

1989 Assembly Bill 168

Date of enactment: **April 12, 1990**
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1989 WISCONSIN ACT 219

AN ACT *to repeal* 15.07 (1) (b) 13, 15.07 (2) (h), 15.135 (1), 93.24 (3) and 93.25 (title), (1) and (2); *to renumber* 20.115 (5) (title), 20.115 (5) (h), 20.115 (5) (i), 20.115 (5) (j), 93.24 (title), 93.24 (1) (a), 93.24 (1) (c) 3 and 93.24 (9); *to renumber and amend* 20.923 (4) (d) 2m, 93.24 (1) (b), 93.24 (1) (c) 1, 1m and 2, 93.24 (2), 93.24 (4), 93.24 (5), 93.24 (6), 93.24 (10) and 93.25 (3); *to amend* 13.488 (7) (a), 20.866 (1) (u), 20.866 (2) (zz), 20.867 (3) (h) and 20.867 (3) (k); and *to create* 15.87, 20.190 (intro.), 42.01 (title), 42.03, 42.10 and 230.08 (2) (pm) of the statutes, **relating to:** making the state fair park board independent of the department of agriculture, trade and consumer protection.

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

SECTION 1. 13.488 (7) (a) of the statutes is amended to read:

13.488 (7) (a) The building commission, with advice from the state fair park board and the department of agriculture, trade and consumer protection, shall examine and review detailed design requirements for all facilities to be included in the development of state fair park.

SECTION 2. 15.07 (1) (b) 13. of the statutes is repealed.

SECTION 3. 15.07 (2) (h) of the statutes is repealed.

SECTION 4. 15.135 (1) of the statutes is repealed.

SECTION 5. 15.87 of the statutes is created to read:

15.87 State fair park board. There is created a state fair park board, consisting of 7 members, 5 of whom shall be appointed for 5-year terms. The secretary of agriculture, trade and consumer protection, or his or her designee, and the secretary of development, or his or her designee, shall also serve as voting members of the state fair park board.

SECTION 6. 20.115 (5) (title) of the statutes is renumbered 20.190 (1) (title).

SECTION 7. 20.115 (5) (h) of the statutes is renumbered 20.190 (1) (h).

SECTION 8. 20.115 (5) (i) of the statutes is renumbered 20.190 (1) (i).

SECTION 9. 20.115 (5) (j) of the statutes is renumbered 20.190 (1) (j).

SECTION 10. 20.190 (intro.) of the statutes is created to read:

20.190 State fair park board. (intro.) There is appropriated to the state fair park board for the following programs:

SECTION 11. 20.866 (1) (u) of the statutes is amended to read:

20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys appropriated under ss. ~~20.115 (5)~~ 20.190 (1) (j), 20.225 (1) (c), 20.245 (2) (e) and (j), (4) (e) and (5) (e), 20.250 (1) (e), 20.255 (1) (d), 20.285 (1) (d), (db) and (gb), 20.370 (1) (kc) and (kw), (4) (jb), (jc), (jd) and (jq) and (8) (Lb) and (Ls), 20.395 (6) (aq) and (ar), 20.435 (2) (ee), (3) (e), (ec) and (ko) and (5) (e), 20.455 (2) (cm), 20.465 (1) (d), 20.485 (1) (f) and (3) (t), 20.505 (5) (kc) and 20.867 (1) (a) and (b) and (3) (a), (b), (g), (h), (i) and (q) for the payment of principal and interest on public debt acquired in accordance with ch. 18.

SECTION 12. 20.866 (2) (zz) of the statutes is amended to read:

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20.866 (2) (zz) (title) *State fair park board; self-amortizing facilities.* From the capital improvement fund, a sum sufficient to the ~~department of agriculture, trade and consumer protection~~ state fair park board to acquire, construct, develop, enlarge or improve facilities at state fair park in West Allis. The state may contract public debt not to exceed \$9,000,000 for this purpose.

SECTION 13. 20.867 (3) (h) of the statutes is amended to read:

20.867 (3) (h) *Principal repayment, interest and rebates.* A sum sufficient to guarantee full payment of principal and interest costs for self-amortizing facilities enumerated under ss. ~~20.115 (5)~~ 20.190 (1) (j), 20.245 (2) (j), 20.285 (1) (gb) and 20.370 (8) (Ls) if moneys available in those appropriations are insufficient to make full payment, and to make full payment of the amounts determined by the building commission under s. 13.488 (1) (m) if the appropriation under s. ~~20.115 (5)~~ 20.190 (1) (j), 20.245 (2) (j) or 20.285 (1) (gb) is insufficient to make full payment of those amounts. All amounts advanced under the authority of this paragraph shall be repaid to the general fund whenever the balance of the appropriation for which the advance was made is sufficient to meet any portion of the amount advanced. The department of administration may take whatever action is deemed necessary including the making of transfers from program revenue appropriations and corresponding appropriations from program receipts in segregated funds, to ensure recovery of the amounts advanced.

