

**2011 DRAFTING REQUEST**

**Bill**

Received: **05/06/2011**

Received By: **jkuesel**

Wanted: **As time permits**

Companion to LRB:

For: **Lena Taylor (608) 266-5810**

By/Representing: **Eric Peterson**

May Contact:

Drafter: **jkuesel**

Subject: **State Govt - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Taylor@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Capitol council

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**Instructions:**

Per attached E mail, 4/18/11. P/C, 5/6/11: Place in ch. 13, stats. SCERB should retain existing powers without necessity of obtaining concurrence of Capitol Council. Public member must be someone who is not a state officer or employee.

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**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>
/?	jkuesel 05/19/2011	nnatzke 05/23/2011		_____			State Crime
/1			mduchek 05/23/2011	_____	mbarman 05/23/2011	lparisi 12/13/2011	

FE Sent For:

↳ At Intro.

<END>

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1? / 1	jkuesel 5/19/11	/ nwn 5/19					

FE Sent For:

<END>

## Kuesel, Jeffery

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**From:** Champagne, Rick  
**Sent:** Monday, April 18, 2011 9:45 AM  
**To:** Peterson, Eric  
**Cc:** Kuesel, Jeffery  
**Subject:** RE: Drafting for Taylor

Got it, Eric. I will forward to Jeff Kuesel, who will be the drafter on this.

Rick

---

**From:** Peterson, Eric  
**Sent:** Monday, April 18, 2011 9:42 AM  
**To:** Champagne, Rick  
**Subject:** Drafting for Taylor  
**Importance:** High

## Purpose

The purpose of the Capitol Council is to oversee administration, planning, and operations of the Capitol and all outdoor property located on the Capitol Square. The council should be an independent agency which replaces and assumes all powers over the Capitol currently held by DOA.

## Members

One representative from each branch of government will serve on the Council, selected as follows:

*Executive:* The Governor or the Governor's designee.

*Judicial:* The Chief Justice of the Wisconsin Supreme Court.

*Legislative:* The Speaker of the Assembly and The President of the Senate

*Public:* A member of the public, appointed by the Governor, with the Consent of the Senate.

The Chief Justice of the Supreme Court shall serve as the permanent chair of the council.

## Staff

The council shall determine staff as they need and authorized by law. The top staff serving the council with authority over all other staff shall be known as "The Architect of the Capitol".

## Statutory Transfers

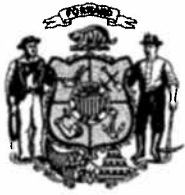
The bill draft should transfer control of the Capitol Bldg to the Council along with current budget authority and appropriations.

## Relationship with State Capitol and Executive Residence Board

The Capitol Council shall be superior to the SCERB in management of the facility. The SCERB shall maintain their current statutory authority in law, and shall advise the Capitol Council on matters relating to the Capitol.

***Eric M. Peterson***

Chief of Staff -- Senator Lena C. Taylor  
*608-266-5810 o, 608-267-2353 f*



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-2051/7

JTK.../...

nwn

~~THU~~ MON 5/23

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SA ✓  
X-ref ✓

Gen.

1

AN ACT ...; relating to: creation of a Capitol Council, granting rule-making authority, and making an appropriation.

2

and providing a penalty

**Analysis by the Legislative Reference Bureau**

This bill creates an entity called the Capitol Council, which is given responsibility for the management, operation, maintenance, and repair of the state capitol and the capitol park. The council consists of the governor or his or her designee, the chief justice of the supreme court, the speaker of the assembly, the president of the senate, and one other member who is not a state officer or employee. The chief justice serves as chairperson. Currently, the Department of Administration (DOA) has responsibility for the management, operation, maintenance and repair of the capitol and capitol park. The bill transfers all assets, liabilities, positions, employees, tangible personal property, contracts, rules, orders, and pending matters of DOA that are primarily related to DOA's managerial responsibility for the capitol to the council. The bill also grants rule-making authority to the council to carry out its responsibilities with regard to management, operation, maintenance, repair, and security of the capitol.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

AS  
IA  
SCME

and prescribes penalties for violation of the rules

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

SECTION 1. 13.491 of the statutes is created to read:

13.491 Capitol council. (1) CREATION. There is created a capitol council consisting of the governor or his or her designee, the chief justice of the supreme court, the speaker of the assembly, the president of the senate, and one other member who shall not be a state officer or employee appointed by the governor to serve at the governor's pleasure.

