

1985 Assembly Bill 291

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1985 Wisconsin Act 26

AN ACT to amend 16.765 (1), (2) (intro.), (4) to (6), (7) (intro.) and (d) and (8), 19.32 (1), 19.42 (10) (d) and 19.82 (1); and to create 16.005, 70.11 (31) and chapter 232 of the statutes, relating to creating the Bradley center sports and entertainment corporation and granting a property tax exemption.

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

SECTION 1. Legislative findings. The legislature finds that it is an economic and recreational benefit to the citizens of Wisconsin for the state to accept from the Bradley center corporation a gift of, and to operate, a sports and entertainment facility to be located in Milwaukee county and to be known as the "Bradley Center". In addition, the legislature finds that for the state to accept this gift it is appropriate to establish, as an instrumentality of the state, a public corporation to perform the governmental function of owning and operating the sports and entertainment facility on behalf of the citizens of Wisconsin. The legislature further finds that because the Bradley center corporation is constructing the sports and entertainment facility in order to give it to the citizens of Wisconsin, the

Bradley center corporation should be exempt from any sales, use, income, franchise, real estate or personal property taxes on the sports and entertainment facility.

SECTION 2. 16.005 of the statutes is created to read:

16.005 Bradley center sports and entertainment corporation. Except as provided in s. 16.765, this chapter does not apply to the Bradley center sports and entertainment corporation created under ch. 232.

SECTION 3. 16.765 (1), (2) (intro.), (4) to (6), (7) (intro.) and (d) and (8) of the statutes are amended to read:

16.765 (1) Contracting agencies of the state and the Bradley center sports and entertainment corporation under ch. 232 shall include in all contracts executed by them a provision obligating the contractor not to dis-

criminate against any employe or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m) or national origin and, except with respect to sexual orientation, obligating the contractor to take affirmative action to ensure equal employment opportunities.

(2) (intro.) Contracting agencies of the state and the Bradley center sports and entertainment corporation shall include the following provision in every contract executed by them:

(4) The contracting agencies of the state and the Bradley center sports and entertainment corporation shall take appropriate action to revise the standard government contract forms under this section.

(5) The head of each contracting agency of the state and the board of directors of the Bradley center sports and entertainment corporation shall be primarily responsible for obtaining compliance by any contractor with the nondiscrimination and affirmative action provisions prescribed by this section, according to procedures recommended by the department. The department shall make recommendations to the contracting agencies and the board of directors of the Bradley center sports and entertainment corporation for improving and making more effective the nondiscrimination and affirmative action provisions of contracts. The department shall promulgate such rules as may be necessary for the performance of its functions under this section.

(6) The department may receive complaints of alleged violations of the nondiscrimination provisions of such contracts. The department shall investigate and determine whether a violation of this section has occurred. The department may delegate this authority to the contracting agency or the Bradley center sports and entertainment corporation for processing in accordance with the department's procedures.

(7) (intro.) When a violation of this section has been determined by the department ~~or~~, the contracting agency or the Bradley center sports and entertainment corporation, the contracting agency or the Bradley center sports and entertainment corporation shall:

(d) Direct the violating party to take immediate steps to prevent further violations of this section and to report its corrective action to the ~~state~~ contracting agency involved or the Bradley center sports and entertainment corporation.

(8) If further violations of this section are committed during the term of the contract, the contracting agency ~~involved~~ or the Bradley center sports and entertainment corporation may permit the violating party to complete the contract, after complying with this section, but thereafter the contracting agency or the Bradley center sports and entertainment corporation shall request the department to place the name of

the party on the ineligible list for state contracts, or the contracting agency or the Bradley center sports and entertainment corporation may terminate the contract without liability for the uncompleted portion or any materials or services purchased or paid for by the contracting party for use in completing the contract.

SECTION 4. 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 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; or a formally constituted subunit of any of the foregoing.

SECTION 5. 19.42 (10) (d) of the statutes is amended to read:

19.42 (10) (d) A state public official whose appointment to state public office requires the advice and consent of the senate, except a member of the board of directors of the Bradley center sports and entertainment corporation created under ch. 232.

SECTION 6. 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; 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.

SECTION 7. 70.11 (31) of the statutes is created to read:

70.11 (31) SPORTS AND ENTERTAINMENT FACILITIES. Real and personal property consisting of or contained in a sports and entertainment facility, including related or auxiliary structures, constructed by a nonprofit corporation for the purpose of donation to the state or to an instrumentality of the state, if the state indicates by legislative or executive action that it will accept the facility. This exemption shall apply during construction and operation if the facility is owned by a nonprofit corporation, the state or an instrumentality of the state.

