

State of Wisconsin



2023 Assembly Bill 438

Date of enactment: **December 5, 2023**

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2023 WISCONSIN ACT 40

AN ACT *to repeal* 77.70 (2) (b) 2., 77.705, 77.707 (1), 77.76 (6), 229.64 (2), 229.65 (7), 229.66 (2) (c), 229.68 (11), 229.68 (15) and 229.682 (3); *to renumber* 77.707 (2); *to renumber and amend* 77.70 (2) (b) 1. and 229.64 (1); *to amend* 16.58 (3), 77.54 (41), 77.70 (2) (a), 77.707 (1), 77.71 (intro.), (1), (2), (3), (4) and (5), 79.037 (2) (intro.), 79.037 (3), 229.65 (1), 229.66 (2) (a), 229.66 (2) (b), 229.66 (2) (g), 229.66 (4), 229.67, 229.68 (intro.), 229.68 (4) (b), 229.68 (4) (d), 229.68 (7), 229.68 (9), 229.68 (12), 229.68 (13), 229.68 (16) (intro.), 229.68 (16) (a), 229.682 (1), 229.682 (4), 229.682 (7), 229.685 (1), 229.69 (4), 229.71, 229.75 (3), 229.76 and 341.14 (6r) (b) 13. b.; *to repeal and recreate* 229.66 (3); and *to create* 13.94 (1) (z), 13.94 (1s) (c) 10., 16.09, 25.17 (1) (es), 59.90 (7), 77.54 (9a) (gm), 77.70 (2) (b) 1m. to 3m., 79.037 (4), 229.65 (6m), 229.66 (2) (bm), 229.66 (2) (cm), 229.66 (2) (gm), 229.68 (8) (d), 229.68 (8m), 229.6802, 229.6805, 229.682 (9), 229.682 (10), 229.682 (11), 229.682 (12), 229.685 (3), 229.687, 229.695, 229.80 and 229.805 of the statutes; **relating to:** baseball park district administration, funding for improvement of professional baseball park facilities, use of the Milwaukee County sales tax, expiration of the Milwaukee County sales tax, and Milwaukee County pension obligation bonds.

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

SECTION 1. 13.94 (1) (z) of the statutes is created to read:

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

SECTION 2. 13.94 (1s) (c) 10. of the statutes is created to read:

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

SECTION 3. 16.09 of the statutes is created to read:

16.09 Grant to a local professional baseball park district; short-term loans. (1) PUBLIC PURPOSE. The legislature finds and determines that baseball park facilities encourage economic development and tourism in this state, reduce unemployment in this state, preserve business activities within this state, generate additional tax revenues that would not exist without the baseball park facilities, and bring needed capital into this state for the benefit and welfare of people throughout the state. It is therefore in the public interest and serves a statewide public purpose, and it is the public policy of this state, to assist a local professional baseball park district created under subch. III of ch. 229 in the development, construc-

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

tion, improvement, repair, and maintenance of baseball park facilities.

(2) DEFINITIONS. In this section:

(a) "Baseball park facilities" has the meaning given in s. 229.65 (1).

(b) "District" has the meaning given in s. 229.65 (5).

(c) "Gap payment" means payment of the amount specified in sub. (3) (a), which is intended to substantially equal the total estimated taxes imposed under ch. 71 in calendar years 2021, 2022, and 2023 on the payroll of the professional baseball team and of visiting professional baseball franchises using the professional baseball park facilities.

(d) "Professional baseball team" has the meaning given in s. 229.65 (6m).

(3) GRANT. Subject to sub. (4), the department shall award a grant to a district to assist in the development, construction, improvement, repair, and maintenance of baseball park facilities. The grant shall consist of the following:

(a) The gap payment of \$35,800,000 upon execution of the lease and nonrelocation agreements satisfying s. 229.6802.

(b) The payment of \$25,000,000 upon execution of the lease and nonrelocation agreements satisfying s. 229.6802. The district shall maintain the moneys paid under this paragraph in a separate account in the baseball park facilities improvement segregated fund established under s. 229.687 and may expend the moneys only for the purpose of winterizing the baseball park facilities.

(c) Twenty consecutive annual payments beginning in 2024, subject to the following:

1. The initial payment in 2024 shall equal \$13,400,000.

2. Except as provided in subd. 3., the amount of each subsequent annual payment shall increase from the initial payment at the rate of 4 percent per year compounded annually.

3. No annual payment may exceed \$20,000,000, and beginning on July 1, 2041, no annual payment may exceed \$10,000,000.

4. No annual payment may be made after expiration or termination of the lease specified in s. 229.6802 (1).

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

6. The department shall notify the district when it determines that the current annual payment will be the final annual payment under this subsection.

(4) CONTRACT REQUIREMENTS. The department may not award a grant under sub. (3) unless s. 229.6802 has been satisfied.

