



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-5050/1  
JK:cjs

## 2023 SENATE BILL 738

December 8, 2023 - Introduced by Senators BALLWEG and SMITH, cosponsored by Representatives AUGUST and SHELTON. Referred to Committee on Universities and Revenue.

1     **AN ACT** *to repeal* 60.85 (2) (b) 7., 60.85 (5) (e), 66.1105 (2) (f) 1. m., 66.1105 (4)  
2           (h) 4., 66.1105 (5) (bf), 66.1105 (5) (bj), 66.1105 (6) (a) 5., 66.1105 (6) (a) 9.,  
3           66.1105 (6) (am) 2. c., 66.1105 (6) (am) 2. d., 66.1105 (6) (am) 2. e., 66.1105 (6)  
4           (am) 2. f., 66.1105 (6) (dm), 66.1105 (6) (e) 1. e., 66.1105 (7) (ak) 3., 66.1105 (7)  
5           (ar), 66.1105 (7) (at), 66.1105 (19), 71.07 (5e), 71.10 (4) (gy), 71.28 (5e), 71.30 (3)  
6           (es), 71.47 (5e), 71.49 (1) (es), 77.51 (5m), 77.585 (9), 120.135, 121.91 (4) (h) and  
7           565.28 (2); *to renumber and amend* 77.54 (14m) and 565.28 (1); *to amend*  
8           60.85 (2) (c), 60.85 (3) (h) 4., 60.85 (3) (h) 5. a., 60.85 (3) (h) 5. c., 66.1105 (2) (f)  
9           1. (intro.), 66.1105 (2) (f) 1. n., 66.1105 (2) (j), 66.1105 (4) (a), 66.1105 (4) (e),  
10          66.1105 (4) (h) 1., 66.1105 (4) (h) 2., 66.1105 (4e) (b) 1., 66.1105 (5) (c) 1., 66.1105  
11          (5) (ce) 1., 66.1105 (6) (d) 1m., 66.1105 (6) (e) 1. b., 66.1105 (7) (ak) 2., 66.1105  
12          (18) (c) 2., 70.47 (8) (d), 70.48, 71.05 (6) (a) 15., 71.07 (6) (am) 1., 71.07 (6) (am)  
13          2. d., 71.08 (1) (intro.), 71.21 (4) (a), 71.26 (2) (a) 4., 71.34 (1k) (g), 71.45 (2) (a)  
14          10., 77.52 (13), 77.53 (10), 121.07 (6) (a) (intro.), 177.0202 (title), 177.0202 (1)

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1 (intro.), 177.0210 (1) (intro.), 177.0607 (4), 177.1505 (4) and 565.27 (2) (b) 3.; and  
2 **to create** 71.07 (6) (am) 1m., 177.01 (7a), 177.01 (7d) (c) 5., 177.01 (13b) (c) 8.,  
3 177.01 (14d) (c) 5., 177.01 (16) (e) and 177.0607 (3) (d) of the statutes; **relating**  
4 **to:** eliminating obsolete statutory references regarding property, sales, and  
5 income taxes; the uniform unclaimed property act; and lottery games.

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***Analysis by the Legislative Reference Bureau***

This bill does all of the following:

***Obsolete statutory references***

The bill repeals obsolete statutory references relating to tax incremental financing districts and obsolete references relating to a capital improvement fund for schools.

***Electronic assessment rolls***

Under current law, when a board of review changes an assessor's valuation of property, the clerk is required to revise the assessment roll by using red ink to cross out the assessor's valuation and enter the board's valuation. The bill modifies the requirement to reflect the use of electronic assessment rolls. Under the bill, the clerk is required to enter the board's valuation and a note about the change to the assessor's valuation into the assessment roll, but there is no requirement to use red ink or to cross out the assessor's valuation.

***Internet equipment in the broadband market***

The bill eliminates obsolete tax deductions, credits, and exemptions for certain Internet equipment used in the broadband market and purchased before July 1, 2009.

***Objecting to property tax assessments***

Under current law, when the local board of review conducts a hearing to consider an objection to a person's property tax assessment, the board must, at the request of the assessor or the person making an objection, compel the attendance of witnesses. The bill eliminates the option for the person making the objection to request the attendance of witnesses. This option was included in 2007 Wisconsin Act 86. However, the state supreme court found the entire act to be unconstitutional in *Metropolitan Associates v. City of Milwaukee*, 2011 WI 20. Another act, 2017 Wisconsin Act 358, repealed other provisions the court found unconstitutional under *Metropolitan Associates*.

***Sales tax exemption certificates***

Under current law, drugs prescribed for the treatment of a human being by a person authorized to prescribe the drugs, and dispensed on prescription filled by a pharmacist, are exempt from the sales tax. Generally, a person does not need to

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present to the seller a sales tax exemption certificate issued by DOR to claim the exemption.

Under current law, insulin furnished by a pharmacist to a person for treatment of diabetes as directed by a physician is considered to be dispensed on prescription and, therefore, exempt from the sales tax. However, a person must present a tax exemption certificate to claim the exemption. The bill modifies the exemption for insulin so that insulin furnished by a pharmacist to a person for treatment of diabetes of a human being is exempt from the sales tax and the purchaser is not required to present an exemption certificate.

