

2005 DRAFTING REQUEST

Bill

Received: 03/30/2005

Received By: jkreye

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: mike

This file may be shown to any legislator: NO

Drafter: jkreye

May Contact:

Addl. Drafters:

Subject: Tax, Business - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Schneider@legis.state.wi.us

Carbon copy (CC:) to: joseph.kreye@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Eliminate taxing authority and tax benefits for a local professional baseball park district

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	jkreye 03/30/2005	jdyer 03/31/2005	pgreensl 03/31/2005	_____	sbasford 03/31/2005		S&L
/1	jkreye 04/01/2005	jdyer 04/01/2005	jfrantze 04/01/2005	_____	lnorthro 04/01/2005	lnorthro 04/01/2005	S&L

FE Sent For:

<END>

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/P1	jkreye 03/30/2005	jdyer 03/31/2005	pgreensl 03/31/2005	_____	sbasford 03/31/2005	_____	S&L

FE Sent For:

1 4/1 jld
4/1
<END>

please jacket
now!
joe

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/P1	jkreye	P1 3/31 jw	9/31 PJP	3/31 PF			

FE Sent For:

<END>



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-2590/P1

JK:.....

Handwritten initials "JK" and a checkmark.

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Handwritten notes: "in 3-30-05", "D-N", and "SOON" circled.

Handwritten "Gen" with a checkmark.

1 AN ACT ...; relating to: eliminating tax benefits for and taxing authority of a local
2 professional baseball park district.

Analysis by the Legislative Reference Bureau

Under current law, a local professional baseball park district (district) may collect sales and use taxes from the sale of tangible personal property and taxable services in the district. The district may not collect such taxes after the calendar quarter in which the district certifies to the Department of Revenue that the district has retired all of its bonds. Under this bill, the district may not collect sales and use taxes in the district after the effective date of this bill.

Under current law, the district's property is exempt from the property tax and its income is exempt from state income and franchise taxes. Under this bill, the district's property is subject to the property tax and its income is subject to state income and franchise taxes.

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:

3 SECTION 1. 70.11 (36) (a) of the statutes is repealed.

4 SECTION 2. 70.11 (36) (b) of the statutes is renumbered 70.11 (36).

1 SECTION 3. 71.26 (1) (bm) of the statutes is amended to read:

2 71.26 (1) (bm) *Certain local districts.* Income of a local exposition district
 3 created under subch. II of ch. 229, ~~a local professional baseball park district created~~
 4 ~~under subch. III of ch. 229,~~ a local professional football stadium district created
 5 under subch. IV of ch. 229, or a local cultural arts district created under subch. V of
 6 ch. 229.

History: 1987 a. 312; 1987 a. 411 ss. 22, 124 to 129; 1989 a. 31/336; 1991 a. 37, 39, 221, 269; 1993 a. 16, 112, 246, 263, 399, 437, 491; 1995 a. 27, 56, 351, 371, 380, 428;
 1997 a. 27, 37, 184, 237; 1999 a. 9, 65; 1999 a. 150 s. 672; 1999 a. 167, 194; 2001 a. 16, 38, 106, 109; 2003 a. 33, 85, 99, 135, 255, 326.

7 SECTION 4. 77.707 (1) of the statutes is amended to read:

8 77.707 (1) Retailers and the department of revenue may not collect a tax under
 9 s. 77.705 for any local professional baseball park district created under subch. III of
 10 ch. 229 after the calendar quarter during which the local professional baseball park
 11 district board makes a certification to the department of revenue under s. 229.685
 12 (2) the effective date of this subsection.... [revisor inserts date], except that the
 13 department of revenue may collect from retailers taxes that accrued before that
 14 calendar quarter and fees, interest and penalties that relate to those taxes.

History: 1995 a. 56; 1999 a. 167.

