



2015 ASSEMBLY BILL 438

October 22, 2015 - Introduced by Representatives RIPP, BALLWEG, BERNIER, E. BROOKS, KULP, MURPHY, A. OTT, PETRYK, SWEARINGEN, TAUCHEN, TITTL, TRANEL and SPIROS, cosponsored by Senators HARSDORF, LASEE, LASSA, MARKLEIN, OLSEN, SHILLING, WANGGAARD and WIRCH. Referred to Committee on State Affairs and Government Operations.

1 **AN ACT to repeal** 93.23 (1) (d), 93.23 (1) (j), 93.23 (5) and 93.23 (6); and **to amend**
2 93.23 (1) (a) 2., 93.23 (1) (e), 93.23 (1) (f), 93.23 (3) and 93.23 (4) of the statutes;
3 **relating to:** state aid to local fairs and regulation of horse racing.

Analysis by the Legislative Reference Bureau

This bill eliminates certain requirements relating to horse racing at local fairs and makes changes to the regulation of local fairs.

Horse racing

Current law provides state aid to pay one-half of any \$400 or \$500 prize won in certain harness races conducted by a county or an agricultural society and limits that aid to one such event in any calendar year. In addition, current law regulates the types of horses eligible to enter or start in such harness races, as well as the number of entries and starters and the amount of entrance fees that may be charged.

Also under current law, a person who enters a horse in a race held by an agricultural society must pay an entrance fee. If the person does not pay the fee, the society may bring suit against the person, and the horse is not exempt from attachment in a collection action. Current law also prohibits a person from falsifying the name of a horse entered in a race or concealing the horse's racing performance history.

This bill eliminates the foregoing provisions.

Other changes to fair regulation

Current law limits the amount of the entry fee that may be charged for an exhibit at an agricultural fair or exhibition. Current law also requires an

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agricultural society that receives state aid for a fair to install an accounting system approved by the Department of Agriculture, Trade and Consumer Protection (DATCP), and to publish, within 120 days after the fair, a financial statement showing the organization's financial condition before and after the fair. In addition, current law requires the Department of Administration to audit the financial reports of an entity that has operated a local fair before providing state aid to the entity for that fair.

This bill eliminates the foregoing provisions.

Current law prohibits restrictions on the number of fairs in which an exhibitor may participate while remaining eligible for premium state aid award. This bill allows an entity operating a fair to limit the total number of fairs at which an exhibitor may participate and still be eligible for a premium award at that entity's fair.

This bill also changes the deadline for the filing of financial reports relating to a local fair from the December 31 of the year in which the fair is held to the January 31 following the year in which the fair is held.

Finally, current law provides that DATCP and the principal officers of the Northern Wisconsin state fair, a county agricultural society, or an industrial society have full jurisdiction and control over their fair grounds. This bill removes DATCP and the principal officers of the Northern Wisconsin state fair or an industrial society from these provisions and provides this authority only to county agricultural societies.

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.** 93.23 (1) (a) 2. of the statutes is amended to read:
2 93.23 (1) (a) 2. In order to have a more equitable distribution of state aid among
3 fairs and to effect wider participation and interest by the public in exhibits, the
4 department may prescribe uniform premium lists setting forth classes of exhibits
5 which will be approved for the purposes of state aid, premium awards in such classes
6 and entry qualifications, fees and charges for exhibitors. All fairs shall receive aid
7 in the same manner and there may be no restrictions on the number of fairs at which
8 an exhibitor may participate and be eligible to receive state-aided premium awards,

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1 except that an entity operating a fair may impose restrictions on the total number
2 of fairs at which an exhibitor may participate in order to be eligible for premium
3 awards for exhibits at that fair.

4 **SECTION 2.** 93.23 (1) (d) of the statutes is repealed.

5 **SECTION 3.** 93.23 (1) (e) of the statutes is amended to read:

6 93.23 (1) (e) Not later than 30 days after the close of the fair each year the
7 county clerk, or the person appointed to file the statements under this paragraph by
8 the county board, agricultural society, association, or board claiming state aid, shall
9 file with the department, on forms provided by the department, an itemized
10 statement verified on oath, showing net premiums actually paid or to be paid at the
11 preceding fair, which must correspond with uniform premium lists and other
12 requirements under par. (a). The statement shall also include a statement that at
13 the fair all gambling devices whatsoever, the sale of intoxicating liquors, excepting
14 fermented malt beverages, as defined in s. 125.02 (6), and wine, as defined in s.
15 125.02 (22), and exhibitions of immoral character were prohibited and excluded from
16 the fairgrounds and all adjacent grounds under the authority or control of the county
17 board, agricultural society, association, or board claiming state aid. On or before
18 ~~December~~ the January 31 of following the year in which the fair is held, the person
19 filing the statements under this paragraph shall furnish the department a ~~statement~~
20 finance report of receipts and disbursements, attendance, and any other information
21 that the department requires. Upon receipt of the required report, each fair shall be
22 paid 100%, or the prorated percentage, of the aid due the preceding year.

23 **SECTION 4.** 93.23 (1) (f) of the statutes is amended to read:

24 93.23 (1) (f) If it appears from such report, and the department ~~shall be is~~
25 satisfied that such county agricultural fairs have been maintained pursuant to the

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1 rules and regulations prescribed by it, and that the premiums are the net amount
2 actually paid or to be paid in cash to bona fide exhibitors, it shall ~~certify to the~~
3 ~~department of administration~~ provide the payment of state aid in favor of each such
4 county agricultural society, association or board the amounts due under the
5 provisions of par. (a) ~~and the department of administration shall then audit such~~
6 ~~report~~. If it appears from any such report that any premiums have been paid to other
7 than bona fide exhibitors, or that premiums have been paid or used in any way
8 contrary to the intent of this subsection, then the department may withhold payment
9 of such state aid until suitable adjustment is made.

10 **SECTION 5.** 93.23 (1) (j) of the statutes is repealed.

11 **SECTION 6.** 93.23 (3) of the statutes is amended to read:

12 **93.23 (3) ENTRY FEE TO EXHIBIT MAY BE CHARGED.** Any board, fair association,
13 society or other agency conducting an agricultural fair or exhibition may charge an
14 entry fee for each exhibit ~~which shall not exceed 10% of the total amount of the value~~
15 ~~of the premiums offered for the class of which such proposed exhibit will be a part~~
16 ~~if entered.~~

17 **SECTION 7.** 93.23 (4) of the statutes is amended to read:

18 **93.23 (4) POLICE POWER.** ~~The department and the principal officers of the~~
19 ~~Northern Wisconsin state fair and of any A~~ county agricultural ~~or industrial~~ society
20 ~~have~~ has full jurisdiction and control of the grounds on which the ~~department or~~
21 society may exhibit, and all the streets and alleys and other grounds adjacent to the
22 grounds during exhibitions, so far as may be necessary to exclude from there all other
23 exhibitions, booths, stands or other temporary places for the retail or sale of any kind
24 of alcohol beverages or other articles that they deem objectionable. ~~The department,~~
25 ~~the president of any such society, or, in the president's absence, any vice president,~~

