

2001 DRAFTING REQUEST

Bill

Received: **04/08/2001**

Received By: **fasttn**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Council - LRC**

By/Representing: **Pam Shannon**

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

Drafter: **fasttn**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **PG, MJL, PJH, ARG - 1**

Submit via email: **YES**

Requester's email: **pam.shannon@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Support of the arts license plates

Instructions:

See Attached (WLC:0075/2)

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>
/P2	fasttn 04/12/2001	jdyer 04/13/2001	jfrantze 04/13/2001	_____	lrb_docadmin 04/13/2001		
/1	fasttn 04/22/2001	jdyer 04/23/2001	pgreensl 04/23/2001	_____	lrb_docadmin 04/23/2001	lrb_docadminState 04/24/2001	

FE Sent For: .

↳ At Intro.

<END>

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1?	fasttn	1/2 4/13 jld	6/13	8/13			

FE Sent For:

<END>

Fast, Timothy

From: Fast, Timothy
Sent: Sunday, March 18, 2001 12:44 PM
To: Shannon, Pam
Subject: Arts support license plates

Pam,

I've looked over the WLC draft. Will you want this draft and WLC: 0071/1 combined into one bill? At present, I'll just draft this with a D-NOTE re that it doesn't include any language re creation of the endowment fund. OK? Sounds like the way to go.

Cheers, Tim

Timothy Fast, Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 266-9739

Fast, Timothy

From: Fast, Timothy
Sent: Thursday, March 15, 2001 12:00 PM
To: Shannon, Pam
Subject: RE: Arts support license plates

Pam,

Don't worry - it won't fall into the proverbial black hole here at the LRB. I will have to be in this weekend and will try to work on it then.

How thrilling that you're going to Italy! As my neighbor's son says, "Yahoo.com". And how great for your daughter (who has to be in high school because you definitely look too young to have a college-ager)! I hope she is enjoying the experience and getting to travel a little through Europe, especially before the tourists descend in the summer.

Thanks for passing on the good news. Glad all is well.

Ciao, Tim

-----Original Message-----

From: Shannon, Pam
Sent: Wednesday, March 14, 2001 2:08 PM
To: Fast, Timothy
Subject: RE: Arts support license plates

Hi Tim-

I guess as soon as you can get to it. The Council voted to introduce it today, so there will be eagerness to have it ready fairly soon. If you need me to be more specific than that, I'll check with our director and see what he has to say.

Thanks for asking--all is well with my family--my daughter is studying in Italy this semester and we're going to see her early in April. I can't wait.

Take care and be well.

Pam

Pam

Pam Shannon
Senior Staff Attorney
Wisconsin Legislative Council Staff
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Pam.Shannon@legis.state.wi.us

-----Original Message-----

From: Fast, Timothy
Sent: Wednesday, March 14, 2001 1:51 PM
To: Shannon, Pam
Subject: Arts support license plates

Pam,

Greetings! I received the draft and will add it to the inevitably burgeoning pile. How soon would you like it?

I hope all is well with you and yours. I am doing much better than anyone thought I would considering everything; it's temporary but I'm enjoying it. "In health there is freedom. Health is the first of all liberties." - Henri-Frederic Amiel.

Please take care, Pam.

Peace, Tim

Timothy Fast, Senior Legislative Attorney
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P.O. Box 2037
Madison, WI 53701-2037
(608) 266-9739



**WISCONSIN LEGISLATIVE COUNCIL
PROPOSED REPORT TO THE LEGISLATURE**

Legislation on Arts Funding

- WLC: 0071/3, Relating to Creating an Artistic Endowment Foundation and Fund, Creating an Income Tax Credit for Contributions to the Fund, Creating a Sales Tax Exemption for Sales of Tickets and Admissions by Nonprofit Organizations, Granting Rule-Making Authority, and Making Appropriations
- WLC: 0075/2, Relating to Special Distinguishing Registration Plates in Support of the Arts

March 7, 2001

RL 2001-02

**LEGISLATION ON
ARTS FUNDING**

Prepared by:
Gordon A. Anderson and Pam Shannon, Senior Staff Attorneys
March 7, 2001

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PART I

KEY PROVISIONS OF LEGISLATION

WLC: 0071/3, relating to creating an artistic endowment foundation and fund, creating an income tax credit for contributions to the fund, creating a sales tax exemption for sales of tickets and admissions by nonprofit organizations, granting rule-making authority, and making appropriations.

Creation of an Artistic Endowment Foundation and Fund

- Creates an artistic endowment with a 14-member board of directors, eight of whom are appointed by the Governor, the executive director of the Wisconsin Arts Board as an ex officio nonvoting member, the chair of the Wisconsin Arts Board or the chair's designee, and four legislators representing the majority and minority of the Legislature.
- Provides that the foundation will be financed from contributions from individuals and business. Individuals will receive a tax credit of not more than \$50 in a taxable year for contributions to the foundation. Corporations and other businesses will receive a tax credit not to exceed \$500 in any taxable year for contributions to the foundation. The tax credits will take effect with taxable years beginning on or after January 1, 2003. The Department of Revenue (DOR) may adjust the amount of the credits if the annual amount will exceed \$7 million for any taxable year beginning with January 1, 2004.
- The revenues will be placed in an Artistic Endowment Fund, at least 50% of the unrestricted earnings of which will be used to provide funds for the Wisconsin Arts Board for its existing programs that provide operating support to arts organizations and to regranteeing programs of the Arts Board.
- Provides that up to 50% of the unrestricted earnings, if distributed, will be distributed to programs established and reviewed biennially by the Artistic Endowment Board, with the advice of the Wisconsin Arts Board and statewide arts organizations. Such programs, if created, are required to the extent possible to use the Arts Board mechanisms and staff for administering and distributing funds.
- Creates a maintenance of effort provision that prohibits the Artistic Endowment Fund from distributing revenues to the Arts Board in any year in which it determines that the amount of state general purpose revenues (GPR) appropriations to the Arts Board programs is less than those in the previous year.
- Provides a \$7,500 per year GPR appropriation for start-up costs for the Artistic Endowment Board.

