ENGROSSED 1999 ASSEMBLY BILL 892

March 24, 2000 – Printed by direction of ASSEMBLY CHIEF CLERK.

AN ACT ***to renumber*** 66.066 (5) and 77.707; ***to renumber and amend*** 70.11 (36); ***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), 70.11 (36) (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 goals

for the participation of minority and women's businesses in contracts related to the construction or renovation of football stadium facilities; 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; the property tax exemption for a professional football stadium; 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.

Analysis by the Legislative Reference Bureau

The text of Engrossed Assembly Bill 829 consists of the following documents adopted by the Assembly on March 24, 2000: The bill as affected by Assembly Substitute Amendment 4, as affected by Assembly Amendment 4, Assembly Amendment 6, Assembly Amendment 7 (as affected by Assembly Amendment 1 thereto), Assembly Amendment 8 (as affected by Assembly Amendments 1 and 2 thereto), Assembly Amendment 11, Assembly Amendment 16, Assembly Amendment 18, Assembly Amendment 20, Assembly Amendment 21, Assembly Amendment 22 and Assembly Amendment 23. In engrossing, the changes made by Assembly Amendment 4 were relocated to page 52 to reflect the new location of the initial applicability section.

CREATION AND DISSOLUTION OF A DISTRICT

This bill creates a professional football stadium district, which is a special purpose district, in each county with a population of more than 150,000 that includes the principal site of an existing or to be constructed league–approved home stadium for a professional football team that is a member of a league of teams that have home stadiums in at least ten states and a collective average attendance for all league

members of at least 40,000 per game over the five years immediately preceding the year in which a district is created. A district is a local unit of government that is a body corporate and politic and that is separate and distinct from, and independent of, the state and the political subdivisions within its jurisdiction. Under the bill, a district's jurisdiction remains fixed even if population or attendance figures subsequently decline below the minimums described. A district does not have jurisdiction over any relocated stadium, whether or not the stadium is approved by the league.

In connection with football stadium facilities, the powers of a district include the construction, maintenance, management and acquisition of the football stadium and facilities; the issuance of bonds and imposition of a sales tax and a use tax to finance the stadium and facilities; and the authority to enter into partnerships, joint ventures, common ownership or other arrangements with other persons to further the district's purposes. Before the taxes imposed by a district may take effect, however, the district's action must be approved in a referendum. A district may also set standards governing the use of, and the conduct within, the stadium and facilities, and may set and collect fees for the use of the facilities or for the right to purchase admission to events at the stadium. Unless it is not feasible to do so, the bill requires a district to enter into a contract with a professional football team, or a subsidiary or affiliate of the team, that requires the team or its subsidiary or affiliate to acquire and construct football stadium facilities that are part of any facilities that the district leases to the team or its subsidiary, whether or not the football stadium facilities are financed by a district.

The district is governed by a board that consists of two persons appointed by the governor, two persons appointed by the chief elected official of the most populous city within the district's jurisdiction, two persons appointed by the chief elected official of the county in which the football stadium is located and, if such a situation exists, one person appointed by the chief elected official of each city, village or town (municipality) within the district's jurisdiction, other than the most populous city within the district's jurisdiction, that has a boundary at the time of the district's creation that is contiguous to a boundary of the site of the football stadium.

A district may dissolve by action of the district board, subject to payment of the district's bonds and fulfillment of its other contractual obligations. If a district is dissolved, its property must be transferred to the municipalities and county in the district's jurisdiction in proportions determined by the secretary of administration, based on the contributions of each municipality and county to the development or improvement of the football stadium facilities. If a district submits a question relating to imposition of a sales tax and a use tax (see below) and the question is not approved by the electors at a referendum, the district is dissolved.

Under the bill, a municipality or county within the district's jurisdiction may make grants or loans, or lease or transfer property, to a district; expend public funds to subsidize a district; or borrow money to fund grants, loans or subsidies to a district. With the consent of a district, such a municipality or county may also establish and collect fees or other charges applicable only to a football stadium for the right to purchase admission to events at the stadium.

TAXATION

Under the bill, a local professional football stadium district may adopt a resolution to impose a sales tax and a use tax at a rate of no more than 0.5% on the sale or use of tangible personal property or services in the district subject to approval by the electors of a district at a referendum. The referendum must be held at the first spring primary or September primary that follows adoption of the resolution by at least 45 days.

The county board of the county in which the district is located may also submit a second question that asks whether available revenues from the sales and use taxes will be permitted to be used for property and sales tax relief in the county. Unless that question is approved by the electors, the district tax revenue may be used only for purposes related to football stadium facilities. Under the bill, generally, the sales tax and use tax imposed by the district may not be collected after the district has retired its bonds related to the football stadium facilities and after reserve funds are adequately funded.

Under current law, the property of a professional sports home stadium is exempt from local general property taxes. The exemption for this type of property applies to parking lots, garages, restaurants and other property that is functionally related to the professional sports home stadium and includes such property as it is being built.

