



State of Wisconsin
2023 - 2024 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 439**

November 14, 2023 – Offered by Senators LARSON, CARPENTER and TAYLOR.

1 **AN ACT** *to repeal* 77.705, 77.707 (1), 77.76 (6), 229.68 (11), 229.68 (15) and
2 229.682 (3); *to renumber* 77.707 (2); *to amend* 77.707 (1), 77.71 (intro.), (1),
3 (2), (3), (4) and (5), 77.76 (4), 229.67, 229.68 (intro.), 229.68 (7), 229.68 (12),
4 229.68 (13), 229.68 (16) (intro.), 229.68 (16) (a), 229.685 (1), 229.71 and 229.75
5 (3); and *to create* 229.65 (6m), 229.68 (8) (d), 229.6802 and 229.682 (11) of the
6 statutes; **relating to:** baseball park district administration.

Analysis by the Legislative Reference Bureau

Under current law, a district is created in each county with a population of at least 600,000 (presently, only Milwaukee County) and all counties that are contiguous to that county (in relation to Milwaukee County, these counties are Ozaukee County, Racine County, Washington County, and Waukesha County). A district has a variety of powers. Among these, a district may acquire, construct, equip, maintain, improve, operate, and manage baseball park facilities and may set standards governing the use of, and the conduct within, baseball park facilities.

Current law authorizes a district to issue bonds for the purpose of constructing, improving, and managing baseball park facilities, in addition to other related functions. Bonds issued by the district are secured by the district's interest in any

baseball park facilities, by income from these facilities, and by a sales and use tax current law authorizes the district to impose. Specifically, current law authorizes the district to impose a sales and use tax at a rate of no more than 0.1 percent. However, that sales and use tax ended on March 31, 2020, after the district certified to the Department of Revenue that the district had effectively retired all of its bonds. Finally, current law exempts the district's baseball park facilities from general property taxes.

Under this bill, the district is required to enter into an agreement with the professional baseball team using the district's facilities (the Milwaukee Brewers) under which the team assumes the rights, privileges, and responsibilities of ownership of the district's baseball stadium and stadium parking lots, including maintenance, upkeep, and repairs. The agreement must further provide that if the team relocates, the team must agree to do all of the following:

1. Relinquish its rights, privileges, and responsibilities of ownership of the baseball stadium and stadium parking lots.
2. Convey and transfer to the district all of the team's right and title to any baseball park facilities.
3. Pay for the cost of demolition of the baseball stadium and other district baseball park facilities.

Under the bill, if that contract between the district and the team terminates, or if the team refuses the contract, subject to providing for the payment of its bonds, including interest on the bonds, and the performance of its other contractual obligations, the district is dissolved and the district's property is transferred to the state.

Finally, the bill makes the following additional changes to the district's general powers and duties:

1. Eliminates the district's authority to impose a sales and use tax. The district has not imposed a sales tax since March 31, 2020.
2. Prohibits the district from issuing new bonds or incurring other new debt.
3. Limits the establishment of a district solely to a county with a population over 750,000, rather than a county of 600,000 and its contiguous counties.

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

1 **SECTION 1.** 77.705 of the statutes, as affected by 2023 Wisconsin Act 19, is
2 repealed.

3 **SECTION 2.** 77.707 (1) of the statutes is amended to read:

4 77.707 (1) Retailers and the department of revenue may not collect a tax under
5 s. 77.705, 2021 stats., for any local professional baseball park district created under

1 subch. III of ch. 229 after the last day of the fiscal quarter in which the local
2 professional baseball park district board makes a certification to the department of
3 revenue under s. 229.685 (2), 2021 stats., or after August 31, 2020, whichever is
4 earlier, except that the department of revenue may collect from retailers taxes that
5 accrued before the termination date and fees, interest and penalties that relate to
6 those taxes. Except as provided under s. 77.60 (9), the department of revenue may
7 not issue any assessment nor act on any claim for a refund or any claim for an
8 adjustment under s. 77.585 after the end of the calendar year that is 4 years after
9 the year in which a local professional baseball park district tax has terminated. The
10 department of revenue shall estimate the amount of the refunds, including interest,
11 that the department may need to pay during that 4-year period and retain that
12 amount from the taxes collected for the district after the termination date. Any
13 amount that remains after the payment of refunds shall be distributed to the
14 counties based on the population of each county that is part of the district.