- Provides a \$150,000 GPR loan for the biennium for public education and marketing relating to the Artistic Endowment Fund, which will be repaid from contributions to the fund.

Sales Tax Exemption

- Creates a sales tax exemption for sales of tickets and admissions by nonprofit organizations in Wisconsin. The tax exemption will take effect on January 1, 2002.

WLC: 0075/2, relating to special distinguishing license plates in support of the arts.

- Creates a special license plate to raise funds for the support of the arts.
- Provides that the annual or biennial fees in excess of the first \$196,700 will be placed in the Artistic Endowment Fund.

PART II

COMMITTEE ACTIVITY

A. ASSIGNMENT

The Joint Legislative Council established the Special Committee on Arts Funding by a May 18, 2000 mail ballot. The cochairs were appointed by a June 13, 2000 mail ballot. The Special Committee was directed to study state arts funding. The committee was to solicit information and develop summaries of funding recommendations made by the arts communities and local governments.

Membership of the Special Committee, appointed by an August 14, 2000 mail ballot consisted of one Senator, three Representatives and 10 public members. A list of committee members is included as *Appendix 3* to this report.

B. SUMMARY OF MEETINGS

The Special Committee held six meetings at the State Capitol in Madison, unless otherwise indicated, on the following dates:

September 21, 2000	December 18, 2000
October 19, 2000 (Milwaukee)	January 23, 2001
November 15, 2000 (Oshkosh)	February 19, 2001

At the September 21, 2000 meeting, the staff described Memo No. 1, *Overview of the Wisconsin Arts Board* (September 15, 2000). The staff provided background information on the Arts Board, its statutory responsibilities and the funding sources for the Arts Board. Staff also explained programs and funding administered by the Arts Board and discussed changes in funding levels in the past several years.

The committee also heard a presentation from George Tzougros, Executive Director, Wisconsin Arts Board. Mr. Tzougros explained duties and functions of the Wisconsin Arts Board and distributed written materials relating to:

1. Arts Board programs and services;
2. Fiscal year (FY) 1997 and 2001 grants to arts organizations;
3. FY 2001 Arts Board revenue sources, aids and operations; and
4. Wisconsin's status relative to other states in FY 2000 funding for the arts.

Kristi A. Williams, Executive Director, Wisconsin Foundation for the Arts, gave a brief history of the foundation and on the relationship between government and the arts, school childrens' access to arts, and business support of the arts. The committee also discussed other topics to be addressed at future meetings.

At the October 19, 2000 meeting, held at the Marcus Center for the Performing Arts, Milwaukee, the committee held a public hearing. Testimony was received from the following persons: Julie Tolan, President, United Performing Arts Fund; Steven A. Ovitsky, President and Executive Director, Milwaukee Symphony Orchestra; Ferne Caulker, Professor, University of Wisconsin-Milwaukee, and Artistic Executive Director, Ko-Thi Dance Company; Robert H. Milbourne, President, Greater Milwaukee Committee and Chairman, Cultural, Artistic and Musical Programming Advisory Committee; Debra Loewen, Artistic Director, Wild Space Dance Company; Deborah Fugenschuh, Executive Director, Donors Forum of Wisconsin; and Karen Spahn, Program/Development Officer, Milwaukee Foundation. Committee members also held further discussion about staff research projects.

At its November 15, 2000 meeting, held at the Paine Art Center, Oshkosh, the committee held a public hearing. Testimony was received from the following persons: Laurie DeWitt Davidson, Chair, Steering Committee, River City Art Project, Marinette; Deborah Janz, Executive Director, LuCille Tack Center for the Arts, Spencer; Beth Bashara, Director, Oneida Nation Arts Program, Oneida; Connie Schmidt and Tim Friesen, Artists and Co-Founders, Arts Vitality Enrich Communities, Lakewood; Nancy Hershfield, Executive Director, Fox Valley Arts Alliance, Oshkosh; LaMoine MacLaughlin, Executive Director, Northern Lakes Center for the Arts, Amery; and Karen Raymore, Executive Director, Door County Chamber of Commerce, Sturgeon Bay.

At its December 18, 2000 meeting, the committee heard a presentation by George Tzougros, Executive Director, Wisconsin Arts Board, regarding unmet need for Arts Board programs in FY 2001. Mr. Tzougros noted that the actual amount granted to organizations by the Arts Board in FY 2001 was \$2,228,541. Meeting the requests of all the applicants that were recommended for funding would have required an increase of \$4,578,443 and meeting the requests of all the applicants that were eligible for funding would have required an increase of \$4,954,996. He noted that many of the board's programs currently have caps and have been reduced over time because of funding constraints. The committee reviewed staff memos relating to Arts Board grantees, sales taxes, and fundraising license plates. The committee also discussed sources of arts funding and reviewed a staff memo relating to the Arizona Art Share program and the Missouri Cultural Trust Fund.

At its January 23, 2001 meeting, the committee reviewed a staff memo relating to the Texas Cultural Endowment Fund and three bill drafts relating, respectively, to creating an artistic and cultural endowment fund and foundation (WLC: 0071/1), a sales tax exemption from sales of tickets and admissions by nonprofit organizations (WLC: 0073/1) and special distinguishing license plates in support of the arts (WLC: 0075/1).

The committee reviewed the drafts and made numerous changes in WLC: 0071/1 relating to the composition of the Artistic Endowment Board and the uses of its funding. The committee directed staff to make revisions in the draft for consideration at its next meeting.

At its February 19, 2001 meeting, the committee heard a presentation from Tom Ourada, Executive Assistant, DOR, based on a letter from Revenue Secretary Cate Zeuske, regarding the potential costs of the committee's recommendations. The presentation noted that an individual income tax credit of \$100 would cost the state approximately \$23 million per year, and a corporate and business tax credit of \$1,000 would cost the state approximately

\$25 million per year in lost revenues. Mr. Ourada also noted lost revenue of approximately \$6.9 million per year if increased revenues in certain categories of sales taxes were given to the endowment fund.

