

1975 Assembly Bill 426

Date published: February 6, 1976

**CHAPTER 163, Laws of 1975**  
**(Vetoed in Part)**

Vetoed  
in Part

AN ACT to repeal 20.370 (4) (a), (c), (d), (w), (z) and (zm), 23.09 (2) (L) and 23.092; to amend 15.151, 15.347 (2), 20.135 (intro.), 20.370 (4) (title) and (u) and (9) (w), (y) and (zm) and 20.923 (4) (c) 2; and to create 15.151 (1); 15.153, 15.157 (3), 20.135 (2) (title), (a), (b), (g), (m), (q) and (u); and subchapter I (title) and subchapter II of chapter 560 of the statutes, relating to creating a division of tourism within the department of business development and a council on tourism, transferring tourism, commercial recreation and information-related functions from the department of natural resources to the division of tourism and making appropriations.

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

SECTION 1. 15.151 of the statutes is amended to read:

**15.151 Same; program responsibilities.** The department of business development shall have the program responsibilities specified for the department under ch. 560. In addition:

SECTION 2. 15.151 (1) of the statutes is created to read:

15.151 (1) DIVISION OF TOURISM. The division of tourism shall have the program responsibilities specified for the division under subch. II of ch. 560.

SECTION 3. 15.153 of the statutes is created to read:

~~15.153 Same; specified divisions. (1) DIVISION OF TOURISM. There is created in the department of business development a division of tourism. The administrator of this division shall be appointed outside the classified service by the secretary of business development and shall serve at his pleasure.~~

SECTION 4. 15.157 (3) of the statutes is created to read:

~~15.157 (3) COUNCIL ON TOURISM. There is created in the department of business development a council on tourism consisting of 17 members. One member shall be a member of the majority party of the senate, one member shall be a member of the minority party of the senate, one member shall be a member of the majority party of the assembly and one member shall be member of the minority party of the assembly. Such legislative members shall be appointed as are members of standing committees in the respective houses. Nominations for other appointments shall be sought from, but not limited to, multicounty regional associations engaged in promoting tourism, statewide associations of businesses engaged in tourism-related enterprises, metropolitan area visitor and convention bureaus and other persons or organizations associated with the tourism industry including tourist facilities user groups and environmental protection groups in the state.~~

SECTION 5. 15.347 (2) of the statutes is amended to read:

~~15.347 (2) NATURAL RESOURCES COUNCIL OF STATE AGENCIES. There is created in the department of natural resources a natural resources council of state agencies consisting of 18 19 persons. ~~Sixteen~~ Seventeen of the members shall represent ~~14 15~~ officers, departments or independent institutions and agencies as follows, and each member shall be designated by the respective named officer or head of the department or independent institution or agency: the governor, the attorney general, the public service commission, the board of regents of the university of Wisconsin system, the board of soil and water conservation districts, the departments of administration, of agriculture, of business development, of local affairs and development, of public instruction and of transportation, and the division of health shall each designate one member and the department of natural resources shall designate 2 members. The university of Wisconsin shall designate 3 members to represent, respectively, the cooperative extension services, the geological and natural history survey and the water resources center. In addition, the chairman of the legislative council shall designate 2 members of the council to be members.~~

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SECTION 6. At the appropriate place in the schedule under section 20.005 of the statutes, insert the following amounts for the purposes indicated.

		1975-76	1976-77
<b>20.135 Business development.</b>			
<b>Department of</b>			
(2)	Tourism promotion		
(a)	General program operations	GPR A	315,700 315,700
(b)	Marketing and advertising	GPR A	300,000 300,000
(c)	Advertising Wisconsin	SEG A	300,000 300,000
(u)	General program operations	SEG A	40,000 50,000

SECTION 7. 20.135 (Intro.) of the statutes is amended to read:

~~20.135 Business development, department of. (intro.) There is appropriated to the department of business development for the following program programs:~~

~~SECTION 8. 20.135 (2) (title), (a), (b), (g), (m), (q) and (u) of the statutes are created to read:~~

~~20.135 (2) (title) TOURISM PROMOTION.~~

~~(a) General program operations. The amounts in the schedule for general program operations under subch. II of ch. 560 except for those functions under ss. 560.23 (4) and 560.29.~~

