

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1391/1dn
MES:wlj:pg

January 14, 2005

Representative Pettis:

Please review this bill carefully to ensure that it is consistent with your intent. In the definition of "tourism promotion and development," the language provided by the Wisconsin Innkeepers Association (WIA) refers to "state licensed lodging facilities," but I could not find any state licensing requirement for lodging facilities. I did find a "permit" requirement in s. 254.64, stats. In any event, I used "hotel" and "motel," which are defined in the room tax statute under s. 66.0615 (1) (b) and (c), stats. It seems to me that such a hotel or motel would need to comply with the permit requirements in s. 254.64, stats. Is this OK? WIA's language also used the phrase "owned by more than one owner in the taxed area," which was a little confusing. It could mean a hotel or motel that happens to be owned by more than one person, or it could mean two or more hotels or motels, each of which is owned by a different person. I assume WIA meant the latter, so the definition I created reflects that interpretation.

WIA's instructions as to the fines and penalties that DOR and Tourism may impose are a little vague. The language I created in sub. (4) (d) relating to a 5 percent forfeiture is based on existing s. 66.0615 (2) (b), stats. Is this OK, or did you have another forfeiture amount in mind? It seems to me that it may be an improper delegation of authority for the statutes to just let DOR or Tourism make up whatever forfeitures it wants without any guidance from the legislature. Please let me know if you'd like me to make any changes in sub. (4).

The provisions in this bill do not apply to expenditures by commissions created under s. 66.0615 (1m) (b) because a commission is required, under s. 66.0615 (1m) (d) 3. to use the room tax revenue it receives to "promote and develop tourism," which is different from the defined term created in the bill. Is this consistent with your intent? In addition, a commission's expenditures are reported annually to each municipality from which it receives room tax revenue, so there already is some level of oversight to a commission's expenditures. See s. 66.0615 (1m) (d) 4.

Finally, WIA's instructions state that the form to be submitted to Tourism "shall be made available to the public." I believe that the form, and any materials generated by Tourism or DOR in a review or investigation of a municipality are already subject to the open records law, so I did not include this provision in the bill.

Please let me know if you'd like any changes made to the bill.

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