The committee discussed the drafts. It further modified the draft relating to the Wisconsin Artistic Endowment Fund and combined it with the draft relating to a sales tax exemption for admissions and tickets sales by nonprofit organizations and voted to recommend the combined draft (to be numbered WLC: 0071/3) to the Joint Legislative Council. The committee also voted to recommend as a separate item, with modification, the draft relating to license plates in support of the arts (to be numbered WLC: 0075/2).

PART III

RECOMMENDATIONS

This part of the report provides background information on, and a description of, the two drafts recommended by the Special Committee on Arts Funding.

A. WLC: 0071/3

Background

The Wisconsin Arts Board was created in 1973. Initial federal funds from the National Endowment for the Arts (NEA) were its primary source of funds. The federal funds reached a peak of approximately \$1.8 million in the 1995-97 biennium, but have since decreased by \$541,800.

State aid for the arts increased from \$105,100 in the 1973-75 biennium to approximately \$6.1 million in 1991-93. However, since that time, general purpose revenues have declined by approximately \$700,000. In the area of state aid for the arts, since 1991-93, a total reduction of \$818,800 or 23.7% has occurred. The arts challenge initiative grant initially was funded at a level of \$2 million and has since declined to approximately \$1.5 million. The Wisconsin regranting program has remained at the same level since its establishment in 1995-97.

During the past 10 years, the total level of state and federal support for the Arts Board's programs has declined by \$858,700 or 11.4%. State GPR funding has declined by 12.6%. Although program revenues including federal NEA funds and the state percent-for-arts funding continued to increase until the 1995-97 biennium, they have since declined by \$559,200 or 29.4% in the last four years.

In addition, data presented to the committee by the Wisconsin Arts Board indicated that in FY 2001, meeting the requests of all applicants *recommended* for funding in the current biennium would have required an increase of \$4,578,443 over the current \$2,228,541 granted to organizations. Further, meeting the requests of all the applicants *eligible* for funding would have required an increase of \$4,954,996. These estimates are conservative, because the Arts Board has been forced to place "caps" on the amount an organization may request from it.

In addition, the committee heard testimony from many arts organizations and individuals connected with the arts that the existing programs do not necessarily meet the needs of arts organizations for operating support.

Based on this information and a review of arts funding initiatives in Arizona, Colorado, Texas and Missouri, the committee determined that it was appropriate to create a state endowment for the arts.

DESCRIPTION OF THE BILL

Structure and Functions

WLC: 0071/3 creates a Wisconsin Artistic Endowment Foundation and fund administered by a 14-member board. The 14-members consist of eight persons appointed by the Governor, at least one of whom must have experience in fundraising and marketing, the chair of the Wisconsin Arts Board or the chair's designee, the Executive Director of the Wisconsin Arts Board as a nonvoting ex officio member and four legislators, one from each party in each house.

The contributions to the Wisconsin Artistic Endowment Fund will be invested by the Wisconsin Investment Board. The earnings of the fund, if distributed by the Artistic Endowment Board, will be distributed in two portions:

1. At least 50% will go to the programs currently funded by the Wisconsin Arts Board that provide operating support and regranting.
2. The remaining 50%, or less, if distributed by the Artistic Endowment Board, will be in accord with program priorities established by the Artistic Endowment Board, after consulting with the Wisconsin Arts Board and arts organizations. The programs must utilize the Arts Board staff and mechanisms to the extent possible to distribute and administer the funds.

Tax Credits

Under the draft, an individual may make a contribution to the Artistic Endowment Foundation and receive a tax credit (a dollar-for-dollar reduction in taxes) of not more than \$50 in any taxable year for that contribution. A corporation may make a contribution of up to \$500 for which it will receive a tax credit. The tax credits will take effect with taxable years beginning on or after January 1, 2003, and remain in effect until the end of the year in which the total amount received by the fund from the tax credits equals \$50,150,000 (\$50 million plus \$150,000 to repay a marketing loan). The DOR may adjust the tax credits proportionately for any taxable year beginning on or after January 1, 2004, if it determines that the annual amount of the credits will exceed \$7,000,000.

Maintenance of Effort

The draft also provides a "maintenance of effort" provision that will prohibit the Artistic Endowment Foundation from distributing funds to the Arts Board in any fiscal year in which it determines the amount of GPR appropriated to the Arts Board programs by the Legislature is less than the amount appropriated for those programs in the previous fiscal year. This ensures that the earnings of the Artistic Endowment Fund are not used to replace state appropriations to the Arts Board.

Appropriations

The draft also provides two general purpose appropriations:

1. An appropriation of \$7,500 in each fiscal year of the 2001-03 biennium for start-up costs.
2. A marketing and education appropriation of \$150,000 for the biennium. These funds will be used for public education and marketing relating to the Artistic Endowment Fund. The board is required to contract for all education and marketing activities under this provision. Furthermore, of the first \$300,000 in contributions by individuals and corporations to the fund, 50% must go to the state to repay the \$150,000 appropriation.

General Powers and Duties

The foundation is provided with all the powers necessary and convenient to carry out its duties and is required in carrying out its responsibilities to ensure to the greatest extent possible the equitable distribution of funds and other support among the various geographic regions of the state, urban, suburban and rural areas of the state, and the various ethnic, racial and cultural groups of the state.

If the fund receives donated art objects, it is required to appoint a licensed appraiser to establish the current value, potential appreciation and degree of risk of holding and a recommended timing for sale of the art object. The board is required to establish, by rule, policies for accepting restricted donations.

The board is required to annually submit to the Governor and presiding officer in each house of the Legislature an audited financial statement on the operations of the foundation. Furthermore, the foundation must biennially review its priorities for expenditures and report those priorities to the presiding officer of each house of the Legislature.

Sales Tax Exemption

The draft creates an exemption from sales tax for sales of admissions and tickets to artistic events sponsored by associations or organizations that are exempt from taxation under the Internal Revenue Code.

B. WLC: 0075/2

Background

License plates have been sold in recent years both for purposes of honoring certain groups and individuals or for purposes of raising funds for specified activities. Recent such fundraising activities include: (1) the endangered resources license plate; (2) the University of Wisconsin Campus license plate; (3) the Celebrate Children license plate; (4) the Green Bay Packers license plate; and (5) the Ducks Unlimited license plate.

