

1993 Senate Bill 578

Date of enactment: April 6, 1994
Date of publication*: April 20, 1994

1993 WISCONSIN ACT 215

AN ACT to repeal 42.11 (2); to renumber and amend 23.37 and 42.05; and to amend 15.01 (8), 15.02 (2), 19.32 (1), 19.62 (8), 19.82 (1), 19.84 (5), 19.85 (1) (j), 19.86, 42.11 (3), 125.31 (1), 230.36 (1), 230.36 (3) (b) (intro.) and 946.73 of the statutes, relating to: the availability of the state fair youth building to the department of natural resources; the lease of the Olympic ice training center; auto races at state fair park; alcohol licenses and permits at the state fair park; the penalty for violating laws governing state or county institutions; changing the references to an ice rink operated by the state to the Olympic ice training center; changing references to the state fair police department; and the entities that may head an independent agency (suggested as remedial legislation by the state fair park board).

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 state fair park board 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. 15.01 (8) of the statutes is amended to read:

15.01 (8) ~~“Head of the department”~~ “Head”, in relation to a department, means the constitutional officer, commission, secretary or ~~part-time policy~~ board, in charge of a the department. ~~“Head”, in relation to an independent agency, means the commission, commissioner or board in charge of the independent agency.~~

SECTION 2. 15.02 (2) of the statutes is amended to read:

15.02 (2) PRINCIPAL ADMINISTRATIVE UNITS. The principal administrative unit of the executive branch is a “department” or an “independent agency”. Each such unit shall bear a title beginning with the words “State of Wisconsin” and continuing with “department of” or with the name of the independent agency. A department may be headed by a constitutional officer, a secretary, a

~~3-man~~ commission or a ~~part-time policy-making~~ board. An independent agency may be headed by a commission, a commissioner or a board.

NOTE: SECTIONS 1 and 2 fill a gap in the current law regarding the head of an independent agency, by providing that such an agency may be headed by a commission, commissioner or board.

SECTION 3. 19.32 (1) of the statutes is amended to read:

19.32 (1) “Authority” means any of the following having custody of a record: a state or local office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; a governmental or quasi-governmental corporation except for the Bradley center sports and entertainment corporation created under ch. 232; any public purpose corporation, as defined in s. 181.79 (1); any court of law; the assembly or senate; a nonprofit corporation which receives more than 50% of its funds from a county or a municipality, as defined in s. 59.001 (3), and which provides services related to public health or safety to the county or municipality; a nonprofit corporation operating an the Olympic ice rink which is owned by the state training center under s. 42.11 (3); or a formally constituted subunit of any of the foregoing.

1993 Senate Bill 578

NOTE: This SECTION substitutes “the olympic ice training center” for the formerly correct but outdated reference to “an ice rink which is owned by the state”.

SECTION 4. 19.62 (8) of the statutes is amended to read:

19.62 (8) “State authority” means an authority that is a state elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, rule or order; a state governmental or quasi-governmental corporation; a public purpose corporation, as defined in s. 181.79 (1); the supreme court or court of appeals; the assembly or senate; or a nonprofit corporation operating an the Olympic ice rink which is owned by the state training center under s. 42.11 (3).

NOTE: See the NOTE following the treatment of s. 19.32 (1), stats.

SECTION 5. 19.82 (1) of the statutes is amended to read:

19.82 (1) “Governmental body” means a state or local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order; a governmental or quasi-governmental corporation except for the Bradley center sports and entertainment corporation created under ch. 232; any public purpose corporation, as defined in s. 181.79 (1); a nonprofit corporation operating an the Olympic ice rink which is owned by the state training center under s. 42.11 (3); or a formally constituted subunit of any of the foregoing, but excludes any such body or committee or subunit of such body which is formed for or meeting for the purpose of collective bargaining under subch. IV or V of ch. 111.

NOTE: See the NOTE following the treatment of s. 19.32 (1), stats.

SECTION 6. 19.84 (5) of the statutes is amended to read:

19.84 (5) Departments and their subunits in any university of Wisconsin system institution or campus and a nonprofit corporation operating an the Olympic ice rink which is owned by the state training center under s. 42.11 (3) are exempt from the requirements of subs. (1) to (4) but shall provide meeting notice which is reasonably likely to apprise interested persons, and news media who have filed written requests for such notice.

NOTE: See the NOTE following the treatment of s. 19.32 (1), stats.