Current law also provides sales tax exemptions for patient health care records that are sold to the patient and for farm-raised fish sold to a fish farm. In order to claim either exemption, the purchaser must present to the seller an exemption certificate issued by DOR. The bill eliminates the requirement that a purchaser present an exemption certificate to claim the exemption for patient health care records or for farm-raised fish.

***Married persons tax credit***

This bill updates references to, and incorporates definitions from, the Internal Revenue Code for the purpose of claiming the married persons tax credit.

***Unclaimed property***

This bill make technical changes to the state's adoption of the Revised Uniform Unclaimed Property Act. For example, under current law, a "loyalty card" means, in part, a record given without direct monetary consideration under an award, reward, benefit, loyalty, incentive, rebate, or promotional program. The bill creates the term "financial organization loyalty card" and defines that term, in part, as a card or electronic record given without direct monetary consideration under an award, reward, benefit, loyalty, incentive, rebate, or promotional program established by a financial organization.

***Lottery games***

With regard to lottery games, current law requires that all drawings to select among winning numbers, among entries, or among finalists must be recorded on both videotape and audiotape. This bill modifies that provision so that all such drawings must be documented with a video and audio recording.

The bill also eliminates an obsolete provision related to lottery prizes received on or before October 21, 1998, and payable over a 10-year period. Under current law, the recipient of such a prize had until December 31, 2000, to change the form of the payment from an annuity to a lump-sum payment.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

**SENATE BILL 738****SECTION 1**

1           **SECTION 1.** 60.85 (2) (b) 7. of the statutes is repealed.

2           **SECTION 2.** 60.85 (2) (c) of the statutes is amended to read:

3           60.85 (2) (c) ~~Except as provided in par. (b) 7., no~~ No town may exercise any  
4 power under this subsection within the extraterritorial zoning jurisdiction of a city  
5 or village, as that term is defined in s. 62.23 (7a) (a), unless the city's or village's  
6 governing body adopts a resolution which approves the town's exercise of power  
7 under this subsection within such an extraterritorial zoning jurisdiction.

8           **SECTION 3.** 60.85 (3) (h) 4. of the statutes is amended to read:

9           60.85 (3) (h) 4. Declares the district to be either an agricultural project district,  
10 forestry project district, manufacturing project district, or tourism project district,  
11 and identifies the North American Industry Classification System industry number  
12 of each activity under each project for which project costs are to be expended; ~~or~~  
13 ~~declares the district to be a project described in sub. (2) (b) 7.~~

14           **SECTION 4.** 60.85 (3) (h) 5. a. of the statutes is amended to read:

15           60.85 (3) (h) 5. a. That not less than 75 percent, by area, of the real property  
16 within the district is to be used for projects of a single one of the project types listed  
17 under sub. (2) (b) 1. to 4. ~~or 7.~~ and in accordance with the declaration under subd. 4.

18           **SECTION 5.** 60.85 (3) (h) 5. c. of the statutes is amended to read:

19           60.85 (3) (h) 5. c. That the project costs of the district are limited to those  
20 specified under sub. (2) (b) and relate directly to ~~a project described in sub. (2) (b)~~  
21 ~~7. or to~~ promoting agriculture, forestry, manufacturing, or tourism development.

22           **SECTION 6.** 60.85 (5) (e) of the statutes is repealed.

23           **SECTION 7.** 66.1105 (2) (f) 1. (intro.) of the statutes is amended to read:

24           66.1105 (2) (f) 1. (intro.) "Project costs" mean any expenditures made or  
25 estimated to be made or monetary obligations incurred or estimated to be incurred

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1 by the city which are listed in a project plan as costs of public works or improvements  
2 within a tax incremental district or, to the extent provided in this subd. 1. (intro.) or  
3 subds. 1. k., ~~1. m.~~, and 1. n., or sub. (20) (c), without the district, plus any incidental  
4 costs, diminished by any income, special assessments, or other revenues, including  
5 user fees or charges, other than tax increments, received or reasonably expected to  
6 be received by the city in connection with the implementation of the plan. For any  
7 tax incremental district for which a project plan is approved on or after July 31, 1981,  
8 only a proportionate share of the costs permitted under this subdivision may be  
9 included as project costs to the extent that they benefit the tax incremental district,  
10 except that expenditures made or estimated to be made or monetary obligations  
11 incurred or estimated to be incurred by a 1st class city, to fund parking facilities  
12 ancillary to and within one mile from public entertainment facilities, including a  
13 sports and entertainment arena, shall be considered to benefit any tax incremental  
14 district located in whole or in part within a one-mile radius of such parking facilities.  
15 To the extent the costs benefit the municipality outside the tax incremental district,  
16 a proportionate share of the cost is not a project cost. "Project costs" include:

17 **SECTION 8.** 66.1105 (2) (f) 1. m. of the statutes is repealed.

18 **SECTION 9.** 66.1105 (2) (f) 1. n. of the statutes is amended to read:

19 66.1105 (2) (f) 1. n. ~~With regard to a tax incremental district that is located~~  
20 ~~anywhere other than a city to which sub. (6) (d) applies, and subject~~ Subject to sub.  
21 (4m) (d), project costs incurred for territory that is located within a one-half mile  
22 radius of the district's boundaries and within the city that created the district.