Description of the Draft

The draft provides that a new license plate in support of the arts will be issued. In addition to the annual registration fee, there will be a one-time \$15 issuance fee for nonpersonalized plates or a \$15 annual fee for personalized plates and in addition a \$20

annual or \$40 biennial fee with amounts to be deposited in the Artistic Endowment Fund. Of the revenue generated by the contributions, the Department of Transportation will retain an amount equal to its costs or \$196,700, whichever is less. All remaining revenues generated by the contributions will be deposited in the Artistic Endowment Fund.

APPENDIX 1

Committee and Joint Legislative Council Votes

At its meeting on February 19, 2001, the Special Committee voted to recommend WLC: 0071/3 and WLC: 0075/2 to the Joint Legislative Council for introduction in the 2001-02 Session of the Legislature. The votes on the two drafts were as follows:

- WLC: 0071/3, relating to creating an artistic endowment foundation and fund, creating an income tax credit for contributions to the fund, creating a sales tax exemption for sales of ticket and admissions by nonprofit organizations, granting rule-making authority, and making appropriations: Ayes, 14 (Sen. Grobschmidt; Reps. Underheim, Richards and Suder; and Public Members Amhaus, Brown, Burke, Hutchison, Johnson, Katz, O'Connell, Rathburn, Rosewall and Spahn); and Noes, 0.
- WLC: 0075/2, relating to special distinguishing registration plates in support of the arts: Ayes, 13 (Sen. Grobschmidt; Reps. Underheim and Richards; and Public Members Amhaus, Brown, Burke, Hutchison, Johnson, Katz, O'Connell, Rathburn, Rosewall and Spahn); and Noes, 1 (Rep. Suder).

APPENDIX 2

JOINT LEGISLATIVE COUNCIL
s. 13.81, Stats.

Cochair
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Sheboygan, WI 53081-3257

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Cochair, Joint Comt. on Finance
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Assembly Majority Leader
1117 Dickens Drive
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STEPHEN J. FREESE
Speaker Pro Tempore
310 East North Street
Dodgeville, WI 53533-1200

This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the cochairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees.

Cochair
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**ARTS FUNDING,
SPECIAL COMMITTEE ON**

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President, WI Assembly for
Local Arts
1810 Sugar Place
DePere, WI 54115-3701

KAREN SPAHN
Program/Development Officer
Milwaukee Foundation
4335 North Alpine Avenue
Milwaukee, WI 53211-1412

REPRESENTATIVES

PUBLIC MEMBERS

STUDY ASSIGNMENT: The Committee is directed to study state arts funding. The Committee will solicit information and develop summaries of funding recommendations made by the arts communities and local governments. The Special Committee shall report its recommendations to the Joint Legislative Council by January 1, 2001.

Established by a May 18, 2000 mail ballot; Cochairs appointed by a June 13, 2000 mail ballot; and members appointed by an August 14, 2000 mail ballot.

14 MEMBERS: 1 Senator; 3 Representatives and 10 Public Members.

LEGISLATIVE COUNCIL STAFF: Pam Shannon, Senior Staff Attorney; Gordon A. Anderson, Senior Staff Attorney; and Tracey Uselman, Support Staff.

APPENDIX 4

Committee Materials List

September 21, 2000 Meeting

Memo No. 1, Overview of the Wisconsin Arts Board (9-15-00)

Materials from testimony of George Tzougros, Executive Director, Wisconsin Arts Board (9-21-00)

Testimony, Kristi A. Williams, Executive Director, Wisconsin Foundation for the Arts (9-21-00)

November 15, 2000 Meeting

Statement, LaMoine MacLaughlin, Executive Director, Northern Lakes Center for the Arts, Amery

December 18, 2000 Meeting

Memo No. 2, Wisconsin Arts Board Grantees (12-8-00)

Memo No. 3, Information Relating to Sales Taxes Collected From Arts-Related Organizations (12-8-00)

Memo No. 4, Fundraising License Plates (12-12-00)

Memo No. 5, State Arts Funds (12-12-00)

January 23, 2001 Meeting

Memo No. 6, Texas Cultural Endowment Fund (1-16-01)

WLC: 0071/1, relating to creating a cultural and artistic endowment fund and foundation, creating an income tax credit for contributions to the fund, crediting certain sales tax revenues to the fund, granting rule-making authority and making an appropriation

WLC: 0073/1, relating to a tax exemption for sales of tickets and admissions to events by nonprofit organizations

WLC: 0075/1, relating to special distinguishing registration plates in support of the arts

February 19, 2001 Meeting

WLC: 0071/2, relating to creating a cultural and artistic endowment fund and foundation, creating an income tax credit for contributions to the fund, crediting certain sales tax revenues to the fund, granting rule-making authority and making an appropriation

AN ACT to amend 341.14 (6r) (b) 3. and 341.14 (6r) (fm) 7.; and to create 25.40 (1) (a) 21., 341.14 (6r) (b) 9. and 341.14 (6r) (f) 56. of the statutes; relating to: special distinguishing registration plates in support of the arts.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on arts funding. The draft creates a special license plate to raise funds for the support of the Wisconsin artistic endowment fund created by WLC: 0071/1. The draft establishes a \$15 issuance and reissuance fee for the plate and an annual fee of \$20 (or \$40 for vehicles registered on a biennial basis), in addition to the fee for registering the vehicle. The draft specifies that the \$20 or \$40 fee could be used in calculating the itemized deduction credit for the purposes of state income taxes to the extent allowed under current law. The department of transportation is authorized to recover from the \$20 or \$40 fee its initial costs of production of the arts plate, up to \$196,700.

SECTION 1. 25.40 (1) (a) 21. of the statutes is created to read:

25.40 (1) (a) 21. Moneys received under s. 341.14 (6r) (b) 9. that are deposited in the artistic endowment fund.