(2) OFFICERS. The chief justice of the supreme court shall serve as chairperson of the capitol council. At its first meeting following the first Monday in January of each odd-numbered year, the council shall elect a vice chairperson and secretary from its membership, who shall serve until their successors are elected and qualified. The council shall fill any vacancy in the offices of vice chairperson and secretary and the person elected shall serve until his or her successor is elected and qualified.

(3) EXPENSES. The member of the capitol council who is not a state officer or employee shall be reimbursed for actual, reasonable, and necessary expenses incurred in the performance of his or her duties.

(4) STAFF. The capitol council shall employ the personnel authorized by law to carry out its functions. The chief staff member shall be known as "the architect of the capitol."

(5) FUNCTIONS. Except as otherwise expressly provided, the capitol council has responsibility for the management, operation, maintenance, repair, and security of the capitol building and capitol park and may promulgate rules to carry out this responsibility. To this end, the council shall:

(a) Let concessions for periods not exceeding 2 years in the capitol, under such terms and conditions as will in its judgment be most favorable to the state, in

1 coordination with the department of workforce development under s. 47.03 (4), (5),  
2 (7), and (11).

3 stat. → (c) Maintain bicycle storage racks adjacent to the capitol.

4 stat. → (d) Subject to appropriations and position authorizations, appoint such  
5 number of police officers as is necessary to safeguard the capitol. The council may,  
6 to the extent it is necessary, authorize police officers employed by the council to  
7 safeguard state officers, state employees, or other persons. A police officer who is  
8 employed by the ~~department~~ <sup>council</sup> and who is performing duties that are within the scope  
9 of his or her employment as a police officer has the powers of a peace officer under  
10 s. 59.28, except that the officer has the arrest powers of a law enforcement officer  
11 under s. 968.07 regardless of whether the violation is punishable by forfeiture or  
12 criminal penalty. The officer may exercise the powers of a peace officer and the arrest  
13 powers of a law enforcement officer while located anywhere within this state.  
14 Nothing in this subsection limits or impairs the duty of the chief and each police  
15 officer of the police force of the city of Madison to arrest and take before the proper  
16 court or magistrate persons found in a state of intoxication or engaged in any  
17 disturbance of the peace or violating any state law in the city, as required by s. 62.09  
18 (13).

History: 1971 c. 183; 1975 c. 41 s. 52; 1977 c. 418; 1979 c. 34, 221; 1981 c. 314; 1983 a. 36 s. 96 (4); 1983 a. 435 s. 7; 1983 a. 524; 1985 a. 135 s. 83 (5); 1987 a. 27; 1989 a. 31; 1991 a. 39, 269; 1995 a. 27, 174; 2001 a. 16; 2003 a. 33, 321.

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3-18

SECTION 2. 13.90 (9) of the statutes is amended to read:

20 13.90 (9) The joint committee on legislative organization may direct the  
21 ~~department of administration~~ capitol council to take possession of any furnishing to  
22 which the ~~department~~ capitol council has title under s. 16.838 (2), to restore any



1 furnishing in the department's possession, if necessary, and to locate any such  
 2 furnishing at the place in the capitol building specified by the committee.✓

**History:** 1971 c. 215; 1973 c. 90; 1975 c. 224, 421; 1977 c. 449; 1979 c. 34 ss. 7d to 7s, 2102 (32) (b); 1981 c. 372 s. 18; 1983 a. 27, 308; 1985 a. 29, 332; 1987 a. 27; 1989 a. 31, 359, 366; 1993 a. 52; 1995 a. 27, 162, 417; 1997 a. 27, 237; 1999 a. 4, 29, 81; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20.