(5) LOANS TO A LOCAL PROFESSIONAL BASEBALL PARK DISTRICT. (a) Upon a majority vote of all current members appointed to the board of a district and eligible to

vote on the matter, the department shall issue loans to the district in the amount approved by the board no later than 10 days after receipt of the board's request for the loan. The department may not issue more than a total of \$35,000,000 in loans under this paragraph.

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

(b) Interest on each loan issued under par. (a) shall accrue monthly at a rate equal to the state investment fund earnings rate during the immediately preceding month, as certified by the secretary.

(c) The district shall pay all interest accruing on each loan issued under par. (a) on a quarterly basis to the secretary for deposit in the general fund. The outstanding balance of each loan issued under par. (a) shall be paid no later than 15 years after the date of issuance or upon expiration or termination of the lease specified in s. 229.6802 (1), whichever is earlier.

(d) At least quarterly, the department shall submit a report to the joint committee on finance specifying the outstanding principal and interest owed by the district on each loan issued under par. (a).

(e) The department may not issue a loan under this subsection after December 31, 2045.

SECTION 4. 16.58 (3) of the statutes is amended to read:

16.58 (3) The department may provide financial consulting services to 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.

SECTION 5. 25.17 (1) (es) of the statutes is created to read:

25.17 (1) (es) Funds of a local professional baseball park district created under subch. III of ch. 229 (s. 229.68 (9)), but subject to the terms of the contract under s. 229.68 (9);

SECTION 6. 59.90 (7) of the statutes is created to read:

59.90 (7) REPAYMENT OF PENSION BONDS. Not later than December 31, 2030, the county shall retire its pension bond obligations and any debt incurred to refund its pension bond obligations.

SECTION 7. 77.54 (9a) (gm) of the statutes is created to read:

77.54 (9a) (gm) A local professional baseball park district under subch. III of ch. 229.

SECTION 8. 77.54 (41) of the statutes is amended to read:

77.54 (41) The sales price from the sale of building materials, supplies and equipment to; and the storage, use or other consumption of those kinds of property by; owners, contractors, subcontractors or builders if that prop-

erty is acquired solely for or used solely in, the construction, improvement, renovation, repair, maintenance, or development of property that would be exempt under s. 70.11 (36).

SECTION 9. 77.70 (2) (a) of the statutes, as created by 2023 Wisconsin Act 12, is amended to read:

77.70 (2) (a) In addition to the taxes imposed under sub. (1), a county in which a 1st class city is located may adopt an ordinance, by a two-thirds majority vote of all members elect of the county board, to impose sales and use taxes under this subchapter at the rate of 0.4 percent of the sales price or purchase price. An ordinance adopted under this subsection shall be effective on January 1, April 1, July 1, or October 1 and the taxes shall be imposed only in their entirety as provided in this subchapter. A certified copy of the ordinance shall be delivered to the secretary of revenue at least 120 days prior to its effective date. No county may impose a tax under this subsection unless the county makes an election to join the Wisconsin Retirement System for all new employees, pursuant to s. 40.21 (7) (a), and the county contributes the amount calculated under s. 59.875 (4) to its retirement system's unfunded actuarial accrued liability from the taxes imposed under this subsection in 2025 and in each year thereafter until the first year in which the retirement system is determined by the retirement system's actuary to be fully funded. After the retirement system is first fully funded, or ~~until 30 years have elapsed since the effective date of the tax~~ December 31, 2050, whichever is earlier, the actuary shall determine all future required contributions from the county on the basis of standard actuarial practices, and the county shall repeal the ordinance imposing the tax. A certified copy of that ordinance shall be delivered to the secretary of revenue at least 120 days prior to its effective date. The repeal of any such ordinance shall be effective on December 31. A certified copy of a repeal ordinance shall be delivered to the secretary of revenue at least 120 days before the effective date of the repeal. Except as provided under s. 77.60 (9), the department of revenue may not issue any assessment or act on any claim for a refund or any claim for an adjustment under s. 77.585 after the end of the calendar year that is 4 years after the year in which the county has enacted a repeal ordinance under this subsection.

SECTION 10. 77.70 (2) (b) 1. of the statutes, as created by 2023 Wisconsin Act 12, is renumbered 77.70 (2) (b) (intro.) and amended to read:

77.70 (2) (b) (intro.) Annually, after making the required payment to its retirement system's unfunded actuarial accrued liability under par. (a), the county shall ~~make the required payment for its pension bond obligations from use~~ the remaining revenues received under this subsection: for any of the following:

SECTION 11. 77.70 (2) (b) 1m. to 3m. of the statutes are created to read:

77.70 (2) (b) 1m. Payments for its pension bond obligations.

2m. Additional payments for its retirement system's unfunded actuarial accrued liability.