23 **SECTION 10.** 66.1105 (2) (j) of the statutes is amended to read:

24 66.1105 (2) (j) "Tax incremental base" means the aggregate value, as equalized  
25 by the department of revenue, of all taxable property located within a tax

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1 incremental district on the date as of which the district is created, determined as  
2 provided in sub. (5) (b). ~~The base of districts created before October 1, 1980, does not~~  
3 ~~include the value of property exempted under s. 70.111 (17).~~

4 **SECTION 11.** 66.1105 (4) (a) of the statutes is amended to read:

5 66.1105 (4) (a) Holding of a public hearing by the planning commission at  
6 which interested parties are afforded a reasonable opportunity to express their views  
7 on the proposed creation of a tax incremental district and the proposed boundaries  
8 of the district. Notice of the hearing shall be published as a class 2 notice, under ch.  
9 985. Before publication, a copy of the notice shall be sent ~~by first class mail~~ to the  
10 chief executive officer or administrator of all local governmental entities having the  
11 power to levy taxes on property located within the proposed district and to the school  
12 board of any school district which includes property located within the proposed  
13 district. For a county with no chief executive officer or administrator, notice shall be  
14 sent to the county board chairperson.

15 **SECTION 12.** 66.1105 (4) (e) of the statutes is amended to read:

16 66.1105 (4) (e) At least 14 days before adopting a resolution under par. (gm),  
17 holding of a public hearing by the planning commission at which interested parties  
18 are afforded a reasonable opportunity to express their views on the proposed project  
19 plan. The hearing may be held in conjunction with the hearing provided for in par.  
20 (a). If the city anticipates that the proposed project plan's project costs may include  
21 cash grants made by the city to owners, lessees, or developers of land that is located  
22 within the tax incremental district, the hearing notice shall contain a statement to  
23 that effect. Notice of the hearing shall be published as a class 2 notice, under ch. 985.  
24 The notice shall include a statement advising that a copy of the proposed project plan  
25 will be provided on request. Before publication, a copy of the notice shall be sent ~~by~~

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1 ~~1st class mail~~ to the chief executive officer or administrator of all local governmental  
2 entities having the power to levy taxes on property within the district and to the  
3 school board of any school district which includes property located within the  
4 proposed district. For a county with no chief executive officer or administrator, notice  
5 shall be sent to the county board chairperson.

6 **SECTION 13.** 66.1105 (4) (h) 1. of the statutes is amended to read:

7 66.1105 (4) (h) 1. Subject to subds. 2., 4., 5., and 6., the planning commission  
8 may, by resolution, adopt an amendment to a project plan. The amendment is subject  
9 to approval by the local legislative body and approval requires the same findings as  
10 provided in par. (g) and, if the amendment adds territory to a district under subd. 2.,  
11 approval also requires the same findings as provided in par. (gm) 4. c. Any  
12 amendment to a project plan is also subject to review by a joint review board, acting  
13 under sub. (4m). Adoption of an amendment to a project plan shall be preceded by  
14 a public hearing held by the plan commission at which interested parties shall be  
15 afforded a reasonable opportunity to express their views on the amendment. Notice  
16 of the hearing shall be published as a class 1 notice, under ch. 985. The notice shall  
17 include a statement of the purpose and cost of the amendment and shall advise that  
18 a copy of the amendment will be provided on request. Before publication, a copy of  
19 the notice shall be sent ~~by 1st class mail~~ to the chief executive officer or administrator  
20 of all local governmental entities having the power to levy taxes on property within  
21 the district and to the school board of any school district which includes property  
22 located within the proposed district. For a county with no chief executive officer or  
23 administrator, this notice shall be sent to the county board chairperson.

24 **SECTION 14.** 66.1105 (4) (h) 2. of the statutes, as affected by 2023 Wisconsin Act  
25 8, is amended to read:

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1           66.1105 (4) (h) 2. Except as provided in subds. 4., 5., 7., 9., 10., and 11., the  
2           planning commission may adopt an amendment to a project plan under subd. 1. to  
3           modify the district's boundaries, not more than 4 times during the district's  
4           existence, by subtracting territory from the district in a way that does not remove  
5           contiguity from the district or by adding territory to the district that is contiguous  
6           to the district and that is served by public works or improvements that were created  
7           as part of the district's project plan. A single amendment to a project plan that both  
8           adds and subtracts territory shall be counted under this subdivision as one  
9           amendment of a project plan.

10           **SECTION 15.** 66.1105 (4) (h) 4. of the statutes is repealed.

11           **SECTION 16.** 66.1105 (4e) (b) 1. of the statutes is amended to read:

12           66.1105 (4e) (b) 1. Adoption of a resolution under par. (a) 1. shall be preceded  
13           by a public hearing held by the common council at which interested parties shall be  
14           afforded a reasonable opportunity to express their views on the proposed designation  
15           of a distressed, or severely distressed, tax incremental district. Notice of the hearing  
16           shall be published as a class 2 notice under ch. 985. The notice shall describe the  
17           resolution and shall advise that a copy of the resolution will be provided on request.  
18           The notice shall also explain that the life of a distressed tax incremental district may  
19           be extended, that it may receive excess tax increments from a donor district, and that  
20           the life of the donor district may be extended to provide such increments. Before  
21           publication, a copy of the notice shall be sent by 1st class mail to the chief executive  
22           officer or administrator of all local governmental entities having the power to levy  
23           taxes on property within the district and to the school board of any school district that  
24           includes property located within the proposed district. For a county with no chief



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1 executive officer or administrator, this notice shall be sent to the county board  
2 chairperson.

