

State of Wisconsin



1995 Senate Bill 482

Date of enactment: **June 10, 1996**
Date of publication*: **June 24, 1996**

1995 WISCONSIN ACT 432

AN ACT to amend 16.75 (8) (a) 2. (intro.), 16.75 (8) (a) 2. a. to c. and 779.14 (1m) (b) 3.; and to repeal and recreate 16.39 and 16.39 of the statutes; relating to: the recycled or recovered content of paper purchased by state agencies and certain authorities; approval of surety bonds by corporation counsels; and the administration of the weatherization assistance program (suggested as remedial legislation by the department of administration).

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 department of administration and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of this bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 16.39 of the statutes is repealed and recreated to read:

16.39 Weatherization assistance. Notwithstanding s. 16.54 (2) (a), the department shall administer federal funds available to this state under the weatherization assistance for low-income persons program, as amended, 42 USC 6861 to 6873. The department shall administer the funds in accordance with 42 USC 6861 to 6873 and regulations adopted under 42 USC 6861 or 6873.

SECTION 2. 16.39 of the statutes, as affected by 1995 Wisconsin Acts 27 and (this act), is repealed and recreated to read:

16.39 Weatherization assistance. Notwithstanding s. 16.54 (2) (a), the department shall administer federal funds available to this state under the weatherization assistance for low-income persons program, as amended,

42 USC 6861 to 6873. The department shall administer the funds in accordance with 42 USC 6861 to 6873 and regulations adopted under 42 USC 6861 or 6873.

NOTE: This SECTION provides that the department of administration must administer the federal weatherization program in accordance with federal regulations governing the program. Current law authorizing the department of administration to administer the federal weatherization program includes provisions that are based on the low-income energy assistance program, which is administered by the department of health and social services and which does not apply or relate to the federal weatherization program.

SECTION 3. 16.75 (8) (a) 2. (intro.) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

16.75 (8) (a) 2. (intro.) Each agency and authority other than the University of Wisconsin Hospitals and Clinics Authority shall ensure that the average recycled or recovered content of all paper purchased by the agency or authority measured as a proportion, by weight, of the fiber content of paper products purchased in a calendar fiscal year, is not less than the following:

SECTION 4. 16.75 (8) (a) 2. a. to c. of the statutes are amended to read:

16.75 (8) (a) 2. a. By 1994 ~~1991-92~~, 10% of all purchased paper.

b. By 1993 ~~1993-94~~, 25% of all purchased paper.

c. By 1995 ~~1995-96~~, 40% of all purchased paper.

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

NOTE: These SECTIONS amend the requirement that each state agency and authority, other than the University of Wisconsin Hospitals and Clinics Authority and the World Dairy Center Authority, ensure that the average recycled or recovered content of paper products purchased by the agency or authority meets minimum specified standards to require that the standards apply to each fiscal year rather than each calendar year. Since state authority and agency budgeting and accounting are based on the state fiscal year (July 1 to June 30 of the following year), this change will simplify reporting and monitoring of compliance with the law.

SECTION 5. 779.14 (1m) (b) 3. of the statutes is amended to read:

779.14(1m) (b) 3. The bond shall be approved for the state by the state official authorized to enter the contract, for a county by its ~~district attorney~~ corporation counsel, for a city by its mayor, for a village by its president, for a town by its chairperson, for a school district by its presi-

dent and for any other public board or body by the presiding officer thereof.

NOTE: This SECTION amends the requirements relating to the approval of surety bonds that must be obtained by prime contractors on state and local public improvement and public works projects to provide that the county corporation counsel will approve such bonds for county projects rather than the county's district attorney. Because 1989 Wisconsin Act 31 made district attorneys state employees, it does not appear to be appropriate to require district attorneys to be involved in county civil contracts. Therefore, the corporation counsel is substituted for the district attorney in s. 779.14 (1m) (b) 3.

SECTION 6. Effective dates; weatherization assistance. This act takes effect on the day after publication, except as follows:

(1) The treatment of section 16.39 (by SECTION 2) of the statutes takes effect on July 1, 1996.
