State of Wisconsin
1999 – 2000 LEGISLATURE
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ASSEMBLY SUBSTITUTE AMENDMENT,

TO 1999 ASSEMBLY BILL 892

2nd #1

AN ACT ***to renumber*** 66.066 (5) and 77.707; ***to amend*** 13.94 (4) (a) 1., 13.94 (10), 16.70 (14), 18.03 (5s), 19.42 (13) (a), 19.59 (1) (a), 19.59 (1) (g) 1. a., 20.566 (1) (hp), 25.50 (1) (d), 32.02 (1), 66.04 (2) (a) (intro.), 66.066 (1) (a), 66.066 (1) (c), 66.067, 66.30 (1) (a), 71.26 (1) (bm), 71.26 (1m) (g), 71.36 (1m), 71.45 (1t) (g), 77.705 (title), 77.71, 77.76 (3m), 77.76 (4), 103.49 (3) (ar), 109.09 (1), 111.322 (2m) (c), 227.01 (13) (t), 779.14 (1m) (d) 2. b., 779.14 (1m) (d) 3. and 946.15; and ***to create*** 20.395 (1) (gv), 20.566 (1) (ge), 20.835 (4) (ge), 20.867 (5), 24.61 (2) (a) 8., 25.17 (3) (b) 11., 66.04 (2) (a) 3q., 66.066 (5) (b), 71.05 (1) (c) 5., 71.10 (5e), 77.54 (45), 77.706, 77.707 (2), 77.76 (3p), 85.62, 219.09 (1) (d), subchapter IV of chapter 229 [precedes 229.820] and 779.14 (4) of the statutes; **relating to:** creating a local professional football stadium district; giving a local professional football stadium district the authority to issue bonds and granting income tax exemptions for interest income on bonds issued by the district; creating an

individual income tax checkoff for debt service payments for bonds related to a local professional football stadium district; making a state moral obligation pledge with respect to bonds issued by a local professional football stadium district; giving a local professional football stadium district the authority to impose a sales tax and a use tax; creating an income and franchise tax exemption for a local professional football stadium district; state aid for transportation facilities associated with a professional football team's home stadium; requiring a professional football team or a related party that enters into a contract with a local professional football stadium district that requires the team or related party to acquire and construct football stadium facilities to comply with the prevailing wage law; and making appropriations.

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

SECTION 1. 13.94 (4) (a) 1. of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:

13.94 **(4)** (a) 1. Every state department, board, examining board, affiliated credentialing board, commission, independent agency, council or office in the executive branch of state government; all bodies created by the legislature in the legislative or judicial branch of state government; any public body corporate and politic created by the legislature including specifically a professional baseball park district, a local professional football stadium district and a family care district created under s. 46.2895; every Wisconsin works agency under subch. III of ch. 49; every provider of medical assistance under subch. IV of ch. 49; technical college district boards; development zones designated under s. 560.71; every county department under s. 51.42 or 51.437; every nonprofit corporation or cooperative to

which moneys are specifically appropriated by state law; and every corporation, institution, association or other organization which receives more than 50% of its annual budget from appropriations made by state law, including subgrantee or subcontractor recipients of such funds.

SECTION 2. 13.94 (10) of the statutes is amended to read:

13.94 **(10)** FINANCIAL STATUS OF ~~LOCAL~~ CERTAIN PROFESSIONAL ~~BASEBALL PARK~~ SPORTS DISTRICTS. As promptly as possible following the end of each state fiscal biennium in which there are outstanding bonds or notes issued by a local professional baseball park district created under subch. III of ch. 229 that are subject to s. 229.74 (7) or by a local professional football stadium district created under subch. IV of ch. 229 that are subject to s. 229.830 (7), the legislative audit bureau shall submit a report to the cochairpersons of the joint committee on finance concerning the financial status of that district.

SECTION 3. 16.70 (14) of the statutes is amended to read:

16.70 **(14)** "State" does not include a district created under subch. II ~~or~~, III or IV of ch. 229.

SECTION 4. 18.03 (5s) of the statutes is amended to read:

18.03 **(5s)** Upon the request of a local professional baseball park district created under subch. III of ch. 229 or a local professional football stadium district created under subch. IV of ch. 229, the commission may serve as financial consultant to assist and coordinate the issuance of the bonds of a district.

SECTION 5. 19.42 (13) (a) of the statutes is amended to read:

19.42 **(13)** (a) All positions to which individuals are regularly appointed by the governor, except the position of trustee of any private higher educational institution receiving state appropriations ~~and~~, the position of member of the district board of a

local professional baseball park district created under subch. III of ch. 229 and the position of member of the district board of a local professional football stadium district created under subch. IV of ch. 229.

SECTION 6. 19.59 (1) (a) of the statutes is amended to read:

19.59 **(1)** (a) No local public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated. A violation of this paragraph includes the acceptance of free or discounted admissions to a professional baseball or football game by a member of the district board of a local professional baseball park district created under subch. III of ch. 229 or a local professional football stadium district created under subch. IV of ch. 229. This paragraph does not prohibit a local public official from using the title or prestige of his or her office to obtain campaign contributions that are permitted and reported as required by ch. 11.

SECTION 7. 19.59 (1) (g) 1. a. of the statutes is amended to read:

19.59 **(1)** (g) 1. a. "District" means a local professional baseball park district created under subch. III of ch. 229 or a local professional football stadium district created under subch. IV of ch. 229.

SECTION 8. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

			1999–00	2000–01
20.395 Transportation, department of				
(1) AIDS				
(gv) Transportation aids to local professional football stadium districts	SEG	C	–0–	–0–
20.566 Revenue, department of				
(1) COLLECTION OF TAXES				
(ge) Administration of local professional football stadium district taxes	PR	A	–0–	–0–

SECTION 9. 20.395 (1) (gv) of the statutes is created to read:

20.395 **(1)** (gv) *Transportation aids to local professional football stadium districts.* As a continuing appropriation, the amounts in the schedule for transportation aids to local professional football stadium districts under s. 85.62.

SECTION 10. 20.566 (1) (ge) of the statutes is created to read:

20.566 **(1)** (ge) *Administration of local professional football stadium district taxes.* From the moneys transferred from the appropriation account under s. 20.835 (4) (ge), the amounts in the schedule for administering the special district taxes imposed under s. 77.706 by a local professional football stadium district created under subch. IV of ch. 229.

SECTION 11. 20.566 (1) (hp) of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:

1 20.566 **(1)** (hp) *Administration of endangered resource and professional*
2 *football district voluntary payments.* The amounts in the schedule for the payment
3 of all administrative costs, including data processing costs, incurred in
4 administering ss. 71.10 (5) and (5e) and 71.30 (10). All moneys certified under ss.
5 71.10 (5) (h) 1. and 71.30 (10) (h) 1. and the moneys specified for deposit in this
6 appropriation under s. 71.10 (5e) (h) 4. shall be credited to this appropriation.

7 **SECTION 12.** 20.835 (4) (ge) of the statutes is created to read:

8 20.835 **(4)** (ge) *Local professional football stadium district taxes.* All moneys
9 received from the taxes imposed under s. 77.706, for the purpose of distribution to
10 the special districts that adopt a resolution imposing taxes under subch. V of ch. 77,
11 and for the purpose of financing a local professional football stadium district, except
12 that, of those tax revenues collected under subch. V of ch. 77, 1.5% shall be credited
13 to the appropriation account under s. 20.566 (1) (ge).

14 **SECTION 13.** 20.867 (5) of the statutes is created to read:

15 20.867 **(5)** SERVICES TO NONSTATE GOVERNMENTAL UNITS. (g) *Financial consulting*
16 *services.* All moneys received from local professional football stadium districts for
17 financial consulting services provided under s. 18.03 (5s), to be used to provide those
18 services.

19 **SECTION 14.** 24.61 (2) (a) 8. of the statutes is created to read:

20 24.61 **(2)** (a) 8. Bonds issued by a local professional football stadium district
21 created under subch. IV of ch. 229.

22 **SECTION 15.** 25.17 (3) (b) 11. of the statutes is created to read:

23 25.17 **(3)** (b) 11. Bonds issued by a local professional football stadium district
24 created under subch. IV of ch. 229.

1 **SECTION 16.** 25.50 (1) (d) of the statutes, as affected by 1999 Wisconsin Act 9,
2 is amended to read:

3 25.50 **(1)** (d) "Local government" means any county, town, village, city, power
4 district, sewerage district, drainage district, town sanitary district, public inland
5 lake protection and rehabilitation district, local professional baseball park district
6 created under subch. III of ch. 229, family care district under s. 46.2895, local
7 professional football stadium district created under subch. IV of ch. 229, public
8 library system, school district or technical college district in this state, any
9 commission, committee, board or officer of any governmental subdivision of this
10 state, any court of this state, other than the court of appeals or the supreme court,
11 or any authority created under s. 231.02, 233.02 or 234.02.

12 **SECTION 17.** 32.02 (1) of the statutes is amended to read:

13 32.02 **(1)** Any county, town, village, city, including villages and cities
14 incorporated under general or special acts, school district, the department of health
15 and family services, the department of corrections, the board of regents of the
16 university of Wisconsin system, the building commission, a commission created by
17 contract under s. 66.30, with the approval of the municipality in which condemnation
18 is proposed, or any public board or commission, for any lawful purpose, but in the
19 case of city and village boards or commissions approval of that action is required to
20 be granted by the governing body. A mosquito control commission, created under s.
21 59.70 (12), may not acquire property by condemnation. A local professional football
22 stadium district board, created under subch. IV of ch. 229, may not acquire property
23 by condemnation.

24 **SECTION 18.** 66.04 (2) (a) (intro.) of the statutes is amended to read:

66.04 **(2)** (a) (intro.) Any county, city, village, town, school district, drainage district, technical college district or other governing board, as defined by s. 34.01 (1), other than a local professional football stadium district board created under subch. IV of ch. 229, may invest any of its funds not immediately needed in any of the following:

SECTION 19. 66.04 (2) (a) 3q. of the statutes is created to read:

66.04 **(2)** (a) 3q. Bonds issued by a local professional football stadium district created under subch. IV of ch. 229.

SECTION 20. 66.066 (1) (a) of the statutes is amended to read:

66.066 **(1)** (a) "Municipality" means any city, village, town, county, commission created by contract under s. 66.30, public inland lake protection and rehabilitation district established under s. 33.23, 33.235 or 33.24, metropolitan sewerage district created under ss. 66.20 to 66.26 or 66.88 to 66.918, town sanitary district under subch. IX of ch. 60, a local professional baseball park district created under subch. III of ch. 229, a local professional football stadium district created under subch. IV of ch. 229 or a municipal water district or power district under ch. 198 and any other public or quasi–public corporation, officer, board or other public body empowered to borrow money and issue obligations to repay the same out of revenues. "Municipality" does not include the state or a local exposition district created under subch. II of ch. 229.

SECTION 21. 66.066 (1) (c) of the statutes is amended to read:

66.066 **(1)** (c) "Revenue" means all moneys received from any source by a public utility and all rentals and fees and, in the case of a local professional baseball park district created under subch. III of ch. 229 includes tax revenues deposited into a special fund under s. 229.685 and payments made into a special debt service reserve

1 fund under s. 229.74 and, in the case of a local professional football stadium district
2 created under subch. IV of ch. 229 includes tax revenues deposited into a special fund
3 under s. 229.825 and payments made into a special debt service reserve fund under
4 s. 229.830.

5 **SECTION 22.** 66.066 (5) of the statutes is renumbered 66.066 (5) (a).