SECTION 2. 341.14 (6r) (b) 3. of the statutes is amended to read:

341.14 (6r) (b) 3. An additional fee of \$15 shall be charged for the issuance or reissuance of a plate issued on an annual basis for a special group specified under par. (f) 35. to 47., 53., 54. ~~or 55.~~ or 56. or designated by the department under par. (fm). An additional fee of \$15 shall be charged for the issuance or reissuance of a plate issued on a biennial basis for a special group specified under par. (f) 35. to 47., 53., 54. ~~or 55.~~ or 56. or designated by the department under par. (fm) if the plate is issued during the first year of the biennial registration period or \$15 for the issuance or reissuance if the plate is issued during the 2nd

02/26/2001

- 3 -

WLC: 0075/2

on October 1, 1998, except for the authorized special group enumerated under par. (f) 55. This subdivision does not apply to the special ~~group~~ groups specified under par. (f) 54, and 56.

(END)

LRB-3053/PK P2 (Redraft makes TNF: ch has been run) JLD

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

WANTED 4/16 (turned in 4/13)

and creating an artistic endowment fund

Regen

1 AN ACT to amend 341.14 (6r) (b) 3. and 341.14 (6r) (fm) 7.; and to create 25.40
2 (1) (a) 21., 341.14 (6r) (b) 9. and 341.14 (6r) (f) 56. of the statutes; relating to:
3 special distinguishing registration plates in support of the arts.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

FE-S

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

PREFATORY NOTE: This ~~draft~~ ^{bill,} was prepared for the joint legislative council's special committee on arts funding. ~~The draft~~ ^{bill,} creates a special license plate to raise funds for the support of the Wisconsin artistic endowment fund ~~created by WLC-00711.~~ ^{bill} The ~~draft~~ ^{bill} establishes a \$15 issuance and reissuance fee for the plate and an annual fee of \$20 (or \$40 for vehicles registered on a biennial basis), in addition to the fee for registering the vehicle. The ~~draft~~ ^{bill} specifies that the \$20 or \$40 fee could be used in calculating the itemized deduction credit for the purposes of state income taxes to the extent allowed under current law. The department of transportation is authorized to recover from the \$20 or \$40 fee its initial costs of production of the arts plate, up to \$196,700.

Insert (A)

4 SECTION 1. 25.40 (1) (a) 21. of the statutes is created to read:
5 25.40 (1) (a) 21. Moneys received under s. 341.14 (6r) (b) 9. that are deposited
6 in the artistic endowment fund.

also created in the bill

Insert (B)

SECTION 2. 341.14 (6r) (b) 3. of the statutes is amended to read:

341.14 (6r) (b) 3. An additional fee of \$15 shall be charged for the issuance or reissuance of a plate issued on an annual basis for a special group specified under par. (f) 35. to 47., 53., 54. ~~or 55., or 56.~~ or designated by the department under par. (fm). An additional fee of \$15 shall be charged for the issuance or reissuance of a plate issued on a biennial basis for a special group specified under par. (f) 35. to 47., 53., 54. ~~or 55., or 56.~~ or designated by the department under par. (fm) if the plate is issued during the first year of the biennial registration period or \$15 for the issuance or reissuance if the plate is issued during the 2nd year of the biennial registration period. The department shall deposit in the general fund and credit to the appropriation account under s. 20.395 (5) (c) all fees collected under this subdivision for the issuance or reissuance of a plate for a special group designated by the department under par. (fm).

SECTION 3. 341.14 (6r) (b) 9. of the statutes is created to read:

341.14 (6r) (b) 9. An additional fee of \$20 that is in addition to the fee under subd. 3. shall be charged for the issuance or renewal of a plate issued on an annual basis for the special group specified under par. (f) 56. An additional fee of \$40 that is in addition to the fee under subd. 3. shall be charged for the issuance or renewal of a plate issued on a biennial basis for the special group specified under par. (f) 56., if the plate is issued or renewed during the first year of the biennial registration period or \$20 for the issuance or renewal if the plate is issued or renewed during the 2nd year of the biennial registration period. All moneys received under this subdivision in excess of the initial costs of production of the special group plate under par. (f) 56. or \$196,700, whichever is less, shall be deposited in the artistic endowment fund under s. 25.77. To the extent permitted under ch. 71, the fee under

RWF

no striking, keep scores

1 this subdivision is deductible as a charitable contribution for purposes of the taxes
2 under ch. 71.

3 SECTION 4. 341.14 (6r) (f) 56. of the statutes is created to read:

4 341.14 (6r) (f) 56. Persons interested in obtaining a plate supporting the
5 artistic endowment fund.

6 SECTION 5. 341.14 (6r) (fm) 7. of the statutes is amended to read:

7 After 341.14 (6r) (fm) 7. ~~Except for the authorized special group enumerated under~~
8 ~~par. (f) 55., after~~ October 1, 1998, additional authorized special groups may only be
9 special groups designated by the department under this paragraph. The authorized
10 special groups enumerated in par. (f) shall be limited solely to those special groups
11 specified under par. (f) on October 1, 1998, ~~except for the authorized special group~~
12 ~~enumerated under par. (f) 55.~~ This subdivision does not apply to the special group
13 groups specified under par. (f) 54. and 56.

14 (END)

, 55.,

D-NOTE

Insert (A) (page 1 of 2)

				2001-02	2002-03
1	(a)	Wisconsin artistic endowment			
2		board; start-up costs	GPR A	7,500	7,500
3	(b)	Education and marketing	GPR C	150,000	-0-
4	(q)	General program operations	SEG A	-0-	-0-

SECTION 2. 20.220 of the statutes is created to read:

20.220 Wisconsin Artistic Endowment Foundation. There is appropriated to the Wisconsin Artistic Endowment Foundation for the following programs:

(1) SUPPORT OF THE ARTS. (a) *Wisconsin artistic endowment board; start-up costs.* The amounts in the schedule for the start-up costs of the Wisconsin artistic endowment board. No moneys may be encumbered from this appropriation after June 30, 2003.

(b) *Education and marketing.* As a continuing appropriation, the amounts in the schedule for public education and marketing relating to the Wisconsin artistic endowment fund.