SECTION 7. 19.85 (1) (j) of the statutes is amended to read:

19.85 (1) (j) Considering financial information relating to the support by a person, other than an authority, of a nonprofit corporation operating an the Olympic ice rink which is owned by the state training center under s. 42.11 (3), if the information is exempt from disclosure under s. ~~23.37~~ 42.115 or would be so exempt were the information

to be contained in a record. In this paragraph, “authority” and “record” have the meanings given under s. 19.32.

NOTE: See the NOTE following the treatment of s. 19.32 (1), stats.

SECTION 8. 19.86 of the statutes is amended to read:

19.86 Notice of collective bargaining negotiations. Notwithstanding s. 19.82 (1), where notice has been given by either party to a collective bargaining agreement under subch. IV or V of ch. 111 to reopen such agreement at its expiration date, the employer shall give notice of such contract reopening as provided in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given by the employer’s chief officer or such person’s designee. This section does not apply to a nonprofit corporation operating an the Olympic ice rink which is owned by the state training center under s. 42.11 (3).

NOTE: See the NOTE following the treatment of s. 19.32 (1), stats.

SECTION 9. 23.37 of the statutes is renumbered 42.115, and 42.115 (title) and (2) (intro.), as renumbered, are amended to read:

42.115 (title) Corporation operating the Olympic ice training center; financial information.

(2) (intro.) An authority which is a nonprofit corporation operating an the Olympic ice rink which is owned by the state training center under s. 42.11 (3) may withhold from examination and copying under s. 19.35 (1) any of the following:

NOTE: See the NOTE following the treatment of s. 19.32 (1), stats.

SECTION 10. 42.05 of the statutes is renumbered 42.05 (1) and amended to read:

42.05 (1) ~~Every~~ Except during the annual state fair and at other times between 8 a.m. and 10 p.m., every motor vehicle propelled by gasoline or other similar motive power, used ~~on, as defined in s. 159.15 (1) (e), that is used at the state fairgrounds fair park~~ in racing competition or practice therefor, ~~except during the annual state fair and except at other times between 8 a.m. and 10 p.m.,~~ shall be equipped with a muffler which, at all times, shall be in good working condition sufficient to prevent excessive or unusual noise.

(2) It is unlawful to operate, or for the state fair park board to permit to be operated, ~~on at the state fairgrounds fair park~~ in racing competition or practice therefor, ~~except during the annual state fair and except at other times between 8 a.m. and 10 p.m. except during the period specified in sub. (1), any such motor vehicle, so propelled by gasoline or other similar motive power as defined in s. 159.15 (1) (e), with the muffler or cutout open.~~

(3) Any person violating this section may be fined not more than \$200 or imprisoned for not more than 6 months or both.

NOTE: This SECTION substitutes “state fair park” for the formerly correct but outdated references to “state fairgrounds” in the provision for auto races at the state fair park.

1993 Senate Bill 578

In addition, according to the state fair park board, the amendments describing the propulsion mechanism of the vehicles and the periods of time during which mufflers are required at the state fair park conform to current statutory terminology and usage.

SECTION 11. 42.11 (2) of the statutes is repealed.

NOTE: This SECTION deletes the statutory requirement that the state fair park board make the youth building adjacent to the olympic ice rink available to the department of natural resources (DNR) during the skating season because DNR no longer operates the olympic ice rink and there is no provision now for reimbursement by DNR to the state fair park board.

SECTION 12. 42.11 (3) of the statutes is amended to read:

42.11 (3) The state fair park board shall enter into a lease with a private nonprofit corporation to operate and maintain the Olympic ice training center ~~in accordance with the procedures used for leasing state parks under s. 26.08 (4).~~ The state fair park board shall ensure that all costs of operation and maintenance of the center are paid by the lessee under the lease. The lease shall contain proper covenants to guard against trespass and waste. The rents arising from the lease shall be credited to the appropriation under s. 20.190 (1) (h). The state fair park board shall retain the original of the lease and file a copy with the department of administration.

NOTE: This SECTION incorporates into the chapter outlining the functions of the state fair park board the key nonmining provisions of s. 26.08 (1), stats., relating to the lease with a private nonprofit corporation to operate and maintain the olympic ice training center, with 2 minor modifications, according to the state fair park board. The state fair park board is directed to file a copy of the original lease with the department of administration rather than with the board of commissioners of public lands; and the rents arising from the lease are to be paid into the state treasury to the credit of the proper state fair park board appropriation account rather than to the credit of "the proper fund".

