



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2241/1
MES&JK:cdc

2019 ASSEMBLY BILL 73

March 7, 2019 - Introduced by Representatives WITKE, HUTTON, NYGREN, KERKMAN, ZAMARRIPA, SINICKI, SANFELIPPO, MURPHY, SORTWELL, KUGLITSCH, NEYLON, BRANDTJEN, HORLACHER, DUCHOW, RAMTHUN, WICHGERS, TUSLER, PLUMER and DITTRICH, cosponsored by Senators WANGGAARD, CARPENTER, STROEBEL, WIRCH, NASS, L. TAYLOR, TIFFANY, PETROWSKI, LARSON, DARLING and RINGHAND. Referred to Committee on Ways and Means.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 77.707 (1), 229.68 (intro.) and 229.685 (2); and **to create**
2 229.682 (9) of the statutes; **relating to:** lease terms and the imposition of sales
3 and use taxes related to a local professional baseball park district.

Analysis by the Legislative Reference Bureau

Currently a local professional baseball park district may impose a sales tax and a use tax within the area of its jurisdiction, and a district may issue revenue bonds if the district board determines that the district's lease with a professional baseball team franchise that uses the district's baseball facilities is for a term of at least 30 years. Generally, the sales and use taxes may not be imposed and collected after the district pays off the bonds issued to construct the stadium and funds a special maintenance and capital improvements fund.

Under this bill, the sales and use taxes may not be collected, generally, after December 31, 2019. Also under the bill, any lease between the district and the baseball team that uses the facilities must extend for at least the same number of years during which the sales and use tax is collected. The bill also specifies that the district board may not incur any new obligations after June 30, 2019, if the obligation could not be paid once the sales and use tax is no longer collected.

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

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

ASSEMBLY BILL 73**SECTION 1**

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

2 77.707 (1) Retailers and the department of revenue may not collect a tax under
3 s. 77.705 for any local professional baseball park district created under subch. III of
4 ch. 229 after the last day of the calendar quarter ~~that is at least 120 days from the~~
5 ~~date on which the local professional baseball park district board makes a~~
6 ~~certification to the department of revenue under s. 229.685 (2) ending on December~~
7 31, 2019, except that the department of revenue may collect from retailers taxes that
8 accrued before the day after the last day of that calendar quarter and fees, interest
9 and penalties that relate to those taxes.

10 **SECTION 2.** 229.68 (intro.) of the statutes is amended to read:

11 **229.68 Powers of a district.** (intro.) A district has all of the powers necessary
12 or convenient to carry out the purposes and provisions of this subchapter, except that
13 it may not incur any new obligations after June 30, 2019, if such an obligation could
14 not be paid out of the district's revenues or assets once the tax under s. 77.707 (1) is
15 no longer collected. In addition to all other powers granted by this subchapter, a
16 district may do all of the following:

17 **SECTION 3.** 229.682 (9) of the statutes is created to read:

18 229.682 (9) LEASE PROVISIONS. Notwithstanding the lease provisions described
19 in s. 229.68 (8) (c), any such lease between the district and the professional baseball
20 team franchise that uses baseball park facilities constructed under this subchapter
21 as its home facilities must extend for at least the same number of years during which
22 the sales tax and a use tax imposed under s. 77.705 is collected.

23 **SECTION 4.** 229.685 (2) of the statutes is amended to read:

24 229.685 (2) If the district board determines that the revenues in the special
25 fund under this section exceed current operating expenses for the operation of

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1 baseball park facilities, the district board shall apply the excess to either fund a fund
2 for maintenance costs and capital improvements or to retire bonds issued for the
3 initial construction of baseball park facilities, and any bonds issued to fund or refund
4 those bonds, prior to their maturity. ~~As soon as practicable after the retirement of~~
5 ~~all bonds issued for the initial construction of baseball park facilities and all bonds~~
6 ~~issued to fund or refund those bonds and after funding a fund for maintenance costs~~
7 ~~and capital improvements sufficiently to meet any maintenance or capital~~
8 ~~improvement obligations between the district and any professional baseball team~~
9 ~~using baseball park facilities constructed under this subchapter as a home stadium,~~
10 ~~the district board shall make a certification to the department of revenue and the~~
11 ~~department of transportation to that effect.~~

12

(END)