(q) *General program operations.* From the artistic endowment fund, the amounts in the schedule for general program operations of the foundation.

(r) *Support of the arts.* From the artistic endowment fund, as a continuing appropriation, all moneys received as interest and earnings of the artistic endowment fund, less the amounts appropriated in par. (q), for support of the arts under s. 247.06.

SECTION 3. 25.14 (1) (a) 15. of the statutes is created to read:

25.14 (1) (a) 15. The artistic endowment fund.



Insert (A) (page 2 of 2)

SECTION 4. 25.17 (1) (ak) of the statutes is created to read:

25.17 (1) (ak) Artistic endowment fund (s. 25.77);

SECTION 5. 25.77 of the statutes is created to read:

25.77 Artistic endowment fund. (1) There is established a separate nonlapsible trust fund designated as the artistic endowment fund, to consist of all of the following:

(a) All gifts, grants, bequests, or other contributions made to the artistic endowment fund.

(b) All gifts, grants, bequests, or other contributions made to the Wisconsin Artistic Endowment Foundation and described under s. 247.05 (2) (f).

(2) Notwithstanding sub. (1), only 50% of the first \$300,000 of any gifts, grants, bequests, or other contributions received under sub. (1) shall be deposited in the artistic endowment fund.

SECTION 6. 71.07 (5) (a) 10. of the statutes is created to read:

71.07 (5) (a) 10. Any amount claimed as a credit under sub. (9t).

SECTION 7. 71.07 (9t) of the statutes is created to read:

71.07 (9t) ARTISTIC ENDOWMENT CREDIT. (a) *Definition.* In this subsection, "claimant" means a person who files a claim under this subsection.

(b) *Filing claims.* For taxable years beginning after December 31, 2002, subject to the limitations provided in this subsection and s. 73.03 (35m), a claimant may claim as a credit against the tax imposed under s. 71.02 an amount equal to the amount contributed to the artistic endowment fund under s. 25.77, not to exceed \$50 in a taxable year for a claimant who claims the credit as an individual or claims the credit as a married person who files a separate income tax return, not to exceed \$100 in a taxable year for a claimant and a claimant's spouse who file a joint return, and

(end of insert)

Insert (B)

~~SECTION 4. 25.17(1) (ak) of the statutes is created to read:~~

~~25.17(1) (ak) Artistic endowment fund (s. 25.77):~~

SECTION 5. 25.77 of the statutes is created to read:

25.77 Artistic endowment fund. (1) There is established a separate nonlapsible trust fund designated as the artistic endowment fund, to consist of all of the following:

~~All gifts, grants, bequests, or other contributions made to the artistic endowment fund.~~ *Moneys received under s. 341.14(6r)(b) 9.*

~~(b) All gifts, grants, bequests, or other contributions made to the Wisconsin Artistic Endowment Foundation and described under s. 247.05(2)(f).~~

~~(2) Notwithstanding sub. (1) only 50% of the first \$300,000 of any gifts, grants, bequests, or other contributions received under sub. (1) shall be deposited in the artistic endowment fund.~~

~~SECTION 6. 71.07 (5) (a) 10. of the statutes is created to read:~~

~~71.07 (5) (a) 10. Any amount claimed as a credit under sub. (9t).~~

~~SECTION 7. 71.07 (9t) of the statutes is created to read:~~

~~71.07 (9t) ARTISTIC ENDOWMENT CREDIT. (a) Definition. In this subsection, "claimant" means a person who files a claim under this subsection.~~

~~(b) Filing claims. For taxable years beginning after December 31, 2002, subject to the limitations provided in this subsection and s. 73.03 (35m), a claimant may claim as a credit against the tax imposed under s. 71.02 an amount equal to the amount contributed to the artistic endowment fund under s. 25.77, not to exceed \$50 in a taxable year for a claimant who claims the credit as an individual or claims the credit as a married person who files a separate income tax return, not to exceed \$100 in a taxable year for a claimant and a claimant's spouse who file a joint return, and~~

(end ins B)

LRB-3053/P2dn

TNF: jld

DRAFTER'S NOTE

ATTN: Pam Shannon

1. Do you want to amend s. 341.14(6r)(e),
stats., to require DOT to obtain approval before
specifying the word or words or symbol on the
arts plates?

2. Alternatives^{to} "obtaining a plate supporting the
artistic endowment fund" in proposed s. 341.14(6r)

(f) 56. are "expressing their support of the arts"
or "supporting the arts"

(with the additional contribution going to the created

artistic endowment fund). See, for example, s. 341.14

(6r)(f) 50. and 55. stats.

TNF

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3053/P2dn
TNF:jld:jf

April 13, 2001

ATTN: Pam Shannon

1. Do you want to amend s. 341.14 (6r) (e), stats., to require DOT to obtain approval before specifying the word or words or symbol on the arts plates?
2. Alternatives to "obtaining a plate supporting the artistic endowment fund" in proposed s. 341.14 (6r) (f) 56. are "expressing their support of the arts" or "supporting the arts" (with the additional contribution going to the created artistic endowment fund). See, for example, s. 341.14 (6r) (f) 50. and 55. stats.

Timothy N. Fast
Senior Legislative Attorney
Phone: (608) 266-9739
E-mail: tim.fast@legis.state.wi.us

Barman, Mike

From: Barman, Mike
Sent: Friday, April 13, 2001 2:33 PM
To: Shannon, Pam
Subject: LRB-3053/P2 (attached)

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

WANTED
Wed 4/25/01

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

This bill is explained in the ^(CS) NOTE provided by the joint legislative council.

Regen

1 AN ACT to amend 341.14 (6r) (b) 3. and 341.14 (6r) (fm) 7.; and to create 25.14
2 (1) (a) 15., 25.17 (1) (ak), 25.40 (1) (a) 21., 25.77, 341.14 (6r) (b) 9. and 341.14
3 (6r) (f) 56. of the statutes; relating to: special distinguishing registration
4 plates in support of the arts and creating an artistic endowment fund.