~~(b) Marketing and advertising. The amounts in the schedule for the execution of the functions under ss. 560.23 (4) and 560.29. Of the amounts under this paragraph not more than 50% shall be set aside to be used to match funds allocated under s. 560.29 by private or public organizations, including regional tourism development corporations, for the promotion of tourism in cooperation with the state.~~

~~(g) Gifts and grants. All moneys received from gifts, grants, bequests and devises for the purposes for which made.~~

~~(m) Federal aids. All moneys received from the federal government as authorized by the governor under s. 16.54 to carry out the purposes for which made and received.~~

~~(q) Advertising Wisconsin. From the highway fund, the amounts in the schedule for the execution of functions under ss. 560.23 (4) and 560.29. Of the amounts appropriated under this paragraph, not more than 50% shall be set aside to be used to match funds allocated under s. 560.29 by private or public organizations, including regional tourism development corporations, for the promotion of tourism in cooperation with the state.~~

~~(u) General program operations. From the conservation fund, the amounts in the schedule for general program operations under subch. II of ch. 560 except for those functions under ss. 560.23 (4) and 560.29.~~

~~SECTION 9. 20.370 (4) (title) and (u) and (9) (w), (y) and (zm) of the statutes are amended to read.~~

~~20.370 (4) (title) NATURAL BEAUTY INFORMATION. (u) General program operations. The amounts in the schedule for general program operations under s. 23.09 (2) (1), relating to education and information.~~

~~(9) (w) Gifts and donations. All moneys received from gifts, grants, bequests and devises and paid into the conservation fund are appropriated to the several programs of the department to be used in accordance with s. 25.29. In this section, expenditure authority for gifts and donations shall appear in the schedule of subs. (1) to (4) (3) as par. (w).~~

~~(y) Revenues and appropriations. All moneys received pursuant to the operation of programs under subs. (1) to (4) (3) shall be credited to the program which generated them. Revenues which are assigned by law to a particular purpose shall be credited to and may be expended for that purpose. Unassigned revenue shall be credited to the general purpose segregated revenue of the proper program, but the expenditure from such revenue shall be limited to the appropriation of general purpose segregated revenue appearing in the schedule. Whenever the estimated unassigned revenues and available unassigned revenue appropriation balances are insufficient to cover the appropriations of general purpose segregated revenue under each program, the department shall so inform the department of administration and shall indicate the amounts which should be deducted from respective unassigned revenue appropriations to bring the appropriated amounts into agreement with the money available, and the department of administration shall adjust its records accordingly. Actual unassigned~~

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revenues in excess of estimated unassigned revenues appropriated may not be spent unless released by the board on government operations.

(zm) *Federal aids.* All moneys received from the federal government to be used in accordance with s. 25.29. In this section, expenditure authority for federal aids, grants and contracts shall appear in the schedule of subs. (1) to (4), (3) and (8) as per. (zm).

SECTION 10. 20.370 (4) (a), (c), (d), (w), (z) and (zm) of the statutes are repealed.

SECTION 11. 20.923 (4) (c) 2 of the statutes is amended to read:  
20.923 (4) (c) 2. Business development, department of, ~~division~~ divisions of business development services and tourism, ~~administrator~~ administrators.

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SECTION 12. 23.09 (2) (L) of the statutes is repealed.

SECTION 13. 23.092 of the statutes is repealed.

SECTION 14. Subchapter I (title) of chapter 560 of the statutes is created to read:

CHAPTER 560  
SUBCHAPTER I  
GENERAL PROVISIONS  
(to precede s. 560.001)

SECTION 15. Subchapter II of chapter 560 of the statutes is created to read:

CHAPTER 560  
SUBCHAPTER II  
TOURISM PROMOTION

**560.21 Definitions.** In this subchapter:

- (1) "Corporation" means a regional tourism development corporation under s. 560.27.
- (2) "Council" means the council on tourism created under s. 15.157 (3).
- (3) "Region" means a tourism region under s. 560.27 (2).