Under the bill, the property of a professional football stadium, and related facilities and structures, including those facilities and structures while they are being built, are exempt from local general property taxes. The exemption applies, however, only to facilities and structures that share common structural supports with, or are physically attached to, the professional football stadium and the land on which the stadium and the facilities and structures are located.

The bill creates a sales tax and a use tax exemption for a onetime license or other right to purchase admission to professional football games at a professional football stadium, if the license or right is purchased before January 1, 2004.

This bill creates an individual income tax checkoff for amounts to be deposited into the special fund to be used for debt service payments. Under the bill, an individual who has a tax liability or is entitled to a tax refund may designate any amount of additional payment, or any amount of a refund due that individual as a football donation, to be used for debt service on bonds issued by a district for football stadium purposes. The income tax checkoff first applies to taxable years beginning on January 1, 2001.

SPECIAL FUND

The bill requires that the district board maintain a special fund into which are deposited all revenues received from the department of revenue that are derived from the district's sales and use taxes and from donations from individuals' income tax returns. Moneys in this fund must first be used to pay current debt service on all bonds issued by the district for purposes related to football stadium facilities and the excess revenues must be used for the following purposes in the following order:

1. Certain payments to the county located in the district's jurisdiction, but only if the second referendum question is submitted and approved by the electors.

2. District board administration expenses.

3. Operating and maintenance costs of the football stadium facilities.

4. If the second referendum question is submitted and approved by the electors, additional payments to the county located in the district's jurisdiction for the purpose of reducing the county's property tax levy or to retire the bonds issued by the district for purposes related to football stadium facilities and to fund reserves for district administrative expenses and operating and maintenance costs of the football stadium facilities. The county will decide what amounts of the excess revenues will be devoted to reducing the county property tax levy and the retirement of the bonds.

5. If the second referendum question is not submitted and approved by the electors, additional payments to retire the bonds issued by the district for purposes related to football stadium facilities and to fund reserves for district administrative expenses and operating and maintenance costs of the football stadium facilities.

BONDING

This bill grants a district the power to issue revenue bonds for purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating or managing a local professional football stadium district. Under the bill, the bonds issued by the district may be secured by the district's interest in any football stadium facilities, by income from these facilities, by proceeds of bonds issued by the district and by other amounts placed in a special fund and investment earnings on such amounts, including any taxes that the district is authorized to impose.

The bill provides that the principal amount of bonds, other than refunding bonds, that are issued by a district may not exceed $160,000,000. (This limitation, however, does not include the principal amount of any bonds that are used to pay issuance costs of the bonds, any original issue discount or the costs of credit enhancement or to make a deposit into a special debt service reserve fund.) Also, the bill requires that all bonds, other than refunding bonds, that are issued by a district must be issued no later than December 31, 2004.

The bill authorizes a district to establish a special debt service reserve fund, (which is a different fund from the special fund) subject to certain findings of the secretary of administration. The special debt service reserve fund is significant, because if there are insufficient moneys in the special debt service reserve fund to meet the special debt service reserve fund requirement established in the bill, the legislature expresses its expectation and aspiration that, if certain conditions are met, the legislature would appropriate state moneys to the district in the amount necessary to restore the moneys in the fund to an amount equal to its special debt service reserve fund requirement. This expression of legislative expectation and aspiration has been referred to as a "state moral obligation pledge". The special debt service requirement is determined in the bond resolution authorizing the issuance of bonds.

In order to create a special debt service reserve fund backed up by the state moral obligation pledge, however, the secretary of administration must find that the bond proceeds will be used for purposes related to the football stadium facilities; that 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 the principal amount of all bonds, other than refunding bonds, that would be secured by all special debt service reserve funds of the district will not exceed the amount of bonds that the district is authorized to issue; and that the bonds, other than refunding bonds, will be issued no later than December 31, 2004.

In addition to creating a state moral obligation pledge to appropriate to the district the funds necessary to restore the special debt service reserve fund to an amount equal to its special debt service reserve fund requirement, the bill provides that the state pledges that it will not limit or alter the rights vested in a district under the bill before the district has fully performed its contracts and has fully met and discharged its bonds.

Finally, the bill contains provisions authorizing certain state and local government funds and certain regulated financial institutions to invest in bonds issued by the district; provides that all moneys received by a district, including proceeds from the sale of bonds, are trust funds to be held and applied solely for the purposes provided in the bill; and limits the personal liability of members of a district's board of directors with respect to the issuance of bonds.

MINORITY AND WOMEN'S BUSINESS CONTRACTING GOALS

Under the bill, a district is required to ensure that, for construction or renovation work, and professional services, that relate to football stadium facilities that are financed by debt as provided under the bill, a person who is awarded a contract for such construction or renovation work by the district or by a contractor with whom the district has contracted must agree that his or her goal must be to ensure that at least 15% of the employes hired because of the contract will be minority group members and that at least 5% of the employes hired because of the contract will be women. It must also be a goal of the district that at least 15% of the aggregate dollar value of such contracts must be awarded to minority businesses and at least 5% of the aggregate dollar value of such contracts must be awarded to women's businesses.