6 **SECTION 23.** 66.066 (5) (b) of the statutes is created to read:

7 66.066 **(5)** (b) Revenue bonds issued by a local professional football stadium
8 district created under subch. IV of ch. 229 are subject to the provisions in ss. 229.829
9 to 229.834.

10 **SECTION 24.** 66.067 of the statutes is amended to read:

11 **66.067 Public works projects.** For financing purposes, garbage
12 incinerators, toll bridges, swimming pools, tennis courts, parks, playgrounds, golf
13 links, bathing beaches, bathhouses, street lighting, city halls, village halls, town
14 halls, courthouses, jails, schools, cooperative educational service agencies, hospitals,
15 homes for the aged or indigent, child care centers, as defined in s. 231.01 (3c),
16 regional projects, waste collection and disposal operations, systems of sewerage,
17 local professional baseball park facilities, local professional football stadium
18 facilities and any and all other necessary public works projects undertaken by any
19 municipality are public utilities within the meaning of s. 66.066.

20 **SECTION 25.** 66.30 (1) (a) of the statutes, as affected by 1999 Wisconsin Act 9,
21 is amended to read:

22 66.30 **(1)** (a) In this section "municipality" means the state or any department
23 or agency thereof, or any city, village, town, county, school district, public library
24 system, public inland lake protection and rehabilitation district, sanitary district,
25 farm drainage district, metropolitan sewerage district, sewer utility district, solid

1 waste management system created under s. 59.70 (2), local exposition district
2 created under subch. II of ch. 229, local professional baseball park district created
3 under subch. III of ch. 229, local professional football stadium district created under
4 subch. IV of ch. 229, family care district under s. 46.2895, water utility district,
5 mosquito control district, municipal electric company, county or city transit
6 commission, commission created by contract under this section, taxation district or
7 regional planning commission.

8 **SECTION 26.** 71.05 (1) (c) 5. of the statutes is created to read:

9 71.05 **(1)** (c) 5. A local professional football stadium district created under
10 subch. IV of ch. 229.

11 **SECTION 27.** 71.10 (5e) of the statutes is created to read:

12 71.10 **(5e)** LOCAL PROFESSIONAL FOOTBALL STADIUM DISTRICT DEBT SERVICE
13 DONATION. (a) *Definitions*. In this subsection:

14 1. "Department" means the department of revenue.

15 2. "Football donation" means a designation made under this subsection, the net
16 proceeds of which shall be deposited into the special fund under s. 229.825 to be used
17 for debt service as described in s. 229.825 (2).

18 (b) *Voluntary payments*. 1. 'Designation on return.' Every individual filing an
19 income tax return who has a tax liability or is entitled to a tax refund may designate
20 on the return any amount of additional payment or any amount of a refund due that
21 individual as a football donation.

22 2. 'Designation added to tax owed.' If the individual owes any tax, the
23 individual shall remit in full the tax due and the amount designated on the return
24 as a football donation when the individual files a tax return.

1 3. 'Designation deducted from refund.' Except as provided in par. (d), if the
2 individual is owed a refund for that year after crediting under ss. 71.75 (9) and 71.80
3 (3), the department shall deduct the amount designated on the return as a football
4 donation from the amount of the refund.

5 (c) *Errors; failure to remit correct amount.* If an individual who owes taxes fails
6 to remit an amount equal to or in excess of the total of the actual tax due, after error
7 corrections, and the amount designated on the return as a football donation:

8 1. The department shall reduce the designation for the football donation to
9 reflect the amount remitted in excess of the actual tax due, after error corrections,
10 if the individual remitted an amount in excess of the actual tax due, after error
11 corrections, but less than the total of the actual tax due, after error corrections, and
12 the amount originally designated on the return as a football donation.

13 2. The designation for the football donation is void if the individual remitted
14 an amount equal to or less than the actual tax due, after error corrections.

15 (d) *Errors; insufficient refund.* If an individual who is owed a refund that does
16 not equal or exceed the amount designated on the return as a football donation, after
17 crediting under ss. 71.75 (9) and 71.80 (3) and after error corrections, the department
18 shall reduce the designation for the football donation to reflect the actual amount of
19 the refund that the individual is otherwise owed, after crediting under ss. 71.75 (9)
20 and 71.80 (3) and after error corrections.

21 (e) *Conditions.* If an individual places any conditions on a designation for the
22 football donation, the designation is void.

23 (f) *Void designation.* If a designation for the football donation is void, the
24 department shall disregard the designation and determine amounts due, owed,
25 refunded and received without regard to the void designation.

1 (g) *Tax return.* The secretary of revenue shall provide a place for the
2 designations under this subsection on the individual income tax return, and the
3 secretary shall highlight that place on the return by a symbol chosen by the
4 department that relates to a football stadium, as defined in s. 229.821 (6).

5 (h) *Certification of amounts.* Annually, on or before September 15, the
6 secretary of revenue shall certify to the district board under subch. IV of ch. 229, the
7 department of administration and the state treasurer:

8 1. The total amount of the administrative costs, including data processing
9 costs, incurred by the department in administering this subsection during the
10 previous fiscal year.

11 2. The total amount received from all designations for football donations made
12 by taxpayers during the previous fiscal year.

13 3. The net amount remaining after the administrative costs, including data
14 processing costs, under subd. 1. are subtracted from the total received under subd.
15 2.

16 4. From the moneys received from designations for football donations, an
17 amount equal to the sum of administrative expenses, including data processing
18 costs, certified under subd. 1. shall be deposited into the general fund and credited
19 to the appropriation under s. 20.566 (1) (hp), and the net amount remaining that is
20 certified under subd. 3. shall be deposited into the special fund created under s.
21 229.825 and credited for debt service as described in s. 229.825 (2).

22 (i) *Amounts subject to refund.* Amounts designated for football donations under
23 this subsection are not subject to refund to the taxpayer unless the taxpayer submits
24 information to the satisfaction of the department within 18 months after the date on
25 which taxes are due or the date on which the return is filed, whichever is later, that

1 the amount designated is clearly in error. Any refund granted by the department
2 under this paragraph shall be deducted from the moneys received under this
3 subsection in the fiscal year in which the refund is certified.

4 (j) *Sunset.* No football donation under this subsection may be made in any
5 taxable year beginning on or after January 1 of the year in which the department
6 receives the certification described in s. 229.825 (3) (a).

7 **SECTION 28.** 71.26 (1) (bm) of the statutes is amended to read:

8 71.26 **(1)** (bm) *Certain local districts.* Income of a local exposition district
9 created under subch. II of ch. 229 ~~or~~, a local professional baseball park district
10 created under subch. III of ch. 229 <u>or a local professional football stadium district</u>
11 <u>created under subch. IV of ch. 229</u>.

12 **SECTION 29.** 71.26 (1m) (g) of the statutes is amended to read:

13 71.26 **(1m)** (g) Those issued under s. 66.066 by a local professional baseball
14 park district <u>or a local professional football stadium district</u>.

15 **SECTION 30.** 71.36 (1m) of the statutes is amended to read:

16 71.36 **(1m)** A tax–option corporation may deduct from its net income all
17 amounts included in the Wisconsin adjusted gross income of its shareholders, the
18 capital gain deduction under s. 71.05 (6) (b) 9. and all amounts not taxable to
19 nonresident shareholders under ss. 71.04 (1) and (4) to (9) and 71.362. For purposes
20 of this subsection, interest on federal obligations, obligations issued under s. 66.066
21 by a local professional baseball park district <u>or a local professional football stadium</u>
22 <u>district</u>, obligations issued under ss. 66.40, 66.431 and 66.4325, obligations issued
23 under s. 234.65 to fund an economic development loan to finance construction,
24 renovation or development of property that would be exempt under s. 70.11 (36) and
25 obligations issued under subch. II of ch. 229 is not included in shareholders' income.

The proportionate share of the net loss of a tax–option corporation shall be attributed and made available to shareholders on a Wisconsin basis but subject to the limitation and carry–over rules as prescribed by section 1366 (d) of the internal revenue code. Net operating losses of the corporation to the extent attributed or made available to a shareholder may not be used by the corporation for further tax benefit. For purposes of computing the Wisconsin adjusted gross income of shareholders, tax–option items shall be reported by the shareholders and those tax–option items, including capital gains and losses, shall retain the character they would have if attributed to the corporation, including their character as business income. In computing the tax liability of a shareholder, no credit against gross tax that would be available to the tax–option corporation if it were a nontax–option corporation may be claimed.

SECTION 31. 71.45 (1t) (g) of the statutes is amended to read:

71.45 **(1t)** (g) Those issued under s. 66.066 by a local professional baseball park district <u>or a local professional football stadium district</u>.

SECTION 32. 77.54 (45) of the statutes is created to read:

77.54 **(45)** The gross receipts from the sale of and the use or other consumption of a onetime license or similar right to purchase admission to professional football games at a football stadium, as defined in s. 229.821 (6), that is granted by a municipality; a local professional football stadium district; or a professional football team or related party, as defined in s. 229.821 (12); if the person who buys the license or right is entitled, at the time the license or right is transferred to the person, to purchase admission to at least 3 professional football games in this state during one football season. The exemption under this subsection does not apply to a license or right that is sold after December 31, 2003.

1 **SECTION 33.** 77.705 (title) of the statutes is amended to read:

2 **77.705** (title) **Adoption by resolution; baseball park district.**

3 **SECTION 34.** 77.706 of the statutes is created to read:

4 **77.706 Adoption by resolution; football stadium district.** A local
5 professional football stadium district created under subch. IV of ch. 229, by
6 resolution under s. 229.824 (15), may impose a sales tax and a use tax under this
7 subchapter at a rate of 0.5% of the gross receipts or sales price. Those taxes may be
8 imposed only in their entirety. The imposition of the taxes under this section shall
9 be effective on the first day of the first month that begins 30 days after the
10 certification of the approval of the resolution by the electors in the district's
11 jurisdiction under s. 229.824 (15).

12 **SECTION 35.** 77.707 of the statutes is renumbered 77.707 (1).

13 **SECTION 36.** 77.707 (2) of the statutes is created to read:

14 77.707 **(2)** Retailers and the department of revenue may not collect a tax under
15 s. 77.706 for any local professional football stadium district created under subch. IV
16 of ch. 229 after the calendar quarter during which the local professional football
17 stadium district board makes all of the certifications to the department of revenue
18 under s. 229.825 (3), except that the department of revenue may collect from retailers
19 taxes that accrued before that calendar quarter and fees, interest and penalties that
20 relate to those taxes.

21 **SECTION 37.** 77.71 of the statutes is amended to read:

22 **77.71 Imposition of county and special district sales and use taxes.**
23 Whenever a county sales and use tax ordinance is adopted under s. 77.70 or a special
24 district resolution is adopted under s. 77.705 or 77.706, the following taxes are
25 imposed:

1 **(1)** For the privilege of selling, leasing or renting tangible personal property
2 and for the privilege of selling, performing or furnishing services a sales tax is
3 imposed upon retailers at the rate of 0.5% in the case of a county tax or at the rate
4 under s. 77.705 or 77.706 in the case of a special district tax of the gross receipts from
5 the sale, lease or rental of tangible personal property, except property taxed under
6 sub. (4), sold, leased or rented at retail in the county or special district or from selling,
7 performing or furnishing services described under s. 77.52 (2) in the county or special
8 district.

