



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBa0663/1
RAC/MES/JK:wlj&emw

**SENATE AMENDMENT 1,
TO SENATE BILL 209**

July 15, 2015 - Offered by Senator S. FITZGERALD.

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

2 **1.** Page 4, line 15: delete the material beginning with that line and ending with
3 page 5, line 3.

4 **2.** Page 8, line 22: delete the material beginning with that line and ending with
5 page 11, line 2.

6 **3.** Page 13, line 1: after "facilities" insert ", excluding the outdoor plaza area,".

7 **4.** Page 13, line 3: delete the material beginning with "closed" and ending with
8 "public" on line 4 and substitute "not being used for events that involve the arena
9 floor and seating bowl".

10 **5.** Page 13, line 11: delete the material beginning with that line and ending
11 with page 15, line 4.

12 **6.** Page 15, line 13: delete "clerk of court" and substitute "clerk of court or".

1 **7.** Page 16, line 1: delete lines 1 to 4 and substitute:

2 “77.54 **(62)** The sales price from the sale of building materials, supplies, and
3 equipment and the sale of services described in s. 77.52 (2) (a) 20. to; and the storage,
4 use, or other consumption of the same property and services by; owners, lessees,
5 contractors, subcontractors, or builders if that property or service is acquired solely
6 for or used solely in, the construction or development of sports and entertainment
7 arena facilities, as defined in s. 229.41 (11g), but not later than one year after the
8 secretary of administration issues the certification under s. 229.42 (4e) (d).”.

9 **8.** Page 16, line 4: after that line insert:

10 “**SECTION 45d.** 77.98 (3) of the statutes is amended to read:

11 77.98 **(3)** ~~For~~ Except as provided in sub. (4), for purposes of sub. (1) (a),
12 “premises” shall be broadly construed and shall include the lobby, aisles, and
13 auditorium of a theater or the seating, aisles, and parking area of an arena, a rink,
14 or a stadium, or the parking area of a drive-in or an outdoor theater. The premises
15 of a caterer with respect to catered meals or beverages shall be the place where
16 served.

17 **SECTION 45e.** 77.98 (4) of the statutes is created to read:

18 77.98 **(4)** (a) Except as provided in par. (b), the tax imposed under this section
19 shall not be imposed on the sale of alcoholic beverages, candy, prepared food, or soft
20 drinks sold by a person engaged in the retail trade, as classified under sector 44-45
21 of the North American Industry Classification System, 1997 edition, published by
22 the U.S. office of management and budget, beginning on the first day of the calendar
23 quarter that is at least 120 days after the date on which the bonds issued by the
24 district under subch. II of ch. 229 during the first 60 months after April 26, 1994, and

1 any debt issued to fund or refund those bonds, are retired. The district shall notify
2 the department of revenue, in the manner prescribed by the department, when such
3 bonds and debt are retired.

4 (b) Notwithstanding par. (a), the district board may, by a majority vote of its
5 members, reimpose the tax under this section on a person engaged in a retail trade,
6 as described under par. (a).

7 **SECTION 45f.** 77.982 (3) of the statutes is amended to read:

8 77.982 (3) From the appropriation under s. 20.835 (4) (gg), the department of
9 revenue shall distribute 97.45% of the taxes collected under this subchapter for each
10 district to that district and shall indicate to the district the taxes reported by each
11 taxpayer in that district, no later than the end of the month following the end of the
12 calendar quarter in which the amounts were collected. The taxes distributed shall
13 be increased or decreased to reflect subsequent refunds, audit adjustments, and all
14 other adjustments. Interest paid on refunds of the tax under this subchapter shall
15 be paid from the appropriation under s. 20.835 (4) (gg) at the rate under s. 77.60 (1)
16 (a). Those taxes ~~may~~ shall first be used ~~only~~ for the district's debt service on its bond
17 obligations, as described in s. 77.98 (4). After such obligations are retired, the district
18 may use the taxes for any lawful purpose. Any district that receives a report along
19 with a payment under this subsection is subject to the duties of confidentiality to
20 which the department of revenue is subject under s. 77.61 (5) and (6).”.

21 **9.** Page 16, line 11: after that line insert:

22 “**SECTION 48d.** 79.035 (5) of the statutes, as affected by 2015 Wisconsin Act ...
23 (this act), is repealed and recreated to read:

1 79.035 (5) For the distribution in 2013 and subsequent years, each county and
2 municipality shall receive a payment under this section that is equal to the amount
3 of the payment determined for the county or municipality under this section for
4 2012.”.