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

The minority and women contracting goals under the bill also apply to the following:

1. Any insurance–funded repair work on football stadium facilities.

2. Any post–construction contract related to such facilities, for professional services and for development services, except that this provision does not apply to a contract for general maintenance that is provided by a political subdivision.

LIMITATIONS ON DISTRICT, STATE ACTIONS

Under the bill, the district may not levy any taxes until the professional football team, the county board and the governing body of the municipality in which the football stadium facilities are located agree on how to fund maintenance of the facilities and agree on how to distribute the proceeds from the sale of naming rights related to the facilities. Also under the bill, the name of a football stadium may not be changed without the written consent of the municipality and the team.

The district is also prohibited from issuing bonds and the department of transportation (DOT) may not make any payments to a district (see below) unless a number of conditions are met, including the following:

1. The district and the team enter into a 30–year lease.

2. The district and the team agree that, if the team is sold or if its assets are liquidated before the bonds are paid off, the terms of the sale or transfer of the team must require that all outstanding bonds are immediately retired.

PREVAILING WAGE AND HOURS OF LABOR

Current law requires certain laborers, workers, mechanics and truck drivers employed on a state or local project of public works to be paid at the rate paid for a majority of the hours worked in the person's trade or occupation in the county in which the project is located and to be paid at a rate that is one and one–half times the person's hourly basic rate of pay (overtime pay) for all hours worked in excess of ten hours per day and 40 hours per week and for all hours worked on Saturdays, Sundays and certain holidays (prevailing wage and hours of labor law).

This bill prohibits a district from entering into a contract with a professional football team or a subsidiary or affiliate of the team (related party) for the acquisition and construction of football stadium facilities that are part of any facilities that are leased by the district to the team or to the related party unless the team or related party agrees not to permit any employe working for the football stadium facilities, who would be covered under the prevailing wage and hours of labor law if the football stadium facilities were a project of public works, to be paid less than the prevailing wage rate or to be required or permitted to work more than the prevailing hours of labor, unless the employe is paid overtime pay for all hours worked in excess of the prevailing hours of labor. The bill also requires the professional football team or related party to agree to require any contractor, subcontractor or agent thereof performing work on the football stadium facilities to keep and permit inspection of records, and otherwise to comply with the prevailing wage and hours of labor law, in the same manner as a contractor, subcontractor or agent thereof performing work on a project of public works is required to keep and permit inspection of records under, and otherwise comply with, the prevailing wage and hours of labor law. In addition, the bill requires the professional football team or related party to agree to otherwise comply with the prevailing wage and hours of labor law in the same manner as a local governmental unit contracting for the construction of a project of public works is required to comply with the prevailing wage and hours of labor law.

PROVISION OF FINANCIAL SERVICES

This bill permits the building commission, upon request of a district, to serve as a financial consultant to the district for the purpose of assisting with and coordinating the issuance of bonds by the district.

FINANCE

This bill permits the legislative audit bureau to audit the records of a district. Under the bill, the joint legislative audit committee may review a district's performance.

ETHICS

Members of a district board are subject to the statutory code of ethics for local public officials. In addition, board members are subject to other standards of conduct that apply to state public officials. However, like other local public officials, district board members are not subject to periodic reporting requirements.

APPLICABILITY OF OTHER LAWS

Numerous laws that currently apply to special purpose districts and local units of government apply to a local professional football district, including, among others:

1. The district is subject to laws requiring, with certain exceptions, public notice of and access to meetings of the district board and public access to the district's records.

2. The district is subject to worker's compensation, unemployment insurance, state minimum wage and hour and family and medical leave laws.

3. The district is subject to the prevailing wage and hours of labor law.

4. The district is governed by laws regulating municipal administrative procedures and rights.

5. The district is subject to laws restricting employers from testing employes and prospective employes for human immunodeficiency virus (HIV) or an antibody to HIV.

6. The district is subject to the tort and antitrust liability limitation that currently applies to actions brought against local governmental units of $50,000 per occurrence, and persons attempting to sue the district are subject to a requirement to file notice of their claims within 120 days of their occurrence.

7. The professional football stadium and related facilities of the district are exempt from the property tax.

8. The district is subject to laws regulating buildings and safety.

9. Purchases made by the district, other than purchases of building materials, are subject to the sales tax and use tax and the property of the district is subject to special assessment levies.

Under the bill, the district may participate in:

1. The state public employe retirement plan and state–administered plans for deferred compensation, health care benefits and disability and survivor benefits.

2. The local government property insurance fund.

The bill provides that the district is not subject to laws regulating generally the ways in which funds of local governments may be invested and may not exercise eminent domain powers.

The bill also provides that the district may:

1. Contract with municipalities and federally recognized Indian tribes and bands in this state for the receipt or furnishing of services or the joint exercise of powers or duties.