3 **SECTION 3.** 15.105 (5) of the statutes is amended to read:

4 15.105 (5) STATE CAPITOL AND EXECUTIVE RESIDENCE BOARD. There is created a  
 5 state capitol and executive residence board, attached to the department of  
 6 administration under s. 15.03, consisting of the ~~secretary of administration~~  
 7 chairperson of the capitol council✓ or the secretary's chairperson's designee,✓ the  
 8 director of the historical society or the director's designee, an the architect or  
 9 ~~engineer employed by the department of administration appointed by the secretary~~  
 10 ~~of administration of the capitol~~, 3 senators and 3 representatives to the assembly  
 11 appointed as are the members of standing committees in their respective houses, and  
 12 7 citizen members appointed for staggered 6-year terms of whom at least 2 shall be  
 13 architects registered under ch. 443, one shall be a landscape architect registered  
 14 under ch. 443 and 3 shall be interior designers.✓

**History:** 1971 c. 40, 164, 270; 1973 c. 90, 333; 1975 c. 397; 1977 c. 29 s. 1649; 1977 c. 196 ss. 9, 10; 1977 c. 325, 392, 396, 418, 447; 1981 c. 20, 62, 182, 350, 374; 1983 a. 27, 91; 1983 a. 192 s. 303 (7); 1983 a. 371; 1985 a. 29 ss. 68 to 70, 87, 3202 (27); 1985 a. 180 s. 30m; 1987 a. 27, 142; 1987 a. 147 s. 25; 1987 a. 204, 342; 1989 a. 31, 56, 107, 345; 1991 a. 212, 269; 1993 a. 75, 246, 349, 437, 465, 491; 1995 a. 27 ss. 79 to 118p, 9116 (5), 9126 (19); 1995 a. 221, 225; 1997 a. 3; 1997 a. 27 ss. 51 to 53, 9456 (3m); 1997 a. 247; 1999 a. 9, 105, 185; 2001 a. 16 ss. 139, 174, 109; 2003 a. 33 ss. 87s to 97d, 115, 2811, 9160; 2003 a. 48 ss. 10, 11; 2003 a. 171; 2003 a. 206 s. 23; 2005 a. 25 ss. 47, 48, 2493; 2005 a. 253; 2007 a. 20 ss. 35 to 35p, 52b, 9121 (6) (a).

15 **SECTION 4.** 16.838 (2) to (6) of the statutes are amended to read:

16 16.838 (2) TITLE. Title to historically significant furnishings in the possession  
 17 of any agency or authority, including the senate and assembly, is vested in the capitol  
 18 council if the furnishings are associated with the capitol.✓ Title to other historically  
 19 significant furnishings in the possession of an agency or authority, including the  
 20 senate and assembly, is vested in the department.✓

21 (3) ACQUISITION. The capitol council and the department may acquire any  
 22 historically significant furnishing by purchase or gift. The capitol council and the

1 department shall pay for any such furnishing from the appropriation under s. 20.855  
2 (3) (c). ✓

3 (4) TRANSFER OF POSSESSION. The capitol council and the department shall take  
4 possession of historically significant furnishings to which the council and the  
5 department ~~has~~ have title whenever the department is directed to do so by the joint  
6 committee on legislative organization. If a ceding agency or authority requires a  
7 replacement for a furnishing that is transferred to the department's possession, the  
8 capitol council or the department shall pay for a suitable replacement from the  
9 appropriation under s. 20.855 (3) (c). ✓

History: 1999 a. 4; 2001 a. 16; 2005 a. 335.

10 ~~16.838~~ (5) RESTORATION. The ~~department~~ capitol council shall restore any  
11 historically significant furnishing in its possession prior to relocation of the  
12 furnishing to the capitol if the joint committee on legislative organization so directs.  
13 The department shall pay the cost of such restoration from the appropriation under  
14 s. 20.855 (3) (c). ✓

History: 1999 a. 4; 2001 a. 16; 2005 a. 335.