5 **10.** Page 16, line 13: delete lines 13 to 25 and substitute:

6 “79.035 (6) Beginning with the distributions in 2016 and ending with the
7 distributions in 2035, the annual payment under this section to a county in which
8 a sports and entertainment arena, as defined in s. 229.41 (11e), is located shall be the
9 amount otherwise determined for the county under this section, minus \$4,000,000.

10 **SECTION 49d.** 79.035 (6) of the statutes, as created by 2015 Wisconsin Act ...
11 (this act), is repealed.”.

12 **11.** Page 19, line 5: delete lines 5 to 18 and substitute:

13 “229.41 (11g) “Sports and entertainment arena facilities” means the sports and
14 entertainment arena and structures, including all fixtures, equipment, and tangible
15 personal property that are used primarily to support the operation of the sports and
16 entertainment arena or are functionally related to the sports and entertainment
17 arena, located on land not to exceed 9 contiguous acres in area. Such sports and
18 entertainment arena facilities shall include such land and may include offices of the
19 professional basketball team or its affiliate, parking spaces and garages, storage or
20 loading facilities, access ways, sidewalks, a skywalk, plazas, transportation
21 facilities, and sports team stores located on such land. In addition, “sports and
22 entertainment arena facilities” also includes a parking structure to be constructed
23 by a professional basketball team or its affiliate in conjunction with the construction

1 of the sports and entertainment arena and to be owned by the sponsoring
2 municipality.”.

3 **12.** Page 20, line 5: delete “15” and substitute “15 17”.

4 **13.** Page 21, line 15: delete lines 15 to 20 and substitute:

5 “**SECTION 61.** 229.42 (4) (f) of the statutes is renumbered 229.42 (4) (f) 1. and
6 amended to read:

7 229.42 (4) (f) 1. Two members, each of whom shall be a cochairperson of the joint
8 ~~committee on finance~~ one of whom shall be the speaker of the assembly, or his or her
9 designee, and one of whom shall be the senate majority leader, or his or her designee,
10 if the designee is a member of the same house of the legislature as the cochairperson
11 speaker or majority leader who makes the designation.

12 **SECTION 61e.** 229.42 (4) (f) 2. of the statutes is created to read:

13 229.42 (4) (f) 2. Two members, one of whom shall be the minority leader of the
14 assembly, or his or her designee, and one of whom shall be the senate minority leader,
15 or his or her designee, if the designee is a member of the same house of the legislature
16 as the minority leader who makes the designation.”.

17 **14.** Page 24, line 7: before “the persons” insert “and”.

18 **15.** Page 24, line 8: delete the material beginning with “and” and ending with
19 “2.,” on line 9.

20 **16.** Page 25, line 19: delete lines 19 to 22 and substitute:

21 “229.44 (4) (a) Acquire, construct, equip, maintain, improve, operate and
22 manage the exposition center and exposition center facilities, or engage other
23 persons to do these things. Acquire, construct, and equip the sports and
24 entertainment arena and sports and entertainment arena facilities, or engage other

1 persons to do these things. If the professional basketball team or its affiliate
2 breaches the non-relocation agreement or lease under s. 229.461, the district may
3 equip, maintain, improve, operate, and manage the sports and entertainment arena
4 and sports and entertainment arena facilities, or engage other persons to do these
5 things, but only from moneys received from the parent company of the professional
6 basketball team, the professional basketball team, or its affiliate resulting from the
7 breach of the non-relocation agreement or lease.”.

8 **17.** Page 26, line 4: delete lines 4 and 5 and substitute:

9 “229.44 (4) (c) Improve, maintain, and repair real property, except that the
10 district may only improve, maintain, and repair the sports and entertainment arena
11 facilities, or engage other persons to do these things, if the professional basketball
12 team or its affiliate breaches the non-relocation agreement or lease under s. 229.461
13 and only from moneys received from the parent company of the professional
14 basketball team, the professional basketball team, or its affiliate resulting from the
15 breach of the non-relocation agreement or lease.”.

16 **18.** Page 26, line 23: after that line insert:

17 “**SECTION 74e.** 229.445 of the statutes is created to read:

18 **229.445 Ticket surcharge.** The board of directors shall require the sponsor
19 of an event held at a sports and entertainment arena to impose a \$2 surcharge on
20 each ticket that is sold to the event. The event sponsor shall forward to the board of
21 directors any surcharges collected under this section. The board of directors shall
22 submit 25 percent of the amount received under this section to the department of
23 administration for deposit into the general fund and shall retain the remainder for
24 the district.”.

