

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/28/2001

Received By: jkreye

Wanted: Soon

Identical to LRB:

For: Spencer Black (608) 266-7521

By/Representing: Susan McMurray

This file may be shown to any legislator: NO

Drafter: jkreye

May Contact:

Addl. Drafters:

Subject: Tax - sales

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Sales and use tax on tips and gratuities

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>
/?	jkreye 06/28/2001	jdye 06/29/2001		_____			
/1			rschlue 06/29/2001	_____	lrb_docadmin 06/29/2001	lrb_docadmin 06/29/2001	

FE Sent For:

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1?	jkreye	1 6/29 jld		 6-29-01			

FE Sent For:

<END>

Assembly Democrat Budget Amendment Requests

Request number: 183

Agency: HmMMM Revenue

Description: Rep. Sinicki's Father of the Bride legislation

Attachments:

Contact: Susan McMurray, Rep. Black's office 266-7521 or at home at 249-1167

Please prepare an amendment to ASA 1 to SB 55 based on AB 64.

JK

2001

Date (time) in 6-29-01
needed

LRB b 1896, 1

**ADC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

rk : jld :

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page , line :

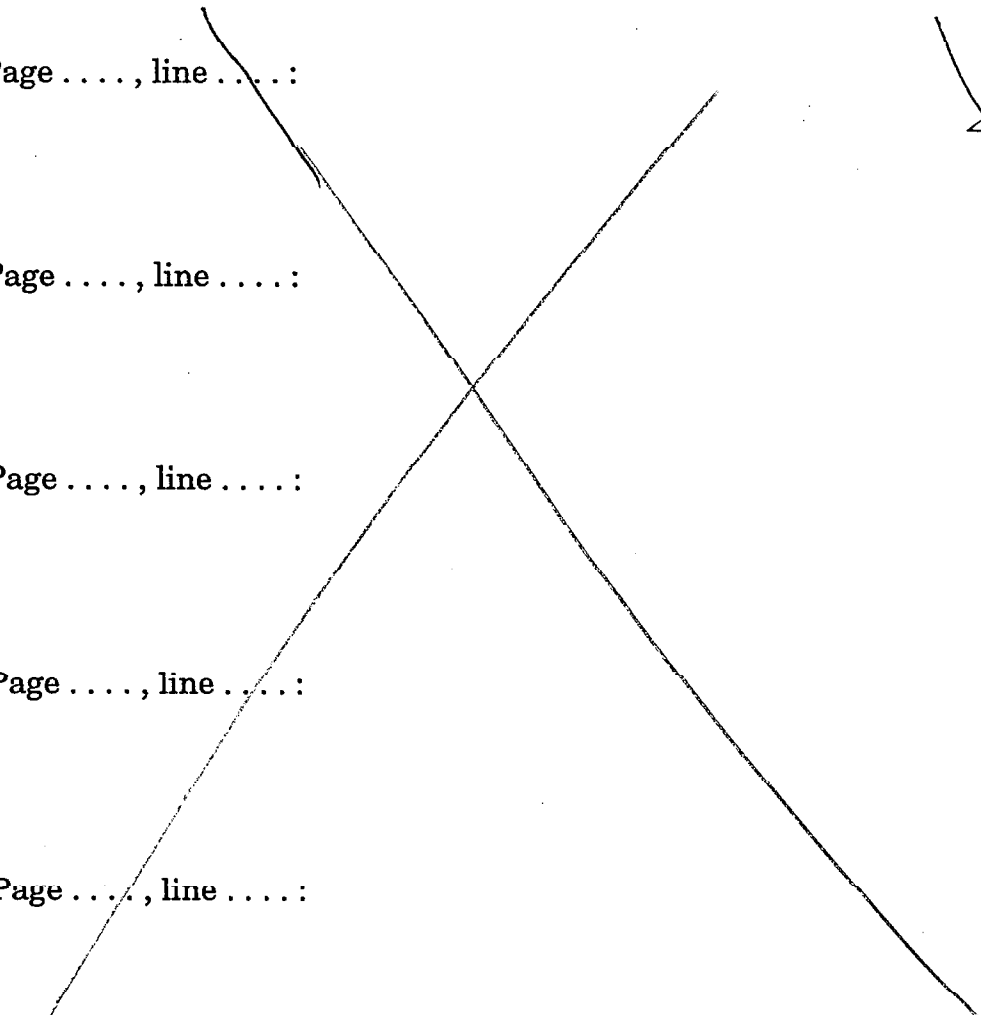
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2001 ASSEMBLY BILL 64

February 1, 2001 - Introduced by Representatives SINICKI, MUSSER, BALOW, BERCEAU, GRONEMUS, HUEBSCH, LA FAVE, F. LASEE, PLALE, POWERS, RICHARDS, VRAKAS, WASSERMAN and HUBER, cosponsored by Senators GROBSCHMIDT, SCHULTZ, BURKE and DARLING. Referred to Committee on Ways and Means.