9 **(2)** An excise tax is imposed at the rate of 0.5% in the case of a county tax or
10 at the rate under s. 77.705 or 77.706 in the case of a special district tax of the sales
11 price upon every person storing, using or otherwise consuming in the county or
12 special district tangible personal property or services if the property or service is
13 subject to the state use tax under s. 77.53, except that a receipt indicating that the
14 tax under sub. (1), (3) or (4) has been paid relieves the buyer of liability for the tax
15 under this subsection and except that if the buyer has paid a similar local tax in
16 another state on a purchase of the same property or services that tax shall be credited
17 against the tax under this subsection and except that for motor vehicles that are used
18 for a purpose in addition to retention, demonstration or display while held for sale
19 in the regular course of business by a dealer the tax under this subsection is imposed
20 not on the sales price but on the amount under s. 77.53 (1m).

21 **(3)** An excise tax is imposed upon a contractor engaged in construction
22 activities within the county or special district, at the rate of 0.5% in the case of a
23 county tax or at the rate under s. 77.705 or 77.706 in the case of a special district tax
24 of the sales price of tangible personal property that is used in constructing, altering,
25 repairing or improving real property and that becomes a component part of real

1 property in that county or special district, ~~unless~~ except that if the contractor has
2 paid the sales tax of a county in the case of a county tax or of a special district in the
3 case of a special district tax in this state on that property, ~~and except that if the buyer~~
4 or has paid a similar local sales tax in another state on a purchase of the same
5 property, that tax shall be credited against the tax under this subsection.

6 **(4)** An excise tax is imposed at the rate of 0.5% in the case of a county tax or
7 at the rate under s. 77.705 or 77.706 in the case of a special district tax of the sales
8 price upon every person storing, using or otherwise consuming a motor vehicle, boat,
9 snowmobile, mobile home not exceeding 45 feet in length, trailer, semitrailer,
10 all–terrain vehicle or aircraft, if that property must be registered or titled with this
11 state and if that property is to be customarily kept in a county that has in effect an
12 ordinance under s. 77.70 or in a special district that has in effect a resolution under
13 s. 77.705 or 77.706, except that if the buyer has paid a similar local sales tax in
14 another state on a purchase of the same property that tax shall be credited against
15 the tax under this subsection.

16 **SECTION 38.** 77.76 (3m) of the statutes is amended to read:

17 77.76 **(3m)** From the appropriation under s. 20.835 (4) (gb) the department, for
18 the first 2 years of collection, shall distribute 97% of the ~~special district~~ taxes
19 reported for each ~~special~~ local professional baseball park district that has imposed
20 taxes under this subchapter, minus the ~~special~~ district portion of the retailers'
21 discounts, to the ~~special~~ local professional baseball park district no later than the end
22 of the 3rd month following the end of the calendar quarter in which such amounts
23 were reported. From the appropriation under s. 20.835 (4) (gb) the department, after
24 the first 2 years of collection, shall distribute 98.5% of the ~~special district~~ taxes
25 reported for each ~~special~~ local professional baseball park district that has imposed

taxes under this subchapter, minus the ~~special~~ district portion of the retailers' discount, to the ~~special~~ local professional baseball park district no later than the end of the 3rd month following the end of the calendar quarter in which such amounts were reported. At the time of distribution the department shall indicate the taxes reported by each taxpayer. In this subsection, the "~~special~~ district portion of the retailers' discount" is the amount determined by multiplying the total retailers' discount by a fraction the numerator of which is the gross ~~special~~ local professional baseball park district sales and use taxes payable and the denominator of which is the sum of the gross state and ~~special~~ local professional baseball park district sales and use taxes payable. The ~~special~~ local professional baseball park district taxes distributed shall be increased or decreased to reflect subsequent refunds, audit adjustments and all other adjustments of the ~~special~~ local professional baseball park district taxes previously distributed. Interest paid on refunds of ~~special~~ local professional baseball park district sales and use taxes shall be paid from the appropriation under s. 20.835 (4) (gb) at the rate paid by this state under s. 77.60 (1) (a). Any ~~special~~ local professional baseball park district receiving a report under this subsection is subject to the duties of confidentiality to which the department of revenue is subject under s. 77.61 (5).

SECTION 39. 77.76 (3p) of the statutes is created to read:

77.76 **(3p)** From the appropriation under s. 20.835 (4) (ge) the department of revenue shall distribute 98.5% of the taxes reported for each local professional football stadium district that has imposed taxes under this subchapter, minus the district portion of the retailers' discount, to the local professional football stadium district no later than the end of the 3rd month following the end of the calendar quarter in which such amounts were reported. At the time of distribution the

1 department of revenue shall indicate the taxes reported by each taxpayer. In this
2 subsection, the "district portion of the retailers' discount" is the amount determined
3 by multiplying the total retailers' discount by a fraction the numerator of which is
4 the gross local professional football stadium district sales and use taxes payable and
5 the denominator of which is the sum of the gross state and local professional football
6 stadium district sales and use taxes payable. The local professional football stadium
7 district taxes distributed shall be increased or decreased to reflect subsequent
8 refunds, audit adjustments and all other adjustments of the local professional
9 football stadium district taxes previously distributed. Interest paid on refunds of
10 local professional football stadium district sales and use taxes shall be paid from the
11 appropriation under s. 20.835 (4) (ge) at the rate paid by this state under s. 77.60 (1)
12 (a). Any local professional football stadium district receiving a report under this
13 subsection is subject to the duties of confidentiality to which the department of
14 revenue is subject under s. 77.61 (5).

15 **SECTION 40.** 77.76 (4) of the statutes, as affected by 1999 Wisconsin Act 9, is
16 amended to read:

17 77.76 **(4)** There shall be retained by the state 1.5% of the taxes collected for
18 taxes imposed by special districts under ~~s.~~ ss. 77.705 and 77.706 and 1.75% of the
19 taxes collected for taxes imposed by counties under s. 77.70 to cover costs incurred
20 by the state in administering, enforcing and collecting the tax. All interest and
21 penalties collected shall be deposited and retained by this state in the general fund.

22 **SECTION 41.** 85.62 of the statutes is created to read:

23 **85.62 Aid to local professional football stadium districts.** Subject to s.
24 229.8245, the department may make aid payments from the appropriation under s.
25 20.395 (1) (gv) to a local professional football stadium district created under subch.

IV of ch. 229 for the development, construction, reconstruction or improvement of bridges, highways, parking lots, garages, transportation facilities or other functionally related or auxiliary facilities or structures associated with a football stadium, as defined in s. 229.821 (6).

SECTION 42. 103.49 (3) (ar) of the statutes, as affected by 1999 Wisconsin Act .... (Assembly Bill 409), is amended to read:

103.49 **(3)** (ar) In determining prevailing wage rates under par. (a) or (am), the department may not use data from projects that are subject to this section, s. 66.293 ~~or~~, 103.50 <u>or 229.8275</u> or 40 USC 276a unless the department determines that there is insufficient wage data in the area to determine those prevailing wage rates, in which case the department may use data from projects that are subject to this section, s. 66.293 ~~or~~, 103.50 <u>or 229.8275</u> or 40 USC 276a.

SECTION 43. 109.09 (1) of the statutes is amended to read:

109.09 **(1)** The department shall investigate and attempt equitably to adjust controversies between employers and employes as to alleged wage claims. The department may receive and investigate any wage claim which is filed with the department, or received by the department under s. 109.10 (4), no later than 2 years after the date the wages are due. The department may, after receiving a wage claim, investigate any wages due from the employer against whom the claim is filed to any employe during the period commencing 2 years before the date the claim is filed. The department shall enforce this chapter and ss. 66.293, 103.02, 103.49, 103.82 ~~and~~, 104.12 <u>and 229.8275</u>. In pursuance of this duty, the department may sue the employer on behalf of the employe to collect any wage claim or wage deficiency and ss. 109.03 (6) and 109.11 (2) and (3) shall apply to such actions. Except for actions under s. 109.10, the department may refer such an action to the district attorney of

the county in which the violation occurs for prosecution and collection and the district attorney shall commence an action in the circuit court having appropriate jurisdiction. Any number of wage claims or wage deficiencies against the same employer may be joined in a single proceeding, but the court may order separate trials or hearings. In actions that are referred to a district attorney under this subsection, any taxable costs recovered by the district attorney shall be paid into the general fund of the county in which the violation occurs and used by that county to meet its financial responsibility under s. 978.13 (2) for the operation of the office of the district attorney who prosecuted the action.

SECTION 44. 111.322 (2m) (c) of the statutes is amended to read:

111.322 **(2m)** (c) The individual files a complaint or attempts to enforce a right under s. 66.293 ~~or~~, 103.49 <u>or 229.8275</u> or testifies or assists in any action or proceeding under s. 66.293 ~~or~~, 103.49 <u>or 229.8275</u>.

SECTION 45. 219.09 (1) (d) of the statutes is created to read:

219.09 **(1)** (d) A local professional football stadium district created under subch. IV of ch. 229.

SECTION 46. 227.01 (13) (t) of the statutes is amended to read:

227.01 **(13)** (t) Ascertains and determines prevailing wage rates and prevailing hours of labor under ss. 66.293, 103.49 ~~and~~, 103.50 <u>and 229.8275</u>, except that any action or inaction which ascertains and determines prevailing wage rates and prevailing hours of labor under ss. 66.293, 103.49 ~~and~~, 103.50 <u>and 229.8275</u> is subject to judicial review under s. 227.40.

SECTION 47. Subchapter IV of chapter 229 [precedes 229.820] of the statutes is created to read:

CHAPTER 229

1 SUBCHAPTER IV
2 LOCAL PROFESSIONAL
3 FOOTBALL STADIUM DISTRICTS

4 **229.820 Legislative declaration. (1)** The legislature determines that the
5 provision of assistance by state agencies to a district under this subchapter, any
6 appropriation of funds to a district under this subchapter and the moral obligation
7 pledge under s. 229.830 (7) serve a statewide public purpose by assisting the
8 development of professional football stadium facilities in the state for providing
9 recreation, by encouraging economic development and tourism, by reducing
10 unemployment and by bringing needed capital into the state for the benefit and
11 welfare of people throughout the state. The legislature determines that the taxes
12 that may be imposed by a district under subch. V of ch. 77 are special taxes that are
13 generated apart from any direct annual tax on taxable property.

14 **(2)** The legislature determines that a district serves a public purpose in the
15 district's jurisdiction by providing recreation, by encouraging economic development
16 and tourism, by reducing unemployment and by bringing needed capital into the
17 district's jurisdiction for the benefit of people in the district's jurisdiction.

18 **229.821 Definitions.** In this subchapter:

19 **(1)** "Bond" means any bond, note or other obligation issued under s. 66.066 by
20 a district.

21 **(2)** "Bond resolution" means a resolution of the district board authorizing the
22 issuance of, or providing terms and conditions related to, bonds and includes, where
23 appropriate, any trust agreement, trust indenture, indenture of mortgage or deed of
24 trust providing terms and conditions for bonds.

1 **(3)** "Chief elected official" means the mayor of a city or, if the city is organized
2 under subch. I of ch. 64, the president of the council of that city, the village president
3 of a village, the town board chair of a town or the county executive of a county or, if
4 the county does not have a county executive, the chairperson of the county board of
5 supervisors.

6 **(4)** "District" means a special purpose district created under this subchapter.

7 **(5)** "District board" means the governing board of a district.

8 **(6)** "Football stadium" means a stadium that is principally used as the home
9 stadium of a professional football team described in s. 229.823 at the time that a
10 district is created, or if no home stadium exists at the time that a district is created,
11 "football stadium" means a stadium that includes the site of a proposed home
12 stadium of such a team.

13 **(7)** "Football stadium facilities" means football stadium property, tangible or
14 intangible, including spectator seating of all types, practice facilities, parking lots
15 and structures, garages, restaurants, parks, concession facilities, entertainment
16 facilities, facilities for the display or sale of memorabilia, transportation facilities,
17 and other functionally related or auxiliary facilities or structures.