15 SECTION 5. 229.685 (2) of the statutes is amended to read:

16 229.685 (2) If the district board determines that the revenues in the special
 17 fund under this section exceed current operating expenses for the operation of
 18 baseball park facilities, the district board shall apply the excess to either fund a fund
 19 for maintenance costs and capital improvements or to retire bonds issued for the
 20 initial construction of baseball park facilities, and any bonds issued to fund or refund
 21 those bonds, prior to their maturity. As soon as practicable after the retirement of
 22 all bonds issued for the initial construction of baseball park facilities and all bonds
 23 issued to fund or refund those bonds and after funding a fund for maintenance costs
 24 and capital improvements sufficiently to meet any maintenance or capital

1 ~~improvement obligations between the district and any professional baseball team~~
2 ~~using baseball park facilities constructed under this subchapter as a home stadium,~~
3 ~~the district board shall make a certification to the department of revenue to that~~
4 ~~effect.~~ ✓

History: 1995 a. 56.

5 **SECTION 6. Initial applicability.**

6 (1) PROPERTY TAX. The treatment of section 70.11 (36) (a) and (b) of the statutes
7 first applies to the property tax assessments as of January 1, 2005. ✓

8 (2) INCOME AND FRANCHISE TAXES. The treatment of section 71.26 (1) (bm) of the
9 statutes first applies to taxable years beginning after January 1, 2005. ✓

10 (END)

d-note
↓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2590/P1dn

JK:.....

Jld

Representative Schneider:

Please review this draft carefully to ensure that it is consistent with your intent. Please note that the immediate suspension of the district's taxing authority may cause the district to default on its bond obligations and violate the state's pledge under s. 229.76 to protect the bondholders and those who enter into contracts with the district.

Joseph T. Kreye
Senior Legislative Attorney
Phone: (608) 266-2263
E-mail: joseph.kreye@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2590/P1dn
JK:jld:pg

March 31, 2005

Representative Schneider:

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Joseph T. Kreye
Senior Legislative Attorney
Phone: (608) 266-2263
E-mail: joseph.kreye@legis.state.wi.us

Kreye, Joseph

From: Basford, Sarah
Sent: Friday, April 01, 2005 7:47 AM
To: Kreye, Joseph
Subject: FW: Draft review: LRB 05-2590/P1 Topic: Eliminate taxing authority and tax benefits for a local professional baseball park district

-----Original Message-----

From: Schneider, Marlin
Sent: Thursday, March 31, 2005 5:31 PM
To: Basford, Sarah
Subject: RE: Draft review: LRB 05-2590/P1 Topic: Eliminate taxing authority and tax benefits for a local professional baseball park district

This is fine. It is not going to pass anyway but I need to get their attention.

From: Basford, Sarah
Sent: Thursday, March 31, 2005 1:08 PM
To: Rep.Schneider
Subject: Draft review: LRB 05-2590/P1 Topic: Eliminate taxing authority and tax benefits for a local professional baseball park district

Following is the PDF version of draft LRB 05-2590/P1 and drafter's note.



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-2500/P1
JK:jld:pg

RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

in 4-1-05

Today

Regen

1 AN ACT *to repeal* 70.11 (36) (a); *to renumber* 70.11 (36) (b); and *to amend* 71.26
2 (1) (bm), 77.707 (1) and 229.685 (2) of the statutes; **relating to:** eliminating tax
3 benefits for and taxing authority of a local professional baseball park district.

Analysis by the Legislative Reference Bureau

Under current law, a local professional baseball park district (district) may collect sales and use taxes from the sale of tangible personal property and taxable services in the district. The district may not collect such taxes after the calendar quarter in which the district certifies to the Department of Revenue that the district has retired all of its bonds. Under this bill, the district may not collect sales and use taxes in the district after the effective date of this bill.

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13 (2) the effective date of this subsection ... [revisor inserts date], except that the
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21 initial construction of baseball park facilities, and any bonds issued to fund or refund
22 those bonds, prior to their maturity. ~~As soon as practicable after the retirement of~~
23 ~~all bonds issued for the initial construction of baseball park facilities and all bonds~~
24 ~~issued to fund or refund those bonds and after funding a fund for maintenance costs~~
25 ~~and capital improvements sufficiently to meet any maintenance or capital~~

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9 statutes first applies to taxable years beginning after January 1, 2005.

10

(END)

Barman, Mike

From: Barman, Mike
Sent: Wednesday, April 20, 2005 3:10 PM
To: Rep.Schneider
Subject: Requested PDF



05-2590/1

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
1 East Main, Suite 200 Madison, WI 53703

Requested
by
Cynthia