15 SECTION 5. 16.838 (6) of the statutes is amended to read:

16 ~~16.838~~ (6) LOCATION. The ~~department~~ capitol council shall locate historically  
17 significant furnishings <sup>stat</sup> in its possession at the places in the capitol specified by the  
18 joint committee on legislative organization. ✓

History: 1999 a. 4; 2001 a. 16; 2005 a. 335.

19 **SECTION 6.** 16.84 (1) of the statutes is amended to read:

20 16.84 (1) Have charge of, operate, maintain and keep in repair ~~the state capitol~~  
21 ~~building~~, the executive residence, the light, heat and power plant, the state office  
22 buildings and their power plants, the grounds connected therewith, and such other  
23 state properties as are designated by law. All costs of such operation and  
24 maintenance shall be paid from the appropriations under s. 20.505 (5) (ka) and (kb),

1 except for debt service costs paid under s. 20.866 (1) (u). The department shall  
2 transfer moneys from the appropriation under s. 20.505 (5) (ka) to the appropriation  
3 account under s. 20.505 (5) (kc) sufficient to make principal and interest payments  
4 on state facilities and payments to the United States under s. 13.488 (1) (m).<sup>✓</sup>

**History:** 1971 c. 183; 1975 c. 41 s. 52; 1977 c. 418; 1979 c. 34, 221; 1981 c. 314; 1983 a. 36 s. 96 (4); 1983 a. 435 s. 7; 1983 a. 524; 1985 a. 135 s. 83 (5); 1987 a. 27; 1989 a. 31; 1991 a. 39, 269; 1995 a. 27, 174; 2001 a. 16; 2003 a. 33, 321.

5 **SECTION 7.** 16.84 (8) of the statutes is amended to read:

6 16.84 (8) Let concessions for periods not exceeding 2 years in the ~~capitol and~~  
7 state office buildings, under such terms and conditions as will in its judgment be  
8 most favorable to the state, and in accordance with s. 47.03 (4), (5), (7) and (11).<sup>✓</sup>

**History:** 1971 c. 183; 1975 c. 41 s. 52; 1977 c. 418; 1979 c. 34, 221; 1981 c. 314; 1983 a. 36 s. 96 (4); 1983 a. 435 s. 7; 1983 a. 524; 1985 a. 135 s. 83 (5); 1987 a. 27; 1989 a. 31; 1991 a. 39, 269; 1995 a. 27, 174; 2001 a. 16; 2003 a. 33, 321.

9 **SECTION 8.** 16.84 (9) of the statutes is renumbered 13.491 (5) (b).<sup>✓</sup>

10 **SECTION 9.** 16.84 (13) of the statutes is amended to read:

11 16.84 (13) Establish bicycle storage racks adjacent to ~~the capitol and~~ all state  
12 office buildings.<sup>✓</sup>

**History:** 1971 c. 183; 1975 c. 41 s. 52; 1977 c. 418; 1979 c. 34, 221; 1981 c. 314; 1983 a. 36 s. 96 (4); 1983 a. 435 s. 7; 1983 a. 524; 1985 a. 135 s. 83 (5); 1987 a. 27; 1989 a. 31; 1991 a. 39, 269; 1995 a. 27, 174; 2001 a. 16; 2003 a. 33, 321.

13 **SECTION 10.** 16.843 (1) (b) of the statutes is amended to read:

14 16.843 (1) (b) Eight areas, for the parking of motor vehicles at the curb on the  
15 capitol park side of the 4 streets surrounding the state capitol park, each area as near  
16 as lawfully permissible to each near side of the intersections of the streets with the  
17 driveways leading to the capitol building, are reserved for the parking of motor  
18 vehicles by those persons designated in sub. (3) and only emergency police  
19 regulations or city ordinances of the city of Madison are applicable to such areas. The  
20 number of motor vehicles to be parked in each area shall be designated in a parking  
21 plan approved by the joint committee on legislative organization. The ~~department~~  
22 ~~of administration~~ capitol council shall mark and post the areas and number the  
23 parking spaces therein.<sup>✓</sup> Parking of motor vehicles in these areas is permitted only

