

1999 ASSEMBLY BILL 796

February 25, 2000 – Introduced by Representatives STASKUNAS, GUNDERSON, LA FAVE, HUTCHISON, DUFF, WALKER, MEYERHOFER, RYBA, KREUSER, WARD, PLALE, HASENOHRL, BOCK, HUNDERTMARK, JENSEN, KRUG, KAUFERT, STONE, VRAKAS, UNDERHEIM, WASSERMAN and KRUSICK, cosponsored by Senators ROSENZWEIG, FARROW, CLAUSING, GROBSCHMIDT, ROESSLER, WELCH and GEORGE. Referred to Committee on Tourism and Recreation.

1 **AN ACT to repeal** 13.488 (7), 15.07 (1) (b) 15m., 15.445 (4), 42.06, 42.09 (1) and
 2 42.105 (2); **to renumber** 42.105 (1); **to amend** 13.48 (6), 13.48 (7), 13.48 (12)
 3 (b) 2., 16.85 (1), 16.85 (6), 20.190 (1) (h), 42.04 and 42.12 (1); and **to create** 13.48
 4 (10) (b) 5., 13.94 (1) (dm), 15.07 (1) (a) 8., 15.07 (2) (h), 15.93, 16.87 (5), 20.924
 5 (3), 42.01 (4), 42.01 (5), 42.09 (3) and 42.106 of the statutes; **relating to:** the
 6 state fair park board; authorizing the creation of private corporations to provide
 7 support for the state fair park; construction and leasing of buildings, structures
 8 and facilities at the state fair park; and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the state fair park board (SFPB) is attached to the department of tourism. SFPB consists of five members appointed for five-year terms, the secretary of agriculture, trade and consumer protection, or his or her designee, and the secretary of tourism, or his or her designee.

This bill makes SFPB an independent agency consisting of two representatives to the assembly, two senators, five members representing business, one member representing rural education and one resident of the city of West Allis. The secretary of agriculture, trade and consumer protection and the secretary of tourism serve as nonvoting members.

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This bill authorizes SFPB to organize private, nonprofit corporations to raise funds and provide support for the operation, management and development of state fair park.

Currently, proposed state building projects costing more than \$100,000 are subject to review and approval by the building commission. The commission transmits its biennial recommendations to the legislature concerning the projects that it recommends for construction, together with the methods of financing those projects recommended by the commission. Projects costing more than \$500,000 must be enumerated by law in the authorized state building program before they may proceed. All state construction contracts, except highway contracts, are subject to approval of the secretary of administration and, if any contract is in the amount of more than \$30,000, it must have the approval of the governor. The department of administration (DOA) has responsibility for the engineering, design and management of construction with respect to all state construction projects, except highway projects. If a state board has authority to permit a privately owned and operated facility to be constructed on state-owned land, the board must obtain the approval of the building commission before granting such permission.

This bill eliminates the current requirement for approval of the building commission for projects costing more than \$100,000 involving a building, structure or facility to be constructed for SFPB. The bill also eliminates the current requirement for enumeration in the authorized state building program of projects for SFPB costing more than \$500,000. The bill does not alter other current procedures for legislative approval of financing for state fair park building projects, including approval of any state bonding authority. However, the bill eliminates all requirements for approval of construction contracts for any such projects by the secretary of administration and governor. Under the bill, DOA is directed to adopt architectural and engineering designs proposed by SFPB for any projects to be constructed for SFPB, if the designs and specifications conform to applicable laws, rules, codes and regulations. Finally, the bill eliminates the current requirement for SFPB to obtain the approval of the building commission before granting permission for a privately owned or operated facility to be constructed for SFPB on state-owned land.

Currently, SFPB does not have authority to permit a private person to construct or operate a building, structure or facility in the state fair park, except that SFPB may enter into a lease with a private nonprofit corporation to operate the Olympic Ice Training Center. This bill grants to SFPB the authority to permit a private person to construct or operate a building, structure or facility in the state fair park under a lease agreement with SFPB.

Current law requires SFPB to annually award a grant of not more than \$35,000 to the city of West Allis to provide traffic and crowd control services related to events held at state fair park if the city meets certain conditions. This bill eliminates the \$35,000 limit on the amount of that grant.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 13.48 (6) of the statutes is amended to read:

2 13.48 (6) REVIEW OF PROJECTS. All reports submitted as provided by sub. (4)
3 shall be reviewed by the building commission, which shall make its report as soon
4 after November 20 as is possible. Such report shall include specific
5 recommendations and establish priorities for the next 3 biennia from among all
6 projects submitted which the building commission deems essential and shall
7 recommend additional appropriations if necessary for the execution thereof. The
8 building commission shall include in the report any projects proposed by the state
9 fair park board, together with the method of financing proposed for those projects by
10 the board, without recommendation. The building commission shall include in its
11 report an appraisal and recommendation of available and alternative methods of
12 financing buildings for the use of state agencies and shall file copies of its report with
13 the governor-elect.