SECTION 14. 20.867 (3) (k) of the statutes is amended to read:

20.867 (3) (k) *Interest rebates on obligation proceeds; program revenues.* All moneys transferred from the appropriations under ss. ~~20.115 (5)~~ 20.190 (1) (j), 20.245 (2) (j), 20.285 (1) (gb), 20.435 (3) (ko), 20.505 (5) (kc) and 20.867 (3) (g) and (i) to make the payments determined by the building commission under s. 13.488 (1) (m) on the proceeds of obligations specified in those paragraphs.

SECTION 15. 20.923 (4) (d) 2m of the statutes is renumbered 20.923 (4) (d) 12. and amended to read:

20.923 (4) (d) 12. ~~Agriculture, trade and consumer protection, department of; state~~ State fair park board; state fair park director.

SECTION 16. 42.01 (title) of the statutes is created to read:

42.01 (title) Powers and duties; general.

SECTION 17. 42.03 of the statutes is created to read:

42.03 Staff. The state fair park director shall appoint all staff necessary for performing the duties of the state fair park board.

SECTION 18. 42.10 of the statutes is created to read:

42.10 Cooperation to promote agriculture. The state fair park board shall enter into a memorandum of understanding with the department of agriculture, trade and consumer protection to coordinate the activities of

the state fair park board and that department. The state fair park board shall cooperate with the department of agriculture, trade and consumer protection in the conduct and promotion of fairs, exhibits and educational and promotional events related to agriculture and the activities of that department at state fair park.

SECTION 19. 93.24 (title) of the statutes is renumbered chapter 42 (title).

SECTION 20. 93.24 (1) (a) of the statutes is renumbered 42.01 (1).

SECTION 21. 93.24 (1) (b) of the statutes is renumbered 42.01 (2) and amended to read:

42.01 (2) The state fair park board shall exercise police supervision over state fair park, and its duly appointed agents or representatives may arrest, with or without warrant, any person within such park area, committing an offense against the laws of the state or the rules of the that board, and except as provided in ~~par. (e)~~ sub. (3) deliver such person to a proper court in the county and execute a complaint charging such person with the offense committed.

SECTION 22. 93.24 (1) (c) 1., 1m and 2 of the statutes are renumbered 42.01 (3) (a), (b) and (c) and amended to read:

42.01 (3) (a) The state fair park board shall promulgate rules governing the use of state fair park and establish a bond deposit schedule for purposes of ~~subd. 2 par. (c)~~. The state fair park board may not establish any bond deposit in an amount exceeding \$200. Any person violating such rules shall forfeit not more than \$200 which may be recovered by civil action as provided by ch. 778 and when collected shall be paid directly into the state treasury. The action shall be commenced by the attorney general or by the district attorney in the circuit court for Milwaukee county.

(b) The state fair park board may not promulgate rules regarding the distribution of noncommercial handbills, but may adopt rules regarding registration of noncommercial handbills if the state fair park board gives reasonable notice to the public of the registration requirement. The state fair park board may request the attorney general to commence legal action for an injunction restraining the distribution or confining it in such manner as the court deems proper, if it appears to the fair park management that the manner of distribution or the content of noncommercial handbills will cause harm or provoke violence.

(c) When any person is arrested for violation of a rule promulgated under this ~~paragraph~~ subsection, the duly appointed agent or representative of the state fair park board shall accept from such person a bond, in the amount established by rule of the state fair park board for such violation, with sufficient sureties, or his or her own personal bond upon depositing the amount thereof in money, for his or her appearance in the court having jurisdiction of such offense. A receipt shall be issued therefor.

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SECTION 23. 93.24 (1) (c) 3. of the statutes is renumbered 42.01 (3) (d).

SECTION 24. 93.24 (2) of the statutes is renumbered 42.02 and amended to read:

42.02 (title) **State fair park director.** The state fair park board shall appoint a state fair park director, outside the classified service, ~~to serve at the pleasure of the board.~~

SECTION 25. 93.24 (3) of the statutes is repealed.