3m. Payments for its employer contribution to a retirement system established under chapter 201, laws of 1937.

SECTION 12. 77.70 (2) (b) 2. of the statutes, as created by 2023 Wisconsin Act 12, is repealed.

SECTION 13. 77.705 of the statutes, as affected by 2023 Wisconsin Act 19, is repealed.

SECTION 14. 77.707 (1) of the statutes is amended to read:

77.707 (1) Retailers and the department of revenue may not collect a tax under s. ~~77.705, 2021 stats.,~~ for any local professional baseball park district created under subch. III of ch. 229 after the last day of the fiscal quarter in which the local professional baseball park district board makes a certification to the department of revenue under s. 229.685 (2), ~~2021 stats.,~~ or after August 31, 2020, whichever is earlier, except that the department of revenue may collect from retailers taxes that accrued before the termination date and fees, interest and penalties that relate to those taxes. Except as provided under s. 77.60 (9), the department of revenue may not issue any assessment nor act on any claim for a refund or any claim for an adjustment under s. 77.585 after the end of the calendar year that is 4 years after the year in which a local professional baseball park district tax has terminated. The department of revenue shall estimate the amount of the refunds, including interest, that the department may need to pay during that 4-year period and retain that amount from the taxes collected for the district after the termination date. Any amount that remains after the payment of refunds shall be distributed to the counties based on the population of each county that is part of the district.

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

SECTION 16. 77.707 (2) of the statutes is renumbered 77.707.

SECTION 17. 77.71 (intro.), (1), (2), (3), (4) and (5) of the statutes, as affected by 2023 Wisconsin Act 12, are amended to read:

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

(1) For the privilege of selling, licensing, leasing, or renting tangible personal property and the items, property, and goods specified under s. 77.52 (1) (b), (c), and (d), and for the privilege of selling, licensing, performing, or furnishing services a sales tax is imposed upon retailers at the rates under s. 77.70 in the case of a county tax, at the rate under s. 77.701 in the case of a municipal-

ity tax, or at the rate under s. ~~77.705~~ or 77.706 in the case of a special district tax of the sales price from the sale, license, lease, or rental of tangible personal property and the items, property, and goods specified under s. 77.52 (1) (b), (c), and (d), except property taxed under sub. (4), sold, licensed, leased, or rented at retail in the county, municipality, or special district, or from selling, licensing, performing, or furnishing services described under s. 77.52 (2) in the county, municipality, or special district.

(2) An excise tax is imposed at the rates under s. 77.70 in the case of a county tax, at the rate under s. 77.701 in the case of a municipality tax, or at the rate under s. ~~77.705~~ or 77.706 in the case of a special district tax of the purchase price upon every person storing, using, or otherwise consuming in the county, municipality, or special district tangible personal property, or items, property, or goods specified under s. 77.52 (1) (b), (c), or (d), or services if the tangible personal property, item, property, good, 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), (4), or (5) 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 tangible personal property, item, property, good, or service 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 purchase 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 rates under s. 77.70 in the case of a county tax, at the rate under s. 77.701 in the case of a municipality tax, or at the rate under s. ~~77.705~~ or 77.706 in the case of a special district tax of the purchase price of tangible personal property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) that are used in constructing, altering, repairing, or improving real property and that became a component part of real property in that county, municipality, or special district, except that if the contractor has paid the sales tax of a county, municipality, or special district in this state on that tangible personal property, item, property, or good, or has paid a similar local sales tax in another state on a purchase of the same tangible personal property, item, property, or good, that tax shall be credited against the tax under this subsection.

(4) An excise tax is imposed at the rates under s. 77.70 in the case of a county tax, at the rate under s. 77.701 in the case of a municipality tax, or at the rate under s. ~~77.705~~ or 77.706 in the case of a special district tax of the purchase price upon every person storing, using, or otherwise consuming a motor vehicle, boat, recreational vehicle, as defined in s. 340.01 (48r), 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, in a municipality that has in effect an ordinance under s. 77.701, 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. The lease or rental of a motor vehicle, boat, recreational vehicle, as defined in s. 340.01 (48r), or aircraft is not taxed under this subsection if the lease or rental does not require recurring periodic payments.

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

SECTION 18. 77.76 (6) of the statutes is repealed.

SECTION 19. 79.037 (2) (intro.) of the statutes, as created by 2023 Wisconsin Act 12, is amended to read:

79.037 (2) (intro.) In Subject to any reduction required under sub. (4), in 2024, the department of revenue shall determine the amount of the payments under this section as follows:

SECTION 20. 79.037 (3) of the statutes, as created by 2023 Wisconsin Act 12, is amended to read:

79.037 (3) For Subject to any reduction required under sub. (4), for the distribution in 2025 and subsequent years, each county and municipality shall receive a payment under this section equal to the proportion of the total payments from the supplemental county and municipal aid account under s. 25.491 (9) that the county or municipality received in 2024, or if the total of payments received in 2024 by a county is reduced under sub. (4), the proportion of the total payments from the supplemental county and municipal aid account under s. 25.491 (9) that the county would have received in 2024 without that reduction, multiplied by the amount for the year in the supplemental county and municipal aid account under s. 25.491 (9).