- 1 **19.** Page 27, line 9: after “facilities.” insert “In addition, the professional
2 basketball team or its affiliate must have entered into the non-relocation agreement
3 under sub. (2) before the district may sign the development agreement.”.
- 4 **20.** Page 27, line 16: delete “at the time” and substitute “before”.
- 5 **21.** Page 29, line 5: after “operating,” insert “improving,”.
- 6 **22.** Page 29, line 13: after “revenues” insert “, other than surcharges collected
7 under s. 229.445,”.
- 8 **23.** Page 30, line 1: delete “development”.
- 9 **24.** Page 30, line 2: delete “agreement or the”.
- 10 **25.** Page 30, line 4: delete “the development agreement or”.
- 11 **26.** Page 30, line 14: delete “development agreement or”.
- 12 **27.** Page 32, line 9: delete “The property” and substitute “Subject to the terms
13 of any lease under s. 229.461 (3), the property”.
- 14 **28.** Page 34, line 15: delete the material beginning with “, plus” and ending
15 with “enhancement” on line 17 and substitute “. The district may receive additional
16 proceeds from the bonds to pay issuance or administrative costs related to the bonds,
17 to make deposits in reserve funds related to the bonds, to pay accrued or funded
18 interest on the bonds, and to pay the costs of credit enhancement for the bonds”.
- 19 **29.** Page 36, line 6: after “bonds” insert “or any refunding bonds”.
- 20 **30.** Page 36, line 12: after “operating,” insert “improving,”.
- 21 **31.** Page 36, line 13: after “operating,” insert “improving,”.

1 **32.** Page 36, line 15: after “facilities.” insert “If the professional basketball
2 team or its affiliate breaches the non-relocation agreement or lease under s. 229.461,
3 the district is responsible for equipping, maintaining, operating, and repairing
4 sports and entertainment arena facilities during the remainder of the lease, but only
5 from moneys received from the parent company of the professional basketball team,
6 the professional basketball team, or its affiliate resulting from the breach of the
7 non-relocation agreement or lease.”.

8 **33.** Page 38, line 1: delete “individual” and substitute “seller”.

9 **34.** Page 39, line 13: delete the material beginning with that line and ending
10 with page 45, line 12, and substitute:

11 “**SECTION 109m.** 846.16 (1) of the statutes is amended to read:

12 846.16 (1) The sheriff or referee who makes sale of mortgaged premises, under
13 a judgment therefor, shall give notice of the time and place of sale in the manner
14 provided by law for the sale of real estate upon execution or in such other manner
15 as the court shall in the judgment direct; where the department of veterans affairs
16 is also a party in the foreclosure action, the judgment shall direct that notice of sale
17 be given by registered mail, return receipt requested, to the department at Madison,
18 Wisconsin, at least 3 weeks prior to the date of sale, but such requirement does not
19 affect any other provision as to giving notice of sale. The Except as provided in sub.
20 (3) and s. 846.167, the sheriff or referee shall, within 10 days thereafter, file with the
21 clerk of the court a report of the sale, and shall also immediately after the sale first
22 deduct any fee due under s. 77.22 (1); then deposit that fee, a return under s. 77.22
23 and the deed with the clerk of the court for transmittal to the register of deeds; then
24 deduct the costs and expenses of the sale, unless the court orders otherwise, and then

1 deposit with the clerk of the court the proceeds of the sale ordered by the court. The
2 sheriff may accept from the purchaser at such sale as a deposit or down payment
3 upon the same not less than \$100, in which case such amount shall be so deposited
4 with the clerk of the court as above provided, and the balance of the sale price shall
5 be paid to the clerk by the purchaser at such sale upon the confirmation thereof. If
6 the highest bid is less than \$100, the whole amount thereof shall be so deposited.

7 **SECTION 110m.** 846.16 (3) of the statutes is created to read:

8 846.16 (3) If the mortgaged premises are located in a county having a
9 population of 750,000 or more, no later than 10 days after the sale of the mortgaged
10 premises, the sheriff or referee shall do all of the following:

11 (a) File a report of the sale with the clerk of court.

12 (b) Deliver to the clerk of court all of the following:

13 1. The deed to the mortgaged premises.

14 2. After deducting the costs and expenses of the sale, unless the court orders
15 otherwise, the proceeds of the sale ordered by the court.

16 **SECTION 111m.** 846.167 of the statutes is created to read:

17 **846.167 Confirmation of sale and transmittal of deed in populous**
18 **counties.** (1) In this section, "county" means a county having a population of
19 750,000 or more.

20 (2) If a sheriff or referee makes a sale of mortgaged premises located in a county
21 under a judgment of foreclosure and sale, all of the following apply:

22 (a) If the purchaser is not the judgment creditor, before the court may confirm
23 the sale, the purchaser shall provide the judgment creditor with any information
24 required for the judgment creditor to complete the real estate transfer return under

1 s. 77.22 and, if applicable, any information required for a certificate, waiver, or
2 stipulation required under s. 101.122.