18 **(8)** "Home stadium" means a stadium approved as provided in s. 229.823.

19 **(9)** "Members–elect" means those members of the governing body of a
20 municipality or county, at a particular time, who have been duly elected or appointed
21 for a current regular or unexpired term and whose service has not terminated by
22 death, resignation or removal from office.

23 **(10)** "Municipality" means a city, village or town.

24 **(11)** "Political subdivision" means a city, village, town or county.

1 **(12)** "Related party" means a corporation or business entity that is owned,
2 controlled or operated by, or under common control with, a professional football team.

3 **229.822 Creation and organization. (1)** There is created, for each
4 jurisdiction under s. 229.823, a special district that is a local governmental unit, that
5 is a body corporate and politic, that is separate and distinct from, and independent
6 of, the state and the political subdivisions within its jurisdiction, that has the powers
7 under s. 229.824 and the name of which includes "Professional Football Stadium
8 District".

9 **(2)** A district is governed by its district board. Subject to sub. (3), the district
10 board shall consist of the following members who shall be appointed not later than
11 30 days after the creation of a district:

12 (a) Two persons appointed by the governor. Both of the persons appointed by
13 the governor shall reside within the county in which the football stadium is located.
14 A person appointed under this paragraph may take his or her seat immediately upon
15 appointment and qualification, subject to confirmation or rejection by the senate.

16 (b) Two persons appointed by the chief elected official of the most populous city
17 located wholly or partly within the jurisdiction of the district. A person appointed
18 under this paragraph may take his or her seat immediately upon appointment and
19 qualification, subject to confirmation or rejection by a majority of the members–elect
20 of the common council or council.

21 (c) Two persons appointed by the chief elected official of the county in which the
22 football stadium is located. A person appointed under this paragraph may take his
23 or her seat immediately upon appointment and qualification, subject to confirmation
24 or rejection by a majority of the members–elect of the county board.

1 (d) One person appointed by the chief elected official of any municipality
2 located wholly or partly within the jurisdiction of the district, other than the most
3 populous city located wholly or partly within the jurisdiction of the district, that has
4 a boundary at the time of creation of the district that is contiguous to a boundary of
5 the site of the football stadium. A person appointed under this paragraph may take
6 his or her seat immediately upon appointment and qualification, subject to
7 confirmation or rejection by a majority of the members–elect of the governing body
8 of the municipality.

9 **(3)** Upon appointment under sub. (2), the appointing authorities shall certify
10 the appointees to the secretary of administration. The terms of office of the persons
11 appointed under sub. (2) shall be 2 years expiring on July 1, except that the initial
12 terms shall expire on July 1 of the 4th year beginning after the year of creation of a
13 district. Persons appointed under sub. (2) (a) may be removed from the district board
14 before the expiration of their terms by the appointing authority but only for cause,
15 as defined in s. 17.16 (2). Persons appointed under sub. (2) (b) to (d) serve at the
16 pleasure of their appointing authorities, and may be removed before the expiration
17 of their terms. Vacancies shall be filled by the appointing authority who appointed
18 the person whose office is vacant. A person appointed to fill a vacancy under sub. (2)
19 shall serve for the remainder of the unexpired term to which he or she is appointed.
20 The appointing authorities shall confer with one another regarding their
21 appointments with a view toward achieving diversity on the district board.

22 **(4)** (a) The district board shall elect from its membership a chairperson, a vice
23 chairperson, a secretary and a treasurer. The secretary shall act as clerk of the
24 district.

1 (b) A majority of the current membership of the district board constitutes a
2 quorum to do business. The district may take action based on the affirmative vote
3 of a majority of those members of the district board who are present at a meeting of
4 the district board.

5 **(5)** The members of the district board shall be reimbursed for their actual and
6 necessary expenses incurred in the performance of their duties.

7 **(6)** Upon the appointment and qualification of a majority of the members of a
8 district board, the district board may exercise the powers and duties of a district
9 board under this subchapter.

10 **(7)** The district board shall name the district, and the name shall include
11 "Professional Football Stadium District".

12 **229.823 Jurisdiction.** A district's jurisdiction is any county with a population
13 at the date of the district's creation of more than 150,000 that includes the principal
14 site of a stadium that is home to a professional football team, that is a member of a
15 league of professional football teams that have home stadiums in at least 10 states
16 and a collective average attendance for all league members of at least 40,000 persons
17 per game over the 5 years immediately preceding the year in which a district is
18 created, and that is approved by that league for use as a home stadium for that
19 professional football team. Once created, the district's jurisdiction remains fixed
20 even if population or attendance figures subsequently decline below the minimums
21 described in this section.

22 **229.824 Powers of a district.** A district has all of the powers necessary or
23 convenient to carry out the purposes and provisions of this subchapter. In addition
24 to all other powers granted by this subchapter, a district may do all of the following:

25 **(1)** Adopt bylaws to govern the district's activities, subject to this subchapter.

1 **(2)** Sue and be sued in its own name, plead and be impleaded.

2 **(3)** Maintain an office.

3 **(4)** In connection with football stadium facilities:

4 (a) Acquire, construct, equip, maintain, improve, operate and manage the
5 football stadium facilities as a revenue–generating enterprise, or engage other
6 persons to do these things.

7 (b) Acquire; lease, as lessor or lessee; use; transfer; or accept transfers of
8 property.

9 (c) Improve, maintain and repair property, and fund reserves for maintenance,
10 depreciation and capital improvements. Reserves for depreciation and capital
11 improvements may not be created in the special fund maintained under s. 229.825
12 (1).

13 (d) Enter into contracts, subject to such standards as may be established by the
14 district board. The district board may award any such contract for any combination
15 or division of work it designates and may consider any factors in awarding a contract,
16 including price, time for completion of work and qualifications and past performance
17 of a contractor.

18 (e) Grant concessions.

19 (f) Sell or otherwise dispose of unneeded or unwanted property.

20 **(5)** Employ personnel, and fix and regulate their compensation; and provide,
21 either directly or subject to an agreement under s. 66.30 as a participant in a benefit
22 plan of another governmental entity, any employe benefits, including an employe
23 pension plan.

1 **(6)** Purchase insurance, establish and administer a plan of self–insurance or,
2 subject to an agreement with another governmental entity under s. 66.30,
3 participate in a governmental plan of insurance or self–insurance.

4 **(7)** Mortgage, pledge or otherwise encumber the district's property or funds.

5 **(8)** Subject to s. 229.8245, issue revenue bonds under s. 66.066, subject to ss.
6 229.829 to 229.834, and enter into agreements related to the issuance of bonds,
7 including liquidity and credit facilities, remarketing agreements, insurance policies,
8 guaranty agreements, letter of credit or reimbursement agreements, indexing
9 agreements, interest exchange agreements and currency exchange agreements.

10 **(9)** Maintain funds and invest the funds in any investment that the district
11 board considers appropriate.

12 **(10)** Promote, advertise and publicize its football stadium facilities and related
13 activities.

14 **(11)** Set standards governing the use of, and the conduct within, its football
15 stadium facilities in order to promote public safety and convenience and to maintain
16 order.

17 **(12)** Establish and collect fees or other charges for the use of its football
18 stadium facilities or for services rendered by the district.

19 **(13)** Establish and collect fees or other charges for the right to purchase
20 admission to events at the football stadium if the proceeds from any amount that is
21 collected under this subsection are used for purposes related to football stadium
22 facilities.

23 **(14)** Enter into partnerships, joint ventures, common ownership or other
24 arrangements with other persons to further the district's purposes.

(15) Impose, by the adoption of a resolution, the taxes under subch. V of ch. 77, except that the taxes imposed by the resolution may not take effect until the resolution is approved by a majority of the electors in the district's jurisdiction voting on the resolution at a referendum, to be held at the first spring primary or September primary following by at least 45 days the date of adoption of the resolution. ~~The referendum may be held at any spring or general election or any spring or September primary, or at a special election called by the county board for that purpose.~~ ~~Two~~ One or two questions shall appear on the ballot. The first question shall be substantially as follows: "Shall a sales tax and a use tax be imposed at the rate of 0.5% in .... County for purposes related to football stadium facilities in the .... Professional Football Stadium District?" The county board may also submit a 2nd question ~~shall be substantially as follows: "Shall~~ which shall ask whether available revenues from the 0.5% sales tax and use tax will be permitted to be used for property and sales tax relief purposes in that county. The text of the 2nd question shall be specified by the county board. ~~.....County?"~~ Approval of the first question constitutes approval of the resolution of the district board. Approval of the 2nd question is not effective unless the first question is approved. The clerk of the district shall publish the notices required under s. 10.06 (4) (c), (f) and (i) for any referendum held under this subsection. Notwithstanding s. 10.06 (4) (c), the type A notice under s. 10.01 (2) (a) relating to the referendum is valid even if given and published late as long as it is given and published prior to the election as early as practicable. A district may not levy any taxes that are not expressly authorized under subch. V of ch. 77. If a district board adopts a resolution that imposes taxes and the resolution is approved by the electors, the district shall deliver a certified copy of the resolution to the secretary of revenue at least 30 days before its effective date. If a district board adopts a resolution that imposes taxes and the resolution is not approved by the electors, the district is dissolved.

1 **(16)** Accept gifts, loans and other aid.

2 **(17)** Administer the receipt of revenues, and oversee the payment of bonds
3 issued by the district.

4 **(18)** Adopt and alter an official seal.

5 **(19)** Subject to the limitation in this subsection, sell engraved tiles or bricks,
6 which may be placed in or around football stadium facilities. The net proceeds from
7 the sale of engraved tiles or bricks shall be used by the district to retire bonds issued
8 for purposes related to football stadium facilities. No tiles or bricks may be sold
9 under this subsection if the net proceeds from such sales would exceed the amount
10 that would jeopardize the federal tax–exempt status of the bonds.

11 **229.8245 Limitations on district, state actions. (1)** The name of a football
12 stadium may not be changed without the written consent of the municipality in
13 which it is located.

14 **(2)** The district may not issue bonds under s. 229.824 (8), and the department
15 of transportation may not make any payments under s. 85.62, unless all of the
16 following apply:

17 (a) The district has entered into a lease with a professional football team, as
18 described in s. 229.823, under which the team agrees to be the principal tenant of the
19 football stadium for a term of not less than 30 years.

20 (b) The district and a professional football team, as described in s. 229.823,
21 enter into an agreement under which the team agrees to purchase any unsold tickets
22 to a professional football game that is held at the home stadium in order to ensure
23 that, if the game is televised, there will be a live television broadcast of the game
24 within the district's jurisdiction.

1 (c) A professional football team, as described in s. 229.823, certifies to the
2 district that it has applied to the league of professional football teams to which it
3 belongs for approval of a policy that allows a person who paid a onetime license or
4 similar right, as described in s. 77.54 (45), to receive a payment in an amount that
5 is equal to the amount of the license or right from any person who subsequently
6 receives that license or right.

7 **(3)** The district may not use any of the revenue that is derived from the taxes
8 imposed under subch. V of ch. 77 to pay direct expenses of a professional football team
9 described in s. 229.823 including specifically any compensation paid to players and
10 coaching staff of the professional football team.

11 **229.825 Special fund tax revenues. (1)** The district board shall maintain
12 one special fund into which it deposits all of the revenue received from the
13 department of revenue, that is derived from the taxes imposed under subch. V of ch.
14 77 and from football donations, as defined in s. 71.10 (5e) (a) 2., and may use this
15 revenue only for the purposes specified in sub. (2). The district may not deposit any
16 other moneys into the special fund, except that the district shall credit all earnings
17 on the revenues in the special fund to the special fund. The earnings on the revenues
18 shall be used only for the purposes specified in sub. (2).