3 **SECTION 17.** 66.1105 (5) (bf) of the statutes is repealed.

4 **SECTION 18.** 66.1105 (5) (bj) of the statutes is repealed.

5 **SECTION 19.** 66.1105 (5) (c) 1. of the statutes is amended to read:

6 66.1105 (5) (c) 1. For a tax incremental district created before March 3, 2016,  
7 if the city adopts an amendment to the original project plan for any district which  
8 subtracts territory from the district or which includes additional project costs at least  
9 part of which will be incurred after the period specified in sub. (6) (am) 1., the tax  
10 incremental base for the district shall be redetermined, if sub. (4) (h) 2.,~~4.~~, or 5.  
11 applies to the amended project plan, either by subtracting from the tax incremental  
12 base the value of the taxable property and the value of real property owned by the  
13 city, other than property described under s. 66.1105 (5) (bm), 2013 stats. that is  
14 subtracted from the existing district or by adding to the tax incremental base the  
15 value of the taxable property and the value of real property owned by the city, other  
16 than property described in s. 66.1105 (5) (bm), 2013 stats., that is added to the  
17 existing district under sub. (4) (h) 2.,~~4.~~, or 5. or, if sub. (4) (h) 2.,~~4.~~, or 5. does not apply  
18 to the amended project plan, under s. 66.1105 (5) (b), 2013 stats., as of the January  
19 1 next preceding the effective date of the amendment if the amendment becomes  
20 effective between January 2 and September 30, as of the next subsequent January  
21 1 if the amendment becomes effective between October 1 and December 31 and if the  
22 effective date of the amendment is January 1 of any year, the redetermination shall  
23 be made on that date. With regard to a district to which territory has been added,  
24 the tax incremental base as redetermined under this paragraph is effective for the

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1 purposes of this section only if it exceeds the original tax incremental base  
2 determined under s. 66.1105 (5) (b), 2013 stats.

3 **SECTION 20.** 66.1105 (5) (ce) 1. of the statutes is amended to read:

4 66.1105 (5) (ce) 1. For a tax incremental district created before March 3, 2016,  
5 if the city adopts an amendment, to which sub. (4) (h) 2., ~~4.~~, or 5. applies, the tax  
6 incremental base for the district shall be redetermined, either by subtracting from  
7 the tax incremental base the value of the taxable property and the value of real  
8 property owned by the city, other than property described under s. 66.1105 (5) (bm),  
9 2013, stats., that is subtracted from the existing district or by adding to the tax  
10 incremental base the value of the taxable property and the value of real property  
11 owned by the city, other than property described in s. 66.1105 (5) (bm), 2013, stats.,  
12 that is added to the existing district under sub. (4) (h) 2., ~~4.~~, or 5., as of the January  
13 1 next preceding the effective date of the amendment if the amendment becomes  
14 effective between January 2 and September 30, as of the next subsequent January  
15 1 if the amendment becomes effective between October 1 and December 31 and if the  
16 effective date of the amendment is January 1 of any year, the redetermination shall  
17 be made on that date. With regard to a district to which territory has been added,  
18 the tax incremental base as redetermined under this paragraph is effective for the  
19 purposes of this section only if it exceeds the original tax incremental base  
20 determined under s. 66.1105 (5) (b), 2013 stats.

21 **SECTION 21.** 66.1105 (6) (a) 5. of the statutes is repealed.

22 **SECTION 22.** 66.1105 (6) (a) 9. of the statutes is repealed.

23 **SECTION 23.** 66.1105 (6) (am) 2. c. of the statutes is repealed.

24 **SECTION 24.** 66.1105 (6) (am) 2. d. of the statutes is repealed.

25 **SECTION 25.** 66.1105 (6) (am) 2. e. of the statutes is repealed.

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1           **SECTION 26.** 66.1105 (6) (am) 2. f. of the statutes is repealed.

2           **SECTION 27.** 66.1105 (6) (d) 1m. of the statutes is amended to read:

3           66.1105 **(6)** (d) 1m. After December 31, 2016, subd. 1. applies only to Tax  
4 ~~Incremental District Number One~~, Tax Incremental District Number Four, and Tax  
5 Incremental District Number Five in the City of Kenosha, and no increments may  
6 be allocated under that subdivision, after December 31, 2016, unless the allocation  
7 is approved by the joint review board.

8           **SECTION 28.** 66.1105 (6) (dm) of the statutes is repealed.

9           **SECTION 29.** 66.1105 (6) (e) 1. b. of the statutes is amended to read:

10          66.1105 **(6)** (e) 1. b. ~~Except as provided in subd. 1. e., the~~ The donor tax  
11 incremental district and the recipient tax incremental district have been created  
12 before October 1, 1995.

13          **SECTION 30.** 66.1105 (6) (e) 1. e. of the statutes is repealed.

