECTION 16. Effective dates.** This act takes effect on the day after
20 publication, except as follows:

21 (1) The treatment of sections 48.57 (3p) (g) (intro.) of the statutes takes effect
22 on July 1, 1997.

