

**2001 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-SB55)**

Received: 06/26/2001

Received By: agary

Wanted: **Soon**

Identical to LRB:

For: **Assembly Republican Caucus**

By/Representing: **Emerson**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Beverages - miscellaneous**

Extra Copies: **RCT**

Submit via email: **NO**

Requester's email:

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**Pre Topic:**

ARC:.....Emerson - AM114,

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**Topic:**

Wine or liquor brought into state by resident members of armed forces

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**Instructions:**

See Attached

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**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>
/1	agary 06/26/2001	jdye 06/26/2001	rschluet 06/26/2001	_____	lrb_docadmin 06/26/2001		
	jkreye 06/26/2001			_____			
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FE Sent For:

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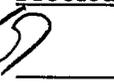
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				6.26-1			

FE Sent For:

<END>

# Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

ARC

**Statement of Intent** Allow state residents serving in the armed forces in a foreign country to bring 16 liters of wine or liquor into the state without paying the state occupational tax

**Legislator** Nass **Amendment** 114

**Legislator 2** **Pass or Fail** Pass

**Legislator 3** **Spending Cut**

**Legislator 4** **Withdrawn**

**Staff contact** Mike **Package**

**Agency** Revenue

**Summary** Current law allows state residents serving in the national guard, armed forces and reserves when returning to Wisconsin from duty or training in a foreign country, to bring six liters (in aggregate) of wine or liquor without paying the state occupational tax.

This motion would change that amount from six liters to 16 liters.

This motion was included in the 1999-2001 Assembly Republican Budget Caucus, and in the budget the Conference Committee sent to the Governor. The Governor used a line item veto to take the amount from 16 down to six.

**Fiscal Impact** According to a fiscal estimate prepared by the Department of Revenue, the motion would have a minimal impact on state excise tax revenues, and the increased costs incurred would be able to be absorbed with the Agency's budget.

**Drafting Inst**

**ARC Analyst** Emerson

**Request #** 17

138.12 (5) (a) The ~~commissioner~~ division may revoke or suspend the license of any insurance premium finance company if the ~~commissioner~~ division finds that any of the following.

1. Any license issued to such company was obtained by fraud.

2. There was any misrepresentation in the application for the license.

3. The holder of such license has otherwise shown himself or herself untrustworthy or incompetent to act as a premium finance company.

4. ~~Such~~ The company has violated any provision of this section.

5. ~~Such~~ The company has been rebating part of the service charge as allowed and permitted herein to any insurance agent or insurance broker or any employe of an insurance agent or insurance broker or to any other person as an inducement to the financing of any insurance policy with the premium finance company.

**SECTION 2170n.** 138.12 (5) (am) 1. c. of the statutes is amended to read:

138.12 (5) (am) 1. c. In the case of a licensee who is an individual, the applicant ~~fails to provide his or her social security number~~, fails to comply, after appropriate notice, with a subpoena or warrant that is issued by the department of workforce development or a county child support agency under s. 59.53 (5) and that is related to paternity or child support proceedings or the applicant is delinquent in making court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, as provided in a memorandum of understanding entered into under s. 49.857. An applicant whose renewal application is denied under this subd. 1. c. is entitled to a notice and hearing under s. 49.857 but is not entitled to a hearing under par. (b).

**SECTION 2170s.** 139.03 (5) (b) of the statutes is renumbered 139.03 (5) (b) 1. and amended to read:

139.03 (5) (b) 1. Any Except as provided in subd. 2., any person, except an underage person as defined under s. 125.02 (20m), who leaves a foreign country, after spending at least 48 hours in that foreign country, with the purpose of entering this state may have in that person's possession and bring into the state intoxicating liquor or wine in sealed original containers in amounts not to exceed, in the aggregate, 4 liters without payment of the tax imposed under this subchapter. The 4 liters of tax-free intoxicating liquor and wines may not be sent, shipped or carried into the state other than in the immediate possession of the person as qualified by this subsection.