14          **SECTION 31.** 66.1105 (7) (ak) 2. of the statutes is amended to read:

15          66.1105 **(7)** (ak) 2. Except as provided in par. (am) 4., for a district that is  
16 created after September 30, 1995, and before October 1, 2004, and that is not subject  
17 to subd. 1., 4., or 5., 23 years after the district was created, and, ~~except as provided~~  
18 ~~in subd. 3.,~~ for a district that is created before October 1, 1995, 27 years after the  
19 district is created.

20          **SECTION 32.** 66.1105 (7) (ak) 3. of the statutes is repealed.

21          **SECTION 33.** 66.1105 (7) (ar) of the statutes is repealed.

22          **SECTION 34.** 66.1105 (7) (at) of the statutes is repealed.

23          **SECTION 35.** 66.1105 (18) (c) 2. of the statutes is amended to read:

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1           66.1105 (18) (c) 2. Notwithstanding the provisions under sub. (2) (f) 1. k., m.,  
2 and n., a multijurisdictional tax incremental district may not incur project costs for  
3 any area that is outside of the district's boundaries.

4           **SECTION 36.** 66.1105 (19) of the statutes is repealed.

5           **SECTION 37.** 70.47 (8) (d) of the statutes is amended to read:

6           70.47 (8) (d) It may and upon request of the assessor ~~or the objector~~ shall compel  
7 the attendance of witnesses, except objectors who may testify by telephone, and the  
8 production of all books, inventories, appraisals, documents and other data which  
9 may throw light upon the value of property.

10          **SECTION 38.** 70.48 of the statutes is amended to read:

11          **70.48 Assessor to attend board of review.** The assessor or the assessor's  
12 authorized representative shall attend without order or subpoena all hearings before  
13 the board of review and under oath submit to examination and fully disclose to the  
14 board such information as the assessor may have touching the assessment and any  
15 other matters pertinent to the inquiry being made. All part-time assessors shall  
16 receive the same compensation for such attendance as is allowed to the members of  
17 the board but no county assessor or member of a county assessor's staff shall receive  
18 any compensation other than that person's regular salary for attendance at a board  
19 of review. The clerk shall make all corrections to the assessment roll ordered by the  
20 board of review, including all changes in the valuation of real property. When any  
21 valuation of real property is changed, the clerk shall enter the valuation fixed by the  
22 board ~~in red ink in the proper class above the figures of the assessor, and the figures~~  
23 ~~of the assessor shall be crossed out with red ink~~ and enter a note of the valuation of  
24 the assessor and the change to that valuation made by the board. The clerk shall also  
25 enter upon the assessment roll, in the proper place, the names of all persons found

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1 liable to taxation on personal property by the board of review, setting opposite such  
2 names respectively the aggregate valuation of such property as determined by the  
3 assessor, after deducting exemptions and making such corrections as the board has  
4 ordered. All changes in valuation of personal property made by the board of review  
5 shall be made in the same manner as changes in real estate.

6 **SECTION 39.** 71.05 (6) (a) 15. of the statutes is amended to read:

7 71.05 (6) (a) 15. The amount of the credits computed under s. 71.07 (2dm),  
8 (2dx), (2dy), (3g), (3h), (3n), (3q), (3s), (3t), (3w), (3wm), (3y), (4k), (4n), (5e), (5i), (5j),  
9 (5k), (5r), (5rm), (6n), and (10) and not passed through by a partnership, limited  
10 liability company, or tax-option corporation that has added that amount to the  
11 partnership's, company's, or tax-option corporation's income under s. 71.21 (4) or  
12 71.34 (1k) (g).

13 **SECTION 40.** 71.07 (5e) of the statutes is repealed.

14 **SECTION 41.** 71.07 (6) (am) 1. of the statutes is amended to read:

15 71.07 (6) (am) 1. ~~In this paragraph For purposes of subd. 1m., "earned income"~~  
16 ~~means qualified earned income, as defined in section 221 (b) of the internal revenue~~  
17 ~~code as amended to December 31, 1985, plus employee business expenses under~~  
18 ~~section 62 (2) (B) to (D) of that code, allocable to Wisconsin under s. 71.04, plus~~  
19 ~~amounts received by the individual for services performed in the employ of the~~  
20 ~~individual's spouse minus the amount of disability income excluded under s. 71.05~~  
21 ~~(6) (b) 4. and minus any other amount not subject to tax under this chapter wages,~~  
22 ~~salaries, or professional fees, amounts received for services performed by an~~  
23 ~~individual in the employ of his or her spouse, and other amounts received as~~  
24 ~~compensation for personal services actually rendered, but does not include that part~~  
25 ~~of the compensation derived by the taxpayer for personal services rendered by him~~

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1 or her to a corporation which represents a distribution of earnings or profits rather  
2 than a reasonable allowance as compensation for the personal services actually  
3 rendered. In the case of a taxpayer engaged in a trade or business in which both  
4 personal services and capital are material income-producing factors, under federal  
5 regulations, a reasonable allowance as compensation for the personal services  
6 rendered by the taxpayer shall be considered as earned income. Earned income  
7 includes gains, other than any gain which is treated under any provision of chapter  
8 26 of the Internal Revenue Code as gain from the sale or exchange of a capital asset,  
9 and includes net earnings derived from the sale or disposition of, the transfer of any  
10 interest in, or the licensing of the use of property, other than goodwill, by an  
11 individual whose personal efforts created such property. Earned income does not  
12 include any amount not included in gross income, received as a pension or annuity,  
13 paid or distributed out of an individual retirement plan, within the meaning of  
14 section 7701 (a) (37) of the Internal Revenue Code, or received as deferred  
15 compensation. Earned income is computed notwithstanding the fact that each  
16 spouse owns an undivided one-half interest in the whole of the marital property. A  
17 marital property agreement or unilateral statement under ch. 766 transferring  
18 income between spouses has no effect in computing earned income under this  
19 paragraph.