SECTION 8. Chapter 232 of the statutes is created to read:

CHAPTER 232
BRADLEY CENTER SPORTS AND
ENTERTAINMENT CORPORATION

232.02 Definition. In this chapter, "corporation" means the Bradley center sports and entertainment corporation.

232.03 Creation and organization. (1) There is created a public body corporate and politic, to be known as the "Bradley Center Sports and Entertainment Corporation". This body shall be a nonprofit corporation organized under ch. 181 so that contributions to it are deductible from adjusted gross income under section 170 of the internal revenue code and so that it is exempt from taxation under the U.S. constitution or the internal revenue code and s. 71.01 (3) (a).

(2) The board of directors of the corporation shall consist of the following 9 persons, appointed by the governor:

(a) Six nominees of the governor, appointed with the advice and consent of the senate, who represent the diverse interests of the people of this state. Three of these nominees shall have executive and managerial business experience and all shall be residents of this state.

(b) Three nominees of the Bradley family foundation, inc.

(3) The members of the board of directors shall serve staggered 7-year terms. No member may hold elective public office. Each member may hold office until a successor is appointed.

(4) The board of directors holds the powers of the corporation. The members of the board of directors shall annually elect a chairperson and may elect other officers as they consider appropriate. Five members of the board of directors constitute a quorum for the purpose of conducting the business and exercising the powers of the corporation, notwithstanding the existence of any vacancy. The board of directors may take action upon a vote of a majority of the members present, unless the bylaws of the corporation require a larger number.

(5) No member of the board of directors may receive compensation for performing his or her duties. Each member shall be reimbursed for actual or necessary expenses, including travel expenses, incurred in performing those duties.

232.05 Powers, duties and restrictions. (1) Except as provided otherwise in this chapter, the corporation has all the powers necessary and convenient to carry out its duties under sub. (2), including the powers to do all of the following:

(a) To make, amend and repeal bylaws for the conduct of its affairs.

(b) To adopt a seal and alter that seal.

(c) To sue and be sued.

(d) To maintain an office.

(e) To accept a loan, contribution or grant.

(f) To execute contracts and other instruments.

(g) To employ legal, financial, technical or other experts and any other necessary employes and to fix their qualifications, duties and compensation, without regard to ch. 230 except s. 230.40.

(2) The corporation shall:

(a) Receive from the Bradley center corporation a sports and entertainment facility, including any related or auxiliary structure or facility, known as the "Bradley Center".

(b) Own and operate the Bradley center for the benefit of the citizens of this state.

(c) Adequately provide for the long-term maintenance of the Bradley center.

(d) Seek to enter into contracts for the purchase of goods and services with minority businesses.

(dm) Seek to enter into contracts for the purchase of goods and services with Wisconsin-based businesses.

(e) Annually submit to the governor and to the presiding officer in each house of the legislature an audited financial statement on the operations of the Bradley center, prepared in accordance with generally accepted accounting principles.

(f) Maintain, and make available to the public within a reasonable time after each meeting, the minutes of the meetings of the board of directors. The minutes shall do all of the following:

1. Identify the members in attendance.

2. List the actions taken.

3. Report the number of votes for and against each action.

4. Summarize the discussion relating to the actions taken.

(g) 1. Within a reasonable time after execution, make available to the public copies of all contracts for the purchase of goods or services, or both, if under the contract the payment for the goods or services, or both, exceeds \$20,000.

2. Within a reasonable time after execution, make available to the public copies of each contract to use the Bradley center on 10 or more days within a 12-month period.

3. This paragraph does not apply to any contract permitting a concessionaire to operate on the premises of the Bradley center.

(3) The corporation may not:

(a) Sell, exchange or otherwise divest itself of the Bradley center.

(b) Dissolve and wind up its affairs unless the legislature enacts a law ordering dissolution.

(4) The corporation may charge a reasonable fee for providing copies of minutes and contracts under sub. (2) (f) and (g).

232.07 Dissolution. If the corporation is dissolved, all of its assets are the property of the state.

232.09 Liability limited. Neither the state, any political subdivision of the state nor any officer, employe or agent of the state or a political subdivision who is

acting within the scope of employment is liable for any debt, obligation, act or omission of the corporation.

SECTION 9. Nonstatutory provisions. (1) The first members of the board of directors of the Bradley center sports and entertainment corporation, created under chapter 232 of the statutes by this act, shall be appointed to terms expiring as follows:

(a) Two members listed under section 232.03 (2) (a) of the statutes and one member listed under section 232.03 (2) (b) of the statutes shall be appointed for terms to expire July 1, 1988.

(b) Two members listed under section 232.03 (2) (a) of the statutes and one member listed under section

232.03 (2) (b) of the statutes shall be appointed for terms to expire July 1, 1990.

(c) Two members listed under section 232.03 (2) (a) of the statutes and one member listed under section 232.03 (2) (b) of the statutes shall be appointed for terms to expire July 1, 1992.

(2) The board of directors of the Bradley center sports and entertainment corporation, created under chapter 232 of the statutes, is requested to set a policy to ensure effective minority participation in contracts for goods and services with the corporation.