**SECTION 2170t.** 139.03 (5) (b) 2. of the statutes is created to read:

139.03 (5) (b) 2. A person who is a member of the national guard, the U. S. armed forces or a reserve component of the U. S. armed forces; who is a state resident;

and who leaves a foreign country, after spending at least 48 hours in that foreign country on duty or for training, with the purpose of entering into this state may bring into the state, in sealed original containers and in the person's immediate possession, intoxicating liquor and wine in an aggregate amount not exceeding 16 liters without paying the tax imposed under this subchapter on that amount.

**SECTION 2171.** 139.30 (5) of the statutes is amended to read:

139.30 (5) "Indian tribe" means a federally recognized American Indian tribe or band in this state.

**SECTION 2171m.** 139.30 (13m) of the statutes is created to read:

139.30 (13m) "Trust lands" means any lands in this state held in trust by the U. S. government for the benefit of a tribe or a member of a tribe.

~~**SECTION 2171p.** 139.32 (5) of the statutes is amended to read:~~

~~139.32 (5) Manufacturers and distributors having a permit from the secretary shall receive a discount of 1.6% 2% of the tax.~~

**SECTION 2173.** 139.75 (4d) of the statutes is created to read:

139.75 (4d) "Enrolled member" has the meaning given in s. 139.30 (4).

**SECTION 2174.** 139.75 (4p) of the statutes is created to read:

139.75 (4p) "Indian tribe" has the meaning given in s. 139.30 (5).

**SECTION 2175.** 139.75 (6m) of the statutes is created to read:

139.75 (6m) "Reservation" has the meaning given in s. 139.30 (9).

**SECTION 2175m.** 139.75 (12m) of the statutes is created to read:

139.75 (12m) "Trust lands" has the meaning given in s. 139.30 (13m).

**SECTION 2176.** 139.76 (1) of the statutes is amended to read:

139.76 (1) An occupational excise tax is imposed upon the sale, offering or exposing for sale, possession with intent to sell or removal for consumption or sale or other disposition for any purpose of tobacco products by any person engaged as a distributor of them at the rate of 20% of the manufacturer's established list price to distributors without diminution by volume or other discounts on domestic products. On products imported from another country the rate of tax is 20% of the amount obtained by adding the manufacturer's list price to the federal tax, duties and transportation costs to the United States. The tax attaches at the time the tobacco products are received by the distributor in this state. The tax shall be passed on to the ultimate consumer of the tobacco products. All tobacco products received in this state for sale or distribution within this state, except tobacco prod-

Vetoed  
In Part

Vetoed  
In Part



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBb1765/1

JK:.....

JLD

ARC:.....Emerson – AM114, Wine or liquor brought into state by resident members of armed forces

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

m 6-26-01

1

At the locations indicated, amend the ~~bill~~<sup>substitute amendment</sup> as follows:

2

1. Page 942, line 9: after that line insert:

3

“SECTION 2841m.<sup>x</sup> 139.03 (5) (b) 2. of the statutes is amended to read:

4

139.03 (5) (b) 2. A person who is a member of the national guard, the U. S.

5

armed forces or a reserve component of the U. S. armed forces; who is a state resident;

6

and who leaves a foreign country, after spending at least 48 hours in that foreign

7

country on duty or for training, with the purpose of entering into this state may bring

8

into the state, in sealed original containers and in the person’s immediate possession,

1 intoxicating liquor and wine in an aggregate amount not exceeding  $\text{\$}$  16 liters  
2 without paying the tax imposed under this subchapter on that amount.”.

**History:** 1971 c. 125, 164, 211, 336; 1973 c. 121; 1975 c. 224; 1977 c. 12, 81, 203, 418; 1981 c. 20; 1981 c. 79 s. 18; 1981 c. 317; 1983 a. 27; 1985 a. 302; 1987 a. 312 s. 17; 1987 a. 399; 1993 a. 482; 1995 a. 233; 1997 a. 27, 136, 237; 1999 a. 9.

3 **2.** Page 1423, line 21: after that line insert:

4 <sup>c</sup>~~(3)~~ LIQUOR AND WINE TAX EXEMPTION. The treatment of section 139.03 (5) (b)  
5 2. of the statutes takes effect on the first day of the 2nd month beginning after  
6 publication.”.

7 (END)



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBb1765/1  
JK:jld:rs

ARC:.....Emerson – AM114, Wine or liquor brought into state by resident members of armed forces

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