20 **SECTION 42.** 71.07 (6) (am) 1m. of the statutes is created to read:

21 71.07 (6) (am) 1m. In this paragraph, “qualified earned income” means an  
22 amount equal to the excess of the earned income of the spouse for the taxable year,  
23 over an amount equal to the sum of the deductions described in paragraphs (1), (2)  
24 (B), (C), and (E), (6), (7), and (12) of section 62 (a) of the Internal Revenue Code to the  
25 extent such deductions are properly allocable to or chargeable against earned

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1 income, allocable to Wisconsin under s. 71.04, minus the amount of disability income  
2 excluded under s. 71.05 (6) (b) 4. and minus any other amount not subject to tax  
3 under this chapter.

4 **SECTION 43.** 71.07 (6) (am) 2. d. of the statutes is amended to read:

5 71.07 (6) (am) 2. d. For taxable years beginning after December 31, 2000, 3  
6 percent of the qualified earned income of the spouse with the lower qualified earned  
7 income, but not more than \$480.

8 **SECTION 44.** 71.08 (1) (intro.) of the statutes is amended to read:

9 71.08 (1) IMPOSITION. (intro.) If the tax imposed on a natural person, married  
10 couple filing jointly, trust, or estate under s. 71.02, not considering the credits under  
11 ss. 71.07 (1), (2dx), (2dy), (3m), (3n), (3q), (3s), (3t), (3w), (3wm), (3y), (4k), (5b), (5d),  
12 ~~(5e)~~, (5i), (5j), (5n), (6), (6e), (8b), (9e), (9m), and (9r), 71.28 (1dx), (1dy), (2m), (3), (3n),  
13 (3t), (3w), (3wm), and (3y), 71.47 (1dx), (1dy), (2m), (3), (3n), (3t), (3w), and (3y), 71.57  
14 to 71.61, and 71.613 and subch. VIII and payments to other states under s. 71.07 (7),  
15 is less than the tax under this section, there is imposed on that natural person,  
16 married couple filing jointly, trust or estate, instead of the tax under s. 71.02, an  
17 alternative minimum tax computed as follows:

18 **SECTION 45.** 71.10 (4) (gy) of the statutes is repealed.

19 **SECTION 46.** 71.21 (4) (a) of the statutes is amended to read:

20 71.21 (4) (a) The amount of the credits computed by a partnership under s.  
21 71.07 (2dm), (2dx), (2dy), (3g), (3h), (3n), (3q), (3s), (3t), (3w), (3wm), (3y), (4k), (4n),  
22 ~~(5e)~~, (5g), (5i), (5j), (5k), (5r), (5rm), (6n), and (10) and passed through to partners  
23 shall be added to the partnership's income.

24 **SECTION 47.** 71.26 (2) (a) 4. of the statutes is amended to read:

**SENATE BILL 738****SECTION 47**

1           71.26 **(2)** (a) 4. Plus the amount of the credit computed under s. 71.28 (1dm),  
2           (1dx), (1dy), (3g), (3h), (3n), (3q), (3t), (3w), (3wm), (3y), ~~(5e)~~, (5g), (5i), (5j), (5k), (5r),  
3           (5rm), (6n), and (10) and not passed through by a partnership, limited liability  
4           company, or tax-option corporation that has added that amount to the partnership's,  
5           limited liability company's, or tax-option corporation's income under s. 71.21 (4) or  
6           71.34 (1k) (g).

7           **SECTION 48.** 71.28 (5e) of the statutes is repealed.

8           **SECTION 49.** 71.30 (3) (es) of the statutes is repealed.

9           **SECTION 50.** 71.34 (1k) (g) of the statutes is amended to read:

10           71.34 **(1k)** (g) An addition shall be made for credits computed by a tax-option  
11           corporation under s. 71.28 (1dm), (1dx), (1dy), (3), (3g), (3h), (3n), (3q), (3t), (3w),  
12           (3wm), (3y), (4), (5), ~~(5e)~~, (5g), (5i), (5j), (5k), (5r), (5rm), (6n), and (10) and passed  
13           through to shareholders.

14           **SECTION 51.** 71.45 (2) (a) 10. of the statutes is amended to read:

15           71.45 **(2)** (a) 10. By adding to federal taxable income the amount of credit  
16           computed under s. 71.47 (1dm) to (1dy), (3g), (3h), (3n), (3q), (3w), (3y), ~~(5e)~~, (5g), (5i),  
17           (5j), (5k), (5r), (5rm), (6n), and (10) and not passed through by a partnership, limited  
18           liability company, or tax-option corporation that has added that amount to the  
19           partnership's, limited liability company's, or tax-option corporation's income under  
20           s. 71.21 (4) or 71.34 (1k) (g) and the amount of credit computed under s. 71.47 (3), (3t),  
21           (4), (4m), and (5).