2. Participate in the state–operated local government pooled–investment fund.

Under the bill, the assets and liabilities of a district are not assets or liabilities of the county in which the district is located.

LIENS

Current law provides certain protections to persons who provide labor and materials for a construction project. For example, a person who works on an improvement to privately owned land generally has a lien on all interests in the land (construction lien). However, under current law, a construction lien may not be filed against property owned by a public entity. Thus, in the case of a public construction project, a person who works on the project generally has a lien on money owing to the prime contractor, with certain exceptions. Furthermore, current law contains a bonding requirement, under which certain public construction contracts must include a provision requiring the prime contractor to provide or obtain a payment and performance bond or other payment assurance. In the case of a public construction contract with a local government entity, a bonding requirement applies to any contract exceeding $50,000.

This bill exempts a public construction contract with a district from any applicable bonding requirement.

TRANSPORTATION AIDS

The bill authorizes DOT to make aid payments to a local professional football stadium district 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 any home stadium of a professional football team, and creates a continuing appropriation in the segregated transportation fund for this purpose. The bill does not appropriate any money for the purpose of DOT making such aid payments. Continuing appropriations are expendable until fully depleted or repealed by subsequent action of the legislature.

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

1 **SECTION 1.** 13.94 (4) (a) 1. of the statutes, as affected by 1999 Wisconsin Act 9,

2 is amended to read:

3 13.94 **(4)** (a) 1. Every state department, board, examining board, affiliated

4 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 <u>or a local professional football stadium district created under subch. IV of ch. 229</u>.

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:

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

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

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

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

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

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

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

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

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

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

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

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

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

stadium district board, created under subch. IV of ch. 229, may not acquire property by condemnation.

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

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

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

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

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

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

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

66.30 **(1)** (a) In this section "municipality" means the state or any department or agency thereof, or any city, village, town, county, school district, public library system, public inland lake protection and rehabilitation district, sanitary district, farm drainage district, metropolitan sewerage district, sewer utility district, solid waste management system created under s. 59.70 (2), local exposition district created under subch. II of ch. 229, local professional baseball park district created under subch. III of ch. 229, local professional football stadium district created under subch. IV of ch. 229, family care district under s. 46.2895, water utility district, mosquito control district, municipal electric company, county or city transit commission, commission created by contract under this section, taxation district or regional planning commission.

SECTION 25m. 70.11 (36) of the statutes is renumbered 70.11 (36) (a) and amended to read:

70.11 **(36)** (a) Property consisting of or contained in a sports and entertainment home stadium, except a football stadium as defined in s. 229.821 (6); including but not limited to parking lots, garages, restaurants, parks, concession facilities, entertainment facilities, transportation facilities, and other functionally related or auxiliary facilities and structures; including those facilities and structures while they are being built; constructed by, leased to or primarily used by a professional athletic team that is a member of a league that includes teams that have home stadiums in other states, and the land on which that stadium and those structures and facilities are located. Leasing or subleasing the property; regardless of the lessee, the sublessee and the use of the leasehold income; does not render the property taxable.

SECTION 25n. 70.11 (36) (b) of the statutes is created to read:

70.11 **(36)** (b) Property consisting of or contained in a football stadium, as defined in s. 229.821 (6), and related facilities and structures, including those facilities and structures while they are being built or constructed, primarily used by a professional football team described in s. 229.823, and the land, including parking lots, on which that stadium and those facilities and structures are located. Related facilities and structures are limited to improvements that share common structural supports with the stadium or are physically attached to the stadium. Using the property for garages, restaurants, parks, concession facilities, entertainment facilities, transportation facilities, or other functionally related or auxiliary facilities does not render the property taxable. Leasing or subleasing the property; regardless of the lessee, the sublessee and the use of the leasehold income; does not render the property taxable.

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

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

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

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

1. "Department" means the department of revenue.

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

(b) *Voluntary payments*. 1. 'Designation on return.' Every individual filing an income tax return who has a tax liability or is entitled to a tax refund may designate

on the return any amount of additional payment or any amount of a refund due that individual as a football donation.

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

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

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

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

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

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

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

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

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

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

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

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

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

4. From the moneys received from designations for football donations, an amount equal to the sum of administrative expenses, including data processing costs, certified under subd. 1. shall be deposited into the general fund and credited to the appropriation under s. 20.566 (1) (hp), and the net amount remaining that is

certified under subd. 3. shall be deposited into the special fund created under s. 229.825 and credited for debt service as described in s. 229.825 (2).

(i) *Amounts subject to refund.* Amounts designated for football donations under this subsection are not subject to refund to the taxpayer unless the taxpayer submits information to the satisfaction of the department within 18 months after the date on which taxes are due or the date on which the return is filed, whichever is later, that the amount designated is clearly in error. Any refund granted by the department under this paragraph shall be deducted from the moneys received under this subsection in the fiscal year in which the refund is certified.