3 (b) No later than 10 days after the court confirms the sale, the purchaser shall
4 pay to the court all of the following:

5 1. The amount of the transfer fee under s. 77.22, if any.

6 2. The amount of the fee under s. 59.43 (2) to record all of the following:

7 a. The deed to the mortgaged premises delivered under s. 846.16.

8 b. Any other document required for the register of deeds to record the deed,
9 including any certificate, waiver, or stipulation required under s. 101.122.

10 (c) No later than 10 days after the court confirms the sale, the judgment creditor
11 shall provide to the court the receipt for submitting a transfer return under s. 77.22
12 and any certificate, waiver, or stipulation required under s. 101.122.

13 **(3)** Upon the court confirming the sale of mortgaged premises located in a
14 county and upon compliance by the purchaser with the terms of the sale and the
15 payment of any balance of the sale price to be paid, unless otherwise ordered by the
16 court, the clerk of the court shall transmit the deed to the mortgaged premises
17 received under s. 846.16, the receipt for submitting a transfer return under s. 77.22,
18 any certificate, waiver, or stipulation required under s. 101.122, the amount due
19 under s. 59.43 (2) to record the deed and any other document required to record the
20 deed, and the transfer fee, if any, to the register of deeds of the county.

21 **SECTION 112m.** 846.17 of the statutes is amended to read:

22 **846.17 Deed, execution and effect of.** Upon any such sale being made the
23 sheriff or referee making the same, on compliance with its terms, shall make and
24 execute to the purchaser, the purchaser's assigns or personal representatives, a deed
25 of the premises sold, setting forth each parcel of land sold to the purchaser and the

1 sum paid therefor, which deed, upon confirmation of such sale, shall vest in the
2 purchaser, the purchaser's assigns or personal representatives, all the right, title
3 and interest of the mortgagor, the mortgagor's heirs, personal representatives and
4 assigns in and to the premises sold and shall be a bar to all claim, right of equity of
5 redemption therein, of and against the parties to such action, their heirs and
6 personal representatives, and also against all persons claiming under them
7 subsequent to the filing of the notice of the pendency of the action in which such
8 judgment was rendered; and the purchaser, the purchaser's heirs or assigns shall be
9 let into the possession of the premises so sold on production of such deed or a duly
10 certified copy thereof, and the court may, if necessary, issue a writ of assistance to
11 deliver such possession. Such deed or deeds so made and executed by the sheriff as
12 above set forth shall be forthwith delivered by the sheriff to the clerk of the court to
13 be held by the clerk until the confirmation of the sale, and upon the confirmation
14 thereof the clerk of the court shall thereupon pay to the parties entitled thereto, or
15 to their attorneys, the proceeds of the sale, and, except as provided in s. 846.167, shall
16 deliver to the purchaser, the purchaser's assigns or personal representatives, at the
17 sale such deed upon compliance by such purchaser with the terms of such sale, and
18 the payment of any balance of the sale price to be paid. In the event of the failure
19 of such purchaser to pay any part of the purchase price remaining to be paid within
20 10 days after the confirmation of such sale, the amount so deposited shall be forfeited
21 and paid to the parties who would be entitled to the proceeds of such sale as ordered
22 by the court, and a resale shall be had of said premises, and in such event such deed
23 so executed to the defaulting purchaser shall be destroyed by said clerk, and shall
24 be of no effect. In the event that such sale is not confirmed by the court, the clerk shall
25 forthwith refund to the purchaser at such sale the amount so paid or deposited by

1 the purchaser, and shall likewise destroy such sheriff's deed so executed, and the
2 same shall be of no effect, and a resale of the premises shall be had upon due notice
3 thereof.”.

4 **35.** Page 45, line 13: delete lines 13 to 25.

5 **36.** Page 46, line 12: after that line insert:

6 “(2m) FORECLOSURE PROCESS IN POPULOUS COUNTIES. The treatment of sections
7 846.16 (1) and (3), 846.167, and 846.17 of the statutes first applies to a foreclosure
8 action commenced on the effective date of this subsection.”.

9 **37.** Page 46, line 19: after that line insert:

10 “(2m) FORECLOSURE PROCESS IN POPULOUS COUNTIES. The treatment of sections
11 846.16 (1) and (3), 846.167, and 846.17 of the statutes and SECTION 115 (2m) of this
12 act take effect on the first day of the 5th month beginning after publication.”.

13 (END)