

1999 DRAFTING REQUEST

Bill

Received: **03/18/2000**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Charles Chvala (608) 266-9170**

By/Representing: **Doug**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact:

Alt. Drafters: **kuesejt
malaigm**

Subject: **Counties
Bonding - municipal
Employ Priv - prevailing wage
State Government - miscellaneous**

Extra Copies: **JK,RAC,PEN**

Pre Topic:

No specific pre topic given

Topic:

County bonding authority for construction, renovation of professional football stadiums; prevailing wage; open records; minority contracting goals.

Instructions:

See Attached. Based on s0376/4, a sub to SB 384. See bill files for SB 384 and AB 730 for background drafting instructions.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>- Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	shoveme 03/18/2000 malaigm 03/20/2000	wjackson 03/20/2000		_____			S&L
/1			haueca 03/20/2000	_____	lrb_docadmin 03/20/2000	lrb_docadmin 03/20/2000	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

_____ ~~03/20/2000~~

FE Sent For (03/20/2000.
" / ")

<END>

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/1			haugeca 03/20/2000	_____	lrb_docadmin 03/20/2000		

sent to Decker's office per Doug in Chvala's

FE Sent For:

03-20-00
↗

<END>

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Extra Copies: JK,RAC,PEN
Sen. Decker
KMG

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1/1 MES	shoveme 3/18	1 Wlj 3/20	CH 3-20	CH 3-20 KMG	e-mail to Doug Burnett, Bill Ford		

FE Sent For:

<END>



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4789/1
MES&JTK&GMM.....

WJ
RMNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

WANTED
MON 3/20
NOON

gen

INS-REL

1 AN ACT ...; relating to: INS-REL

Analysis by the Legislative Reference Bureau

Under current law, a county may issue ^{if} general obligation bonds or promissory notes if one of several conditions apply, such as ^{if} the debt issuance is approved in a county referendum, the county board determines that issuance of the debt will not cause the county to increase the debt levy rate or the debt is issued for a regional project. The general obligation bonds or promissory notes that a county may issue are subject to a constitutional debt limit of 5% of the equalized value of the county's property. Such debt must be repaid, in most cases, in 20 years. Generally, if the debt is for the acquisition of land or for the construction of sewerage facilities, it must be repaid within 50 years. In any case, general obligation bonds or promissory notes must be backed by the property tax.

by a county
with a
population
of at least
150,000

This bill limits the authority of a county with a population of at least 150,000 to issue general obligation bonds or promissory notes (debt) if the debt is issued for purposes related to football stadium facilities. Under the bill, no county may issue debt for purposes related to football stadium facilities unless the county board enacts an ordinance authorizing the issuance of the debt and ~~if~~ the ordinance is approved by a county referendum to be held at the next September primary occurring not earlier than 45 days after enactment of the ordinance. If such debt is issued, the aggregate principal amount of the debt, other than refunding bonds, may not exceed \$160,000,000. ^(a)

If a county issues debt for purposes related to the construction or renovation of football stadium facilities, the county must enter into a contract with a professional football team, or related party, that requires the team or related party to construct

Insert A

or renovate the football stadium facilities, unless the county determines that it is not feasible to do so. X

Under the bill, "professional football team" is defined as a football team that is a member of a league of teams that have home stadiums in at least ten states and a collective average attendance for all league members of at least 40,000 per game over the five years immediately preceding the year in which bonds are issued for purposes related to the construction or renovation of football stadium facilities. "Football stadium facilities" is defined as football stadium property, including spectator seating of all types, practice facilities, parking lots and structures, garages, restaurants, parks, concession facilities, entertainment facilities, facilities for the display or sale of memorabilia, transportation facilities, and other functionally related or auxiliary facilities or structures.