SECTION 13. 125.31 (1) of the statutes is amended to read:

125.31 (1) Notwithstanding ss. 125.29 (2) and 125.33 (1), a brewer may maintain and operate a place on brewery premises and a place on real estate owned by the brewer or a subsidiary or affiliate corporation for the sale of fermented malt beverages for which a Class "B" license is required for each place, but not more than 2 such Class "B" licenses shall be issued to any brewer. Notwithstanding ss. 125.29 (2) and 125.33 (1), a brewer may also own, maintain or operate places for the sale of fermented malt beverages ~~on any at the state fair park or on any~~ county fairgrounds located in this state. Any Class "B" license necessary in connection with this paragraph shall be issued to the brewer. Notwithstanding s. 125.33 (1), a brewer may own the furniture, fixtures, fittings, furnishings and equipment on such premises and shall pay any license fee or tax required for the operation of the premises.

NOTE: This SECTION substitutes "state fair park" for the formerly correct but outdated reference to "state fairgrounds"

in the provision related to the sale of fermented malt beverages by brewers at the state fair park.

SECTION 14. 230.36 (1) of the statutes is amended to read:

230.36 (1) If a conservation warden, conservation patrol boat captain, conservation patrol boat engineer, state forest ranger, conservation field employe of the department of natural resources who is subject to call for fire control duty, member of the state patrol, state motor vehicle inspector, lifeguard, excise tax investigator employed by the department of revenue, special criminal investigation agent employed by the department of justice, special tax agent, state drivers' license examiner, ~~member of the state fair park police department officer,~~ university of Wisconsin system police officer and other state facilities police officer and patrol officer, security officer, watcher, engineer, engineering aide, building construction superintendent, fire fighter employed at the Wisconsin veterans home, or guard or institutional aide or a state probation and parole officer or any other employe whose duties include supervision and discipline of inmates or wards of the state at a state penal institution, including the Ethan Allen school or while on parole supervision outside of the confines of the institutions, or supervision of persons placed on probation by a court of record, or supervision and care of patients at a state mental institution, and university of Wisconsin hospital and clinics suffers injury while in the performance of his or her duties, as defined in subs. (2) and (3); or any other state employe who is ordered by his or her appointing authority to accompany any employe listed in this subsection while the listed employe is engaged in the duties defined in sub. (3), or any other state employe who is ordered by his or her appointing authority to perform the duties, when permitted, in lieu of the listed employe and while so engaged in the duties defined in sub. (3), suffers injury as defined in sub. (2) the employe shall continue to be fully paid by the employing agency upon the same basis as paid prior to the injury, with no reduction in sick leave credits, compensatory time for overtime accumulations or vacation and no reduction in the rate of earning sick leave credit or vacation. The full pay shall continue while the employe is unable to return to work as the result of the injury or until the termination of his or her employment upon recommendation of the appointing authority. At any time during the employe's period of disability the appointing authority may order physical or medical examinations to determine the degree of disability at the expense of the employing agency.

SECTION 15. 230.36 (3) (b) (intro.) of the statutes is amended to read:

230.36 (3) (b) (intro.) A conservation warden, conservation patrol boat captain, conservation patrol boat engineer, member of the state patrol, state motor vehicle inspector, university of Wisconsin system police officer, security officer, watcher, ~~member of the state fair park~~

1993 Senate Bill 578

police ~~department officer~~, special tax agent, excise tax investigator employed by the department of revenue and special criminal investigation agent employed by the department of justice at all times while:

NOTE: SECTIONS 14 and 15 substitute “state fair park police officer” for the formerly correct but now outdated terminology of “member of the state fair police department”. The change reflects the reorganization of the state fair park board, approved by the secretary of administration on April 1, 1993, to include a public safety section in one of the 2 bureaus at the board.

SECTION 16. 946.73 of the statutes is amended to read:

946.73 Penalty for violating laws governing state or county institutions. Whoever violates any state law or any lawful rule made pursuant to state law governing the state ~~fairgrounds~~ fair park or any state or county charitable, curative, reformatory, or penal institution while within the same or the grounds thereof is guilty of a Class C misdemeanor.

NOTE: This SECTION substitutes “state fair park” for the formerly correct but outdated reference to “state fairgrounds” in the criminal code provision related to the penalty for violating laws governing state or county institutions.