Analysis by the Legislative Reference Bureau

~~This is a preliminary draft. An analysis will be provided in a later version.~~
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:

PREFATORY NOTE: This bill, prepared for the joint legislative council's special committee on arts funding, creates a special license plate to raise funds for the support of the Wisconsin artistic endowment fund, also created in the bill. The bill establishes a \$15 issuance and reissuance fee for the plate and an annual fee of \$20 (or \$40 for vehicles registered on a biennial basis), in addition to the fee for registering the vehicle. The bill specifies that the \$20 or \$40 fee could be used in calculating the itemized deduction credit for the purposes of state income taxes to the extent allowed under current law. The department of transportation is authorized to recover from the \$20 or \$40 fee its initial costs of production of the arts plate, up to \$196,700.

5 SECTION 1. 25.14 (1) (a) 15. of the statutes is created to read:

1 25.14 (1) (a) 15. The artistic endowment fund.

2 **SECTION 2.** 25.17 (1) (ak) of the statutes is created to read:

3 25.17 (1) (ak) Artistic endowment fund (s. 25.77);

4 **SECTION 3.** 25.40 (1) (a) 21. of the statutes is created to read:

5 25.40 (1) (a) 21. Moneys received under s. 341.14 (6r) (b) 9. that are deposited
6 in the artistic endowment fund.

7 **SECTION 4.** 25.77 of the statutes is created to read:

8 **25.77 Artistic endowment fund.** There is established a separate nonlapsible
9 trust fund designated as the artistic endowment fund, to consist of all of the
10 following:

11 (1) All gifts, grants, bequests, or other contributions made to the artistic
12 endowment fund.

13 (2) Moneys received under s. 341.14 (6r) (b) 9.

14 **SECTION 5.** 341.14 (6r) (b) 3. of the statutes is amended to read:

15 341.14 (6r) (b) 3. An additional fee of \$15 shall be charged for the issuance or
16 reissuance of a plate issued on an annual basis for a special group specified under
17 par. (f) 35. to 47., 53., 54. ~~or 55.~~ or 56. or designated by the department under par.
18 (fm). An additional fee of \$15 shall be charged for the issuance or reissuance of a plate
19 issued on a biennial basis for a special group specified under par. (f) 35. to 47., 53.,
20 54. ~~or 55.~~ or 56. or designated by the department under par. (fm) if the plate is issued
21 during the first year of the biennial registration period or \$15 for the issuance or
22 reissuance if the plate is issued during the 2nd year of the biennial registration
23 period. The department shall deposit in the general fund and credit to the
24 appropriation account under s. 20.395 (5) (c) all fees collected under this subdivision

1 for the issuance or reissuance of a plate for a special group designated by the
2 department under par. (fm).

3 **SECTION 6.** 341.14 (6r) (b) 9. of the statutes is created to read:

4 341.14 (6r) (b) 9. An additional fee of \$20 that is in addition to the fee under
5 subd. 3. shall be charged for the issuance or renewal of a plate issued on an annual
6 basis for the special group specified under par. (f) 56. An additional fee of \$40 that
7 is in addition to the fee under subd. 3. shall be charged for the issuance or renewal
8 of a plate issued on a biennial basis for the special group specified under par. (f) 56.,
9 if the plate is issued or renewed during the first year of the biennial registration
10 period or \$20 for the issuance or renewal if the plate is issued or renewed during the
11 2nd year of the biennial registration period. All moneys received under this
12 subdivision in excess of the initial costs of production of the special group plate under
13 par. (f) 56. or \$196,700, whichever is less, shall be deposited in the artistic
14 endowment fund under s. 25.77. To the extent permitted under ch. 71, the fee under
15 this subdivision is deductible as a charitable contribution for purposes of the taxes
16 under ch. 71.

17 **SECTION 7.** 341.14 (6r) (f) 56. of the statutes is created to read:

18 341.14 (6r) (f) 56. Persons interested in ~~obtaining a plate supporting the~~
19 ~~artistic endowment fund.~~ *expressing their support of*
20 *the arts*

21 **SECTION 8.** 341.14 (6r) (fm) 7. of the statutes is amended to read:

22 341.14 (6r) (fm) 7. ~~Except for the authorized special group enumerated under~~
23 ~~par. (f) 55., after~~ After October 1, 1998, additional authorized special groups may
24 only be special groups designated by the department under this paragraph. The
25 authorized special groups enumerated in par. (f) shall be limited solely to those
special groups specified under par. (f) on October 1, 1998, ~~except for the authorized~~

Insert 3-16

1 ~~special group enumerated under par. (f) 55.~~ This subdivision does not apply to the
2 special group groups specified under par. (f) 54., 55., and 56.

3 (END)

Insert 3-16

Section #. 341.14 (6r) (c) of the statutes is amended to read:

341.14 (6r) (c) Special group plates shall display the word "Wisconsin", the name of the applicable authorized special group, a symbol representing the special group, not exceeding one position, and identifying letters or numbers or both, not exceeding 6 positions and not less than one position. The department shall specify the design for special group plates, but the department shall consult the president of the University of Wisconsin System before specifying the word or symbol used to identify the special groups under par. (f) 35. to 47., the secretary of natural resources before specifying the word or symbol used to identify ~~for~~ the special group under par. (f) 50. ~~and~~ the chief executive officer of the professional football team and an authorized representative of the league of professional football teams described in s. 229.823 to which that team belongs before specifying the design for the applicable special group plate under par. (f) 55. Special group plates under par. (f) 50. shall be as similar as possible to regular registration plates in color and design.

History: 1971 c. 164 s. 83; 1971 c. 299; 1975 c. 384, 417; 1977 c. 16; 1977 c. 29 ss. 1417, 1418, 1654 (7) (a), (e); 1977 c. 43, 183, 292, 418, 447; 1979 c. 236; 1981 c. 255; 1983 a. 227, 430, 511; 1985 a. 29, 55; 1985 a. 87 ss. 1, 5; 1985 a. 124, 202; 1985 a. 332 ss. 191, 251 (4); 1987 a. 19, 64, 112, 145, 315, 399, 403; 1989 a. 31, 54, 56, 137, 302, 304, 312, 359; 1991 a. 2, 39, 100, 240; 1993 a. 16, 291, 303, 415, 491; 1995 a. 147, 253, 255, 445; 1997 a. 27, 67, 252, 255; 1999 a. 9, 32, 80, 92, 167, 186; s. 13.93 (2) (c).