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

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

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

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

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

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

71.36 **(1m)** A tax–option corporation may deduct from its net income all amounts included in the Wisconsin adjusted gross income of its shareholders, the capital gain deduction under s. 71.05 (6) (b) 9. and all amounts not taxable to nonresident shareholders under ss. 71.04 (1) and (4) to (9) and 71.362. For purposes

of this subsection, interest on federal obligations, obligations issued under s. 66.066 by a local professional baseball park district or a local professional football stadium district, obligations issued under ss. 66.40, 66.431 and 66.4325, obligations issued under s. 234.65 to fund an economic development loan to finance construction, renovation or development of property that would be exempt under s. 70.11 (36) and 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 or a local professional football stadium district.

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.

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

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

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

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

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

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

77.707 **(2)** Retailers and the department of revenue may not collect a tax under s. 77.706 for any local professional football stadium district created under subch. IV of ch. 229 after the calendar quarter during which the local professional football stadium district board makes all of the certifications to the department of revenue under s. 229.825 (3), except that the department of revenue may collect from retailers

taxes that accrued before that calendar quarter and fees, interest and penalties that relate to those taxes.

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

77.71 Imposition of county and special district sales and use taxes. Whenever a county sales and use tax ordinance is adopted under s. 77.70 or a special district resolution is adopted under s. 77.705 <u>or 77.706</u>, the following taxes are imposed:

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

(2) An excise tax is imposed at the rate of 0.5% in the case of a county tax or at the rate under s. 77.705 <u>or 77.706</u> in the case of a special district tax of the sales price upon every person storing, using or otherwise consuming in the county or special district tangible personal property or services if the property or service is subject to the state use tax under s. 77.53, except that a receipt indicating that the tax under sub. (1), (3) or (4) has been paid relieves the buyer of liability for the tax under this subsection and except that if the buyer has paid a similar local tax in another state on a purchase of the same property or services that tax shall be credited against the tax under this subsection and except that for motor vehicles that are used for a purpose in addition to retention, demonstration or display while held for sale

in the regular course of business by a dealer the tax under this subsection is imposed not on the sales price but on the amount under s. 77.53 (1m).

(3) An excise tax is imposed upon a contractor engaged in construction activities within the county or special district, at the rate of 0.5% in the case of a county tax or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the sales price of tangible personal property that is used in constructing, altering, repairing or improving real property and that becomes a component part of real property in that county or special district, ~~unless~~ except that if the contractor has paid the sales tax of a county in the case of a county tax or of a special district in the case of a special district tax in this state on that property, ~~and except that if the buyer~~ or has paid a similar local sales tax in another state on a purchase of the same property, that tax shall be credited against the tax under this subsection.

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

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

77.76 **(3m)** From the appropriation under s. 20.835 (4) (gb) the department, for the first 2 years of collection, shall distribute 97% of the ~~special district~~ taxes

reported for each ~~special~~ local professional baseball park district that has imposed taxes under this subchapter, minus the ~~special~~ district portion of the retailers' discounts, 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. From the appropriation under s. 20.835 (4) (gb) the department, after the first 2 years of collection, shall distribute 98.5% of the ~~special district~~ taxes 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 department of revenue shall indicate the taxes reported by each taxpayer. In this subsection, the "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 local professional football stadium district sales and use taxes payable and the denominator of which is the sum of the gross state and local professional football stadium district sales and use taxes payable. The local professional football stadium district taxes distributed shall be increased or decreased to reflect subsequent refunds, audit adjustments and all other adjustments of the local professional football stadium district taxes previously distributed. Interest paid on refunds of local professional football stadium district sales and use taxes shall be paid from the appropriation under s. 20.835 (4) (ge) at the rate paid by this state under s. 77.60 (1) (a). Any local professional football stadium 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 40. 77.76 (4) of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:

77.76 **(4)** There shall be retained by the state 1.5% of the taxes collected for taxes imposed by special districts under ~~s.~~ ss. 77.705 and 77.706 and 1.75% of the

taxes collected for taxes imposed by counties under s. 77.70 to cover costs incurred by the state in administering, enforcing and collecting the tax. All interest and penalties collected shall be deposited and retained by this state in the general fund.

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

85.62 Aid to local professional football stadium districts. Subject to s. 229.8245, the department may make aid payments from the appropriation under s. 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 or other functionally related 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 and 229.8275. 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 or 229.8275 or testifies or assists in any action or proceeding under s. 66.293 ~~or~~, 103.49 or 229.8275.

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 and 229.8275, 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 and 229.8275 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

SUBCHAPTER IV

LOCAL PROFESSIONAL

FOOTBALL STADIUM DISTRICTS

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

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

229.821 Definitions. In this subchapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Two persons appointed by the chief elected official of the most populous city located wholly or partly within the jurisdiction of the district. A person appointed under this paragraph may take his or her seat immediately upon appointment and

qualification, subject to confirmation or rejection by a majority of the members–elect of the common council or council.

