

State of Wisconsin



1997 Assembly Bill 380

Date of enactment: **December 12, 1997**
Date of publication*: **December 30, 1997**

1997 WISCONSIN ACT 36

AN ACT relating to: amending and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, reconciling conflicts and repelling unintended repeals resulting from partial vetoes of legislative acts (Revisor's Correction Bill).

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

SECTION 1. 15.445 (1) of the statutes, as affected by 1995 Wisconsin Act 27, section 104, is amended to read:

15.445 (1) ARTS BOARD. There is created an arts board which is attached to the department of tourism under s. 15.03. The arts board shall consist of 15 members appointed for 3-year terms who are residents of this state and who are known for their concern for the arts. At least 2 members shall be from the northwest portion of this state, at least 2 members shall be from the northeast portion of this state, at least 2 members shall be from the southwest portion of this state and at least 2 members shall be from the southeast portion of this state. ~~This subsection does not apply after June 30, 1997, unless the joint committee on finance has approved the funding report of the arts board under 1995 Wisconsin Act 27, section 9105 (3g) (a).~~

Note: As the result of the governor's partial veto of 1995 Wis. Act 27, section 103, the stricken language was added by 1995 Wis. Act 27, section 104, without being shown as underscored. The creation of this language having been vetoed, this language is deleted.

SECTION 2. 15.447 (1) of the statutes, as affected by 1995 Wisconsin Act 27, section 128, is amended to read:

15.447 (1) COUNCIL ON TOURISM. There is created in the department of tourism a council on tourism consisting of 14 members serving 3-year terms, and the secretary of tourism or the secretary's designee, one member of the majority party in each house and one member of the minority party in each house appointed as are members of standing committees in their respective houses, the executive secretary of the arts board and the director of the historical society and, subject to s. 44.65, ~~the executive secretary of the arts board~~. Nominations for appointments to the council of members, other than ex officio members, shall be sought from but not limited to multi-county regional associations engaged in promoting tourism, statewide associations of businesses related to tourism, area visitor and convention bureaus, arts organizations, chambers of commerce, the Great Lakes inter-tribal council and other agencies or organizations with knowledge of American Indian tourism activities, and persons engaged in the lodging, restaurant, campground, amusement establishment, recreation establishment or retail liquor or fermented malt beverages business. Nominations shall be sought from throughout this state, to ensure that council members live in different geographical areas of the state and that they reflect the tourism industry's diversity and its distribution throughout both urban and rural areas of the state. Each council

* Section 991.11, WISCONSIN STATUTES 1995-96: 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].

member, other than ex officio members, shall have experience in marketing and promotion strategy.

Note: As the result of the governor's partial veto of 1995 Wis. Act 27, section 127m, the underscored language was deleted by Act 27, section 128 without being stricken, and the stricken language was added by Act 27, section 128 without being shown as underscored. The removal of the underscored language having been vetoed, that language is restored; and the creation of the stricken language having been vetoed, that language is deleted.

SECTION 3. 16.971 (5) (e) of the statutes, as created by 1995 Wisconsin Act 27, is amended to read:

16.971 (5) (e) No moneys may be authorized for use by the department under this subsection unless the department determines that such use will permit the effective utilization of information technology by agencies and will be consistent with the department's responsibilities to ensure adequate information technology resources for agencies under sub. (1m) and to implement a state-wide strategic plan for information technology purposes under sub. (2) (m). If a grant is distributed to the legislature, a legislative service agency, the courts, or a judicial branch agency, the use shall be consistent with the appropriate plan under s. 13.90 (6) or 758.19 (7). The department shall accord priority to utilization of moneys under this subsection for projects that will effect cost savings, avoid future cost increases or enable improved provision of state services.

NOTE: Inserts "or" required as the result of the governor's partial veto of 1995 Wis. Act 27, section 419.

SECTION 4. 25.61 of the statutes, as created by 1995 Wisconsin Act 27, is amended to read:

25.61 Information technology investment fund. There is created a separate nonlapsible trust fund designated as the information technology investment fund consisting of all revenues accruing to the state from fees assessed under ss. 16.701, and 16.702 and from gifts, grants and bequests made for information technology development purposes and moneys transferred to the fund from other funds.