1 by persons whose motor vehicles are identified as specified in sub. (4), and the  
2 parking therein of any other vehicle is prohibited and any violation of this  
3 prohibition shall be punished as in sub. (2).<sup>✓</sup>

4 **SECTION 11.** 16.843 (3) (intro.) of the statutes is amended to read:

5 16.843 (3) (intro.) The following persons or their designees may park motor  
6 vehicles identified as provided by sub. (4) in assigned parking stalls and spaces in  
7 the parking areas designated in subs. (1) (b) and (2) (a).<sup>✓</sup>

8 History: 1975 c. 41, 267, 422; Stats. 1975 s. 16.843; 1979 c. 34, 221; 1981 c. 20; 1983 a. 174; 1985 a. 29; 1991 a. 269.

8 **SECTION 12.** 16.843 (4) and (5) of the statutes are amended to read:

9 16.843 (4) To facilitate the administration of sub. (3), the ~~state protective~~  
10 ~~service capitol council~~ shall procure numbered identification tags which correspond  
11 with the numbered parking stalls and spaces, and shall issue such tags to applicants  
12 eligible under sub. (3) in accordance with the parking plan approved by the joint  
13 committee on legislative organization under sub. (1).<sup>✓</sup>

14 History: 1975 c. 41, 267, 422; Stats. 1975 s. 16.843; 1979 c. 34, 221; 1981 c. 20; 1983 a. 174; 1985 a. 29; 1991 a. 269.

14 (5) Notwithstanding the limited allocation of parking areas for state purposes  
15 under sub. (1), the enforcement of parking regulations on the capitol park side of the  
16 4 streets surrounding the state capitol park is vested exclusively in the designated  
17 employees of the ~~state protective service capitol council~~.<sup>✓</sup>

18 History: 1975 c. 41, 267, 422; Stats. 1975 s. 16.843; 1979 c. 34, 221; 1981 c. 20; 1983 a. 174; 1985 a. 29; 1991 a. 269.

18 **SECTION 13.** 20.765 (5) of the statutes is created to read:

19 20.765 (5) CAPITOL COUNCIL. (a) *General program operations.* The amounts in  
20 the schedule for the general program operations of the capitol council.<sup>✓</sup>

21 (ka) *Facility operation and maintenance; police and protective functions.* The  
22 amounts in the schedule for the purpose of financing the costs of operation of the  
23 capitol that are not funded from other appropriations, including custodial and  
24 maintenance services; minor projects; utilities, fuel, heat, and air conditioning;

*JWS*  
*7-17*

1 assessments levied by the department of administration under s. 16.847 (3) for costs  
 2 and savings generated at the capitol; and costs incurred under s. 16.858 and 16.895  
 3 by or on behalf of the capitol council; and for police and protection functions under  
 4 s. 13.491 (5) (d). All moneys received from state agencies for the operation of the  
 5 capitol and miscellaneous other sources, and all moneys transferred from the  
 6 appropriation account under s. 20.865 (2) (e) for that purpose shall be credited to this  
 7 appropriation account. The capitol council shall transfer moneys from the  
 8 appropriation under s. 20.765 (5) (ka) to the appropriation account under s. 20.505  
 9 (5) (kc) sufficient to make the principal and interest payments on public debt  
 10 incurred to maintain the capitol and to make payments to the United States under  
 11 s. 13.488 (1) (m).

12 **SECTION 14.** 20.855 (3) (c) of the statutes is amended to read:

13 20.855 (3) (c) *Historically significant furnishings.* Biennially, the amounts in  
 14 the schedule for the acquisition, restoration and replacement by the capitol council  
 15 and the department of administration of historically significant furnishings under  
 16 s. 16.838.