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

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

(3) Upon appointment under sub. (2), the appointing authorities shall certify the appointees to the secretary of administration. The terms of office of the persons appointed under sub. (2) shall be 2 years expiring on July 1, except that the initial terms shall expire on July 1 of the 4th year beginning after the year of creation of a district. Persons appointed under sub. (2) (a) may be removed from the district board before the expiration of their terms by the appointing authority but only for cause, as defined in s. 17.16 (2). Persons appointed under sub. (2) (b) to (d) serve at the pleasure of their appointing authorities, and may be removed before the expiration of their terms. Vacancies shall be filled by the appointing authority who appointed the person whose office is vacant. A person appointed to fill a vacancy under sub. (2) shall serve for the remainder of the unexpired term to which he or she is appointed.

The appointing authorities shall confer with one another regarding their appointments with a view toward achieving diversity on the district board.

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

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

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

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

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

229.823 Jurisdiction. A district's jurisdiction is any county with a population at the date of the district's creation of more than 150,000 that includes the principal site of a stadium that is home to a professional football team, that is a member of a league of professional football teams that have home stadiums in at least 10 states and a collective average attendance for all league members of at least 40,000 persons per game over the 5 years immediately preceding the year in which a district is created, and that is approved by that league for use as a home stadium for that professional football team. Once created, the district's jurisdiction remains fixed

even if population or attendance figures subsequently decline below the minimums described in this section.

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

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

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

(3) Maintain an office.

(4) In connection with football stadium facilities:

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

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

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

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

(e) Grant concessions.

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

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

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

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

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

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

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

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

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

(13) Establish and collect fees or other charges for the right to purchase admission to events at the football stadium if the proceeds from any amount that is

collected under this subsection are used for purposes related to football stadium facilities.

(14) Enter into partnerships, joint ventures, common ownership or other 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. 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 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. 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. The district may not levy any taxes until the professional football team, the county board and the governing body of the municipality in which the football stadium

facilities are located agree on how to fund the maintenance of the football stadium facilities. The district may not levy any taxes until the professional football team, the county board and the governing body of the municipality in which the football stadium facilities are located agree on how to distribute the proceeds from the sale of naming rights related to the football stadium facilities. 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.

(16) Accept gifts, loans and other aid.

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

(18) Adopt and alter an official seal.

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

229.8245 Limitations on district, state actions. (1) The name of a football stadium may not be changed without the written consent of the municipality in which it is located and the professional football team described in s. 229.823.

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

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

(c) A professional football team, as described in s. 229.823, certifies to the 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.

(d) The district and a professional football team, as described in s. 229.823, enter into an agreement under which the team agrees that if the team is sold or if its assets are liquidated or the team is transferred to a new owner before the certification is made under s. 229.825 (3) (a), the terms of the sale or transfer of the team shall include a provision that provides for the immediate retirement of all outstanding bonds, including bonds issued to fund or refund those bonds.

229.825 Special fund tax revenues. (1) The district board shall maintain a 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 in any year 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) If the 2nd question under s. 229.824 (15) is submitted and approved by the electors, in the 1st, 2nd and 3rd 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 for the purpose of directly reducing the county's property tax levy.

(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 $100,000 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. January 1 of 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 district board's administrative expenses through the time specified under subd. 1.

(c) 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 the lesser of the remaining revenues in the fund or $4,031,000 shall be deposited into a reserve that is used to pay the maintenance and operating costs of the football stadium facilities unless the professional football team described in s. 229.823, after consulting with the municipality in which the football stadium facilities are located, agrees to a lesser amount. The $4,031,000 amount shall be increased each year thereafter by 3%, and the lesser of the remaining revenues in the fund or the $4,031,000 amount, increased each year thereafter by 3%, shall be deposited into a reserve that is used to pay the maintenance and operating costs of the football stadium facilities unless the professional football team described in s. 229.823, after consulting with the municipality in which these facilities are located, agrees to a lesser amount. The deposits shall be made annually until the earlier of the following:

1. January 1 of 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 maintenance and operating costs of the football stadium facilities in the amounts specified in par. (c) (intro.) through the time 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 directly 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.

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.

(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.

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

229.8273 Minority and women contracting. (1) In this section:

(a) "Contractor" means a professional football team, as described under s. 229.823, or a related party or any other person who enters into a contract for construction or renovation work or professional services contracts, as described in sub. (2).

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

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

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

(2) A district shall ensure that, for construction or renovation work and professional services contracts that relate to the construction or renovation of football stadium facilities that are financed by the proceeds of bonds issued under s. 229.824 (8), a person who is awarded such a contract by the district or by a contractor shall agree, as a condition to receiving the contract, that his or her goal shall be to ensure that at least 15% of the employes hired because of the contract will be minority group members and at least 5% of the employes hired because of the contract will be women.

