

1987 Senate Bill 196

Date of enactment: **October 29, 1987**  
Date of publication: **November 5, 1987**

## 1987 Wisconsin Act 47

AN ACT to repeal 14.011, 14.311, 14.361, 14.561, 15.099, 15.101, 15.131, 15.151, 15.161, 15.171, 15.191, 15.221, 15.251, 15.311, 15.341, 15.371, 15.401, 15.431, 15.461, 15.491, 15.551, 15.571, 15.581, 15.591, 15.611, 15.621, 15.671, 15.701, 15.731, 15.761, 15.771, 15.781, 15.791, 15.801, 15.821, 15.851, 15.911 and 15.941; and to amend 601.415 (intro.) of the statutes, relating to eliminating the enumeration of program responsibilities (suggested as remedial legislation by the legislative reference bureau).

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the legislative reference bureau, and introduced by the law revision committee under s. 13.83 (1) (c) 4, stats. After careful consideration of the provisions of this bill, the law revision committee has determined that this bill makes remedial changes which result in a desirable simplification of the statutes.

- SECTION 1. 14.011 of the statutes is repealed.  
SECTION 2. 14.311 of the statutes is repealed.  
SECTION 3. 14.361 of the statutes is repealed.  
SECTION 4. 14.561 of the statutes is repealed.  
SECTION 5. 15.099 of the statutes is repealed.  
SECTION 6. 15.101 of the statutes, as affected by 1985 Wisconsin Act 29, is repealed.  
SECTION 7. 15.131 of the statutes is repealed.  
SECTION 8. 15.151 of the statutes is repealed.  
SECTION 9. 15.161 of the statutes is repealed.  
SECTION 10. 15.171 of the statutes is repealed.

- SECTION 11. 15.191 of the statutes, as affected by 1985 Wisconsin Act 213 and 1987 Wisconsin Act 3, is repealed.  
SECTION 12. 15.221 of the statutes is repealed.  
SECTION 13. 15.251 of the statutes is repealed.  
SECTION 14. 15.311 of the statutes is repealed.  
SECTION 15. 15.341 of the statutes is repealed.  
SECTION 16. 15.371 of the statutes is repealed.  
SECTION 17. 15.401 of the statutes is repealed.  
SECTION 18. 15.431 of the statutes is repealed.  
SECTION 19. 15.461 of the statutes, as affected by 1987 Wisconsin Act 3, is repealed.  
SECTION 20. 15.491 of the statutes is repealed.  
SECTION 21. 15.551 of the statutes is repealed.  
SECTION 22. 15.571 of the statutes is repealed.  
SECTION 23. 15.581 of the statutes is repealed.  
SECTION 24. 15.591 of the statutes is repealed.  
SECTION 25. 15.611 of the statutes is repealed.  
SECTION 26. 15.621 of the statutes is repealed.

SECTION 27. 15.671 of the statutes is repealed.

SECTION 28. 15.701 of the statutes is repealed.

SECTION 29. 15.731 of the statutes is repealed.

SECTION 30. 15.761 of the statutes is repealed.

SECTION 31. 15.771 of the statutes is repealed.

SECTION 32. 15.781 of the statutes is repealed.

SECTION 33. 15.791 of the statutes is repealed.

SECTION 34. 15.801 of the statutes is repealed.

SECTION 35. 15.821 of the statutes is repealed.

SECTION 36. 15.851 of the statutes is repealed.

SECTION 37. 15.911 of the statutes is repealed.

SECTION 38. 15.941 of the statutes is repealed.

SECTION 39. 601.415 (intro.) of the statutes is amended to read:

**601.415 Miscellaneous duties.** (intro.) The duties listed in this section are in addition to other duties imposed under chs. 600 to 647. Failure to list a specified power, duty or function of the commissioner in this section ~~or in s. 15.731~~ does not affect the validity of the power, duty or function.

NOTE: This bill deletes the current statutory cross-reference lists of program responsibilities of state agencies, found in chapters 14 and 15 of the statutes.

The Kellett reorganization of state government was enacted by chapter 75, laws of 1967. It reassigned, as a session law, the powers, duties and functions of state government into a revised structure, renaming most of the existing departments, agencies and other government units without making the corresponding changes in the statutes. Subsequently, the 1967 legislature enacted 2 follow-up bills to facilitate the transition from the old to the new government structure.

Chapter 291, laws of 1967, revised chapter 20 of the statutes to create "an appropriation structure based on the new organization of the executive branch" — in other words, it assured that the spending authority for the money appropriated in the budget was correctly vested in the new departments and agencies.

Chapter 327, laws of 1967, created chapters 14 and 15 of the statutes setting forth the structure of the executive branch. In the new statute chapters, each department and agency of the executive branch was given a cross-reference listing of pro-

gram responsibilities. The lists of program responsibilities addressed other parts of the statutes which continued to use the pre-Kellett nomenclature for state agencies.

At that time, the LRB prepared the lists by reading the entire statutes. The lists were used immediately after the Kellett reorganization to shift program responsibilities among state agencies. Then they were used as a guide in drafting the changes to the statutes to reflect the new agency structure. See chapters 276, 336, 366 and 500, laws of 1969. Even though the lists no longer served their original purpose, they were not repealed at that time.

The legislative reference bureau has attempted to maintain the listing; however, using the computer search capabilities it has become apparent that since 1967, inaccuracies have crept into the lists of program responsibilities. For example, the program responsibility lists for the department of natural resources (DNR) refers to s. 36.25 (4), stats., which does not include a DNR program responsibility, and s. 79.03 (3) (e) stats., which does not exist. In addition, a recent computer search of the statutes reveals approximately 30 additional statutes which should probably be included in the list of DNR program responsibilities.

Another problem with the lists is that they are both overinclusive, in that some contain statutory references that do not create a duty for an agency, and underinclusive, in that not all statutes placing a duty on an agency are listed. In addition, if a duty is placed on *all* state agencies, no cross-reference to the duty is placed in any list.

This bill deletes the statutory lists of program responsibilities for the following reasons:

1. All of the state agencies which have program responsibilities listed in either chapter 14 or 15 of the statutes, are listed in the index to the statutes. The statutory index is a more useful way to find agency responsibilities, because the index contains key word descriptions of the program responsibilities, as well as the statutory citations, while the lists of program responsibilities only contain a list of statutes.

2. The program responsibility lists do not include *all* references to the functions of state agencies — they contain only statutes which involve some active role (power or duty) of an agency. As noted earlier, however, if all state agencies are required to perform a specific duty, this active role is not reflected in any list. In addition, agency functions, such as the statutes which provide that an agency will receive a copy of a report, are not included in the lists.