SECTION 21. 79.037 (4) of the statutes is created to read:

79.037 (4) For the distribution in 2024 and subsequent years until 2050, if a county fails to make the full amount of a deposit required under s. 229.695 by July 1, the department of revenue shall reduce the county's total of payments under this section for that year by the difference between the amount of the deposit required under s. 229.695 and the amount of any deposit made by July 1 of that year and direct the department of administration to pay to the baseball park facilities improvement segregated fund under s. 229.687 the amount of the reduction.

SECTION 22. 229.64 (1) of the statutes is renumbered 229.64 and amended to read:

229.64 Legislative declaration. The legislature determines that the provision of assistance by state agencies to a district under this subchapter, and any appropriation or grant of funds to a district under this subchapter and the moral obligation pledge under s. 229.74 (7) serve a statewide public purpose by assisting the development, construction, improvement, repair, and maintenance of a professional baseball park facilities in the state for providing recreation, by encouraging economic development and tourism, by preserving business activities within the state, by generating additional tax revenues that would not exist without the baseball park facilities, 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.~~

SECTION 23. 229.64 (2) of the statutes is repealed.

SECTION 24. 229.65 (1) of the statutes is amended to read:

229.65 (1) "Baseball park facilities" means property, tangible or intangible, owned in whole or in substantial part, operated or leased by a district that is principally for the support or performance of professional baseball operations including parking lots, garages, restaurants, parks, concession facilities, entertainment facilities and transportation facilities, and other functionally related or auxiliary facilities or structures.

SECTION 25. 229.65 (6m) of the statutes is created to read:

229.65 (6m) "Professional baseball team" means a baseball team that is a member of a league of professional baseball teams that have home stadiums approved by the league in at least 10 states and a collective average attendance for all league members of at least 10,000 persons per game over the 5 years immediately preceding the effective date of this subsection [LRB inserts date].

SECTION 26. 229.65 (7) of the statutes is repealed.

SECTION 27. 229.66 (2) (a) of the statutes is amended to read:

229.66 (2) (a) A number of persons equal to the number of counties within the jurisdiction of the district plus one, chairperson and 3 others, all of whom must be state

residents, appointed by the governor. At least one of the persons appointed by the governor shall reside within each county that is 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 the senate.

SECTION 28. 229.66 (2) (b) of the statutes is amended to read:

229.66 (2) (b) One person, who must be a state resident, appointed by the governor from a list containing the names of not fewer than 3 persons provided by the chief executive officer of the most populous county within the jurisdiction of the district, who shall serve at the pleasure of the chief executive officer governor. 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.

SECTION 29. 229.66 (2) (bm) of the statutes is created to read:

229.66 (2) (bm) Three persons appointed by the majority leader of the senate, all of whom must be state residents.

SECTION 30. 229.66 (2) (c) of the statutes is repealed.

SECTION 31. 229.66 (2) (cm) of the statutes is created to read:

229.66 (2) (cm) Three persons appointed by the speaker of the assembly, all of whom must be state residents.

SECTION 32. 229.66 (2) (g) of the statutes is amended to read:

229.66 (2) (g) One person, who must be a state resident, appointed by the governor from a list containing the names of not fewer than 3 persons provided by the mayor of the most populous 1st class city within the jurisdiction of a the district or if that city is organized under subch. I of ch. 64, the president of the council of that city, who shall serve at the pleasure of the mayor governor. 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.

SECTION 33. 229.66 (2) (gm) of the statutes is created to read:

229.66 (2) (gm) One person, who must be a state resident and who may not be an employee of the state or of a professional baseball team that leases baseball park facilities constructed under this subchapter as its home facilities, appointed by the governor from a list containing the names of not fewer than 3 persons provided by the professional baseball team. A person appointed under this paragraph may take his or her seat immediately upon appointment and qualification. With respect to any of the following, a person appointed under this paragraph may not participate in any nonpublic meeting of the board or vote:

1. Approving or amending the lease specified in s. 229.6802 (1).

2. Approving or amending the nonrelocation agreement specified in s. 229.6802 (2).

3. Approving or amending a lease or sublease other than specified under subd. 1. or 2. between the district and the professional baseball team.

4. Obtaining or accepting a loan under s. 16.09 (5).

5. Retaining a 3rd-party negotiator under s. 229.6802 (3).

6. A dispute between the district and the professional baseball team.

SECTION 34. 229.66 (3) of the statutes is repealed and recreated to read:

229.66 (3) (a) Upon appointment under sub. (2), the appointing authorities shall certify the appointees to the secretary of administration.

