

**SENATE SUBSTITUTE AMENDMENT 1,
TO 2003 SENATE BILL 203**

March 11, 2004 – Offered by Senators LAZICH, STEPP, CARPENTER and REYNOLDS.

1 **AN ACT** *to amend* 77.707 (1), 229.685 (1), 229.685 (2) and 229.79; and *to create*
2 13.94 (1) (r) and 229.686 of the statutes; **relating to:** the sunset of local
3 professional baseball park district sales and use taxes, restricting the use of
4 sales and use tax revenue and auditing the finances of a local professional
5 baseball park district, and imposing a fee on the transfer of a professional
6 baseball franchise.

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

7 **SECTION 1.** 13.94 (1) (r) of the statutes is created to read:
8 13.94 (1) (r) Biennially conduct a financial audit of a district, as defined in s.
9 229.65 (5), to determine whether the revenue from the taxes imposed by the district
10 under subch. V of ch. 77 is being used for the purposes specified under s. 229.685 (1).
11 The legislative audit bureau shall file a copy of the audit report under this paragraph
12 with the distributees specified in par. (b).

1 **SECTION 2.** 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 calendar quarter ~~during which the local professional baseball park~~
5 ~~district board makes a certification to the department of revenue under s. 229.685~~
6 ~~(2) ending on December 31, 2014~~, except that the department of revenue may collect
7 from retailers taxes that accrued before that calendar quarter and fees, interest and
8 penalties that relate to those taxes.

9 **SECTION 3.** 229.685 (1) of the statutes is amended to read:

10 229.685 (1) The district board shall maintain a special fund into which it
11 deposits only the revenue received from the department of revenue, that is derived
12 from the taxes imposed under subch. V of ch. 77, and ~~may~~ shall use this revenue ~~only~~
13 exclusively for purposes directly related to the operation of existing baseball park
14 facilities and the corresponding debt retirement.

15 **SECTION 4.** 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 to existing baseball park facilities
20 or to retire bonds issued for the initial construction of baseball park facilities, and
21 any bonds issued to fund or refund those bonds, prior to their maturity. As soon as
22 practicable after the retirement of all bonds issued for the initial construction of
23 baseball park facilities and all bonds issued to fund or refund those bonds and after
24 funding a fund for maintenance costs and capital improvements to existing baseball
25 park facilities sufficiently to meet any maintenance obligation or any such 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.

5 **SECTION 5.** 229.686 of the statutes is created to read:

6 **229.686 Professional baseball franchise transfer fee.** There is imposed
7 a fee on the seller of a professional baseball franchise at the rate of 5 percent on the
8 sales price of the franchise that is sold or otherwise transferred to another person or
9 group of persons, if, prior to the sale, the professional baseball franchise uses the
10 baseball park facilities of the district as its home park. The total amount of any fee
11 imposed under this section shall be paid to the district and the district shall use the
12 amount only to retire any bonds issued for the initial construction of baseball park
13 facilities or any bonds issued to fund or refund those bonds, prior to their maturity,
14 except that if all such bonds have been retired or have matured, as appropriate, the
15 district may use any fee amount collected under this section for the operation and
16 maintenance of the baseball park facilities.

17 **SECTION 6.** 229.79 of the statutes is amended to read:

18 **229.79 Budgets; rates and charges; audit.** A district shall adopt a calendar
19 year as its fiscal year for accounting purposes. The district board shall annually
20 prepare a budget for the district. Rates and other charges received by the district
21 shall be used for the general expenses and capital expenditures of the district and
22 to pay interest, amortization, and retirement charges on bonds. A district shall
23 maintain an accounting system in accordance with generally accepted accounting
24 principles and shall have its financial statements and debt covenants audited

1 annually by an independent certified public accountant and biennially by the
2 legislative audit bureau under s. 13.94 (1) (r).

3 (END)