History: 1971 c. 215; 1973 c. 26, 27, 90, 331; 1975 c. 39, 164; 1977 c. 29 ss. 367 to 374m, 1657 (50); 1977 c. 107, 272, 418; 1979 c. 34 s. 613, 643, 644 to 666m; 1979 c. 221; 1981 c. 1, 20; 70 Atty. Gen. 154; 1981 c. 93, 317, 346; 1983 a. 3; 1983 a. 27 ss. 475, 491 to 497, 525; 1983 a. 300; 1985 a. 29, 120; 1987 a. 27, 142; 1987 a. 312 s. 17; 1989 a. 31, 335; 1991 a. 39; 1993 a. 16, 496; 1995 a. 27, 404; 1997 a. 27, 63; 1999 a. 4, 9; 2001 a. 16, 109; 2003 a. 33; 2005 a. 25, 45; 2007 a. 20; 2009 a. 28, 89.

17 **SECTION 15.** 20.865 (2) (e) of the statutes is amended to read:

18 20.865 (2) (e) *Maintenance of capitol and executive residence.* The amounts in  
 19 the schedule for the cost of operations, protective services and maintenance of the  
 20 capitol building and the executive residence, including minor projects approved  
 21 under s. 13.48 (3) or (10) or 16.855 (16) (b), to be paid into the appropriation  
 22 appropriations made under s. 20.765 (5) (ka) for the capitol and 20.505 (5) (a) for the  
 23 executive residence.

History: 1971 c. 125; 1971 c. 270 ss. 94, 95, 104; 1973 c. 90, 117, 151; 1973 c. 243 s. 82; 1973 c. 333; Sup. Ct. Order, 67 Wis. 2d 773 (1975); 1975 c. 39; 1975 c. 41 s. 52; 1975 c. 81, 224; 1977 c. 29, 44; 1977 c. 196 ss. 130 (8), 131; 1977 c. 203; 1977 c. 272 s. 98; 1977 c. 273, 344; 1977 c. 418 ss. 175d to 178, 929 (1); 1979 c. 32 s. 92 (5); 1979

c. 34 ss. 631b, 631d, 631f, 631h, 667 to 675; 1979 c. 48, 126, 221; 1981 c. 20, 96, 314, 317, 391; 1983 a. 27 ss. 498 to 526, 2204 (57) (b); 1983 a. 36; 1983 a. 191 s. 6; 1983 a. 192, 409; 1985 a. 29, 42, 52, 111; 1985 a. 182 s. 57; 1987 a. 27, 378; 1987 a. 403 ss. 28, 256; 1989 a. 31, 39, 336; 1991 a. 39; 1993 a. 16; 1995 a. 27, 201, 227, 400, 445; 1997 a. 27, 35, 41, 237; 1999 a. 9; 2001 a. 16, 106; 2003 a. 33; 2005 a. 25; 2007 a. 20, 200; 2009 a. 28.

1           **SECTION 16.** 101.123 (1) (ar) of the statutes is amended to read:

2           101.123 (1) (ar) “Immediate vicinity of the state capitol” means the area  
3 directly adjacent to the state capitol building, as determined by rule of the  
4 ~~department of administration~~ capitol council. “Immediate vicinity of the state  
5 capitol” does not include any location that is more than six feet from the state capitol  
6 building. ✓

**History:** 1983 a. 211; 1985 a. 332 s. 253; 1987 a. 161 s. 13m; 1987 a. 403 s. 256; 1989 a. 97, 107, 251, 336; 1991 a. 28, 39, 130; 1993 a. 27, 313; 1995 a. 27 ss. 3661, 9126 (19); 1995 a. 77, 201, 404; 1999 a. 9, 72; 2001 a. 16; 2003 a. 268; 2005 a. 344; 2007 a. 20 s. 9121 (6) (a); 2009 a. 12, 185, 276.

7           **SECTION 17.** 227.01 (1) of the statutes is amended to read:

8           227.01 (1) “Agency” means a board, commission, committee, department or  
9 officer in the state government, except the governor, a district attorney or a military  
10 or judicial officer, and includes the capitol council. ✓

**History:** 1985 a. 182; 1987 a. 27, 119, 395, 399, 403; 1989 a. 31, 56, 335, 341; 1991 a. 39, 254, 269, 309, 315; 1993 a. 16, 123, 237, 349, 364, 419, 442, 481, 491; 1995 a. 27, 215, 227, 289, 363; 1997 a. 27, 35, 231, 237; 1999 a. 9, 70; 1999 a. 150 s. 672; 1999 a. 167; 2001 a. 38, 109; 2003 a. 33 ss. 2364, 2813; 2005 a. 217, 418; 2007 a. 20; 2009 a. 2, 28, 219, 391; 2011 a. 14.