(b) The terms of office of the district board members are as follows:

1. For the chairperson and other persons appointed under sub. (2) (a), 4 years, except that the initial term of office for the initial chairperson appointee and one of the 3 other initial appointees, as designated by the governor, is 2 years.

2. For the persons appointed under sub. (2) (bm) and (cm), 4 years, except that the initial term of office of one of the 3 initial appointees under each of those paragraphs is 2 years, as designated by the appointing authority.

3. For the persons appointed under sub. (2) (b), (g), and (gm), 4 years.

(c) Notwithstanding s. 17.07 (3), persons appointed under sub. (2) may be removed from the district board by the appointing authority at pleasure.

(d) 1. Vacancies for persons appointed under sub. (2) shall be filled by the appointing authority who appointed the person whose office is vacant using the procedure provided under sub. (2) for that position.

2. A person appointed to fill a vacancy under subd. 1. shall serve for the remainder of the term to which he or she is appointed.

SECTION 35. 229.66 (4) of the statutes is amended to read:

229.66 (4) The governor shall select the chairperson of the district board and the district board shall elect from its membership a vice chairperson, a secretary and a treasurer. A majority of the current membership of the district board constitutes a quorum to do business. The Unless otherwise provided by law, the district may take action based on the affirmative vote of a majority of those directors who are present at a meeting of the district board. Except in the case of exigent or emergency circumstances that make an in-person meeting impracticable, all meetings of the district board shall be in person.

SECTION 36. 229.67 of the statutes is amended to read:

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

SECTION 37. 229.68 (intro.) of the statutes is amended to read:

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

SECTION 38. 229.68 (4) (b) of the statutes is amended to read:

229.68 (4) (b) Acquire; lease, as lessor or lessee; authorize the sublease of; use; or transfer property; ~~except that the district may not enter into any lease or sublease that does not receive the affirmative vote of a supermajority majority of all current members appointed to the district board and eligible to vote on the matter.~~

SECTION 39. 229.68 (4) (d) of the statutes is amended to read:

229.68 (4) (d) Enter into contracts, subject to this paragraph and such standards as may be established by the district board, which standards may include approval by a professional baseball team pursuant to the terms of a lease with the district. For a contract, the estimated cost of which exceeds \$200,000, the district shall issue a request for proposals or other procurement document to solicit proposals. The district board may award any such contract for any combination or division of work it designates ~~and may consider any factors in. In~~ awarding a contract, ~~including the district board shall consider price;~~ including the district board shall consider price; time for completion of work ~~and;~~ and; qualifications and past performance of a contractor; contractor responsiveness; contractor eligibility in accordance with any request for proposals or other procurement document; the results of applicable inspections and tests; and performance standards established by the board, including with respect to quality and workmanship. The district shall determine

the most advantageous proposal from a responsible and responsive offeror taking into consideration only the factors under this paragraph and the evaluation criteria set forth in any request for proposals or other procurement document. The district shall award the contract by written notice to the selected offeror within the time for acceptance specified in the request for proposals or other procurement document.

SECTION 40. 229.68 (7) of the statutes is amended to read:

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

SECTION 41. 229.68 (8) (d) of the statutes is created to read:

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

SECTION 42. 229.68 (8m) of the statutes is created to read:

229.68 (8m) Obtain loans under s. 16.09 (5) for purposes described under s. 229.687 (2). Any moneys borrowed or accepted under this subsection shall be deposited into the baseball park facilities improvement segregated fund under s. 229.687.

SECTION 43. 229.68 (9) of the statutes is amended to read:

229.68 (9) Maintain funds and invest the funds in any investment that the district board considers appropriate. After the effective date of this subsection [LRB inserts date], to the extent feasible, a district shall contract with the investment board to invest funds held in trust under this subchapter.

SECTION 44. 229.68 (11) of the statutes is repealed.

SECTION 45. 229.68 (12) of the statutes is amended to read:

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

SECTION 46. 229.68 (13) of the statutes is amended to read:

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

SECTION 47. 229.68 (15) of the statutes is repealed.

SECTION 48. 229.68 (16) (intro.) of the statutes is amended to read:

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

SECTION 49. 229.68 (16) (a) of the statutes is amended to read:

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

SECTION 50. 229.6802 of the statutes is created to read:

229.6802 Lease and nonrelocation agreements required. The grant under s. 16.09 (3) may not be awarded unless the secretary of administration determines that all of the following apply:

(1) LEASE. The district has entered into a customary lease arrangement with a professional baseball team that satisfies all of the following:

(a) Has a standard term that expires no earlier than December 31, 2050.

(b) Requires the professional baseball team to make at least 27 annual deposits in the amount of \$300,000 into the baseball park facilities improvement segregated fund under s. 229.687 beginning in 2024.