19 **(2)** The district shall first use the revenues in the special fund maintained
20 under sub. (1) for the payment of current debt service on bonds issued by the district
21 for purposes related to football stadium facilities. If the revenues in the special fund
22 exceed the amount required to pay current debt service on bonds issued by the
23 district for purposes related to football stadium facilities, the district shall apply the
24 excess revenues for the following purposes in the following order:

(a) In the first year and 2nd years after the year in which the 2nd question submitted under s. 229.824 (15) is approved by the electors, the district shall pay the county that is in the district's jurisdiction an amount equal to $4,031,000. In the 3rd year after the year in which the 2nd question submitted under s. 229.824 (15) is approved by the electors, the district shall pay the county that is in the district's jurisdiction an amount equal to 20% of the revenues that is derived from taxes imposed by the district under subch. V of ch. 77.

(b) Beginning in the year that occurs immediately after the year in which the tax is first imposed under s. 77.706, an amount equal to not more than $750,000 may be used to pay the district board's administration expenses. In the succeeding year, an amount equal to not more than $500,000 may be used to pay the district board's administration expenses. In the 2nd succeeding year, and each year thereafter, an amount equal to not more than $200,000 may be used to pay the district board's administration expenses. The amount authorized to be expended under this paragraph may be expended annually until the earlier of the following:

1. The 30th year beginning after the initial year in which the revenues are first used to pay the district board's administration expenses.

2. The year in which the district board determines that the balance of moneys in the reserve created under par. (d) 2. or (e) 2., whichever is applicable, plus all projected earnings on the moneys, are sufficient to pay the costs specified under subd. 1.

(c) If the 2nd question under s. 229.824(15) is submitted and approved by the electors, Beginning in the 3rd year after the year in which the 2nd question ~~submitted under s. 229.824 (15)~~ is approved ~~by the electors~~ or in the 3rd year that occurs immediately after the year in which the tax is first imposed under s. 77.706 if the 2nd question under s. 229.824(15) is not submitted or not approved by the electors, an amount equal to not more than $4,031,000 shall be deposited into a reserve that is used to pay the maintenance and operating costs of the football stadium facilities. This amount may be increased each

year thereafter by not more than 3% and may be expended annually until the earlier of the following:

1. The 28th year beginning after the initial year in which the revenues are first used to pay the maintenance and operating costs of the football stadium facilities.

2. The year in which the district board determines that the balance of moneys in the reserve created, plus all projected earnings on the moneys, are sufficient to pay the costs specified under subd. 1.

(d) If the 2nd question ~~submitted~~ under s. 229.824 (15) is submitted and approved by the electors, the district shall pay the remainder to the county that is in the district's jurisdiction for the purpose of reducing the county's property tax levy or, if the county board otherwise requires, the district shall use any portion of the remainder for the following purposes:

1. To retire bonds issued for purposes related to football stadium facilities, and any bonds issued to fund or refund those bonds, prior to their maturity.

2. To fully fund the reserve to pay the maintenance and operating costs of the football stadium facilities specified in par. (c) and to establish a reserve to pay the district board's administration expenses specified in par. (b), but only after all bonds issued for purposes related to football stadium facilities and all bonds issued to fund or refund those bonds are retired or have been paid in accordance with the defeasance provisions of the bond resolution authorizing the issuance of the bonds.

Insert 33-21

(3) The district board shall do all of the following:

(a) As soon as practicable after all bonds issued for purposes related to football stadium facilities and all bonds issued to fund or refund those bonds are retired or have been paid in accordance with the defeasance provisions of the bond resolution

authorizing the issuance of the bonds, the district board shall make a certification to the department of revenue to that effect.

(b) As soon as practicable after fully funding the reserves specified under sub. (2) (d) 2. or (e) 2., whichever is applicable, the district board shall make a certification to the department of revenue to that effect.

229.826 Powers granted to a municipality or county. In addition to any powers that it may otherwise have, a county or municipality located wholly or partly within a district's jurisdiction may do any of the following:

(1) Make grants or loans to a district upon terms that the county or municipality considers appropriate.

(2) Expend public funds to subsidize a district.

(3) Borrow money under ss. 67.04 and 67.12 (12) for football stadium facilities or to fund grants, loans or subsidies to a district.

(4) Lease or transfer property to a district upon terms that the county or municipality considers appropriate.

(5) With the consent of a district, establish and collect fees or other charges applicable only to a football stadium for the right to purchase admission to events at the stadium, if the proceeds from any amount that is collected under this subsection are used for purposes related to football stadium facilities.

229.827 Contracting. (1) Unless a district board determines that it is not feasible to do so, the district shall enter into a contract with a professional football team, as described in s. 229.823, or a related party, that requires the team or related party to acquire and construct football stadium facilities that are part of any facilities that are leased by the district to the team or to a related party, without regard to whether the football stadium facilities are financed by the district.

1 **(2)** Unless otherwise provided in an agreement with a professional football
2 team, as described in s. 229.823, the district shall be responsible only for the
3 maintenance and operating costs of the football stadium facilities up to an amount
4 that is in the reserve specified in s. 229.825 (2) (c).

5 **229.8275 Prevailing wage.** A district may not enter into a contract under s.
6 229.827 with a professional football team, as described in s. 229.823, or a related
7 party that requires the team or related party to acquire and construct football
8 stadium facilities that are part of any facilities that are leased by the district to the
9 team or to a related party unless the professional football team or related party
10 agrees as follows:

11 **(1)** Not to permit any employe working on the football stadium facilities who
12 would be entitled to receive the prevailing wage rate under s. 66.293 and who would
13 not be required or permitted to work more than the prevailing hours of labor, if the
14 football stadium facilities were a project of public works subject to s. 66.293, to be
15 paid less than the prevailing wage rate or to be required or permitted to work more
16 than the prevailing hours of labor, except as permitted under s. 66.293 (4) (a).

17 **(2)** To require any contractor, subcontractor or agent thereof performing work
18 on the football stadium facilities to keep and permit inspection of records in the same
19 manner as a contractor, subcontractor or agent thereof performing work on a project
20 of public works that is subject to s. 66.293 is required to keep and permit inspection
21 of records under s. 66.293 (10).

22 **(3)** Otherwise to comply with s. 66.293 in the same manner as a local
23 governmental unit contracting for the erection, construction, remodeling, repairing
24 or demolition of a project of public works is required to comply with s. 66.293 and to
25 require any contractor, subcontractor or agent thereof performing work on the

1 football stadium facilities to comply with s. 66.293 in the same manner as a
2 contractor, subcontractor or agent thereof performing work on a project of public
3 works that is subject to s. 66.293 is required to comply with s. 66.293.

4 **229.828 Dissolution of a district.** Subject to providing for the payment of
5 its bonds, including interest on the bonds, and the performance of its other
6 contractual obligations, a district may be dissolved by the action of the district board.
7 If a district board adopts a resolution that imposes taxes and the resolution is not
8 approved by the electors, as described in s. 229.824 (15), the district is dissolved. If
9 the district is dissolved, the property of the district shall be transferred to the
10 political subdivisions that compose the district's jurisdiction in such proportions as
11 the secretary of administration determines fairly and reasonably represent the
12 contributions of each political subdivision to the development or improvement of the
13 football stadium facilities.

14 **229.829 Issuance and negotiability of bonds. (1)** NEGOTIABILITY. All bonds
15 are negotiable for all purposes, notwithstanding their payment from a limited
16 source.

17 **(2)** EMPLOYMENT OF FINANCIAL CONSULTANT. A district may retain the building
18 commission or any other person as its financial consultant to assist with and
19 coordinate the issuance of bonds.

20 **(3)** NO PERSONAL LIABILITY. Neither the members of the district board nor any
21 person executing the bonds is liable personally on the bonds or subject to any
22 personal liability or accountability by reason of the issuance of the bonds, unless the
23 personal liability or accountability is the result of wilful misconduct.

24 **(4)** LIMIT ON BONDS. The principal amount of bonds, other than refunding bonds,
25 that are issued by a district may not exceed $160,000,000. The limitation under this

subsection does not include the proceeds of any bonds that are used for any of the following purposes:

(a) To pay issuance costs of the bonds.

(b) To pay any original issue discount.

(c) To make a deposit into a special debt service reserve fund.

(d) To pay costs of credit enhancement.

(5) DATE OF ISSUANCE. All bonds, other than refunding bonds, that are issued by a district shall be issued no later than December 31, 2004.

229.830 Special debt service reserve funds for moral obligation pledge. **(1)** DESIGNATION OF SPECIAL DEBT SERVICE RESERVE FUNDS. A district may designate one or more accounts in funds created under s. 66.066 (2) (e) as special debt service reserve funds, if, prior to each issuance of bonds to be secured by each special debt service reserve fund, the secretary of administration determines that all of the following conditions are met with respect to the bonds:

(a) *Purpose.* The proceeds of the bonds, other than refunding bonds, will be used for purposes related to football stadium facilities.

(b) *Feasibility.* The proceeds of bonds, other than refunding bonds, will be used for feasible projects and there is a reasonable likelihood that the bonds will be repaid without the necessity of drawing on funds in the special debt service reserve fund that secures the bonds. The secretary of administration may make the determinations required under this paragraph only after considering all of the following:

1. Whether a pledge of the tax revenues of the district is made under the bond resolution.

2. How the tax revenues of the district are pledged to the payment of the bonds.

1 3. Revenue projections for the project to be financed by the bonds, including tax
2 revenues, and the reasonableness of the assumptions on which these revenue
3 projections are based.
4 4. The proposed interest rates of the bonds and the resulting cash–flow
5 requirements.
6 5. The projected ratio of annual tax revenues to annual debt service of the
7 district, taking into account capitalized interest.
8 6. Whether an understanding exists providing for repayment by the district to
9 the state of all amounts appropriated to the special debt service reserve fund
10 pursuant to sub. (7).
11 7. Whether the district has agreed that the department of administration will
12 have direct and immediate access, at any time and without notice, to all records of
13 the district.
14 (c) *Limit on bonds issued backed by moral obligation pledge.* The principal
15 amount of all bonds, other than refunding bonds, that would be secured by all special
16 debt service reserve funds of the district will not exceed the amount of bonds, other
17 than refunding bonds, that may be issued under s. 229.829 (4).
18 (d) *Date of issuance.* The bonds, other than refunding bonds, will be issued no
19 later than December 31, 2004.
20 (e) *Refunding bonds.* All refunding bonds to be secured by the special debt
21 service reserve fund meet all of the following conditions:
22 1. The refunding bonds are to be issued to fund, refund or advance refund bonds
23 secured by a special debt service reserve fund.
24 2. The refunding of bonds by the refunding bonds will not adversely affect the
25 risk that the state will be called on to make a payment under sub. (7).

1 (f) *Approval of outstanding debt.* All outstanding debt of the district has been
2 reviewed and approved by the secretary of administration. In determining whether
3 to approve outstanding debt under this paragraph, the secretary may consider any
4 factor which the secretary determines to have a bearing on whether the state moral
5 obligation pledge under sub. (7) should be granted with respect to an issuance of
6 bonds.

7 (g) *Financial reports.* The district has agreed to provide to the department of
8 administration, the legislative fiscal bureau and the legislative audit bureau all
9 financial reports of the district and all regular monthly statements of any trustee of
10 the bonds on a direct and ongoing basis.