11           **SECTION 18.** 342.40 (3) (a) of the statutes is amended to read:

12           342.40 (3) (a) Any municipal or university police officer, police officer appointed  
13 under s. 13.491 (5) (d) ✓ or 16.84 (2), sheriff’s deputy, county traffic patrolman, state  
14 traffic officer or conservation warden who discovers any motor vehicle, trailer,  
15 semitrailer, or mobile home on any public highway or private or public property  
16 which has been abandoned shall cause the vehicle to be removed to a suitable place  
17 of impoundment. Upon removal of the vehicle the officer or warden shall notify the  
18 sheriff or chief of police of the abandonment and of the location of the impounded  
19 vehicle. Upon causing the removal of the motor vehicle by a towing service, the  
20 officer or warden shall, within 24 hours of ordering the removal, notify the towing  
21 service of the name and last-known address of the registered owner and all  
22 lienholders of record of the vehicle, unless the officer is employed by a municipality

1 or county that has entered into a towing services agreement which requires the  
2 municipality or county to provide notice to such owner and lienholders of the towing. ✓

History: 1971 c. 131; 1973 c. 213; 1977 c. 29 s. 1654 (7) (a); 1977 c. 68, 203, 447; 1989 a. 134; 1995 a. 216; 1997 a. 27; 2003 a. 142.

3 SECTION 19. 941.235 (2) of the statutes is amended to read:

4 941.235 (2) This section does not apply to peace officers or armed forces or  
5 military personnel who go armed in the line of duty or to any person duly authorized  
6 by the chief of police of any city, village or town, the chief of the capitol police officer  
7 of any police force performing duties under ss. 13.491 (3) (d) or 16.84 (2), or the sheriff  
8 of any county to possess a firearm in any building under sub. (1). Notwithstanding  
9 s. 939.22 (22), for purposes of this subsection, peace officer does not include a  
10 commission warden who is not a state-certified commission warden. ✓

History: 1979 c. 221; 1991 a. 172; 1993 a. 246; 2001 a. 109; 2007 a. 27.

11 SECTION 20. Nonstatutory provisions.

12 (1) TRANSFER OF CAPITOL MANAGERIAL RESPONSIBILITY. (a) Assets and liabilities. #

13 On the effective date of this paragraph, the assets and liabilities of the department  
14 of administration that relate primarily to its managerial responsibility for the capitol,  
15 as determined by the secretary of administration, shall become assets and liabilities  
16 of the capitol council. ✓

17 (b) Positions and employees. 1. On the effective date of this subdivision, ✓ all  
18 full-time equivalent positions in the department of administration having duties  
19 that are primarily related to the department's managerial responsibility for the  
20 capitol, as determined by the secretary of administration, are transferred to the  
21 capitol council. ✓

22 2. All incumbent employees holding positions specified in subdivision 1. ✓ are  
23 transferred on the effective date of this subdivision to the capitol council. ✓

1           3. Employees transferred under subdivision 2. have all of the rights and the  
2 same status under subchapter V of chapter 111 and chapter 230 of the statutes that  
3 they enjoyed in the department of administration immediately before the transfer.  
4 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who  
5 has attained permanent status in class is required to serve a probationary period.

6           (c) *Tangible personal property.* On the effective date of this paragraph, all  
7 tangible personal property, including records, of the department of administration  
8 that is primarily related to its managerial responsibility for the capitol, as  
9 determined by the secretary of administration, is transferred to the capitol council.