Also under the bill, a county is required to ensure that, for construction or renovation work that relates to football stadium facilities that are financed by debt as limited under the bill, a person who is awarded a contract for such construction or renovation work shall agree that his or her goal shall be to ensure that at least 25% of the employees hired because of the contract will be minority group members and that at least 5% of the employees hired because of the contract will be women. It shall also be a goal of the county that at least 25% of the aggregate dollar value of such contracts shall be awarded to minority businesses and at least 5% of the aggregate dollar value of such contracts shall be awarded to women's businesses.

If the county ~~can't~~^{cannot} meet its dollar value goals for contracts or if the person who is awarded a contract for such construction or renovation work is unable to meet the minority and women hiring goals, the county and the contractor must make good faith efforts to contract with the technical college district in which the contracts are to be performed to develop training programs designed to increase the pool of minority group members and women who are qualified to perform such contracts. The county is also required to hire an independent person to monitor the county's compliance with the minority contracting goals. The independent person is required to assess whether the county or contractor made a good faith effort to meet the goals.

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

WEND



**SENATE SUBSTITUTE AMENDMENT,
TO 1999 SENATE BILL 784**

1 **AN ACT to amend** 19.32 (1), 19.32 (2), 66.293 (1) (d), ~~66.293 (1) (g), 66.293 (3) (am),~~
2 ~~66.293 (6) and 67.045 (1) (intro.),~~ and **to create** 67.045 (3) of the statutes;
3 **relating to:** the authority of certain counties to issue bonds or promissory notes

4 for the construction or renovation of football stadium facilities; application of
5 the prevailing wage law and the open records law to contracts for the
6 construction or renovation of football stadium facilities entered into by a
7 professional football team or a related party; and creating goals for the
8 participation of minority and women's businesses in contracts related to the
9 construction or renovation of football stadium facilities.

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

10 SECTION 1. 19.32 (1) of the statutes, as affected by 1999 Wisconsin Act 9, is
11 amended to read:

INS
REV

1 19.32 (1) “Authority” means any of the following having custody of a record: a
2 state or local office, elected official, agency, board, commission, committee, council,
3 department or public body corporate and politic created by constitution, law,
4 ordinance, rule or order; a governmental or quasi-governmental corporation except
5 for the Bradley center sports and entertainment corporation; a local exposition
6 district under subch. II of ch. 229; a family care district under s. 46.2895; any court
7 of law; the assembly or senate; a nonprofit corporation which receives more than 50%
8 of its funds from a county or a municipality, as defined in s. 59.001 (3), and which
9 provides services related to public health or safety to the county or municipality; a
10 nonprofit corporation operating the Olympic ice training center under s. 42.11 (3);
11 a professional football team, as defined in s. 67.045 (3) (a) 5., or a related party, as
12 defined in s. 67.045 (3) (a) 6.; or a formally constituted subunit of any of the foregoing.

13 **SECTION 2.** 19.32 (2) of the statutes is amended to read:

14 19.32 (2) “Record” means any material on which written, drawn, printed,
15 spoken, visual or electromagnetic information is recorded or preserved, regardless
16 of physical form or characteristics, which has been created or is being kept by an
17 authority. “Record” includes, but is not limited to, handwritten, typed or printed
18 pages, maps, charts, photographs, films, recordings, tapes (including computer
19 tapes), computer printouts and optical disks. “Record” does not include drafts, notes,
20 preliminary computations and like materials prepared for the originator’s personal
21 use or prepared by the originator in the name of a person for whom the originator is
22 working; materials which are purely the personal property of the custodian and have
23 no relation to his or her office; materials to which access is limited by copyright,
24 patent or bequest; information maintained by a professional football team, as
25 defined in s. 67.045 (3) (a) 5., or a related party, as defined in s. 67.045 (3) (a) 6., that

1 does not relate to a contract entered into by the professional football team or related
2 party for the construction or renovation of football stadium facilities, as defined in
3 s. 67.045 (3) (a) 3., which is financed in whole or in part by the proceeds of bonds or
4 notes that are issued in accordance with s. 67.045 (3); and published materials in the
5 possession of an authority other than a public library which are available for sale,
6 or which are available for inspection at a public library.