1 **AN ACT to amend** 77.51 (4) (c) 2. and 77.51 (15) (c) 1.; and **to create** 77.51 (4) (b)
2 2m., 77.51 (15) (b) 2m. and 77.52 (5m) of the statutes; **relating to:** the sales tax
3 and the use tax on tips and gratuities.

Analysis by the Legislative Reference Bureau

Under current law, the state imposes a sales tax on all retailers at the rate of 5% of the gross receipts from the sale, lease, or rental of tangible personal property and the sale of services. Under current law, retailers generally pass on all sales taxes to the consumer.

Under current law, for purposes of imposing a sales tax, gross receipts include any addition to the sales price of tangible personal property that is charged to a customer in lieu of a tip or a gratuity. Under this bill, for purposes of imposing a sales tax, gross receipts do not include any addition to the sales price of tangible personal property that is charged to a customer in lieu of a tip or a gratuity.

Under current law, the state imposes a use tax on all consumers, at the rate of 5% of the sales price, for the consumption, use, or storage of goods in this state that the consumer purchases from an out-of-state retailer or purchasers without paying the appropriate sales tax and the consumption or use of services in this state that the consumer purchases from an out-of-state retailer or purchases without paying the appropriate sales tax.

Under current law, for purposes of imposing a use tax, the sales price of tangible personal property includes any addition to the sales price that is charged to a customer in lieu of a tip or a gratuity. Under this bill, for purposes of imposing a use



ASSEMBLY BILL 64

tax, the sales price of tangible personal property does not include any addition to the sales price of tangible personal property that is charged to a customer in lieu of a tip or a gratuity.

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:

page 843, line 5: after that insert:

1 SECTION ~~2~~^{2243d} 77.51 (4) (b) 2m. of the statutes is created to read:

2 77.51 (4) (b) 2m. Any services that are a part of the sale of tangible personal
3 property, including any fee, service charge, labor charge, or other addition to the price
4 charged a customer by the retailer that represents or is in lieu of a tip or gratuity.

5 SECTION ~~2~~^{2243e} 77.51 (4) (c) 2. of the statutes is amended to read:

6 77.51 (4) (c) 2. Any For taxes imposed under subch. V, any services that are a
7 part of the sale of tangible personal property, including any fee, service charge, labor
8 charge, or other addition to the price charged a customer by the retailer which
9 represents or is in lieu of a tip or gratuity. ^{L.C.}

10 SECTION ~~2~~^{2243M} 77.51 (15) (b) 2m. of the statutes is created to read:

11 77.51 (15) (b) 2m. Any services that are a part of the sale of tangible personal
12 property, including any fee, service charge, labor charge, or other addition to the price
13 charged a customer by the retailer that represents or is in lieu of a tip or gratuity. ^{L.C.}

14 SECTION ~~4~~^{2243N} 77.51 (15) (c) 1. of the statutes is amended to read:

15 77.51 (15) (c) 1. Any For taxes imposed under subch. V, any services that are
16 a part of the sale of tangible personal property, including any fee, service charge,
17 labor charge, or other addition to the price charged a customer by the retailer which
18 represents or is in lieu of a tip or gratuity. ^{L.C.}

19 SECTION ~~5~~^{2245m} 77.52 (5m) of the statutes is created to read:

* page 847, line 2: after that line insert:

ASSEMBLY BILL 64

1 77.52 (5m) A retailer shall list separately on a receipt for a service any fee,
2 service charge, labor charge, or other addition to the price of the service charged to
3 a customer by the retailer that represents or is in lieu of a tip or gratuity. ✓

4 ~~SECTION 6. Effective date.~~

5 (1) ~~This act~~ takes effect on the first day of the 2nd month beginning after
6 publication. ✓

7 (END)

TIPS AND GRATUITIES. (c) The treatment of sections 77.51 (4)(b) 2m. ✓
and (c) 2., (15)(b) 2m. ✓ and (c) 1., ✓ and 77.52 (5m) of the
statutes ✓

*. page 1423, line 21: after that line insert: ✓