15 **SECTION 3.** 77.707 (1) of the statutes, as affected by 2023 Wisconsin Act (this
16 act), is repealed.

17 **SECTION 4.** 77.707 (2) of the statutes is renumbered 77.707.

18 **SECTION 5.** 77.71 (intro.), (1), (2), (3), (4) and (5) of the statutes, as affected by
19 2023 Wisconsin Act 12, are amended to read:

20 **77.71 Imposition of county, municipality, and special district sales and**
21 **use taxes.** (intro.) Whenever a sales and use tax ordinance is adopted under s. 77.70
22 or 77.701 or a special district resolution is adopted under s. ~~77.705~~ or 77.706, the
23 following taxes are imposed:

24 (1) For the privilege of selling, licensing, leasing, or renting tangible personal
25 property and the items, property, and goods specified under s. 77.52 (1) (b), (c), and

1 (d), and for the privilege of selling, licensing, performing, or furnishing services a
2 sales tax is imposed upon retailers at the rates under s. 77.70 in the case of a county
3 tax, at the rate under s. 77.701 in the case of a municipality tax, or at the rate under
4 s. ~~77.705~~ or 77.706 in the case of a special district tax of the sales price from the sale,
5 license, lease, or rental of tangible personal property and the items, property, and
6 goods specified under s. 77.52 (1) (b), (c), and (d), except property taxed under sub.
7 (4), sold, licensed, leased, or rented at retail in the county, municipality, or special
8 district, or from selling, licensing, performing, or furnishing services described under
9 s. 77.52 (2) in the county, municipality, or special district.

10 **(2)** An excise tax is imposed at the rates under s. 77.70 in the case of a county
11 tax, at the rate under s. 77.701 in the case of a municipality tax, or at the rate under
12 s. ~~77.705~~ or 77.706 in the case of a special district tax of the purchase price upon every
13 person storing, using, or otherwise consuming in the county, municipality, or special
14 district tangible personal property, or items, property, or goods specified under s.
15 77.52 (1) (b), (c), or (d), or services if the tangible personal property, item, property,
16 good, or service is subject to the state use tax under s. 77.53, except that a receipt
17 indicating that the tax under sub. (1), (3), (4), or (5) has been paid relieves the buyer
18 of liability for the tax under this subsection and except that if the buyer has paid a
19 similar local tax in another state on a purchase of the same tangible personal
20 property, item, property, good, or service that tax shall be credited against the tax
21 under this subsection and except that for motor vehicles that are used for a purpose
22 in addition to retention, demonstration, or display while held for sale in the regular
23 course of business by a dealer the tax under this subsection is imposed not on the
24 purchase price but on the amount under s. 77.53 (1m).

1 **(3)** An excise tax is imposed upon a contractor engaged in construction
2 activities within the county or special district at the rates under s. 77.70 in the case
3 of a county tax, at the rate under s. 77.701 in the case of a municipality tax, or at the
4 rate under s. ~~77.705~~ or 77.706 in the case of a special district tax of the purchase price
5 of tangible personal property or items, property, or goods under s. 77.52 (1) (b), (c),
6 or (d) that are used in constructing, altering, repairing, or improving real property
7 and that became a component part of real property in that county, municipality, or
8 special district, except that if the contractor has paid the sales tax of a county,
9 municipality, or special district in this state on that tangible personal property, item,
10 property, or good, or has paid a similar local sales tax in another state on a purchase
11 of the same tangible personal property, item, property, or good, that tax shall be
12 credited against the tax under this subsection.

13 **(4)** An excise tax is imposed at the rates under s. 77.70 in the case of a county
14 tax, at the rate under s. 77.701 in the case of a municipality tax, or at the rate under
15 s. ~~77.705~~ or 77.706 in the case of a special district tax of the purchase price upon every
16 person storing, using, or otherwise consuming a motor vehicle, boat, recreational
17 vehicle, as defined in s. 340.01 (48r), or aircraft if that property must be registered
18 or titled with this state and if that property is to be customarily kept in a county that
19 has in effect an ordinance under s. 77.70, in a municipality that has in effect an
20 ordinance under s. 77.701, or in a special district that has in effect a resolution under
21 s. ~~77.705~~ or 77.706, except that if the buyer has paid a similar local sales tax in
22 another state on a purchase of the same property, that tax shall be credited against
23 the tax under this subsection. The lease or rental of a motor vehicle, boat,
24 recreational vehicle, as defined in s. 340.01 (48r), or aircraft is not taxed under this
25 subsection if the lease or rental does not require recurring periodic payments.