(c) In addition to the deposits under par. (b), requires the professional baseball team to make at least 27 annual deposits in the amount of \$1,851,852 into the baseball park facilities improvement segregated fund under s. 229.687 beginning in 2024.

(d) In addition to the deposits under pars. (b) and (c), requires the professional baseball team to make at least 22 annual rental payments in the amount of \$1,208,401 to the district beginning in 2024 and to make at least 5 annual rental payments in the amount of \$3,208,401 to the district beginning in 2046, of which the district shall deposit not less than \$2,000,000 of each such payment into the baseball park facilities improvement segregated fund under s. 229.687.

(e) In addition to the deposits and payments under pars. (b), (c), and (d), requires the professional baseball team, or a 3rd party on the professional baseball team's behalf, to make financial contributions in connection with the development, construction, improvement, repair, and maintenance of the baseball park facilities during the term of the lease in an amount that totals \$50,000,000, of which \$25,000,000 must be so contributed before January 1, 2037, and requires the team to regularly report to the district all expenditures under this paragraph.

(f) Requires the professional baseball team, upon expiration of the lease or upon termination of the lease as a result of breach by the professional baseball team, to disclaim any interest in moneys of the baseball park facilities improvement segregated fund under s. 229.687 and, upon request of the district, convey and transfer to the district for consideration not to exceed \$1 all of the professional baseball team's right and title to the baseball park facilities, except for ancillary improvements constructed or developed by the professional baseball team after the effective date of this paragraph [LRB inserts date], without financial contribution from the state or the district.

(2) NONRELOCATION AGREEMENT. The district has entered into a nonrelocation agreement with the professional baseball team that, except as required by the league

of professional baseball teams of which the team is a member, requires the professional baseball team to play all of its home games at the baseball park facilities and prohibits the professional baseball team from relocating until expiration or termination of the lease according to its terms.

(3) **THIRD-PARTY NEGOTIATOR.** The district has contracted with a 3rd party approved by a two-thirds vote of all current members appointed to the board and eligible to vote on the matter to represent the district in connection with negotiation of the lease and nonrelocation agreements under this section.

SECTION 51. 229.6805 of the statutes is created to read:

229.6805 Facility management. During the term of any lease between the district and a professional baseball team with respect to baseball park facilities, the district shall, at the district's expense, contract with a facility management company or employ an executive director with expertise in managing and operating professional sports facilities and venues similar to the baseball park facilities. The contract shall require the facility management company or executive director to have primary responsibility to manage and supervise the development, construction, improvement, repair, and maintenance of the baseball park facilities.

SECTION 52. 229.682 (1) of the statutes is amended to read:

229.682 (1) **GIFTS AND DONATIONS.** The district board shall explore and consider ways to solicit and encourage gifts and donations for the development, construction, improvement, repair, and maintenance of baseball park facilities and, to the extent feasible, implement means to solicit such gifts and donations.

SECTION 53. 229.682 (3) of the statutes is repealed.

SECTION 54. 229.682 (4) of the statutes is amended to read:

229.682 (4) **SPECIAL TICKET PROVISIONS.** A ~~major league~~ professional baseball team that uses as its home field baseball park facilities that are developed, constructed, improved, repaired, or maintained under this subchapter shall annually designate, ~~for each county that is in the district's jurisdiction,~~ at least one of the team's home games in each of April, May, June, July, August, and September as a discount ticket day ~~for that county,~~ for which residents of ~~that county~~ the state may purchase discounted admission tickets.

SECTION 55. 229.682 (7) of the statutes is amended to read:

229.682 (7) **YOUTH SPORTS ORGANIZATIONS.** A ~~major league~~ professional baseball team that uses as its home field baseball park facilities that are developed, constructed, improved, repaired, or maintained under this subchapter shall make an annual contribution of at least ~~\$20,000~~ \$40,000 to youth sports organizations in this state for the purchase of equipment or the rental or main-

tenance of athletic facilities that are used by such organizations. The contributions that are required under this subsection may be made in cash or equipment.

SECTION 56. 229.682 (9) of the statutes is created to read:

229.682 (9) **CAPITAL SPENDING LIMITATIONS.** After 2045, the district may not initiate any capital project that has an expected life span that exceeds the remaining term of the lease arrangement with a professional baseball team with respect to the district's baseball park facilities. This subsection does not restrict any of the following capital spending:

(a) An amount that does not exceed the amount of the professional baseball team's deposits under s. 229.6802 (1) (b) and (c) after 2045 into the baseball park facilities improvement segregated fund under s. 229.687.

(b) For purposes related to maintaining the safety of the baseball park facilities or the improvement, repair, maintenance, or replacement of the components and systems necessary to operate the baseball park facilities or to comply with applicable law, insurance requirements, or standards imposed by the professional baseball league of which the professional baseball team is a member.