14 **SECTION 2.** 13.48 (7) of the statutes, as affected by 1999 Wisconsin Act 9, is
15 amended to read:

16 13.48 (7) BIENNIAL RECOMMENDATIONS. The building commission shall prepare
17 and formally adopt recommendations for the long-range state building program on
18 a biennial basis. The building commission shall include in its report any projects
19 proposed by the state fair park board, together with the method of financing those
20 projects proposed by the board, without recommendation. Unless a later date is
21 requested by the building commission and approved by the joint committee on

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1 finance, the building commission shall, no later than the first Tuesday in April of
2 each odd-numbered year, transmit the report prepared by the department of
3 administration under s. 16.40 (20) and the commission's recommendations for the
4 succeeding fiscal biennium that require legislative approval to the joint committee
5 on finance in the form of proposed legislation prepared in proper form.

6 **SECTION 3.** 13.48 (10) (b) 5. of the statutes is created to read:

7 13.48 (10) (b) 5. Contracts for construction of any building, structure or facility
8 for the state fair park board.

9 **SECTION 4.** 13.48 (12) (b) 2. of the statutes is amended to read:

10 13.48 (12) (b) 2. A facility constructed by or for the state fair park board, ~~if the~~
11 ~~cost of constructing the facility does not exceed the amount specified in sub. (3).~~

12 **SECTION 5.** 13.488 (7) of the statutes is repealed.

13 **SECTION 6.** 13.94 (1) (dm) of the statutes is created to read:

14 13.94 (1) (dm) Annually, perform a financial audit of the state fair park board
15 and of any private corporation with which the board contracts under s. 42.01 (4) (b).

16 **SECTION 7.** 15.07 (1) (a) 8. of the statutes is created to read:

17 15.07 (1) (a) 8. Members of the state fair park board appointed under s. 15.93
18 (1) (a) and (b) shall be appointed as provided in those provisions.

19 **SECTION 8.** 15.07 (1) (b) 15m. of the statutes is repealed.

20 **SECTION 9.** 15.07 (2) (h) of the statutes is created to read:

21 15.07 (2) (h) The chairperson of the state fair park board shall be designated
22 annually by the governor from among the members appointed under s. 15.93 (1) (c),
23 (d) and (e).

24 **SECTION 10.** 15.445 (4) of the statutes is repealed.

25 **SECTION 11.** 15.93 of the statutes is created to read:

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1 **15.93 State fair park board. (1)** CREATION. There is created a state fair park
2 board consisting of the following members:

3 (a) Two representatives to the assembly, one appointed by the speaker of the
4 assembly and one appointed by the minority leader of the assembly.

5 (b) Two senators, one appointed by the majority leader of the senate and one
6 appointed by the minority leader of the senate.

7 (c) Five members representing business, 2 of whom have general business
8 experience, one of whom has experience with food and beverage businesses, one of
9 whom has experience in agriculture and one of whom has marketing experience.

10 (d) One member representing rural education.

11 (e) One resident of the city of West Allis, recommended by the mayor of West
12 Allis.

13 (f) The secretary of agriculture, trade and consumer protection and the
14 secretary of tourism, as nonvoting members.

15 **(2)** TERMS. The members of the state fair park board under sub. (1) (c) to (e)
16 shall be appointed for 5-year terms.

17 **SECTION 12.** 16.85 (1) of the statutes is amended to read:

18 16.85 **(1)** To take charge of and supervise all engineering or architectural
19 services or construction work as defined in s. 16.87 performed by, or for, the state, or
20 any department, board, institution, commission or officer thereof, including
21 nonprofit-sharing corporations organized for the purpose of assisting the state in the
22 construction and acquisition of new buildings or improvements and additions to
23 existing buildings as contemplated under ss. 13.488, 36.09 and 36.11, except the
24 engineering, architectural and construction work of the department of
25 transportation, the engineering service performed by the department of commerce,

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1 department of revenue, public service commission, department of health and family
2 services and other departments, boards and commissions when the service is not
3 related to the maintenance, construction and planning of the physical properties of
4 the state, and energy efficiency projects of the energy efficiency program under s.
5 16.847. The department shall adopt the architectural and engineering design
6 proposed by the state fair park board for any project to be constructed for the board,
7 if the design and specifications conform to applicable laws, rules, codes and
8 regulations. The department shall not authorize construction work for any state
9 office facility in the city of Madison after May 11, 1990, unless the department first
10 provides suitable space for a day care center primarily for use by children of state
11 employes.

12 **SECTION 13.** 16.85 (6) of the statutes is amended to read:

13 16.85 (6) To approve the appointment of a principal engineer or architect for
14 departments, boards and commissions and when such continuous service is needed.
15 No such engineer or architect shall be employed without the written approval of the
16 secretary. This subsection does not apply to the state fair park board.

17 **SECTION 14.** 16.87 (5) of the statutes is created to read:

18 16.87 (5) Subsections (1) to (4) do not apply to contracts for construction work
19 to be performed for the state fair park board. The secretary shall prepare and sign
20 contracts for construction work to be performed for the state fair park board in
21 accordance with the approved specifications for the work.