1 **(5)** An excise tax is imposed on the purchase price for the lease or rental of a
2 motor vehicle, boat, recreational vehicle, as defined in s. 340.01 (48r), or aircraft at
3 the rates under s. 77.70 in the case of a county tax, at the rate under s. 77.701 in the
4 case of a municipality tax, or at the rate under s. ~~77.705~~ or 77.706 in the case of a
5 special district tax upon every person storing, using, or otherwise consuming in the
6 county, municipality, or special district the motor vehicle, boat, recreational vehicle,
7 as defined in s. 340.01 (48r), or aircraft if that property must be registered or titled
8 with this state and if the lease or rental does not require recurring periodic
9 payments, except that a receipt indicating that the tax under sub. (1) had been paid
10 relieves the purchaser of liability for the tax under this subsection and except that
11 if the purchaser has paid a similar local tax in another state on the same lease or
12 rental of such motor vehicle, boat, recreational vehicle, as defined in s. 340.01 (48r),
13 or aircraft, that tax shall be credited against the tax under this subsection.

14 **SECTION 6.** 77.76 (4) of the statutes, as affected by 2023 Wisconsin Act 12, is
15 amended to read:

16 77.76 **(4)** There shall be retained by the state 1.5 percent of the taxes collected
17 for taxes imposed by special districts under ~~ss. 77.705~~ and s. 77.706 and 1.75 percent
18 of the taxes collected for taxes imposed by counties under s. 77.70 and for taxes
19 imposed by municipalities under s. 77.701 to cover costs incurred by the state in
20 administering, enforcing, and collecting the tax. All interest and penalties collected
21 shall be deposited and retained by this state in the general fund.

22 **SECTION 7.** 77.76 (6) of the statutes is repealed.

23 **SECTION 8.** 229.65 (6m) of the statutes is created to read:

24 229.65 **(6m)** “Professional baseball team” means a baseball team that is a
25 member of a league of professional baseball teams that have home stadiums

1 approved by the league in at least 10 states and a collective average attendance for
2 all league members of at least 10,000 persons per game over the 5 years immediately
3 preceding the effective date of this subsection [LRB inserts date].

4 **SECTION 9.** 229.67 of the statutes is amended to read:

5 **229.67 Jurisdiction.** A district's jurisdiction is any county with a population
6 of more than 600,000 and all counties that are contiguous to that county and that are
7 not already included in a different district. Once created, a 750,000 that is the site
8 of baseball park facilities that are home to a professional baseball team. A district's
9 jurisdiction is fixed even if the population of other counties within the district
10 subsequently exceeds 600,000. ~~Once a county is included in a district's jurisdiction~~
11 ~~the county remains in the district until the district is dissolved under s. 229.71. In~~
12 ~~this section, "contiguous" includes a county that touches another county only at a~~
13 ~~corner~~ the county decreases below 750,001.

14 **SECTION 10.** 229.68 (intro.) of the statutes is amended to read:

15 **229.68 Powers of a district.** (intro.) A district has all of the powers necessary
16 or convenient to carry out the purposes and provisions of this subchapter, ~~except that~~
17 ~~it may not incur any new obligations after the date on which the district may no~~
18 ~~longer collect the tax under s. 77.707 (1), if such an obligation could not be paid out~~
19 ~~of the district's revenues or assets once the tax under s. 77.707 (1) is no longer~~
20 ~~collected.~~ The district may not incur costs or any obligations for signage related to
21 a change in naming rights for the baseball park facilities. In addition to all other
22 powers granted by this subchapter, a district may do all of the following:

23 **SECTION 11.** 229.68 (7) of the statutes is amended to read:

24 **229.68 (7) Mortgage** Subject to s. 229.682 (10), mortgage, pledge, or otherwise
25 encumber the district's property or funds.

1 **SECTION 12.** 229.68 (8) (d) of the statutes is created to read:

2 229.68 (8) (d) The bonds are issued before the effective date of this paragraph
3 [LRB inserts date].