(3) It shall be a goal of the district to ensure that at least 15% of the aggregate dollar value of contracts that relate to the construction or renovation of football stadium facilities that are financed by the proceeds of bonds issued under s. 229.824

(8), shall be awarded to minority businesses and at least 5% of the aggregate dollar value of contracts awarded by the board shall be awarded to women's businesses.

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

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

(5) (a) The district shall hire an independent person to monitor and a project coordinator to satisfy the district's and the contractor's compliance with minority contracting goals under subs. (2) and (3). The person hired shall have previous experience working with minority group members. The district shall develop a mechanism to receive regular reports from the person hired with respect to the results of the person's studies of compliance with minority contracting goals.

(b) If the district or a contractor is unable to meet the goals under sub. (2) or (3), the person hired under par. (a) shall assess whether the district or contractor made a good faith effort to reach the goals. In determining whether a good faith effort was made to meet the goals, the person hired shall consider all of the following factors:

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

2. The competing demands for the services provided by eligible minority businesses and women's businesses, as described in subd. 1., in areas in which contracts were awarded.

3. The extent to which the district or contractors advertised for and aggressively solicited bids from eligible minority businesses and women's businesses, as described in subd. 1., and the extent to which eligible minority businesses and women's businesses submitted bids.

(6) Annually the legislative audit bureau shall conduct an audit of the district's efforts to achieve the minority participation and women participation hiring and contracting goals contained in this section. The audit bureau shall distribute a copy of each audit report under this subsection to the district, to the cochairs of the joint committee on finance and to the cochairs of the joint audit committee.

(7) The goals under subs. (2) and (3) shall apply to all of the following:

(a) Any insurance–funded repair work on football stadium facilities.

(b) Any post–construction contract related to football stadium facilities for management of the facilities, for professional services and for development services,

except that this paragraph does not apply to a post–construction contract for general maintenance of football stadium facilities that is provided by a political subdivision.

(c) Any contractor, subcontractor or any other person who is awarded or enters into a contract that relates to the construction or renovation of football stadium facilities that are financed by the proceeds of bonds issued under s. 229.824 (8), or any subcontractor of such a person.

229.8275 Prevailing wage. A district may not enter into a contract under s. 229.827 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 unless the professional football team or related party agrees as follows:

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

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

(3) Otherwise to comply with s. 66.293 in the same manner as a local governmental unit contracting for the erection, construction, remodeling, repairing

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

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

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

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

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

(4) LIMIT ON BONDS. The principal amount of bonds, other than refunding bonds, that are issued by a district may not exceed $160,000,000. The limitation under this subsection does not include the principal amount of any bonds that are to be 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.

3. Revenue projections for the project to be financed by the bonds, including tax revenues, and the reasonableness of the assumptions on which these revenue projections are based.

4. The proposed interest rates of the bonds and the resulting cash–flow requirements.

5. The projected ratio of annual tax revenues to annual debt service of the district, taking into account capitalized interest.

6. Whether an understanding exists providing for repayment by the district to the state of all amounts appropriated to the special debt service reserve fund pursuant to sub. (7).

7. Whether the district has agreed that the department of administration will have direct and immediate access, at any time and without notice, to all records of the district.

(c) *Limit on bonds issued backed by moral obligation pledge.* The principal amount of all bonds, other than refunding bonds, that would be secured by all special debt service reserve funds of the district will not exceed the amount of bonds, other than refunding bonds, that may be issued under s. 229.829 (4).

(d) *Date of issuance.* The bonds, other than refunding bonds, will be issued no later than December 31, 2004.

(e) *Refunding bonds.* All refunding bonds to be secured by the special debt service reserve fund meet all of the following conditions:

1. The refunding bonds are to be issued to fund, refund or advance refund bonds secured by a special debt service reserve fund.

2. The refunding of bonds by the refunding bonds will not adversely affect the risk that the state will be called on to make a payment under sub. (7).

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

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

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

(3) USE OF MONEYS IN THE SPECIAL DEBT SERVICE RESERVE FUND. All moneys held in any special debt service reserve fund of a district, except as otherwise specifically provided, shall be used, as required, solely for the payment of the principal of bonds secured in whole or in part by the special debt service reserve fund, the making of

sinking fund payments with respect to these bonds, the purchase or redemption of these bonds, the payment of interest on these bonds or the payment of any redemption premium required to be paid when these bonds are redeemed prior to maturity. If moneys in a special debt service reserve fund at any time are less than the special debt service reserve fund requirement under sub. (5) for the special debt service reserve fund, the district may not use these moneys for any optional purchase or optional redemption of the bonds. Any income or interest earned by, or increment to, any special debt service reserve fund due to the investment of moneys in the special debt service reserve fund may be transferred by the district to other funds or accounts of the district to the extent that the transfer does not reduce the amount of the special debt service reserve fund below the special debt service reserve fund requirement under sub. (5) for the special debt service reserve fund.