22           **SECTION 52.** 71.47 (5e) of the statutes is repealed.

23           **SECTION 53.** 71.49 (1) (es) of the statutes is repealed.

24           **SECTION 54.** 77.51 (5m) of the statutes is repealed.

25           **SECTION 55.** 77.52 (13) of the statutes is amended to read:



**SENATE BILL 738****SECTION 55**

1           77.52 (13) For the purpose of the proper administration of this section and to  
2 prevent evasion of the sales tax it shall be presumed that all receipts are subject to  
3 the tax until the contrary is established. The burden of proving that a sale of tangible  
4 personal property, or items, property, or goods under sub. (1) (b), (c), or (d), or services  
5 is not a taxable sale at retail is upon the person who makes the sale unless that  
6 person takes from the purchaser an electronic or a paper certificate, in a manner  
7 prescribed by the department, to the effect that the property, item, good, or service  
8 is purchased for resale or is otherwise exempt, except that no certificate is required  
9 for the sale of tangible personal property, or items, property, or goods under sub. (1)  
10 (b), (c), or (d), or services that are exempt under s. 77.54 (5) (a) 3., (7), (7m), (8), (10),  
11 (11), (14), (15), (17), (20n), (21), (22b), (31), (32), (35), (36), (37), (42), (44), (45), (46),  
12 (51), (52), (64), (66), and (67).

13           **SECTION 56.** 77.53 (10) of the statutes is amended to read:

14           77.53 (10) For the purpose of the proper administration of this section and to  
15 prevent evasion of the use tax and the duty to collect the use tax, it is presumed that  
16 tangible personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or  
17 (d), or taxable services sold by any person for delivery in this state is sold for storage,  
18 use, or other consumption in this state until the contrary is established. The burden  
19 of proving the contrary is upon the person who makes the sale unless that person  
20 takes from the purchaser an electronic or paper certificate, in a manner prescribed  
21 by the department, to the effect that the property, or items, property, or goods under  
22 s. 77.52 (1) (b), (c), or (d), or taxable service is purchased for resale, or otherwise  
23 exempt from the tax, except that no certificate is required for the sale of tangible  
24 personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or

**SENATE BILL 738****SECTION 56**

1 services that are exempt under s. 77.54 (7), (7m), (8), (10), (11), (14), (15), (17), (20n),  
2 (21), (22b), (31), (32), (35), (36), (37), (42), (44), (45), (46), (51), (52), ~~(64), (66)~~, and (67).

3 **SECTION 57.** 77.54 (14m) of the statutes is renumbered 77.54 (14) (en) and  
4 amended to read:

5 77.54 (14) (en) ~~For purposes of sub. (14), insulin~~ Insulin furnished by a  
6 pharmacist to a person for treatment of diabetes ~~as directed by a physician shall be~~  
7 ~~deemed dispensed on prescription of a human being.~~

8 **SECTION 58.** 77.585 (9) of the statutes is repealed.

9 **SECTION 59.** 120.135 of the statutes is repealed.

10 **SECTION 60.** 121.07 (6) (a) (intro.) of the statutes is amended to read:

11 121.07 (6) (a) (intro.) “Shared cost” is the sum of the net cost of the general fund  
12 and the net cost of the debt service fund, except that “shared cost” excludes any costs,  
13 including attorney fees, incurred by a school district as a result of its participation  
14 in a lawsuit commenced against the state, beginning with such costs incurred in the  
15 fiscal year in which the lawsuit is commenced, excludes any expenditures from ~~a~~  
16 ~~capital improvement fund created under s. 120.135 or a capital improvement trust~~  
17 fund created under s. 120.137, excludes any debt service costs associated with an  
18 environmental remediation project under s. 67.05 (7) (er), and excludes the costs of  
19 transporting those transfer pupils for whom the school district operating under ch.  
20 119 does not receive intradistrict transfer aid under s. 121.85 (6) as a result of s.  
21 121.85 (6) (am). In this paragraph:

22 **SECTION 61.** 121.91 (4) (h) of the statutes is repealed.

23 **SECTION 62.** 177.01 (7a) of the statutes is created to read:

24 177.01 (7a) “Financial organization loyalty card” means a card or electronic  
25 record that is given without direct monetary consideration under an award, reward,

**SENATE BILL 738****SECTION 62**

1 benefit, loyalty, incentive, rebate, or promotional program established by a financial  
2 organization for purposes of rewarding a relationship with the sponsoring entity and  
3 that may be redeemed for money or otherwise monetized by the issuer or used to  
4 obtain goods or services or a discount on goods or services. An annual fee or periodic  
5 membership fee charged to the cardholder for joining or maintaining membership in  
6 any such award, reward, benefit, loyalty, incentive, rebate, or promotional program  
7 shall not be considered direct monetary consideration paid for the financial  
8 organization loyalty card.

9 **SECTION 63.** 177.01 (7d) (c) 5. of the statutes is created to read:

10 177.01 **(7d)** (c) 5. A financial organization loyalty card.

11 **SECTION 64.** 177.01 (13b) (c) 8. of the statutes is created to read:

12 177.01 **(13b)** (c) 8. A financial organization loyalty card.

13 **SECTION 65.** 177.01 (14d) (c) 5. of the statutes is created to read:

14 177.01 **(14d)** (c) 5. A financial organization loyalty card.

