



State of Wisconsin  
2023 - 2024 LEGISLATURE

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**SENATE AMENDMENT 1,  
TO ASSEMBLY BILL 438**

November 7, 2023 – Offered by Senator FEYEN.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 6, line 1: before that line insert:

3 **“SECTION 1k.** 13.94 (1) (z) of the statutes is created to read:

4 13.94 (1) (z) After the end of each fiscal biennium, concluding with the 2049–51  
5 fiscal biennium, conduct a financial audit of a local professional baseball park  
6 district created under subch. III of ch. 229. The legislative audit bureau shall file a  
7 copy of each audit report under this paragraph with the distributees specified in par.  
8 (b).

9 **SECTION 1m.** 13.94 (1s) (c) 10. of the statutes is created to read:

10 13.94 (1s) (c) 10. A local professional baseball park district created under  
11 subch. III of ch. 229 for the cost of the audit required to be performed under sub. (1)  
12 (z).”.

13 **2.** Page 7, line 22: delete “Twenty-two” and substitute “Twenty”.

1           **3.** Page 8, line 7: after that line insert:

2           “5. Beginning with the 20th annual payment and working backward, the  
3 annual payments scheduled to be made under this paragraph shall be reduced by an  
4 amount equal to the amount certified under s. 229.682 (12) (d).”

5           **4.** Page 8, line 12: delete the material beginning with “to assist” and ending  
6 with “loan” on line 14.

7           **5.** Page 8, line 16: delete “\$50,000,000” and substitute “\$35,000,000”.

8           **6.** Page 8, line 16: after that line insert:

9           “(am) The district shall maintain all proceeds from loans issued under this  
10 subsection in a separate account in the baseball park facilities improvement  
11 segregated fund established under s. 229.687 and may expend the loan proceeds only  
12 for major capital repairs, retractable roof maintenance and repairs, and necessary  
13 improvements to the baseball park facilities.”

14           **7.** Page 17, line 10: after “list” insert “containing the names of not fewer than  
15 3 persons”.

16           **8.** Page 22, line 16: delete “27 annual” and substitute “22 annual rental”.

17           **9.** Page 22, line 17: after “2024” insert “and to make at least 5 annual rental  
18 payments in the amount of \$3,208,401 to the district beginning in 2046, of which the  
19 district shall deposit not less than \$2,000,000 of each such payment into the baseball  
20 park facilities improvement segregated fund under s. 229.687”.

21           **10.** Page 25, line 18: after “(8m).” insert “Nothing in this subsection precludes  
22 the district from entering into long-term performance or service contracts, capital  
23 leases, lease purchase agreements utilizing 3rd-party financing, or similar

1 arrangements with respect to the equipping, repair, maintenance, or improvement  
2 of baseball park facilities.”.

3 **11.** Page 25, line 21: after that line insert:

4 “**SECTION 52m.** 229.682 (12) of the statutes is created to read:

5 229.682 **(12)** TICKET SURCHARGE. (a) Except as provided in par. (b), the district  
6 board shall require that the sponsor of an event, other than a baseball game  
7 involving a professional baseball team that uses the baseball park facilities as its  
8 home field, or an exhibition, “All Star,” or other similar event involving professional  
9 baseball teams or representatives of other professional baseball teams that are  
10 members of the same league as the professional baseball team that uses the baseball  
11 park facilities as its home field, held at the baseball park facilities of the district  
12 impose the following ticket surcharges and deliver the surcharge moneys to the  
13 district board:

14 1. Except as provided in subd. 2., for each ticket that is sold to the event, a \$2  
15 surcharge.

16 2. For each ticket sold that entitles the holder to access a stadium luxury box  
17 or suite, an \$8 surcharge.

18 (b) No ticket surcharge under par. (a) may be charged for any of the following  
19 categories of events:

20 1. Events for which the sponsor is a professional baseball team that uses the  
21 baseball park facilities as its home field.

22 2. Events that are not ticketed.

23 3. Events for which tickets are provided at no charge.

1           4. Events held to benefit or honor military or law enforcement or other  
2 emergency response personnel.

3           5. Political conventions.

4           6. Charitable events.

5           7. Events for which tickets were made available for presale or sale before the  
6 effective date of this subdivision .... [LRB inserts date].

7           (c) The district board shall deposit all surcharge moneys received under par.  
8 (a) into the baseball park facilities improvement segregated fund under s. 229.687.

9           (d) Annually, the district board shall certify to the secretary of administration  
10 the amount of surcharge moneys received under par. (a) in the preceding year.”.

11           **12.** Page 26, line 19: delete “(c)” and substitute “(c), and the moneys required  
12 to be deposited by the district under s. 229.6802 (1) (d)”.

13           **13.** Page 26, line 20: after that line insert:

14           “(g) Ticket surcharge receipts deposited under s. 229.682 (12) (c).

15           (h) Between 2046 and 2050, \$2,000,000 of each annual rental payment  
16 required to be paid by the professional baseball team under a lease agreement, as  
17 specified in s. 229.6802 (1) (d).”.

18           **14.** Page 30, line 2: after that line, on page 4, line 15, of the material inserted  
19 by assembly amendment 1, after “study.” insert “The redevelopment report shall  
20 contain a recommendation supporting or opposing a potential payment in lieu of  
21 general property taxes for any development of the baseball park facilities of the  
22 district other than a baseball stadium.”.

23           **15.** Page 30, line 22: after that line insert:

1           “(c) Beginning on the effective date of this paragraph, the secretary of  
2           administration or the secretary’s designee shall act as the district board of a  
3           professional baseball district created under subch. III of ch. 229 for purposes of  
4           approving regular disbursements of the district. This paragraph does not apply after  
5           the appointment and qualification of a majority of the members of the district  
6           board.”.

7

**(END)**