SECTION 26. 93.24 (4) of the statutes is renumbered 42.04 and amended to read:

42.04 (title) **Private operation and leasing.** Nothing in this ~~section~~ chapter shall prevent the operation and leasing of any facilities by private entrepreneurs, except that the state shall reserve the use of state fair park facilities for a sufficient period of time every year for purposes of conducting an annual state fair.

SECTION 27. 93.24 (5) of the statutes is renumbered 42.05 and amended to read:

42.05 Auto races. Every vehicle propelled by gasoline or other similar motive power, used on the state fairgrounds 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. It is unlawful to operate, or for the state fair park board to permit to be operated, on the state fairgrounds 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.), any such vehicle, so propelled by gasoline or other similar motive power, with the muffler or cutout open. Any person violating this ~~subsection~~ section may be fined not more than \$200 or imprisoned not more than 6 months or both.

SECTION 28. 93.24 (6) of the statutes is renumbered 42.06, and 42.06 (1), as renumbered, is amended to read:

42.06 (1) Unless the secretary of administration acts under ~~par. (b)~~ sub. (2), the state treasurer and the secretary of administration or their duly authorized representatives shall be in attendance at the state fair each year to receive all moneys collected on account of state operation of the state fair and to audit and pay expenditures duly certified by the state fair park board as having been necessarily incurred in the operation of the state fair.

SECTION 29. 93.24 (9) of the statutes is renumbered 42.07.

SECTION 30. 93.24 (10) of the statutes is renumbered 42.08 and amended to read:

42.08 Insurance. The state fair park board may procure worker's compensation insurance to cover its employes.

SECTION 31. 93.25 (title), (1) and (2) of the statutes are repealed.

SECTION 32. 93.25 (3) of the statutes is renumbered 42.09 and amended to read:

42.09 (title) **State fair park facilities.** The state fair park board ~~and the department of agriculture, trade and consumer protection~~ shall cooperate with the building commission in all matters relating to the development of new facilities pursuant to under s. 13.488 (7). The state fair park board shall solicit proposals from private entrepreneurs interested in leasing any facilities at state fair park. The terms of such leases may be negotiated at the discretion of the state fair park board, subject to the lease provisions of s. 13.488 (7).

SECTION 33. 230.08 (2) (pm) of the statutes is created to read:

230.08 (2) (pm) The state fair park director.

SECTION 34. Nonstatutory provisions; agriculture, trade and consumer protection. (1) STATE FAIR PARK BOARD MEMBERS. A member of the state fair park board who holds office on the effective date of this subsection shall continue in office after the effective date of this subsection for the duration of the term to which he or she was appointed prior to the effective date of this subsection.

(2) STATE FAIR PARK DIRECTOR. Notwithstanding section 42.02 of the statutes, the person occupying the position of state fair park director in the department of agriculture, trade and consumer protection on the effective date of this subsection shall become the state fair park director.

(3) STATE FAIR PARK BOARD OPERATIONS. (a) On the effective date of this paragraph, the assets and liabilities of the department of agriculture, trade and consumer protection associated with the state fair park board shall become the assets and liabilities of the state fair park board.

(b) On the effective date of this paragraph, all positions associated with the state fair park board, as determined by the secretary of agriculture, trade and consumer protection, and the incumbent employes holding those positions are transferred from the department of agriculture, trade and consumer protection to the state fair park board.

(c) Employes transferred under paragraph (b) to the state fair park board shall have the same rights and status under subchapter V of chapter III and chapter 230 of the statutes in the state fair park board that they enjoyed in the department of agriculture, trade and consumer protection immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe with permanent status in class who is transferred under paragraph (b) is required to serve a probationary period.

(d) On the effective date of this paragraph, all furniture, equipment, supplies and records of the department of agriculture, trade and consumer protection relating to the state fair park board are transferred to the state fair park board.

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(e) All contracts entered into by the department of agriculture, trade and consumer protection relating to the state fair park board in effect on the effective date of this paragraph remain in effect and are transferred to the state fair park board. The state fair park board shall carry out any such contractual obligations.

(f) All rules promulgated and orders issued by the department of agriculture, trade and consumer protection relating to the state fair park board in effect on the effective date of this paragraph remain in effect until their spe-

cified expiration date or until modified or rescinded by the state fair park board.

(g) Any matter pending with the department of agriculture, trade and consumer protection on the effective date of this paragraph related to the state fair park board is transferred to the state fair park board, and all materials submitted to or actions taken before the effective date of this paragraph with respect to the pending matter are considered as having been submitted to or taken by the state fair park board.