7 **SECTION 3.** 66.293 (1) (d) of the statutes is amended to read:

8 66.293 (1) (d) “Local governmental unit” means a political subdivision of this
9 state, a special purpose district in this state, an instrumentality or corporation of
10 such a political subdivision or special purpose district, a combination or subunit of
11 any of the foregoing or an instrumentality of the state and any of the foregoing.
12 “Local governmental unit” also means, for purposes of a contract under s. 67.045 (3)
13 (d) for the construction or renovation of football stadium facilities, as defined in s.
14 67.045 (3) (a) 3., a professional football team, as defined in s. 67.045 (3) (a) 5., or a
15 related party, as defined in s. 67.045 (3) (a) 6.

16 **SECTION 4.** 66.293 (1) (g) of the statutes is amended to read:

17 66.293 (1) (g) “Prevailing wage rate” for any trade or occupation engaged in the
18 erection, construction, remodeling, repairing, renovation or demolition of any project
19 of public works in any area means the hourly basic rate of pay, plus the hourly
20 contribution for health insurance benefits, vacation benefits, pension benefits and
21 any other bona fide economic benefit, paid directly or indirectly, for a majority of the
22 hours worked in the trade or occupation on projects in the area, or if there is no rate
23 at which a majority of the hours worked in the trade or occupation on projects in the
24 area is paid, then the prevailing wage rate for any trade or occupation engaged in the
25 erection, construction, remodeling, repairing, renovation or demolition of any project

1 of public works in any area shall be the average hourly basic rate of pay, weighted
2 by the number of hours worked, plus the average hourly contribution, weighted by
3 the number of hours worked, for health insurance benefits, vacation benefits,
4 pension benefits and any other bona fide economic benefit, paid directly or indirectly
5 for all hours worked at the hourly basic rate of pay of the highest-paid 51% of hours
6 worked in that trade or occupation on projects in that area.

7 **SECTION 5.** 66.293 (3) (am) of the statutes is amended to read:

8 66.293 (3) (am) Every local governmental unit, before making a contract by
9 direct negotiation or soliciting bids on a contract, for the erection, construction,
10 remodeling, repairing, renovation or demolition of any project of public works,
11 including a highway, street or bridge construction project, shall apply to the
12 department to determine the prevailing wage rate and prevailing hours of labor for
13 each trade or occupation required in the work contemplated. The department shall
14 make such investigations and hold such public hearings as may be necessary to
15 define the trades or occupations that are commonly employed on projects that are
16 subject to this section and to inform itself as to the prevailing wage rates and
17 prevailing hours of labor in all areas of the state for those trades or occupations with
18 a view to ascertaining the prevailing wage rate and prevailing hours of labor for each
19 such trade or occupation. The department shall issue its determination within 30
20 days after receiving the request and shall file the same with the local governmental
21 unit applying therefor.

22 **SECTION 6.** 66.293 (6) of the statutes is amended to read:

23 66.293 (6) **EXEMPTIONS.** The department, upon petition of any local
24 governmental unit, other than a professional football team, as defined in s. 67.045
25 (3) (a) 5., or a related party, as defined in s. 67.045 (3) (a) 6., shall issue an order

1 exempting the local governmental unit from applying to the department for a
2 determination under sub. (3) when it is shown that an ordinance or other enactment
3 of the local governmental unit sets forth standards, policy, procedure and practice
4 resulting in standards as high or higher than those under this section.

5 **SECTION 7.** 67.045 (1) (intro.) of the statutes is amended to read:

6 67.045 (1) (intro.) The Subject to sub. (3), the governing body of a county may
7 not issue bonds under s. 67.05 or promissory notes under s. 67.12 (12) unless one or
8 more of the following apply:

9 **SECTION 8.** 67.045 (3) of the statutes is created to read:

10 67.045 (3) (a) In this subsection:

11 1. “County” means a county with a population of at least 150,000.

