



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRBs0406/1  
MES:all

**SENATE SUBSTITUTE AMENDMENT 2,  
TO SENATE BILL 727**

March 12, 2018 - Offered by Senators MOULTON and BEWLEY.

1 **AN ACT** *to amend* 66.0615 (1m) (a); and *to create* 66.0615 (1m) (em), 229.425  
2 and 229.46 (8) of the statutes; **relating to:** the creation of a local exposition  
3 district by the City of Superior.

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

Under this substitute amendment, with regard to any local exposition district that is created by the City of Superior, such a district is not subject to a legislative finding that the provision of public funding and other assistance from the state and from local units of government to assist in the development and construction of sports and entertainment facilities serves a public purpose. In addition, the substitute amendment changes the definition of "exposition center" for such a district to include sporting tournaments as an allowable primary purpose of facilities and structures that may be constructed as part of a district and states that an exposition center is intended to be used by transient tourists.

Under the substitute amendment, before an enabling resolution adopted by the City of Superior may take effect, it must be approved in a referendum by a majority of the electors in the city voting on the resolution, except that if the creation of an exposition district by the City of Superior was approved in a referendum that was held in Douglas County in 2016, the referendum requirement is considered to be satisfied.

Under the substitute amendment, a district created by the City of Superior may impose and collect a food and beverage tax, and may impose and collect a room tax

at a maximum rate of 2 percent. The substitute amendment provides that the City of Superior may also impose and collect a room tax without regard to whether the district imposes a room tax. The substitute amendment prohibits the district from imposing a rental car tax.

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

1           **SECTION 1.** 66.0615 (1m) (a) of the statutes, as affected by 2017 Wisconsin Act  
2 59, is amended to read:

3           66.0615 **(1m)** (a) The governing body of a municipality may enact an ordinance,  
4 and a district, under par. (e) or (em), may adopt a resolution, imposing a tax on the  
5 privilege of furnishing, at retail, except sales for resale, rooms or lodging to  
6 transients by hotelkeepers, motel operators, lodging marketplaces, owners of  
7 short-term rentals, and other persons furnishing accommodations that are available  
8 to the public, irrespective of whether membership is required for use of the  
9 accommodations. A tax imposed under this paragraph may be collected from the  
10 consumer or user, but may not be imposed on sales to the federal government and  
11 persons listed under s. 77.54 (9a). A tax imposed under this paragraph by a  
12 municipality shall be paid to the municipality and, with regard to any tax revenue  
13 that may not be retained by the municipality, shall be forwarded to a tourism entity  
14 or a commission if one is created under par. (c), as provided in par. (d). Except as  
15 provided in par. (am), a tax imposed under this paragraph by a municipality may not  
16 exceed 8 percent. Except as provided in par. (am), if a tax greater than 8 percent  
17 under this paragraph is in effect on May 13, 1994, the municipality imposing the tax  
18 shall reduce the tax to 8 percent, effective on June 1, 1994.

19           **SECTION 2.** 66.0615 (1m) (em) of the statutes is created to read:

1           66.0615 **(1m)** (em) Notwithstanding the provisions of par. (e), if a district  
2           created by the city of Superior adopts a resolution imposing a room tax under par.  
3           (a), the amount of the tax may not exceed 2 percent of total room charges, and the  
4           city of Superior may also impose and collect a room tax under par. (a) without regard  
5           to whether the district imposes a room tax as provided in this paragraph.

6           **SECTION 3.** 229.425 of the statutes is created to read:

7           **229.425 Creation of a district, city of Superior.** (1) PROVISIONS THAT DO  
8           NOT APPLY TO CERTAIN DISTRICTS. With regard to any district that is created by the city  
9           of Superior on or after the effective date of this subsection ... [LRB inserts date], the  
10          following provisions do not apply:

11          (a) Section 229.40.

12          (b) Section 229.50 (1) (a) and (e).

13          (c) Subchapter IX of ch. 77.

14          **(2) MODIFICATION OF PROVISIONS RELATING TO NEW DISTRICTS.** With regard to any  
15          district that is created by the city of Superior on or after the effective date of this  
16          subsection ... [LRB inserts date], notwithstanding s. 229.41 (6), “exposition center”  
17          means one or more related structures, including fixtures and equipment, owned,  
18          operated, or leased by a district and used primarily for conventions, expositions,  
19          trade shows, musical or dramatic events, or other events involving educational,  
20          cultural, or commercial activities, or sporting tournaments and intended to be used  
21          by transient tourists and generate tourism activity including paid overnight stays  
22          and purchases at establishments where the taxes under s. 77.98 are imposed.

23          **(3) REFERENDUM REQUIREMENTS.** (a) Except as provided in par. (b), before an  
24          enabling resolution adopted by the city of Superior under s. 229.42 (1) (a) may take  
25          effect, it must be approved by a majority of the electors in the city voting on the

1 resolution at a referendum, to be held at the first spring or general election following  
2 by at least 70 days the date of adoption of the resolution.

3 (b) If a referendum approving the creation of a district in the city of Superior  
4 under this subchapter was approved by a majority of the electors in Douglas County  
5 voting on the resolution at a referendum that was held in 2016, such an action  
6 satisfies the referendum requirements under par. (a).

7 **SECTION 4.** 229.46 (8) of the statutes is created to read:

8 229.46 (8) With regard to a district created by the city of Superior, the district  
9 shall contract with a local tourism entity, as defined in s. 66.0615 (1) (f), to promote,  
10 advertise, and publicize its exposition center, exposition center facilities, and related  
11 activities.

12 (END)