11 **(2)** PAYMENT OF FUNDS INTO A SPECIAL DEBT SERVICE RESERVE FUND. A district shall
12 pay into any special debt service reserve fund of the district any moneys appropriated
13 and made available by the state under sub. (7) for the purposes of the special debt
14 service reserve fund, any proceeds of a sale of bonds to the extent provided in the bond
15 resolution authorizing the issuance of the bonds and any other moneys that are made
16 available to the district for the purpose of the special debt service reserve fund from
17 any other source.

18 **(3)** USE OF MONEYS IN THE SPECIAL DEBT SERVICE RESERVE FUND. All moneys held
19 in any special debt service reserve fund of a district, except as otherwise specifically
20 provided, shall be used, as required, solely for the payment of the principal of bonds
21 secured in whole or in part by the special debt service reserve fund, the making of
22 sinking fund payments with respect to these bonds, the purchase or redemption of
23 these bonds, the payment of interest on these bonds or the payment of any
24 redemption premium required to be paid when these bonds are redeemed prior to
25 maturity. If moneys in a special debt service reserve fund at any time are less than

1 the special debt service reserve fund requirement under sub. (5) for the special debt
2 service reserve fund, the district may not use these moneys for any optional purchase
3 or optional redemption of the bonds. Any income or interest earned by, or increment
4 to, any special debt service reserve fund due to the investment of moneys in the
5 special debt service reserve fund may be transferred by the district to other funds or
6 accounts of the district to the extent that the transfer does not reduce the amount of
7 the special debt service reserve fund below the special debt service reserve fund
8 requirement under sub. (5) for the special debt service reserve fund.

9 **(4)** LIMITATION ON BONDS SECURED BY A SPECIAL DEBT SERVICE RESERVE FUND. A
10 district shall accumulate in each special debt service reserve fund an amount equal
11 to the special debt service reserve fund requirement under sub. (5) for the special
12 debt service reserve fund. A district may not at any time issue bonds secured in whole
13 or in part by a special debt service reserve fund if upon the issuance of these bonds
14 the amount in the special debt service reserve fund will be less than the special debt
15 service reserve fund requirement under sub. (5) for the special debt service reserve
16 fund.

17 **(5)** SPECIAL DEBT SERVICE RESERVE FUND REQUIREMENT. The special debt service
18 reserve fund requirement for a special debt service reserve fund, as of any particular
19 date of computation, is equal to an amount of money, as provided in the bond
20 resolution authorizing the bonds with respect to which the special debt service
21 reserve fund is established, that may not exceed the maximum annual debt service
22 on the bonds of the district for the fiscal year in which the computation is made or
23 any future fiscal year of the district secured in whole or in part by that special debt
24 service reserve fund. In computing the annual debt service for any fiscal year, bonds
25 deemed to have been paid in accordance with the defeasance provisions of the bond

1 resolution authorizing the issuance of the bonds shall not be included in bonds
2 outstanding on the date of computation. The annual debt service for any fiscal year
3 is the amount of money equal to the aggregate of all of the following calculated on the
4 assumption that the bonds will, after the date of computation, cease to be
5 outstanding by reason, but only by reason, of the payment of bonds when due, and
6 the payment when due, and application in accordance with the bond resolution
7 authorizing those bonds, of all of the sinking fund payments payable at or after the
8 date of computation:

9 (a) All interest payable during the fiscal year on all bonds that are secured in
10 whole or in part by the special debt service reserve fund and that are outstanding on
11 the date of computation.

12 (b) The principal amount of all of the bonds that are secured in whole or in part
13 by the special debt service reserve fund, are outstanding on the date of computation
14 and mature during the fiscal year.

15 (c) All amounts specified in bond resolutions of the district authorizing any of
16 the bonds that are secured in whole or in part by the special debt service reserve fund
17 to be payable during the fiscal year as a sinking fund payment with respect to any
18 of the bonds that mature after the fiscal year.

19 **(6)** VALUATION OF SECURITIES. In computing the amount of a special debt service
20 reserve fund for the purposes of this section, securities in which all or a portion of the
21 special debt service reserve fund is invested shall be valued at par, or, if purchased
22 at less than par, at their cost to the district.

23 **(7)** STATE MORAL OBLIGATION PLEDGE. If at any time of valuation the special debt
24 service reserve fund requirement under sub. (5) for a special debt service reserve
25 fund exceeds the amount of moneys in the special debt service reserve fund, the

1 district board shall certify to the secretary of administration, the governor, the joint
2 committee on finance and the governing body of the county in the district the amount
3 necessary to restore the special debt service reserve fund to an amount equal to the
4 special debt service reserve fund requirement under sub. (5) for the special debt
5 service reserve fund. If this certification is received by the secretary of
6 administration in an even–numbered year prior to the completion of the budget
7 compilation under s. 16.43, the secretary shall include the certified amount in the
8 budget compilation. In any case, the joint committee on finance shall introduce in
9 either house, in bill form, an appropriation of the amount so certified to the
10 appropriate special debt service reserve fund of the district. Recognizing its moral
11 obligation to do so, the legislature hereby expresses its expectation and aspiration
12 that, if ever called upon to do so, it shall make this appropriation.

13 **(8)** INFORMATION TO JOINT COMMITTEE ON FINANCE. The district shall provide to
14 the cochairpersons of the joint committee on finance information concerning the
15 district's projected cashflows and security features underlying each issuance of
16 bonds under this subchapter.

17 **229.831 Bonds not public debt. (1)** The state and the county and
18 municipalities located wholly or partly within the district's jurisdiction are not liable
19 on bonds and the bonds are not a debt of the state or the county or any municipality
20 located wholly or partly within the district. All bonds shall contain a statement to
21 this effect on the face of the bond. A bond issue does not, directly or indirectly or
22 contingently, obligate the state or a political subdivision of the state to levy any tax
23 or make any appropriation for payment of the bonds.

24 **(2)** Nothing in this subchapter authorizes a district to create a debt of the state
25 or the county or any municipality located wholly or partly within the district's

1 jurisdiction, and all bonds issued by a district are payable, and shall state that they
2 are payable, solely from the funds pledged for their payment in accordance with the
3 bond resolution authorizing their issuance or in any trust indenture or mortgage or
4 deed of trust executed as security for the bonds. Neither the state nor the county or
5 any such municipality is liable for the payment of the principal of or interest on a
6 bond or for the performance of any pledge, mortgage, obligation or agreement that
7 may be undertaken by a district. The breach of any pledge, mortgage, obligation or
8 agreement undertaken by a district does not impose pecuniary liability upon the
9 state or the county or any such municipality in the district's jurisdiction or a charge
10 upon its general credit or against its taxing power.

11 **(3)** Bonds issued by the district may be secured only by the district's interest
12 in any football stadium facilities, by income from these facilities, by proceeds of bonds
13 issued by the district and by other amounts placed in a special redemption fund and
14 investment earnings on such amounts, including any taxes imposed by the district
15 under subch. V of ch. 77. The district may not pledge its full faith and credit on the
16 bonds and the bonds are not a general obligation liability of the district.

17 **229.832 State pledge.** The state pledges to and agrees with the bondholders,
18 and persons that enter into contracts with a district under this subchapter, that the
19 state will not limit or alter the rights and powers vested in a district by this
20 subchapter, including the rights and powers under s. 229.824 (15), before the district
21 has fully met and discharged the bonds, and any interest due on the bonds, and has
22 fully performed its contracts, unless adequate provision is made by law for the
23 protection of the bondholders or those entering into contracts with a district.

24 **229.833 Trust funds.** All moneys received under this subchapter, whether as
25 proceeds from the sale of bonds or from any other source, are trust funds to be held

1 and applied solely as provided in this subchapter. Any officer with whom, or any
2 bank or trust company with which, those moneys are deposited shall act as trustee
3 of those moneys and shall hold and apply the moneys for the purposes of this
4 subchapter, subject to this subchapter and the bond resolution authorizing issuance
5 of the bonds.

6 **229.834 Budgets; rates and charges; audit.** A district shall adopt a
7 calendar year as its fiscal year for accounting purposes. The district board shall
8 annually prepare a budget for the district. Rates and other charges received by the
9 district shall be used for the general expenses and capital expenditures of the district
10 and to pay interest, amortization, and retirement charges on bonds. A district shall
11 maintain an accounting system in accordance with generally accepted accounting
12 principles and shall have its financial statements and debt covenants audited
13 annually by an independent certified public accountant.

14 **SECTION 48.** 779.14 (1m) (d) 2. b. of the statutes is amended to read:

15 779.14 **(1m)** (d) 2. b. ~~The~~ Except as provided in sub. (4), the contract shall
16 require the prime contractor to provide a payment and performance bond meeting
17 the requirements of par. (e), unless the public body authorized to enter into the
18 contract allows the prime contractor to substitute a different payment assurance for
19 the payment and performance bond. The public body may allow a prime contractor
20 to substitute a different payment and performance assurance for the payment and
21 performance bond only if the substituted payment and performance assurance is for
22 an amount at least equal to the contract price and is in the form of a bond, an
23 irrevocable letter of credit or an escrow account acceptable to the public body. The
24 public body shall establish written standards under this subd. 2. b. governing when

a different payment and performance assurance may be substituted for a payment and performance bond under par. (c).

SECTION 49. 779.14 (1m) (d) 3. of the statutes is amended to read:

779.14 **(1m)** (d) 3. ~~In~~ Except as provided in sub. (4), in the case of a contract with a contract price exceeding $100,000, as indexed under sub. (1s), the contract shall require the prime contractor to obtain a payment and performance bond meeting the requirements under par. (e).

SECTION 50. 779.14 (4) of the statutes is created to read:

779.14 **(4)** BONDING EXEMPTION. A contract with a local professional football stadium district under subch. IV of ch. 229 is not required under sub. (1m) (d) 2. b. or 3. to include a provision requiring the prime contractor to provide or obtain a payment and performance bond or other payment assurance.

SECTION 51. 946.15 of the statutes is amended to read:

946.15 Public construction contracts at less than full rate. (1) Any employer, or any agent or employe of an employer, who induces any person who seeks to be or is employed pursuant to a public contract as defined in s. 66.29 (1) (c) or who seeks to be or is employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.293 (3), 103.49 (3) ~~or~~, 103.50 (3) or 229.8275 (3) or by a local governmental unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6) to give up, waive or return any part of the compensation to which that person is entitled under his or her contract of employment or under the prevailing wage rate determination issued by the department or local governmental unit, or who reduces the hourly basic rate of pay normally paid to an employe for work on a project on which a prevailing wage rate determination has not been issued under s. 66.293 (3) or (6), 103.49 (3) ~~or~~, 103.50 (3)

1 or 229.8275 (3) during a week in which the employe works both on a project on which
2 a prevailing wage rate determination has been issued and on a project on which a
3 prevailing wage rate determination has not been issued, is guilty of a Class E felony.
4 **(2)** Any person employed pursuant to a public contract as defined in s. 66.29
5 (1) (c) or employed on a project on which a prevailing wage rate determination has
6 been issued by the department of workforce development under s. 66.293 (3), 103.49
7 (3) ~~or~~, 103.50 (3) or 229.8275 (3) or by a local governmental unit, as defined in s.
8 66.293 (1) (d), under s. 66.293 (6) who gives up, waives or returns to the employer or
9 agent of the employer any part of the compensation to which the employe is entitled
10 under his or her contract of employment or under the prevailing wage determination
11 issued by the department or local governmental unit, or who gives up any part of the
12 compensation to which he or she is normally entitled for work on a project on which
13 a prevailing wage rate determination has not been issued under s. 66.293 (3) or (6),
14 103.49 (3) ~~or~~, 103.50 (3) or 229.8275 (3) during a week in which the person works
15 part–time on a project on which a prevailing wage rate determination has been
16 issued and part–time on a project on which a prevailing wage rate determination has
17 not been issued, is guilty of a Class C misdemeanor.
18 **(3)** Any employer or labor organization, or any agent or employe of an employer
19 or labor organization, who induces any person who seeks to be or is employed on a
20 project on which a prevailing wage rate determination has been issued by the
21 department of workforce development under s. 66.293 (3), 103.49 (3) ~~or~~, 103.50 (3)
22 or 229.8275 (3) or by a local governmental unit, as defined in s. 66.293 (1) (d), under
23 s. 66.293 (6) to permit any part of the wages to which that person is entitled under
24 the prevailing wage rate determination issued by the department or local
25 governmental unit to be deducted from the person's pay is guilty of a Class E felony,

unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC 276c.