12 2. “Football stadium” means a stadium that is principally used as the home
13 stadium of a professional football team at the time that bonds are issued under s.
14 67.05 or promissory notes are issued under s. 67.12 (12), for purposes related to the
15 construction or renovation of football stadium facilities, or if no home stadium exists
16 at the time that such bonds or promissory notes are issued, “football stadium” means
17 a stadium that includes the site of a proposed home stadium of such a team.

18 3. “Football stadium facilities” means football stadium property, tangible or
19 intangible, including spectator seating of all types, practice facilities, parking lots
20 and structures, garages, restaurants, parks, concession facilities, entertainment
21 facilities, facilities for the display or sale of memorabilia, transportation facilities,
22 and other functionally related or auxiliary facilities or structures.

23 4. “Home stadium” means the principal site of a stadium that is home to a
24 professional football team and that is approved by a league to which a professional
25 football team belongs for use as a home stadium for that professional football team.

1 5. “Professional football team” means a team that is a member of a league of
2 professional football teams that have home stadiums in at least 10 states and a
3 collective average attendance for all league members of at least 40,000 persons per
4 game over the 5 years immediately preceding the year in which bonds are issued
5 under s. 67.05 or promissory notes are issued under s. 67.12 (12) for purposes related
6 to the construction or renovation of football stadium facilities.

7 6. “Related party” means a corporation or business entity that is owned,
8 controlled or operated by, or under common control with, a professional football team.

9 (b) No county may issue bonds under s. 67.05 or promissory notes under s. 67.12
10 (12) for purposes related to football stadium facilities unless the county board enacts
11 an ordinance authorizing the issuance of the bonds or notes and unless the county
12 board’s ordinance is approved by the majority of the electors in the county voting on
13 the ordinance at a referendum to be held at the next September primary occurring
14 not earlier than 45 days after enactment of the ordinance. The question to be
15 submitted shall be specified by the county board. A referendum held under this
16 paragraph satisfies the condition specified in sub. (1) (a) in lieu of the procedure
17 specified in ^{sub. (c) (a)} ~~this subsection~~.

18 (c) If a county issues bonds under s. 67.05 or promissory notes under s. 67.12
19 (12), for purposes related to football stadium facilities, the aggregate principal
20 amount of all such bonds or promissory notes, other than refunding bonds, may not
21 exceed \$160,000,000.

22 (d) A county that issues bonds under s. 67.05 or promissory notes under s. 67.12
23 (12) for purposes related to the construction or renovation of football stadium
24 facilities shall enter into a contract with a professional football team or a related
25 party that requires the professional football team or related party to construct or

1 renovate the football stadium facilities, unless the county determines that it is not
2 feasible to do so. Any contract for the construction or renovation of football stadium
3 facilities that is financed in whole or in part by the proceeds of bonds or notes that
4 are issued in accordance with this subsection is subject to s. 66.293, without regard
5 to whether the contract is entered into by the county, the professional football team
6 or a related party.

7 (e) 1. In this paragraph:

8 a. "Minority business" has the meaning given in s. 560.036 (1) (e).

9 b. "Minority group member" has the meaning given in s. 560.036 (1) (f).

10 c. "Women's business" means a sole proprietorship, partnership, joint venture
11 or corporation that is at least 51% owned, controlled and actively managed by
12 women.

13 2. A county shall ensure that, for construction or renovation work and
14 professional services contracts that relate to the construction or renovation of
15 football stadium facilities that are financed by the proceeds of bonds issued under s.
16 67.05 or promissory notes issued under s. 67.12 (12), a person who is awarded such
17 a contract by the county shall agree, as a condition to receiving the contract, that his
18 or her goal shall be to ensure that at least 25% of the employees hired because of the
19 contract will be minority group members and at least 5% of the employees hired
20 because of the contract will be women.