NOTE: Inserts "and" required as the result of the governor's partial veto of 1995 Wis. Act 27, section 1420.

SECTION 5. 25.61 of the statutes, as affected by 1995 Wisconsin Act 351 and 1997 Wisconsin Act (this act), is repealed and recreated to read:

25.61 Information technology investment fund. There is created a separate nonlapsible trust fund designated as the information technology investment fund consisting of all revenues accruing to the state from fees assessed under s. 16.701 and from gifts, grants and bequests made for information technology development purposes and moneys transferred to the fund from other funds.

NOTE: Deletes cross-reference. Section 16.702 is repealed by 1995 Wis. Act 351 eff. 7-1-2000.

SECTION 6. 47.03 (11) (e) of the statutes, as affected by 1995 Wisconsin Act 27, section 2419d, is amended to read:

47.03 (11) (e) The department shall distribute at least \$218,600 from the appropriations in s. 20.445 (5) (bm) and (na) in each fiscal year for homecraft services relating to the marketing and distribution of homecraft products and to the purchase of capital equipment for each client who participates in the homecraft program.

NOTE: As the result of the governor's partial veto of 1995 Wis. Act 27, section 2419c, the stricken language was added by 1995 Wis. Act 27, section 2419d, without being shown as underscored. The creation of the stricken language having been vetoed, that language is deleted.

SECTION 7. 48.57 (3p) (g) (intro.) of the statutes, as affected by 1995 Wisconsin Act 289, section 71f, is amended to read:

48.57 (3p) (g) (intro.) ~~Subject to par. (h), the~~ The county department may not make payments to a person applying for payments under sub. (3m) and a person receiving payments under sub. (3m) may not employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or permit a person to be an adult resident if any of the following applies:

NOTE: Section 48.57 (3p) (h) was deleted by the governor's partial veto of 1995 Wis. Act 289.

SECTION 8. 49.143 (3) of the statutes, as created by 1995 Wisconsin Act 289, is amended to read:

49.143 (3) **PERFORMANCE STANDARDS.** The department shall ~~establishing~~ establish performance standards for the administration of Wisconsin works. If a Wisconsin works agency does not meet the standards established under this subsection, the department may withhold any or all payment from the Wisconsin works agency.

NOTE: Replaces word form rendered incorrect by the governor's partial veto of 1995 Wis. Act 289, section 85.

SECTION 9. 71.85 (3) (b) of the statutes is repealed.

NOTE: This section was created by 1995 Wis. Act 255 to read as follows:

"71.85 (3) (b) Section 71.05 (6) (b) 22. or 23. may continue to accrue while the taxpayer is in the Operation Balkan Endeavor theater of operations and for 180 days after the taxpayer leaves the Operation Balkan Endeavor theater of operations."

Through partial veto, the creation of s. 71.05 (6) (b) 22. and 23. was deleted from Act 255, resulting in s. 71.85 (3) (b) being without effect. Subsequent legislation resulted in the creation of provisions numbered s. 71.05 (6) (b) 22. and 23., but with are completely unrelated to the subject matter of Act 255.

SECTION 10. 100.263 of the statutes, as affected by 1995 Wisconsin Act 27, section 3608g, is amended to read:

100.263 Recovery. In addition to other remedies available under this chapter, the court may award the department the reasonable and necessary costs of investigation and an amount reasonably necessary to remedy the harmful effects of the violation and the court may award the department of justice the reasonable and necessary expenses of prosecution, including attorney fees, from any person who violates this chapter. The department

and the department of justice shall deposit in the state treasury for deposit in the general fund all moneys that the court awards to the department, the department of justice or the state under this section. Ten percent of the money deposited in the general fund that was awarded under this section for the costs of investigation and the expenses of prosecution, including attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh). ~~All of the money deposited in the general fund that was awarded under this section to remedy the harmful effects of the violation shall be credited to the appropriation account under s. 20.455 (1) (gm).~~

NOTE: "Reasonable and necessary" was added to this provision by amendment of 1995 Wis. Act 27, section 3608 which created it. Through inadvertence, the subsequent amendment of this provision by Act 27, section 3608g did not include this phrase. The creation of the last sentence, shown stricken above, was deleted from Act 27, section 3608 by the governor's partial veto. The creation of this language having been vetoed, the language is deleted from the subsequent treatment of the provision in Act 27, section 3608g.