(4) Any person employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.293 (3), 103.49 (3) ~~or~~, 103.50 (3) or 229.8275 (3) or by a local governmental unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6) who permits any part of the wages to which that person is entitled under the prevailing wage rate determination issued by the department or local governmental unit to be deducted from his or her pay is guilty of a Class C misdemeanor, unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC 276c.

SECTION 52. Initial applicability.

(1) TAXATION. The treatment of sections 71.05 (1) (c) 5., 71.10 (5e), 71.26 (1) (bm) and (1m) (g), 71.36 (1m) and 71.45 (1t) (g) of the statutes first applies to taxable years beginning on January 1, 2000.

(2) PREVAILING WAGE. The treatment of sections 103.49 (3) (ar), 109.09 (1), 111.322 (2m) (c), 227.01 (13) (t), 229.8275 and 946.15 of the statutes first applies to a contract under section 229.827 of the statutes, as created by this act, between a local professional football stadium district and a professional football team, as described in section 229.823 of the statutes, as created by this act, or a related party, as defined in section 229.821 (12) of the statutes, as created by this act, that requires the team or related party to acquire and construct football stadium facilities that are part of any facilities that are leased by the district to the team or to a related party entered, or extended, modified or renewed, on the effective date of this subsection.

1 **SECTION 53. Effective dates.** This act takes effect on the day after publication,
2 except as follows:
3 (1) The treatment of section 77.54 (45) of the statutes takes effect on the first
4 day of the 2nd month beginning after publication.
5 **(END)**

33-21

1 year thereafter by not more than 3% and may be expended annually until the earlier
2 of the following:
3 1. The 28th year beginning after the initial year in which the revenues are first
4 used to pay the maintenance and operating costs of the football stadium facilities.
5 2. The year in which the district board determines that the balance of moneys
6 in the reserve created, plus all projected earnings on the moneys, are sufficient to pay
7 the costs specified under subd. 1.
8 (e) (d) If the 2nd question submitted under s. 229.824 (15) is not submitted or approved by the
9 electors, the district shall pay the remainder to the county that is in the district's
10 jurisdiction for the purpose of reducing the county's property tax levy or, if the county
11 board otherwise requires, the district shall use any portion of the remainder for the
12 following purposes:
13 1. To retire bonds issued for purposes related to football stadium facilities, and
14 any bonds issued to fund or refund those bonds, prior to their maturity.
15 2. To fully fund the reserve to pay the maintenance and operating costs of the
16 football stadium facilities specified in par. (c) and to establish a reserve to pay the
17 district board's administration expenses specified in par. (b), but only after all bonds
18 issued for purposes related to football stadium facilities and all bonds issued to fund
19 or refund those bonds are retired or have been paid in accordance with the defeasance
20 provisions of the bond resolution authorizing the issuance of the bonds.
21 (3) The district board shall do all of the following:
22 (a) As soon as practicable after all bonds issued for purposes related to football
23 stadium facilities and all bonds issued to fund or refund those bonds are retired or
24 have been paid in accordance with the defeasance provisions of the bond resolution

DRAFTER'S NOTE LRBs0476/1dn
FROM THE MES/JTK/RC/JK:cmh:hmh
LEGISLATIVE REFERENCE BUREAU

March 23, 2000

Representative Gard:

There is a line of Wisconsin supreme court cases that holds that tax revenue must be spent at the level of government at which the tax is raised. See *State ex rel. Warren v. Nusbaum*, 59 Wis. 2d 391 at 421 (1973) and 77 Marquette Law Review 466–67 (1994). Proposed s. 229.825 (2), which provides for transfer of certain revenues raised by a professional football stadium district to the county in which the district is located, may be found to contravene this principle. However, since in this particular case the jurisdiction of the district is the same as the jurisdiction of the county, the courts may find that the principle is not offended.

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Barman, Mike

From: Barman, Mike
Sent: Thursday, March 23, 2000 5:25 PM
To: Ammerman, Fred; Rep.Gard
Cc: Shovers, Marc
Subject: LRB 99s0476/1

99s0476/1 99s0476/1dn

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

State of Wisconsin
1999 – 2000 LEGISLATURE

LRBs0476/~~1~~ 2
MS/JTK/RC/JK/GM:cmh/kmg:hmh

NOW RMR NOT run

ASSEMBLY SUBSTITUTE AMENDMENT,

TO 1999 ASSEMBLY BILL 892

Please retrieve from hold

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AN ACT ***to renumber*** 66.066 (5) and 77.707; ***to amend*** 13.94 (4) (a) 1., 13.94 (10), 16.70 (14), 18.03 (5s), 19.42 (13) (a), 19.59 (1) (a), 19.59 (1) (g) 1. a., 20.566 (1) (hp), 25.50 (1) (d), 32.02 (1), 66.04 (2) (a) (intro.), 66.066 (1) (a), 66.066 (1) (c), 66.067, 66.30 (1) (a), 71.26 (1) (bm), 71.26 (1m) (g), 71.36 (1m), 71.45 (1t) (g), 77.705 (title), 77.71, 77.76 (3m), 77.76 (4), 103.49 (3) (ar), 109.09 (1), 111.322 (2m) (c), 227.01 (13) (t), 779.14 (1m) (d) 2. b., 779.14 (1m) (d) 3. and 946.15; and ***to create*** 20.395 (1) (gv), 20.566 (1) (ge), 20.835 (4) (ge), 20.867 (5), 24.61 (2) (a) 8., 25.17 (3) (b) 11., 66.04 (2) (a) 3q., 66.066 (5) (b), 71.05 (1) (c) 5., 71.10 (5e), 77.54 (45), 77.706, 77.707 (2), 77.76 (3p), 85.62, 219.09 (1) (d), subchapter IV of chapter 229 [precedes 229.820] and 779.14 (4) of the statutes; **relating to:** creating a local professional football stadium district; giving a local professional football stadium district the authority to issue bonds and granting income tax exemptions for interest income on bonds issued by the district; creating an

1 **(17)** Administer the receipt of revenues, and oversee the payment of bonds
2 issued by the district.
3 **(18)** Adopt and alter an official seal.
4 **(19)** Subject to the limitation in this subsection, sell engraved tiles or bricks,
5 which may be placed in or around football stadium facilities. The net proceeds from
6 the sale of engraved tiles or bricks shall be used by the district to retire bonds issued
7 for purposes related to football stadium facilities. No tiles or bricks may be sold
8 under this subsection if the net proceeds from such sales would exceed the amount
9 that would jeopardize the federal tax–exempt status of the bonds.
10 **229.8245 Limitations on district, state actions. (1)** The name of a football
11 stadium may not be changed without the written consent of the municipality in
12 which it is located.
13 **(2)** The district may not issue bonds under s. 229.824 (8), and the department
14 of transportation may not make any payments under s. 85.62, unless all of the
15 following apply:
16 (a) The district has entered into a lease with a professional football team, as
17 described in s. 229.823, under which the team agrees to be the principal tenant of the
18 football stadium for a term of not less than 30 years.
19 (b) The district and a professional football team, as described in s. 229.823,
20 enter into an agreement under which the team agrees to purchase any unsold tickets
21 to a professional football game that is held at the home stadium in order to ensure
22 that, if the game is televised, there will be a live television broadcast of the game
23 within the district's jurisdiction.
24 (c) A professional football team, as described in s. 229.823, certifies to the
25 district that it has applied to the league of professional football teams to which it

belongs for approval of a policy that allows a person who paid a onetime license or similar right, as described in s. 77.54 (45), to receive a payment in an amount that is equal to the amount of the license or right from any person who subsequently receives that license or right.

(3) The district may not use any of the revenue that is derived from the taxes imposed under subch. V of ch. 77 ~~to pay direct expenses of a professional football team described in s. 229.823 including specifically~~ for any compensation paid to players and coaching staff of the professional football team described in s. 229.823.

229.825 Special fund tax revenues. (1) The district board shall maintain one special fund into which it deposits all of the revenue received from the department of revenue, that is derived from the taxes imposed under subch. V of ch. 77 and from football donations, as defined in s. 71.10 (5e) (a) 2., and may use this revenue only for the purposes specified in sub. (2). The district may not deposit any other moneys into the special fund, except that the district shall credit all earnings on the revenues in the special fund to the special fund. The earnings on the revenues shall be used only for the purposes specified in sub. (2).

(2) The district shall first use the revenues in the special fund maintained under sub. (1) for the payment of current debt service on bonds issued by the district for purposes related to football stadium facilities. If the revenues in the special fund exceed the amount required to pay current debt service on bonds issued by the district for purposes related to football stadium facilities, the district shall apply the excess revenues for the following purposes in the following order:

(a) ~~In the first year and 2nd years after the year in which~~ If the 2nd question ~~submitted~~ under s. 229.824 (15) is submitted and approved by the electors, in the first and 2nd years after the year in which the 2nd question is approved, the district shall pay the county that is in the district's jurisdiction an amount equal to the remaining revenues in the fund but not exceeding $4,031,000. In the 3rd

1 year after the year in which the 2nd question submitted under s. 229.824 (15) is
2 approved by the electors, the district shall pay the county that is in the district's
3 jurisdiction an amount equal to 20% of the revenues that is derived from taxes
4 imposed by the district under subch. V of ch. 77.

5 (b) Beginning in the year that occurs immediately after the year in which the
6 tax is first imposed under s. 77.706, an amount equal to not more than $750,000 may
7 be used to pay the district board's administration expenses. In the succeeding year,
8 an amount equal to not more than $500,000 may be used to pay the district board's
9 administration expenses. In the 2nd succeeding year, and each year thereafter, an
10 amount equal to not more than $200,000 may be used to pay the district board's
11 administration expenses. The amount authorized to be expended under this
12 paragraph may be expended annually until the earlier of the following:

13 1. The 30th year beginning after the initial year in which the revenues are first
14 used to pay the district board's administration expenses.

15 2. The year in which the district board determines that the balance of moneys
16 in the reserve created under par. (d) 2. or (e) 2., whichever is applicable, plus all
17 projected earnings on the moneys, are sufficient to pay the costs specified under
18 subd. 1.

19 (c) If the 2nd question under s. 229.824 (15) is submitted and approved by the
20 electors, beginning in the 3rd year after the year in which the 2nd question is
21 approved, or in the 3rd year that occurs immediately after the year in which the tax
22 is first imposed under s. 77.706 if the 2nd question under s. 229.824 (15) is not
23 submitted or not approved by the electors, an amount equal to not more than
24 $4,031,000 shall be deposited into a reserve that is used to pay the maintenance and
25 operating costs of the football stadium facilities. This amount may be increased each

year thereafter by not more than 3% and may be expended annually until the earlier of the following:

1. The 28th year beginning after the initial year in which the revenues are first used to pay the maintenance and operating costs of the football stadium facilities.