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

(5) SPECIAL DEBT SERVICE RESERVE FUND REQUIREMENT. The special debt service reserve fund requirement for a special debt service reserve fund, as of any particular date of computation, is equal to an amount of money, as provided in the bond resolution authorizing the bonds with respect to which the special debt service reserve fund is established, that may not exceed the maximum annual debt service

on the bonds of the district for the fiscal year in which the computation is made or any future fiscal year of the district secured in whole or in part by that special debt service reserve fund. In computing the annual debt service for any fiscal year, bonds deemed to have been paid in accordance with the defeasance provisions of the bond resolution authorizing the issuance of the bonds shall not be included in bonds outstanding on the date of computation. The annual debt service for any fiscal year is the amount of money equal to the aggregate of all of the following calculated on the assumption that the bonds will, after the date of computation, cease to be outstanding by reason, but only by reason, of the payment of bonds when due, and the payment when due, and application in accordance with the bond resolution authorizing those bonds, of all of the sinking fund payments payable at or after the date of computation:

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

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

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

(6) VALUATION OF SECURITIES. In computing the amount of a special debt service reserve fund for the purposes of this section, securities in which all or a portion of the

special debt service reserve fund is invested shall be valued at par, or, if purchased at less than par, at their cost to the district.

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

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

229.831 Bonds not public debt. (1) The state and the county and municipalities located wholly or partly within the district's jurisdiction are not liable on bonds and the bonds are not a debt of the state or the county or any municipality located wholly or partly within the district. All bonds shall contain a statement to

this effect on the face of the bond. A bond issue does not, directly or indirectly or contingently, obligate the state or a political subdivision of the state to levy any tax or make any appropriation for payment of the bonds.

(2) Nothing in this subchapter authorizes a district to create a debt of the state or the county or any municipality located wholly or partly within the district's jurisdiction, and all bonds issued by a district are payable, and shall state that they are payable, solely from the funds pledged for their payment in accordance with the bond resolution authorizing their issuance or in any trust indenture or mortgage or deed of trust executed as security for the bonds. Neither the state nor the county or any such municipality is liable for the payment of the principal of or interest on a bond or for the performance of any pledge, mortgage, obligation or agreement that may be undertaken by a district. The breach of any pledge, mortgage, obligation or agreement undertaken by a district does not impose pecuniary liability upon the state or the county or any such municipality in the district's jurisdiction or a charge upon its general credit or against its taxing power.

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

229.832 State pledge. The state pledges to and agrees with the bondholders, and persons that enter into contracts with a district under this subchapter, that the state will not limit or alter the rights and powers vested in a district by this subchapter, including the rights and powers under s. 229.824 (15), before the district

has fully met and discharged the bonds, and any interest due on the bonds, and has fully performed its contracts, unless adequate provision is made by law for the protection of the bondholders or those entering into contracts with a district.

229.833 Trust funds. All moneys received under this subchapter, whether as proceeds from the sale of bonds or from any other source, are trust funds to be held and applied solely as provided in this subchapter. Any officer with whom, or any bank or trust company with which, those moneys are deposited shall act as trustee of those moneys and shall hold and apply the moneys for the purposes of this subchapter, subject to this subchapter and the bond resolution authorizing issuance of the bonds.

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

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

779.14 **(1m)** (d) 2. b. ~~The~~ Except as provided in sub. (4), the contract shall require the prime contractor to provide a payment and performance bond meeting the requirements of par. (e), unless the public body authorized to enter into the contract allows the prime contractor to substitute a different payment assurance for the payment and performance bond. The public body may allow a prime contractor to substitute a different payment and performance assurance for the payment and

performance bond only if the substituted payment and performance assurance is for an amount at least equal to the contract price and is in the form of a bond, an irrevocable letter of credit or an escrow account acceptable to the public body. The 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. (e).

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) or 229.8275 (3) during a week in which the employe works both on a project on which a prevailing wage rate determination has been issued and on a project on which a prevailing wage rate determination has not been issued, is guilty of a Class E felony.

(2) Any person employed pursuant to a public contract as defined in s. 66.29 (1) (c) or 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 gives up, waives or returns to the employer or agent of the employer any part of the compensation to which the employe is entitled under his or her contract of employment or under the prevailing wage determination issued by the department or local governmental unit, or who gives up any part of the compensation to which he or she is normally entitled 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) or 229.8275 (3) during a week in which the person works part–time on a project on which a prevailing wage rate determination has been issued and part–time on a project on which a prevailing wage rate determination has not been issued, is guilty of a Class C misdemeanor.

(3) Any employer or labor organization, or any agent or employe of an employer or labor organization, who induces any person 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 permit 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 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. (a) The treatment of sections 71.05 (1) (c) 5., 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.

(b) The treatment of section 71.10 (5e) of the statutes first applies to taxable years beginning on January 1, 2001.

(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.

(3q) PROPERTY TAX. The renumbering and amendment of section 70.11 (36) of the statutes and the creation of section 70.11 (36) (b) of the statutes first apply to the property tax assessments as of January 1, 2001.

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

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

(END)