10           (d) *Contracts.* All contracts entered into by the department of administration  
11 in effect on the effective date of this paragraph that are primarily related to its  
12 managerial responsibility for the capitol, as determined by the secretary of  
13 administration, are transferred to the capitol council. The capitol council shall carry  
14 out any contractual obligations under such a contract until the contract is modified  
15 or rescinded by the capitol council to the extent allowed under the contract.

16           (e) *Rules and orders.* All rules promulgated by the department of  
17 administration that are primarily related to its managerial responsibility for the  
18 capitol and that are in effect on the effective date of this paragraph remain in effect  
19 until their specified expiration dates or until amended or repealed by the capitol  
20 council. All orders issued by the department of administration that are primarily  
21 related to its managerial responsibility for the capitol and that are in effect on the  
22 effective date of this paragraph remain in effect until their specified expiration dates  
23 or until modified or rescinded by the capitol council.

24           (f) *Pending matters.* Any matter pending with the department of  
25 administration that is primarily related to its managerial responsibility for the



1 capitol on the effective date of this paragraph<sup>✓</sup> is transferred to the capitol council, and  
2 all materials submitted to or actions taken by the department of administration with  
3 respect to the pending matter are considered as having been submitted to or taken  
4 by the capitol council.<sup>✓</sup>

5 (END)

2001

INS 7-17

LRB 2051,1

File With Statute **20.005 (3)** Schedule

JPK : \_\_\_\_\_

**\$\$\$ SCHEDULE**

In the component bar:

For the action phrase, execute: ..... create → action: → ch20

For the table layout, execute: ..... create → <Table> → \$sched

**SECTION #.** 20.005 (3) (schedule) of the statutes: at the appropriate place,

insert the following amounts for the purposes indicated:

↙ (B) ↘

2009-10      2010-11  
~~2001-02~~      ~~2002-03~~

20. 765 LEGISLATURE .....

(S) CAPITOL COUNCIL (C3) .....

(a) Genent program operations ✓

OPK A      - 0 -      - 0 -

~~20. \_\_\_\_\_~~

(ka) Facility operation and maintenance, police and protective functions ✓

~~( ) \_\_\_\_\_~~

PR-S A      - 0 -      - 0 -

2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2051/lins  
JTK.....

INS 1A:

Currently, any proposed renovation or installation of fixtures, decorative items, or furnishings on the grounds of the capitol or executive residence is subject to the review and approval of the State Capitol and Executive Residence Board. Currently, the secretary of administration or his or her designee and an architect employed by DOA who is appointed by the secretary serve as members of the board. This bill substitutes the chairperson of the Capitol Council or the chairperson's designee and the architect of the capitol as members of the board.

INS 3-18:

(6) RULES. (a) The capitol council shall promulgate under ch. 227, and shall enforce or have enforced, rules of conduct for the capitol and capitol park. Unless the rule specifies a penalty as provided under par. (b), a person found guilty of violating a rule promulgated under this paragraph shall be fined not more than \$100 or imprisoned for not more than 30 days or both.

(b) A rule promulgated under par. (a) may provide that a person who violates the rule is subject to one of the following:

1. A lesser criminal penalty than the criminal penalty specified in par. (a).
2. A forfeiture of not more than \$500.

(c) A forfeiture under par. (b) 2. may be sued for and collected in the name of the council before any court having jurisdiction of such action. An action for a forfeiture under par. (b) 2. may be brought by the council, by the department of justice at the request of the council, or by a district attorney.

(7) (3) FINE AND FORFEITURE REVENUE. (CS)  
The council shall transmit all fines imposed and collected under this subsection to the county treasurer for disposition in accordance with s. 59.25 (3) (f) and (j). The council shall transmit all forfeitures, including forfeitures of posted bail,

if any, imposed and collected under this section to the county treasurer for disposition  
in accordance with ss. 778.13<sup>✓</sup> and 778.17<sup>✓</sup>.

**History:** 1995 a. 174; 1997 a. 35.

**Parisi, Lori**

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**From:** Peterson, Eric  
**Sent:** Tuesday, December 13, 2011 10:07 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-2051/1 Topic: Capitol council

Please Jacket LRB 11-2051/1 for the SENATE.