22 **SECTION 15.** 20.190 (1) (h) of the statutes is amended to read:

23 20.190 (1) (h) *State fair operations.* ~~The amounts in the schedule for general~~
24 ~~program operations and for the grant program under s. 42.12.~~ All moneys received
25 by the state fair park board for or on account of the state fair, state fair park or other

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1 events and all moneys received from any lease of the Olympic Ice Training Center
2 under s. 42.11 (3) ~~shall be credited to this appropriation to be used to support the~~
3 operation, management and development of state fair park and for the grant
4 program under s. 42.12. The unencumbered balance of this appropriation on June
5 30 of each year shall be transferred to the appropriation under par. (i).

6 **SECTION 16.** 20.924 (3) of the statutes is created to read:

7 20.924 (3) Subsection (1) (a) and (b) does not apply to the acquisition of land
8 for, or the construction, repair, remodeling or improvement of, any building,
9 structure or facility for the state fair park board.

10 **SECTION 17.** 42.01 (4) of the statutes is created to read:

11 42.01 (4) (a) The state fair park board may organize a nonstock corporation
12 under ch. 181 for the purposes of raising funds and providing support for the
13 operation, management and development of state fair park. The board shall
14 organize any corporation organized under this paragraph so that the corporation is
15 exempt from taxation under the section 501 of the Internal Revenue Code.

16 (b) The state fair park board may enter into a contract with any corporation
17 that the board organizes under par. (a) under which the corporation raises funds or
18 provides support for the operation, management and development of state fair park.

19 **SECTION 18.** 42.01 (5) of the statutes is created to read:

20 42.01 (5) The state fair park board shall ensure that it receives sufficient
21 revenues from the operation of state fair park to make the payments required under
22 s. 20.190 (1) (j).

23 **SECTION 19.** 42.04 of the statutes is amended to read:

24 **42.04 Private operation and leasing.** ~~Nothing in this chapter shall prevent~~
25 The state fair park board may provide for the operation and leasing of any facilities

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1 by private entrepreneurs, except that the state fair park board shall reserve the use
2 of state fair park facilities for a sufficient period of time every year for purposes of
3 conducting an annual state fair. This section does not apply to a lease authorized
4 under s. 42.11 (3).

5 **SECTION 20.** 42.06 of the statutes is repealed.

6 **SECTION 21.** 42.09 (1) of the statutes is repealed.

7 **SECTION 22.** 42.09 (3) of the statutes is created to read:

8 42.09 (3) The state fair park board may permit a private person to construct
9 a building, structure or facility in the state fair park under a lease agreement with
10 the board.

11 **SECTION 23.** 42.105 (1) of the statutes is renumbered 42.105.

12 **SECTION 24.** 42.105 (2) of the statutes is repealed.

13 **SECTION 25.** 42.106 of the statutes is created to read:

14 **42.106 State fair park board, building commission and department of**
15 **administration.** The state fair park board may enter into a memorandum of
16 understanding with the department of administration and the building commission
17 to coordinate the activities of the board, the department and the commission.

18 **SECTION 26.** 42.12 (1) of the statutes is amended to read:

19 42.12 (1) Beginning on July 1, 1992, in each fiscal year, the state fair park board
20 may award a grant, ~~not to exceed \$35,000,~~ to the city of West Allis to be used to
21 provide crowd and traffic control services related to events held at the state fair park,
22 including events associated with the Olympic Ice Training Center under s. 42.11.

23 **SECTION 27. Nonstatutory provisions.**

24 (1) STATE FAIR PARK BOARD MEMBERSHIP.

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1 (a) Notwithstanding section 15.93 of the statutes, as created by this act, the
2 terms of the members of the state fair park board appointed under section 15.445 (4),
3 1997 stats., who are serving on the effective date of this paragraph expire on the
4 effective date of this paragraph or on the day on which a majority of the members of
5 the board who are initially appointed under section 15.93 (1) (a) to (e) of the statutes,
6 as created by this act, are appointed and qualified, whichever is later.

7 (b) Notwithstanding the length of terms specified in section 15.93 (2) of the
8 statutes, as created by this act, the governor shall appoint the initial members of the
9 board under section 15.93 (1) (c) to (e) of the statutes, as created by this act, for the
10 following terms:

11 1. One member under section 15.93 (1) (c) of the statutes, as created by this act,
12 for a term expiring on May 1, 2001.

13 2. One member under section 15.93 (1) (c) of the statutes, as created by this act,
14 for a term expiring on May 1, 2002.

15 3. One member under section 15.93 (1) (c) of the statutes, as created by this act,
16 for a term expiring on May 1, 2003.

17 4. The member under section 15.93 (1) (d) of the statutes, as created by this act,
18 and one member under section 15.93 (1) (c) of the statutes, as created by this act, for
19 terms expiring on May 1, 2004.

20 5. The member under section 15.93 (1) (e) of the statutes, as created by this act,
21 and one member under section 15.93 (1) (c) of the statutes, as created by this act, for
22 terms expiring on May 1, 2005.

23 **SECTION 28. Effective date.**

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SECTION 28

1 (1) This act takes effect on the first day of the 7th month beginning after
2 publication.

3 **(END)**