**560.23 Duties.** (1) **GENERAL DUTIES.** The department shall:

- (a) Stimulate, promote, advertise and publicize tourism to the state by those who live in other states and foreign countries.
- (b) Promote travel by citizens of this state to this state's scenic, historic, natural, agricultural, educational and recreational attractions.
- (c) Create an accurate national and international image of the state.
- (d) Encourage all tourism-related businesses to participate in available education programs.
- (e) Encourage and cooperate with communities, groups and individuals in the state in pursuing the tourism promotion objectives of the department.
- (f) Coordinate and stimulate the orderly and ecologically sound development of commercial tourist facilities throughout the state.
- (g) Promote the growth of the tourism and recreation industry through research, planning and assistance.
- (h) Annually report to the senate natural resources committee and the assembly committee on tourism the activities, receipts and disbursements of the division of tourism for the previous fiscal year.

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~~(1) In fiscal year 1975-76 and fiscal year 1976-77, contract with the department of natural resources for the latter to provide professional staff services from its bureaus of information and education and office services to support the tourism activities transferred to the department of business development by chapter \_\_\_\_\_ (this act), laws of 1975. These services shall include but not be limited to photography, publications, public relations, technical assistance, mailing, reproduction and distribution. The department of business development may not be charged for these services. The services shall be available to the department in an amount of \$80,000 in fiscal year 1975-76 and \$40,000 in fiscal year 1976-77.~~

(2) SALES. The department shall annually formulate for review by the council a plan for marketing and promotion of the facilities and attractions of the state for the ensuing year, and shall implement the plan. The department shall cooperate with the commercial recreation industry to assure coordination with private plans and programs, and may assist in the development and marketing of combined recreational opportunities such as package tours, convention and trade show facilities and special transportation arrangements.

(3) SERVICES. The department shall assist the consumers and the suppliers of recreational opportunities in the state. The department may:

(a) Collect and disseminate information as to the facilities, advantages and attractions of the state, including historic, scenic and other points of interest.

(b) Provide timely information regarding weather, transportation facilities, hunting, fishing, boating, motoring, snowmobiling and skiing conditions and other subjects of interest to those seeking recreational opportunities in the state.

(c) Establish, manage and operate permanent or temporary tourist information centers along major highways into the state.

(d) Provide advice and service to persons or groups engaged in the recreation industry.

(e) Conduct research into the status and needs of the recreation industry.

(f) Operate a reservations service for recreational facilities in the state.

(g) Provide planning and coordinating assistance to tour operators, convention and trade show managers.

(4) ADVERTISING. The department shall plan and conduct a program of advertising and promotion designed to attract interested persons to this state and to stimulate the enjoyment of its recreational opportunities by residents and nonresidents alike. Any contracts engaging a private agency to conduct an advertising or promotion program under this subsection shall reserve to the department the right to terminate the contract if the service is unsatisfactory to the department. The department shall encourage and coordinate the efforts of public and private organizations to publicize the facilities and attractions of the state for the purpose of stimulating their enjoyment by residents and tourists.

**560.25 Offices.** The department may establish tourism offices, within or without the state, as necessary to carry out its duties. Wisconsin residency may not be required of classified employees staffing tourism offices located outside the state.

**560.27 Regional tourism development corporations.** (1) A regional tourism development corporation is a nonprofit corporation organized under ch. 181 to promote the tourism and commercial recreation industry of a tourism region.

(2) The department shall, upon review by the council, adopt rules dividing the state into not less than 6 nor more than 10 tourism regions, each consisting of one or more entire counties.

(3) No more than one corporation may represent a tourism region. If 2 or more corporations, each meeting the requirements of this section, seek to do so, the department, upon advice of the council, shall select the corporation judged most effective and representative.

(4) Membership in a corporation shall be open to all counties, cities, villages and towns in the region, to all persons residing or doing substantial business in the region for any significant portion of the year and to all associations or groups of such persons. The articles or bylaws of the corporation may set forth classes of members for the purpose of determining equitable membership fees and each member shall have equal voting and other rights with all other members of such class. The department may promulgate rules establishing additional requirements in order to ensure that each corporation is open to maximum participation by all segments of the recreation industry in the region it represents. Each corporation shall select a descriptive name for the region it represents and submit such name for review and approval by the secretary of business development.

(5) A corporation which receives funding under s. 560.29 shall keep its books and records in the manner required by departmental rules. The books and records shall be open to the public and subject to inspection and copying by the staff of the legislative audit bureau and legislative fiscal bureau.