4 **SECTION 13.** 229.68 (11) of the statutes is repealed.

5 **SECTION 14.** 229.68 (12) of the statutes is amended to read:

6 229.68 (12) Set standards governing the use of, and the conduct within, ~~its~~ the
7 baseball park facilities in order to promote public safety and convenience and to
8 maintain order.

9 **SECTION 15.** 229.68 (13) of the statutes is amended to read:

10 229.68 (13) Establish and collect fees, and establish shared revenue
11 arrangements or other charges for the use of ~~its~~ the baseball park facilities or for
12 services rendered by the district.

13 **SECTION 16.** 229.68 (15) of the statutes is repealed.

14 **SECTION 17.** 229.68 (16) (intro.) of the statutes is amended to read:

15 229.68 (16) (intro.) ~~Accept~~ Subject to s. 229.682 (10) accept gifts, loans, grants,
16 and other aid, which may be used only for the following purposes:

17 **SECTION 18.** 229.68 (16) (a) of the statutes is amended to read:

18 229.68 (16) (a) Retiring ~~the bonds or other debt~~ used to develop, construct ~~the,~~
19 improve, repair, or maintain baseball park facilities.

20 **SECTION 19.** 229.6802 of the statutes is created to read:

21 **229.6802 Contracting requirement.** No later than the first day of the 4th
22 month beginning after the effective date of this section [LRB inserts date], the
23 district shall enter into an agreement with the professional baseball team under
24 which the professional baseball team assumes the rights, privileges, and
25 responsibilities of ownership of the district's baseball stadium and stadium parking

1 lots, including maintenance, upkeep, and repairs of the baseball stadium and
2 parking lots. The agreement shall provide that if the professional baseball team
3 relocates, the professional baseball team shall do all of the following:

4 (1) Relinquish the rights, privileges, and responsibilities of ownership of the
5 baseball stadium and stadium parking lots.

6 (2) Convey and transfer to the district all of the professional baseball team's
7 right and title to any baseball park facilities.

8 (3) Pay for the cost of demolition of the baseball stadium and other baseball
9 park facilities.

10 **SECTION 20.** 229.682 (3) of the statutes is repealed.

11 **SECTION 21.** 229.682 (11) of the statutes is created to read:

12 229.682 (11) BONDING LIMITATIONS. Except as provided in s. 229.68 (8), the
13 district may not issue bonds.

14 **SECTION 22.** 229.685 (1) of the statutes is amended to read:

15 229.685 (1) The district board shall maintain a special fund into which it
16 deposits only the revenue received from the department of revenue, that is derived
17 from the taxes imposed under subch. V of ch. 77, 2021 stats., and may use this
18 revenue only for purposes related to baseball park facilities.

19 **SECTION 23.** 229.71 of the statutes is amended to read:

20 **229.71 Dissolution of a district.** Subject Upon or after the expiration or
21 termination of the contract required under s. 229.6802, or if the professional baseball
22 team refuses that contract, subject to providing for the payment of its bonds,
23 including interest on the bonds, and the performance of its other contractual
24 obligations, a district may shall be dissolved by the action of the district board. If the
25 district is dissolved under this section or by action of the legislature, the property of

1 the district shall be transferred to the counties in the jurisdiction, based on the tax
2 revenues derived from each county, as determined by the secretary of administration
3 state.

4 **SECTION 24.** 229.75 (3) of the statutes is amended to read:

5 229.75 (3) Bonds issued by the district shall be secured only by the district's
6 interest in any baseball park facilities, including any interest in a lease with the
7 department of administration under s. 16.82 (7); by income from these facilities; by
8 proceeds of bonds issued by the district and other amounts placed in a special
9 redemption fund and investment earnings on such these amounts; and by the taxes
10 imposed by the district under subch. V of ch. 77, 2021 stats. The district may not
11 pledge its full faith and credit on the bonds and the bonds are not a liability of the
12 district.

13 **SECTION 25. Nonstatutory provisions.**

14 (1) No later than 30 days after the effective date of this subsection, the
15 legislature shall take action to repeal 2023 Assembly Bill 438.

16 **SECTION 26. Effective dates.** This act takes effect on the day after publication,
17 except as follows:

18 (1) The treatment of s. 77.707 (2) and the repeal of s. 77.707 (1) take effect on
19 January 1, 2025.

20 (END)