SECTION 57. 229.682 (10) of the statutes is created to read:

229.682 (10) **BORROWING LIMITATIONS.** After the effective date of this subsection ... [LRB inserts date], the district may not borrow moneys except as provided under s. 229.68 (8m). Notwithstanding anything in this subsection to the contrary, nothing in this subsection precludes the district from entering into long-term performance or service contracts, capital leases, lease purchase agreements utilizing 3rd-party financing, or similar arrangements with respect to the equipping, repair, maintenance, or improvement of baseball park facilities.

SECTION 58. 229.682 (11) of the statutes is created to read:

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

SECTION 59. 229.682 (12) of the statutes is created to read:

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

1. Except as provided in subd. 2., for each ticket that is sold to the event:

a. From 2024 to 2032, a \$2 surcharge.

- b. From 2033 to 2041, a \$3 surcharge.
- c. From 2042 to 2050, a \$4 surcharge.
- 2. For each ticket sold that entitles the holder to access a stadium luxury box or suite:
 - a. From 2024 to 2032, an \$8 surcharge.
 - b. From 2033 to 2041, a \$9 surcharge.
 - c. From 2042 to 2050, a \$10 surcharge.
- (b) No ticket surcharge under par. (a) may be charged for any of the following categories of events:
 - 1. Events for which the sponsor is a professional baseball team that uses the baseball park facilities as its home field.
 - 2. Events that are not ticketed.
 - 3. Events for which tickets are provided at no charge.
 - 4. Events held to benefit or honor military or law enforcement or other emergency response personnel.
 - 5. Political conventions.
 - 6. Charitable events.
 - 7. Events for which tickets were made available for presale or sale before the effective date of this subdivision [LRB inserts date].

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

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

SECTION 60. 229.685 (1) of the statutes is amended to read:

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

SECTION 61. 229.685 (3) of the statutes is created to read:

229.685 (3) Annually, the district board shall transfer from a fund funded under sub. (2) to the baseball park facilities improvement segregated fund under s. 229.687 not less than all of the following amounts:

- (a) Through 2039, \$2,200,000.
- (b) The amount deposited under s. 20.395 (5) (ij).

SECTION 62. 229.687 of the statutes is created to read:

229.687 Baseball park facilities improvement segregated fund. (1) The district shall establish and maintain a baseball park facilities improvement segregated fund. The fund shall consist of all of the following:

- (a) Moneys borrowed or accepted and deposited under s. 229.68 (8m).
- (b) Moneys transferred from other district funds under s. 229.685 (3).
- (c) Moneys deposited by a county under s. 229.695 and payments made by the department of administration under s. 79.037 (4).

(d) Moneys received from the department of administration under s. 16.09.

(e) Payments required to be deposited by a professional baseball team under a lease agreement, as specified in s. 229.6802 (1) (b) and (c), and the moneys required to be deposited by the district under s. 229.6802 (1) (d).

(f) All income or interest earned by the investment of moneys of the fund.

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

(2) (a) Subject to par. (b), the district may use moneys deposited into the fund under sub. (1) only for the following purposes:

- 1. The development, construction, improvement, repair, and maintenance of baseball park facilities.
- 2. The district's performance of obligations under any lease with a professional baseball team with respect to baseball park facilities.
- 3. Repayment of loans or moneys accepted under s. 229.68 (8m).
- 4. The district's retention of a 3rd-party negotiator under s. 229.6802 (3).
- 5. After 2030, payment of annual insurance premiums with respect to the ballpark facilities upon the affirmative vote of the district board and solely to the extent that the district board determines that funds held by the district in accounts, other than the baseball park facilities improvement segregated fund under this section, are insufficient to pay the premium in full.

(am) Notwithstanding par. (a), annually on March 3, beginning in the year after the district receives a notification under s. 16.09 (3) (c) 6., the board shall pay from the fund under sub. (1) to the secretary of administration for deposit into the general fund an amount equal to the amount of surcharge moneys received under s. 229.682 (12) (a) in the preceding year.

(b) The district may not use moneys deposited into the fund under sub. (1) for the development, construction, improvement, repair, or maintenance of any physical structure that was not owned, in whole or in part, operated, or leased by the district on the effective date of this paragraph [LRB inserts date].

(3) If, for any reason, the professional baseball team notifies the district that the team intends to terminate the lease agreement or the lease is otherwise terminated, no moneys deposited into the fund under sub. (1) may be expended with respect to the baseball park facilities after the date the district receives that notice, except any of the following:

- (a) Moneys encumbered before receipt of the notice of termination.
- (b) Moneys expended to maintain the safety of the baseball park facilities or for the improvement, repair, maintenance, or replacement of the components and sys-

tems necessary to operate the baseball park facilities or comply with applicable law, insurance requirements, or standards imposed by the professional baseball league of which the professional baseball team is a member.