**560.29 Cooperative marketing and advertising.** (1) **ALLOCATION FORMULA.** The department shall promulgate rules allocating cooperating advertising funds equitably among the tourism regions. Such rules shall provide that not less than one-third of the funds set aside for the execution of functions under this section shall be allocated for qualified projects initiated by corporations. If any region or corporation fails to initiate sufficient projects to exhaust its allocation, the department may distribute such funds to other applicants in such manner as it deems equitable.

(2) **ELIGIBILITY.** Any public or private organization not organized or incorporated for profit may apply to the department for cooperative advertising funds under this section. Prior to applying for such funds, each prospective applicant shall have submitted, at the time and in the manner provided by departmental rule, a plan and budget specifying the media to be used, the market to be approached, the facilities and attractions to be promoted and the applicant's estimated expenditures and receipts for the various projects within the plan. If such plan is coordinated with the statewide marketing strategy, the department shall approve it and the submitting organization shall be eligible to apply for cooperative funds under this section.

(3) **WRITTEN AGREEMENTS.** Each cooperative promotion project shall be implemented by a written agreement between the department and the corporation or other organization, which shall specify at a minimum:

(a) The name, address and contact person for the applicant and its advertising agency, if any.

(b) A description of the project, including the media to be used, the date or inclusive dates and the geographic market to be reached.

(c) An itemized statement of the estimated total costs of the project.

(d) An itemized statement of the revenues accruing to the applicant from the project through advertising, contributions and other sources.

(4) **LIMITATIONS.** (a) No state funds may be released for a project which is not included within an advertising plan and budget submitted by a corporation or other organization and approved by the department.

(b) No funds may be released prior to the satisfactory completion of the project in accordance with the agreement concluded under sub. (3).

(c) Funds released in any given project may not exceed 50% of the total project costs, less that portion of the amounts recovered by the applicant through the sale of advertising or other promotional considerations in connection with the project which exceeds 50% of the total project costs.

(d) No funds may be used to compensate any officer or employe of the applicant for salaries or expenses.

(e) No name or picture of any living state or local public official or candidate for public office may be used in any project for which state funds are received under this section.

(f) No payments may be released except upon presentation of receipted vouchers for project expenditures by the applicant, together with such other documentary evidence substantiating payments and the purposes for which the payments were made as the departmental rules require.

(g) The department may promulgate rules imposing additional requirements to ensure that public funds are used to promote the maximum number of attractions and facilities.

**SECTION 16. Cross reference changes.** In the sections listed below in column A, the cross references in column B are changed to the cross references shown in column C:

A Statute Sections	B Old Cross References	C New Cross References
20.395 (1) (q)	20.370 (4) (z)	20.135 (2) (q)
25.40 (2)	20.370 (4) (z)	20.135 (2) (q)

**SECTION 17. Transitional provisions.** (1) **PERSONNEL.** There are transferred to the department of business development from the department of natural resources 18.8 full-time equivalent positions relating to tourism, commercial recreation and information, as determined by the department of administration. The position of administrator of the division of tourism may not be considered as one of the 18.8 full-time positions.

(2) **RULES.** All rules promulgated by the department of natural resources with respect to functions under subchapter II of chapter 560 of the statutes, transferred under this act, shall be void.

(3) **PROPERTY, EQUIPMENT AND SUPPLIES.** All property, furniture, equipment, supplies and records associated with the positions and functions formerly with the department of natural resources and established under subchapter II of chapter 560 of the statutes by this act shall be transferred from the department of natural resources to the department of business development and shall be physically consolidated with the department of business development as soon as practicable.

**Vetoed in Part** ~~SECTION 17m. Appropriation transfer. There is transferred from the appropriation under section 20.370 (8) (u) of the statutes, as affected by the laws of 1975, to the appropriation under section 20.135 (2) (u) of the statutes \$40,000 in fiscal year 1975-76 and \$80,000 in fiscal year 1976-77 for the purpose of supporting tourism promotional activities.~~

~~SECTION 18. Effective date. (1) This act shall take effect July 1, 1975, except that the creation of the position of administrator of the division of tourism in section 15.153 (1) of the statutes shall take effect upon publication. Compensation and other expenses associated with the position shall, prior to July 1, 1975, be expended from the appropriation under section 20.135 (1) (a) of the statutes.~~

~~///~~ All rules required under sections 560.27 and 560.29 of the statutes, as created **Vetoed** by this act, shall be adopted so as to take effect not later than 12 months after the **in Part** effective date of this act.

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