



# STATE OF WISCONSIN Assembly Journal

## September 1995 Special Session

FRIDAY, October 13, 1995

The Chief Clerk makes the following entries under the above date:

### ENROLLED BILLS

The following Assembly proposal, which has been approved by both the Assembly and Senate, has been enrolled by the Legislative Reference Bureau:

**Assembly Bill 1**, September 1995 Special Session

*CHARLES R. SANDERS*  
Assembly Chief Clerk

### EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor  
Madison

October 12, 1995

To the Honorable the Legislature:

The following bill, originating in the Senate or the Assembly, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>1, ss (partial veto)</b> . . . . .	<b>56</b> . . . . .	<b>October 12, 1995</b>

Respectfully submitted,  
*TOMMY G. THOMPSON*  
Governor

### GOVERNOR'S VETO MESSAGE

October 12, 1995

To the Honorable Members of the Assembly:

I have approved Special Session **Assembly Bill 1** as [1995 Wisconsin Act 56](#) and have deposited it in the Office of the Secretary of State. I have exercised the partial veto in Sections 51 (as it relates to a prohibition on smoking), 51 (as it relates to minority contracting goals for construction management services), 51 (as it relates to appointment of a

minority group representative to the district board by the Governor), and 51 (as it relates to Joint Committee on Finance approval of bond issuance).

Special Session Assembly Bill 1 authorizes the creation of local professional baseball park districts for the purpose of assisting the development of a professional baseball park in the state for providing recreation, encouraging economic development and tourism, reducing unemployment and bringing needed capital investment into the state for the benefit and welfare of people throughout the state. A district created under this authority may levy a sales tax of no more than 0.1% within its jurisdiction for purposes of retiring bonds issued to finance construction of a professional baseball park facility. These bonds are secured by the moral obligation of the state to ensure the lowest interest cost possible. Further, the bill authorizes WHEDA to issue bonds necessary to make up to \$50 million in loans for stadium construction.

I fully support this bill and have welcomed most of the amendments to my original proposal. However, the Legislature adopted several modifications to the bill that, if not vetoed, either will unduly constrain the operations of the district or could be ruled unconstitutional. The partial vetoes in this bill are meant to ensure that the district board has the flexibility to complete the new stadium on time and within budget.

Section 51 (as it relates to appointment of a minority group representative to the district board by the Governor) requires that at least one of the district board members appointed by the Governor be from a minority group as defined under [§560.036 \(1\) \(f\)](#). While I fully support the intent of this provision and intend to appoint at least one minority group member to the board, I am partially vetoing this section because it may be unconstitutional. Under *City of Richmond v. Croson*, the United States Supreme Court has ruled that minority set-aside requirements are unconstitutional if those requirements are not a narrowly tailored remedy to demonstrated past discrimination. Bond counsel has also raised concerns that successful legal action might undermine the ability of the board to act if key votes were to be reversed. In order to ensure that legal Section 51 (as it relates to a prohibition on smoking) directs the district board to include a prohibition on smoking in the general seating areas of the stadium as part of any lease with a professional baseball club. I am partially vetoing this section because this provision unduly restricts the flexibility of the district board to determine the lease requirements with a baseball club. With this veto, the district board will have the authority to negotiate

the location and extent of any non-smoking areas within a baseball park facility.

Section 51 (as it relates to minority contracting goals for construction management services) expands the minority contracting goals included in the bill to include contracts for construction management services. I am partially vetoing this section because it will be extremely difficult to divide a construction management contract to ensure that 30% of the aggregate dollar value be awarded to minority and women-owned businesses. Usually, construction management is awarded to one firm on the basis of explicit performance and price specifications. This provision would unnecessarily narrow the minority contracting goals that I support and limit the district board's flexibility in ensuring project completion.

Section 51 (as it relates to Joint Committee on Finance approval of bond issuance) limits the state moral obligation pledge to any bonds the issuance of which has been approved by the Joint Committee on Finance. I am partially vetoing the section because this provision refers to authority that the Joint Committee on Finance does not have under the final version of the bill. This is a technical correction to address an oversight by the Legislative Reference Bureau in drafting an amendment to the bill.

This bill reflects a variety of compromises made to ensure that major league baseball remains in Wisconsin for many years to come. I believe my initial proposal has been improved by the amendments made in the Assembly and Senate and my subsequent vetoes. I am proud that we can now move forward together with a shared vision for a project that will bring over \$320 million annually above current

spending associated with major league baseball in Wisconsin. Construction of the new stadium will bring over 3,000 new jobs to southeastern Wisconsin. Over 350 new jobs will be created on an ongoing basis as a direct result of the new stadium.

What cannot be quantified is the impact this project will have on Wisconsin's quality of life, stature and competitiveness. Major league baseball provides exciting entertainment to millions of fans, fostering tourism and other economic development in our state. The new stadium and its retractable roof will be a state-of-the-art facility that will be a source of pride to the public. A project of this magnitude may also have corresponding development impact on the Menomonee River Valley. Reinvigorating this former industrial land could provide a clear example of reclaiming unused urban land for new purposes. As a result of all these possibilities, I am proud of this legislation and what it will accomplish for Wisconsin, now and in the future.

Sincerely,  
*TOMMY G. THOMPSON*  
Governor

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#### REFERENCE BUREAU CORRECTIONS

Senate Amendment 32 to **Assembly Bill 1**, September 1995  
Special Session

In enrolling, the following correction was made:

1. Page 1, line 3: substitute "(8)" for "(7)".