21 3. It shall be a goal of the county to ensure that at least 25% of the aggregate
22 dollar value of contracts that relate to the construction or renovation of football
23 stadium facilities that are financed by the proceeds of bonds issued under s. 67.05
24 or promissory notes issued under s. 67.12 (12), shall be awarded to minority

1 businesses and at least 5% of the aggregate dollar value of contracts awarded by the
2 board shall be awarded to women's businesses.

3 4. a. The county shall ensure that, for construction or renovation work and
4 professional services contracts described under subd. 2., a person who is awarded
5 such a contract by the county shall agree, as a condition to receiving the contract, that
6 if he or she is unable to meet the goal under subd. 2., he or she shall make a good faith
7 effort to contract with the technical college district board of the technical college
8 district in which the football stadium facilities are to be constructed or renovated, or
9 the professional services contract is to be performed, to develop appropriate training
10 programs designed to increase the pool of minority group members and women who
11 are qualified to perform the construction work or professional services.

12 b. If the county is unable to meet the goals under subd. 3., the county shall make
13 a good faith effort to contract with the technical college district board of the technical
14 college district in which the contracts described under subd. 3. are to be performed
15 to develop appropriate training programs designed to increase the pool of minority
16 group members and women who are qualified to perform the contracts described
17 under subd. 3.

18 5. a. The county shall hire an independent person to monitor the county's
19 compliance with minority contracting goals under subds. 2. and 3. The person hired
20 shall have previous experience working with minority group members. The county
21 shall develop a mechanism to receive regular reports from the person hired with
22 respect to the results of the person's studies of compliance with minority contracting
23 goals.

24 b. If the county or a contractor is unable to meet the goals under subd. 2. or 3.,
25 the person hired under this subd. 5. a. shall assess whether the county or contractor

1 made a good faith effort to reach the goals. In determining whether a good faith effort
2 was made to meet the goals, the person hired shall consider all of the factors listed
3 in subd. 6.

4 6. The factors to be considered under subd. 5. b. are:

5 a. The supply of eligible minority businesses and women's businesses that have
6 the financial capacity, technical capacity and previous experience in the areas in
7 which contracts were awarded.

8 b. The competing demands for the services provided by eligible minority
9 businesses and women's businesses, as described in this subd. 6. a., in areas in which
10 contracts were awarded.

11 c. The extent to which the county or contractors advertised for and aggressively
12 solicited bids from eligible minority businesses and women's businesses, as described
13 in this subd. 6. a., and the extent to which eligible minority businesses and women's
14 businesses submitted bids.

15 (END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4789/1
GMM.....

(INSERT A)

Any contract for the construction or renovation of football stadium facilities that is financed in whole or in part by debt issued by a county is subject to the prevailing wage and hours of labor law, that is, the law that requires certain laborers, workers, mechanics and truck drivers employed on a project of public works to be paid at the rate paid for a majority of the hours worked in the person's trade or occupation in the county in which the project is located and to be paid at a rate that is one and one-half times the person's hourly basic rate of pay for all hours worked in excess of ~~10~~^{ten} hours per day and 40 hours per week and for all hours worked on Saturdays, Sundays and certain holidays. The prevailing wage and hours of labor law applies to such a contract without regard to whether the contract is entered into by the county, the professional football team or a related party. In addition, information maintained by a professional football team or a related party relating to such a contract is subject to the open records law, that is, the law that requires a state or local governmental agency and certain other entities, subject to certain exceptions, to permit a requester to inspect the records of the agency or entity.

(END OF INSERT)

Barman, Mike

From: Burnett, Douglas
Sent: Monday, March 20, 2000 1:01 PM
To: Shovers, Marc; Barman, Mike
Cc: Walsh, Patrick; Ford, William; Ashley, Cindy; Doyle, Donna
Subject: Jacket LRB-4789--Packer Bonding bill

Please jacket LRB 4789 for introduction in the Senate and request the fiscal estimates asap. Send the jacket directly to Sen. Decker's office, instead of to Sen. Chvala's office. The bill will be introduced in the Senate tomorrow at 10 a.m..
Thanks.