SECTION 11. 106.115 (1) (i) of the statutes, as affected by 1995 Wisconsin Act 27, section 3699, is amended to read:

106.115 (1) (i) The national and community service corps under 42 USC 12501 to 12682 and s. ~~406.40~~ 16.22.

NOTE: Inserts correct cross-reference. The renumbering of s. 16.22 to s. 106.40 by 1995 Wis. Act 27 was eliminated by the governor's partial veto of 1995 Wis. Act 27, section 280.

SECTION 12. 150.31 (5r) of the statutes, as created by 1995 Wisconsin Act 27, is amended to read:

150.31 (5r) The department shall decrease the statewide bed limit specified in sub. (1) by the number of any beds that a nursing home shall agree to reduce in order to convert a separate area of its total area to an assisted living facility under s. 50.034 (4) ~~(b)~~.

NOTE: There is no s. 50.034 (4) (b). 1995 Wis. Act 27 divided s. 50.034 (4) into several paragraphs, but these were removed by the governor's partial veto.

SECTION 13. 165.87 (1) (bn) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

165.87 (1) (bn) Five twenty-seconds of all moneys collected from penalty assessments under this section shall be credited to the appropriation account under and utilized in accordance with s. 20.505 (6) (g), except for moneys transferred to ss. ~~20.435~~ 20.410 (3) (jk) and 20.505 (6) (h). In regard to any grant to any local unit of government for which the state is providing matching funds from moneys under this paragraph, the local unit of government shall provide matching funds equal to at least 10%.

NOTE: 1995 Wis. Act 27 repealed s. 20.435 (3) (jk) and created the analogous s. 20.410 (3) (jk) as part of the transfer of juvenile corrections to the department of corrections. As

the result of the governor's partial vetoes of the treatments of s. 165.87 (1) (bn) by 1995 Wis. Act 27, sections 4460e and 4460em, the cross-reference in this provision was not changed.

SECTION 14. 303.01 (2) (em) of the statutes, as affected by 1995 Wisconsin Act 27, section 6385, is amended to read:

303.01 (2) (em) Lease space, with or without equipment, within the precincts of state prisons, as specified in s. 302.02, or within the confines of correctional institutions operated by the department for holding in secure custody persons adjudged delinquent, to not more than 3 private businesses to employ prison inmates and institution residents to manufacture products or components or to provide services for sale on the open market. The department shall comply with s. 16.75 in selecting businesses under this paragraph. ~~The department may select a business or enter into a lease under this paragraph only with the approval of the joint committee on finance.~~ The department shall consult with appropriate trade organizations and labor unions prior to issuing requests for proposals and prior to selecting proposals under this paragraph. Each such private business may conduct its operations as a private business, subject to the wage standards under sub. (4), the disposition of earnings under sub. (8), the requirements for notification and hearing under sub. (1) (c), the requirement for prison industries board approval under s. 303.015 (1) (b) and the authority of the department to maintain security and control in its institutions. The private business and its operations are not a prison industry. Inmates employed by the private business are not subject to the requirements of inmates participating in prison industries, except as provided in this paragraph;

NOTE: As the result of the governor's partial veto of 1995 Wis. Act 27, section 6384, the stricken language was added by 1995 Wis. Act 27, section 6385, without being shown as underscored. The creation of the stricken language having been vetoed, that language is deleted.

SECTION 15. 938.34 (5m) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.34 (5m) COMMUNITY SERVICE WORK PROGRAM. Order the juvenile to participate in a youth corps program, as defined in s. ~~406.40~~ 16.22 (1) (dm) or another community service work program, if the sponsor of the program approves the juvenile's participation in the program.

NOTE: See NOTE to SECTION 11 of this bill.

SECTION 16. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 48.57 (3p) (g) (intro.) of the statutes takes effect on July 1, 1997.

(2) The repeal and recreation of section 25.61 of the statutes takes effect on July 1, 2000.