15 **SECTION 66.** 177.01 (16) (e) of the statutes is created to read:

16 177.01 **(16)** (e) A financial organization loyalty card.

17 **SECTION 67.** 177.0202 (title) of the statutes is amended to read:

18 **177.0202** (title) **When tax-deferred and tax-exempt retirement account**  
19 **accounts presumed abandoned.**

20 **SECTION 68.** 177.0202 (1) (intro.) of the statutes is amended to read:

21 177.0202 **(1)** (intro.) Subject to s. 177.0210, property held in a pension account  
22 or retirement account that qualifies for federal income tax deferral or tax exemption  
23 under the U.S. income tax laws is presumed abandoned if it is unclaimed by the  
24 apparent owner 3 years after the later of:

25 **SECTION 69.** 177.0210 (1) (intro.) of the statutes is amended to read:

**SENATE BILL 738****SECTION 69**

1           177.0210 (1) (intro.) Property is presumed abandoned from the earliest later  
2 of the following:

3           **SECTION 70.** 177.0607 (3) (d) of the statutes is created to read:

4           177.0607 (3) (d) On property paid to another state under s. 177.0901 or  
5 177.0902.

6           **SECTION 71.** 177.0607 (4) of the statutes is amended to read:

7           177.0607 (4) Property received by the administrator before January 2, 2019,  
8 that was interest-bearing to the owner, as reported by the holder, at the time of  
9 receipt by the administrator or this state shall accrue interest while in possession of  
10 the administrator or this state at a rate of 6 percent per year or any lesser rate the  
11 property earned while in the possession of the holder. Interest begins to accrue when  
12 the property is delivered to the administrator and ceases on the earlier of the date  
13 on which payment is made to the owner or January 1, 2019. If the property is still  
14 in the possession of the administrator or this state on January 2, 2019, interest shall  
15 accrue as described in sub. (2). No interest on interest-bearing property is payable  
16 for any period before December 31, 1984.

17           **SECTION 72.** 177.1505 (4) of the statutes is amended to read:

18           177.1505 (4) The administrator shall waive the provisions of s. 177.1204 with  
19 respect to reporting periods covered by the agreement if an application for voluntary  
20 disclosure is received by the administrator ~~between February 1, 2022, and February~~  
21 ~~28, 2023,~~ and a voluntary disclosure agreement is executed within 180 days of receipt  
22 of the application by the administrator. The administrator may enter into an  
23 agreement with a holder to extend the date upon which the agreement must be  
24 executed and shall waive the provisions of s. 177.1204 with respect to reporting  
25 periods covered by an agreement executed under such extension. The administrator

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1 shall make efforts to provide information to interested parties regarding the  
2 voluntary disclosure period provided under this subsection.

3 **SECTION 73.** 565.27 (2) (b) 3. of the statutes is amended to read:

4 565.27 (2) (b) 3. The drawings shall be recorded ~~on both videotape and~~  
5 audiotape documented with a video and audio recording.

6 **SECTION 74.** 565.28 (1) of the statutes is renumbered 565.28, and 565.28 (2) and  
7 (3), as renumbered, are amended to read:

8 565.28 (2) A person who chooses to make an election under ~~par. (a) sub. (1)~~ shall  
9 make the election no later than 60 days after becoming entitled to the lottery prize.  
10 An election made under ~~par. (a) sub. (1)~~ is final and may not be revoked.

11 (3) If a person eligible to make an election under ~~par. (a) sub. (1)~~ does not make  
12 an election within 60 days after becoming entitled to a lottery prize, the  
13 administrator shall make payment in the form of an annuity.

14 **SECTION 75.** 565.28 (2) of the statutes is repealed.

15 **SECTION 76. Initial applicability.**

16 (1) UNCLAIMED PROPERTY; GENERAL PROVISIONS. The treatment of ss. 177.01 (7a),  
17 (7d) (c) 5., (13b) (c) 8., (14d) (c) 5., and (16) (e), 177.0202 (title) and (1) (intro.),  
18 177.0210 (1) (intro.), and 177.0607 (3) (d) and (4) first applies to property reportable  
19 on November 7, 2021.

20 (2) UNCLAIMED PROPERTY; WAIVER. The treatment of s. 177.1505 (4) first applies  
21 to applications received on the first day of the 3rd month beginning after publication,  
22 regardless of the years in which the property became abandoned and reportable.

23 **SECTION 77. Effective dates.** This act takes effect on the day after publication,  
24 except as follows:

**SENATE BILL 738****SECTION 77**

1           (1) TAX INCREMENTAL FINANCING. The treatment of ss. 60.85 (2) (b) 7. and (c), (3)  
2           (h) 4. and 5. a. and c., and (5) (e) and 66.1105 (2) (f) 1. (intro.), m., and n. and (j), (4)  
3           (a), (e), and (h) 1., 2., and 4., (4e) (b) 1., (5) (bf), (bj), (c) 1., and (ce) 1., (6) (a) 5. and  
4           9., (am) 2. c., d., e., and f., (d) 1m., (dm), and (e) 1. b. and e., (7) (ak) 2. and 3., (ar), and  
5           (at), (18) (c) 2., and (19) takes effect on the January 1 after publication.

6

**(END)**