(c) Moneys expended to make interest payments and principal repayments of loans accepted under s. 229.68 (8m).

(d) An amount of moneys that does not exceed the amount of the professional baseball team's deposits into the baseball park facilities improvement segregated fund under s. 229.6802 (1) (b) and (c) between the date of any notice of lease termination and the effective date of the termination.

SECTION 63. 229.69 (4) of the statutes is amended to read:

229.69 (4) Grant to the state land or other property, especially dedicated by the grant to use for a professional baseball park facilities.

SECTION 64. 229.695 of the statutes is created to read:

229.695 County obligations. Beginning in 2024, annually, no later than July 1, a county within a district's jurisdiction shall deposit \$2,500,000 into the baseball park facilities improvement segregated fund under s. 229.687. This section does not apply after December 31, 2050, or after the aggregate amount of deposits under this section equals \$67,500,000, whichever is earlier.

SECTION 65. 229.71 of the statutes is amended to read:

229.71 Dissolution of a district. Subject Upon or after the expiration or termination of all lease arrangements between the district and a professional baseball team with respect to the baseball park facilities, and 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 the district is dissolved under this section or by action of the legislature, the property of the district shall be transferred to the counties in the jurisdiction, based on the tax revenues derived from each county, as determined by the secretary of administration state.

SECTION 66. 229.75 (3) of the statutes is amended to read:

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

SECTION 67. 229.76 of the statutes is amended to read:

229.76 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. 229.68 (15)~~ power to obtain a loan from the department of administration upon the request of the district under s. 16.09 (5), before the district has fully met and discharged the bonds, and any interest due on the bonds, and has fully performed its contracts, including any lease agreement with a professional baseball team with respect to baseball park facilities, unless adequate provision is made by law for the protection of the bondholders or those entering into contracts with a district.

SECTION 68. 229.80 of the statutes is created to read:

229.80 Reporting. The district shall provide on an ongoing basis to the department of administration, the legislative fiscal bureau, and the legislative audit bureau project reports relating to all baseball park facilities and all financial reports of the district.

SECTION 69. 229.805 of the statutes is created to read:

229.805 Redevelopment report. The district, in consultation with each 1st class city and county within the district's jurisdiction and the professional baseball team that leases baseball park facilities constructed under this subchapter as its home facilities, shall study the feasibility of, and options for, the redevelopment of baseball park facilities of the district other than a baseball stadium and, not later than 2 years after the effective date of this section ... [LRB inserts date], prepare a report summarizing the findings of the study. The redevelopment report shall contain a recommendation supporting or opposing a potential payment in lieu of general property taxes for any development of the baseball park facilities of the district other than a baseball stadium.

SECTION 70. 341.14 (6r) (b) 13. b. of the statutes is amended to read:

341.14 (6r) (b) 13. b. ~~Until the date on which the local professional baseball park district board makes a certification to the department under s. 229.685 (2), the remainder after crediting the appropriation account as provided in subd. 13. a. shall be credited to the appropriation account under s. 20.835 (4) (gb). After the date on which the local professional baseball park district board makes a certification to the department under s. 229.685 (2), the~~ The remainder after crediting the appropriation account as provided in subd. 13. a. shall be credited to the appropriation account under s. 20.395 (5) (ij). The department of transportation shall identify and record the percentage of moneys that are attributable to each professional baseball team represented by a plate under par. (f) 60.

SECTION 71. Nonstatutory provisions.

(1) PROFESSIONAL BASEBALL PARK DISTRICT BOARD TRANSITION.

(a) Notwithstanding s. 229.66, the terms of all existing members of a district board of a professional baseball

park district created under subch. III of ch. 229 expire on the effective date of this paragraph.

(b) Not later than 30 days after the effective date of this paragraph, each appointing authority under s. 229.66 (2) shall appoint the specified members of the district board of a professional baseball park district created under subch. III of ch. 229.

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

(2) PROFESSIONAL BASEBALL PARK DISTRICT NAME. Notwithstanding s. 229.66 (7), at its first meeting following the appointments under sub. (1) (b), a district board

may rename the professional baseball park district created under subch. III of ch. 229 that the district board governs.

(3) EMPLOYEES OF A PROFESSIONAL BASEBALL PARK DISTRICT. Not later than 90 days after the first meeting of the district board of a professional baseball park district created under subch. III or ch. 229 occurring after the effective date of this subsection, the board shall affirmatively determine whether to continue or discontinue the employment of each individual employed on the effective date of this subsection by the district.

SECTION 72. Effective dates. This act takes effect on the day after publication, except as follows:

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

(2) The treatment of s. 79.037 (2) (intro.), (3), and (4) takes effect on July 1, 2024.