↓ and the executive secretary of the arts board before specifying the word or symbol used to identify the special group under par. (f) 56

(end ins 3-16)

Williams, Landon

From: Shannon, Pam
Sent: Tuesday, April 24, 2001 2:32
To: Williams, Landon
Subject: RE: 01-3053/1

Hi Landon,

I received your transmittal the above bill draft. It is a Legislative Council bill and normally we get a jacketed copy which our director signs and then it goes to the chief clerk, in this case, the Senate chief clerk, as it will be introduced as a Senate bill. What do I need to do to get the jacket, or alternatively, is there a new procedure that replaces the one I'm familiar with?

Pam

Pam Shannon
Senior Staff Attorney
Wisconsin Legislative Council Staff
(608) 266-2680
Pam.Shannon@legis.state.wi.us

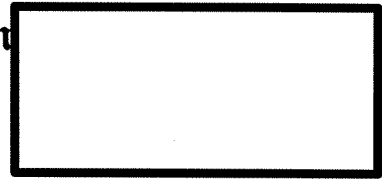
-----Original Message-----

From: Williams, Landon
Sent: Monday, April 23, 2001 2:53 PM
To: Shannon, Pam
Subject: 01-3053/1

Pam,

I'm not sure if the submittal by e-mail routing worked or not. If not, and you would like this draft jacketed please respond to me directly and indicate which house you would prefer.

Thanks
Landon



CORRECTIONS IN: **CCC** (LRB-3053/1)

2001 SENATE BILL 165

Prepared by the Legislative Reference Bureau
(Date???????)

1. Page 3, line 18: delete "Wisconsin," and substitute "Wisconsin",.

NOTE: This change reflects current law.

KMG:

.....

Minor clerical corrections in legislation are authorized under s. 35.17, stats.; Senate Rule 31, Assembly Rule 37 and Joint Rule 56.

BILL

1 for the issuance or reissuance of a plate for a special group designated by the
2 department under par. (fm).

3 **SECTION 6.** 341.14 (6r) (b) 9. of the statutes is created to read:

4 341.14 (6r) (b) 9. An additional fee of \$20 that is in addition to the fee under
5 subd. 3. shall be charged for the issuance or renewal of a plate issued on an annual
6 basis for the special group specified under par. (f) 56. An additional fee of \$40 that
7 is in addition to the fee under subd. 3. shall be charged for the issuance or renewal
8 of a plate issued on a biennial basis for the special group specified under par. (f) 56.,
9 if the plate is issued or renewed during the first year of the biennial registration
10 period or \$20 for the issuance or renewal if the plate is issued or renewed during the
11 2nd year of the biennial registration period. All moneys received under this
12 subdivision in excess of the initial costs of production of the special group plate under
13 par. (f) 56. or \$196,700, whichever is less, shall be deposited in the artistic
14 endowment fund under s. 25.77. To the extent permitted under ch. 71, the fee under
15 this subdivision is deductible as a charitable contribution for purposes of the taxes
16 under ch. 71.

17 **SECTION 7.** 341.14 (6r) (c) of the statutes is amended to read:

18 341.14 (6r) (c) Special group plates shall display the word "Wisconsin," the
19 name of the applicable authorized special group, a symbol representing the special
20 group, not exceeding one position, and identifying letters or numbers or both, not
21 exceeding 6 positions and not less than one position. The department shall specify
22 the design for special group plates, but the department shall consult the president
23 of the University of Wisconsin System before specifying the word or symbol used to
24 identify the special groups under par. (f) 35. to 47., the secretary of natural resources
25 before specifying the word or symbol used to identify for the special group under par.



State of Wisconsin
2001-2002 LEGISLATURE

CORRECTIONS IN:

2001 SENATE BILL 165

Prepared by the Legislative Reference Bureau
(May 1, 2001)

1. Page 3, line 18: delete "Wisconsin," and substitute "Wisconsin",.

NOTE: This change reflects current law.



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
P. O. BOX 2037
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
REFERENCE SECTION: (608) 266-0341
FAX: (608) 266-5648

STEPHEN R. MILLER
CHIEF

May 9, 2001

MEMORANDUM

To: Legislative Council
Attn: Terry Anderson (Director)

From: Timothy N. Fast, Sr. Legislative Attorney, (608) 266-9739

Subject: Technical Memorandum to **2001 SB-165** (LRB-3053/1)

We received the attached technical memorandum relating to your bill. This copy is for your information and your file. If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

Date: May 4, 2001

To: Legislative Reference Bureau

From: Department of Transportation

Re: Technical memo, SB 165

The Department of Transportation has identified the following technical corrections that we request the bill author consider:

- (1) Under the bill, the Transportation Fund will retain the first \$196,700 to fund the DOT initial costs of production. The costs, however, occur in the DMV appropriation 20.395(5)(cq). In the past, the number of special group plates has been relatively small and it has not been difficult to budget for their cost in the DMV appropriation. However, as more special group plates are authorized, this becomes more difficult. Indeed, DOT was forced to obtain Joint Finance Committee S.13.10 increase in DMV's appropriation for costs related to the Packer and Ducks Unlimited plates. The Department of Transportation requests that SB 165 be amended to include a one-time increase in appropriation 20.395(5)(cq) of \$196,700, to cover expenditures which will be required under this bill.
- (2) Plate production requires several months, even after the Department of Transportation and the special group agree on a plate design. With the proliferation of special group plates, the symbol and logo have often had to be approved by many parties. In the recently enacted Packer plate bill, that fact was recognized in language that prohibits the Department from issuing any Packer plates until 6 months after "the department has received information sufficient for the department to determine that any approvals required for use of any logo, trademark, trade name or other commercial symbol...have been obtained." The Department of Transportation requests that language be included in this bill to assure that DOT has adequate time to produce plates, after all approvals have been obtained.