2. The year in which the district board determines that the balance of moneys in the reserve created, plus all projected earnings on the moneys, are sufficient to pay the costs specified under subd. 1.

(d) If the 2nd question under s. 229.824 (15) is submitted and approved by the electors, the district shall pay the remainder to the county that is in the district's jurisdiction for the purpose of reducing the county's property tax levy or, if the county board otherwise requires, the district shall use any portion of the remainder for the following purposes:

1. To retire bonds issued for purposes related to football stadium facilities, and any bonds issued to fund or refund those bonds, prior to their maturity.

2. To fully fund the reserve to pay the maintenance and operating costs of the football stadium facilities specified in par. (c) and to establish a reserve to pay the district board's administration expenses specified in par. (b), but only after all bonds issued for purposes related to football stadium facilities and all bonds issued to fund or refund those bonds are retired or have been paid in accordance with the defeasance provisions of the bond resolution authorizing the issuance of the bonds.

(e) If the 2nd question under s. 229.824 (15) is NOT submitted or NOT approved by the electors, the district shall use the remainder for the following purposes:

1. To retire bonds issued for purposes related to football stadium facilities, and any bonds issued to fund or refund those bonds, prior to their maturity.

1 guilty of a Class C misdemeanor, unless the deduction would be permitted under 29
2 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC
3 276c.

4 **SECTION 52. Initial applicability.**

5 (1) TAXATION. The treatment of sections 71.05 (1) (c) 5., 71.10 (5e), 71.26 (1) (bm)
6 and (1m) (g), 71.36 (1m) and 71.45 (1t) (g) of the statutes first applies to taxable years
7 beginning on January 1, 2000.

8 (2) PREVAILING WAGE. The treatment of sections 103.49 (3) (ar), 109.09 (1),
9 111.322 (2m) (c), 227.01 (13) (t), 229.8275 and 946.15 of the statutes first applies to
10 a contract under section 229.827 of the statutes, as created by this act, between a
11 local professional football stadium district and a professional football team, as
12 described in section 229.823 of the statutes, as created by this act, or a related party,
13 as defined in section 229.821 (12) of the statutes, as created by this act, that requires
14 the team or related party to acquire and construct football stadium facilities that are
15 part of any facilities that are leased by the district to the team or to a related party
16 entered, or extended, modified or renewed, on the effective date of this subsection.

17 **SECTION 53. Effective dates.** This act takes effect on the day after publication,
18 except as follows:

19 (1) The treatment of section 77.54 (45) of the statutes takes effect on the first
20 day of the 2nd month beginning after publication.

21 **(END)**

State of Wisconsin
1999 – 2000 LEGISLATURE

LRBs0476/2 3
MS/JTK/RC/JK/GM:cmh/kmg:hmh

RMR not run

ASSEMBLY SUBSTITUTE AMENDMENT, TO 1999 ASSEMBLY BILL 892

AN ACT *to renumber* 66.066 (5) and 77.707; *to amend* 13.94 (4) (a) 1., 13.94 (10), 16.70 (14), 18.03 (5s), 19.42 (13) (a), 19.59 (1) (a), 19.59 (1) (g) 1. a., 20.566 (1) (hp), 25.50 (1) (d), 32.02 (1), 66.04 (2) (a) (intro.), 66.066 (1) (a), 66.066 (1) (c), 66.067, 66.30 (1) (a), 71.26 (1) (bm), 71.26 (1m) (g), 71.36 (1m), 71.45 (1t) (g), 77.705 (title), 77.71, 77.76 (3m), 77.76 (4), 103.49 (3) (ar), 109.09 (1), 111.322 (2m) (c), 227.01 (13) (t), 779.14 (1m) (d) 2. b., 779.14 (1m) (d) 3. and 946.15; and *to create* 20.395 (1) (gv), 20.566 (1) (ge), 20.835 (4) (ge), 20.867 (5), 24.61 (2) (a) 8., 25.17 (3) (b) 11., 66.04 (2) (a) 3q., 66.066 (5) (b), 71.05 (1) (c) 5., 71.10 (5e), 77.54 (45), 77.706, 77.707 (2), 77.76 (3p), 85.62, 219.09 (1) (d), subchapter IV of chapter 229 [precedes 229.820] and 779.14 (4) of the statutes; **relating to:** creating a local professional football stadium district; giving a local professional football stadium district the authority to issue bonds and granting income tax exemptions for interest income on bonds issued by the district; creating an

1 belongs for approval of a policy that allows a person who paid a onetime license or
2 similar right, as described in s. 77.54 (45), to receive a payment in an amount that
3 is equal to the amount of the license or right from any person who subsequently
4 receives that license or right.

5 **(3)** The district may not use any of the revenue that is derived from the taxes
6 imposed under subch. V of ch. 77 for any compensation paid to players and coaching
7 staff of the professional football team described in s. 229.823.

8 **229.825 Special fund tax revenues. (1)** The district board shall maintain
9 one special fund into which it deposits all of the revenue received from the
10 department of revenue, that is derived from the taxes imposed under subch. V of ch.
11 77 and from football donations, as defined in s. 71.10 (5e) (a) 2., and may use this
12 revenue only for the purposes specified in sub. (2). The district may not deposit any
13 other moneys into the special fund, except that the district shall credit all earnings
14 on the revenues in the special fund to the special fund. The earnings on the revenues
15 shall be used only for the purposes specified in sub. (2).

16 **(2)** The district shall first use the revenues in the special fund maintained
17 under sub. (1) for the payment of current debt service on bonds issued by the district
18 for purposes related to football stadium facilities. If the revenues in the special fund
19 exceed the amount required to pay current debt service on bonds issued by the
20 district for purposes related to football stadium facilities, the district shall apply the
21 excess revenues for the following purposes in the following order:

22 (a) If the 2nd question under s. 229.824 (15) is submitted and approved by the
23 electors, in the first and 2nd years after the year in which the 2nd question is
24 approved, the district shall pay the county that is in the district's jurisdiction an
25 amount equal to the remaining revenues in the fund but not exceeding $4,031,000.

the remaining revenues in the fund but not exceeding

1 In the 3rd year after the year in which the 2nd question submitted under s. 229.824
2 (15) is approved by the electors, the district shall pay the county that is in the
3 district's jurisdiction an amount equal to 20% of the revenues that is derived from
4 taxes imposed by the district under subch. V of ch. 77.

5 (b) Beginning in the year that occurs immediately after the year in which the
6 tax is first imposed under s. 77.706, an amount equal to not more than $750,000 may
7 be used to pay the district board's administration expenses. In the succeeding year,
8 an amount equal to not more than $500,000 may be used to pay the district board's
9 administration expenses. In the 2nd succeeding year, and each year thereafter, an
10 amount equal to not more than $200,000 may be used to pay the district board's
11 administration expenses. The amount authorized to be expended under this
12 paragraph may be expended annually until the earlier of the following:

13 1. The 30th year beginning after the initial year in which the revenues are first
14 used to pay the district board's administration expenses.

15 2. The year in which the district board determines that the balance of moneys
16 in the reserve created under par. (d) 2. or (e) 2., whichever is applicable, plus all
17 projected earnings on the moneys, are sufficient to pay the costs specified under
18 subd. 1.

19 (c) If the 2nd question under s. 229.824 (15) is submitted and approved by the
20 electors, beginning in the 3rd year after the year in which the 2nd question is
21 approved, or in the 3rd year that occurs immediately after the year in which the tax
22 is first imposed under s. 77.706 if the 2nd question under s. 229.824 (15) is not
23 submitted or not approved by the electors, an amount equal to not more than
24 $4,031,000 shall be deposited into a reserve that is used to pay the maintenance and
25 operating costs of the football stadium facilities. This amount may be increased each

1 guilty of a Class C misdemeanor, unless the deduction would be permitted under 29
2 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC
3 276c.

4 **SECTION 52. Initial applicability.**

5 (1) TAXATION. The treatment of sections 71.05 (1) (c) 5., 71.10 (5e), 71.26 (1) (bm)
6 and (1m) (g), 71.36 (1m) and 71.45 (1t) (g) of the statutes first applies to taxable years
7 beginning on January 1, 2000.

8 (2) PREVAILING WAGE. The treatment of sections 103.49 (3) (ar), 109.09 (1),
9 111.322 (2m) (c), 227.01 (13) (t), 229.8275 and 946.15 of the statutes first applies to
10 a contract under section 229.827 of the statutes, as created by this act, between a
11 local professional football stadium district and a professional football team, as
12 described in section 229.823 of the statutes, as created by this act, or a related party,
13 as defined in section 229.821 (12) of the statutes, as created by this act, that requires
14 the team or related party to acquire and construct football stadium facilities that are
15 part of any facilities that are leased by the district to the team or to a related party
16 entered, or extended, modified or renewed, on the effective date of this subsection.

17 **SECTION 53. Effective dates.** This act takes effect on the day after publication,
18 except as follows:

19 (1) The treatment of section 77.54 (45) of the statutes takes effect on the first
20 day of the 2nd month beginning after publication.

21 **(END)**

State of Wisconsin
1997–1998 LEGISLATURE

TODAY

MS/JTK/RC/JK/GM

CORRECTIONS IN: **CCC** (LRB s. 0476/3)

to ASA 4, ~~1999 ASSEMBLY BILL 892~~

Prepared by the Legislative Reference Bureau
(March 27, 2000)

In engrossing, the following corrections were made:

Assembly Amendment 16 to Assembly Substitute Amendment 4:

1. Page 1, line 7: delete that line and substitute:

"70.11 **(36)** (a)".

2. Page 2, line 21: after "creation of" insert "section".

Assembly Amendment 20 to Assembly Substitute Amendment 4:

1. Page 1, line 4: delete "facilities." and substitute "facilities;".

Assembly Amendment 23 to Assembly Substitute Amendment 4:

1. Page 1, line 6: delete "first" and substitute "1st".

AA6 to ASA4:
#. Page 1, line 3: delete "council" and substitute "governing body".

AA7 to ASA4:
#. Page 1, line 3 (4): delete "council" and substitute "governing body".

KMG:
...:...

Minor clerical corrections in legislation are authorized under s. 35.17, stats.; Senate Rule 31, Assembly Rule 37 and Joint Rule 56.

State of Wisconsin
1999–2000 LEGISLATURE

CORRECTIONS IN:

ASSEMBLY SUBSTITUTE AMENDMENT 4,

TO 1999 ASSEMBLY BILL 892

Prepared by the Legislative Reference Bureau
(March 27, 2000)

In engrossing, the following corrections were made:

Assembly Amendment 6 to Assembly Substitute Amendment 4:

1. Page 1, line 3: delete "council" and substitute "governing body".

Assembly Amendment 7 to Assembly Substitute Amendment 4:

1. Page 1, line 4: delete "council" and substitute "governing body".

Assembly Amendment 16 to Assembly Substitute Amendment 4:

1. Page 1, line 7: delete that line and substitute:

"70.11 **(36)** (a)".

2. Page 2, line 21: after "creation of" insert "section".

Assembly Amendment 20 to Assembly Substitute Amendment 4:

1. Page 1, line 4: delete "facilities." and substitute "facilities;".

Assembly Amendment 23 to Assembly Substitute Amendment 4:

1. Page 1, line 6: delete "first" and substitute "1st".

LRBs0476/3ccc–1
KMG:ch

Minor clerical corrections in legislation are authorized under s. 35.17, stats.; Senate Rule 31, Assembly Rule 37 and Joint Rule 56.