

1           **\*-0728/6.263\* SECTION 2412.** 77.56 (1) of the statutes is amended to read:

2           77.56 (1) The storage, use or other consumption in this state of property, the  
3           gross receipts sales price from the sale of which are is reported to the department in  
4           the measure of the sales tax, is exempted from the use tax.

5           **\*-0728/6.264\* SECTION 2413.** 77.57 of the statutes is amended to read:

6           **77.57 Liability of purchaser.** If a purchaser certifies in writing to a seller  
7           that the property, specified digital goods, or additional digital goods purchased will  
8           be used in a manner or for a purpose entitling the seller to regard the gross receipts  
9           sales price from the sale as exempted by this subchapter from the computation of the  
10          amount of the sales tax and uses the property, specified digital goods, or additional  
11          digital goods in some other manner or for some other purpose, the purchaser is liable  
12          for payment of the sales tax. The tax shall be measured by the sales price of the  
13          property, specified digital goods, or additional digital goods to the purchaser, ~~but if~~  
14          ~~the taxable use first occurs more than 6 months after the sale to the purchaser, the~~  
15          purchaser may use as the measure of the tax either that sales price or the fair market  
16          value of the property at the time the taxable use first occurs.

17          **\*-0728/6.265\* SECTION 2414.** 77.58 (3) (a) of the statutes is amended to read:

18          77.58 (3) (a) For purposes of the sales tax a return shall be filed by every seller.  
19          For purposes of the use tax a return shall be filed by every retailer engaged in  
20          business in this state and by every person purchasing tangible personal property,  
21          specified digital goods, additional digital goods, or services, the storage, use, or other  
22          consumption of which is subject to the use tax, who has not paid the use tax due to  
23          a retailer required to collect the tax. If a qualified subchapter S subsidiary is not  
24          regarded as a separate entity under ch. 71, the owner of that subsidiary shall include  
25          the information for that subsidiary on the owner's return. Returns shall be signed

1 by the person required to file the return or by a duly authorized agent but need not  
2 be verified by oath. If a single-owner entity is disregarded as a separate entity under  
3 ch. 71, the owner shall include the information from the entity on the owner's return.

4 **\*-0728/6.266\* SECTION 2415.** 77.58 (3) (b) of the statutes is amended to read:

5 77.58 (3) (b) ~~For purposes of the sales tax the return shall show the gross~~  
6 ~~receipts of the seller during the preceding reporting period. For purposes of the use~~  
7 ~~tax, in case of a return filed by a retailer, the return shall show the total sales price~~  
8 ~~of the property or taxable services sold, the storage, use or consumption of which~~  
9 ~~became subject to the use tax during the preceding reporting period. In case of a sales~~  
10 ~~or use tax return filed by a purchaser, the return shall show the total sales price of~~  
11 ~~the property and taxable services purchased, the storage, use or consumption of~~  
12 ~~which became subject to the use tax during the preceding reporting period. The~~  
13 ~~return shall also show the amount of the taxes for the period covered by the return~~  
14 ~~and such other information as the department deems necessary for the proper~~  
15 ~~administration of this subchapter.~~

16 **\*-0728/6.267\* SECTION 2416.** 77.58 (6) of the statutes is amended to read:

17 77.58 (6) For the purposes of the sales tax gross receipts, the sales price from  
18 rentals or leases of tangible personal property, specified digital goods, or additional  
19 digital goods shall be reported and the tax paid in accordance with such rules as the  
20 department prescribes.

21 **\*-0728/6.268\* SECTION 2417.** 77.58 (6m) of the statutes is created to read:

22 77.58 (6m) (a) The department may, in cases where it is satisfied that an undue  
23 hardship would otherwise result, permit the reporting of a sales price or purchase  
24 price on some basis other than the accrual basis.

1 (b) The entire sales price of credit transactions shall be reported in the period  
2 in which the sale is made without reduction in the amount of tax payable by the  
3 retailer by reason of the retailer's transfer at a discount of any open account, note,  
4 conditional sales contract, lease contract, or other evidence of indebtedness.

5 **\*-1503/1.1\* SECTION 2418.** 77.58 (9) of the statutes is created to read:

6 77.58 (9) The department may require a filing fee for sales tax returns that are  
7 filed on paper.

8 **\*-0728/6.269\* SECTION 2419.** 77.58 (9a) of the statutes is created to read:

9 77.58 (9a) In addition to filing a return as provided in this section, a person  
10 described under s. 77.524 (3), (4), or (5) shall provide to the department any  
11 information that the department considers necessary for the administration of this  
12 subchapter, in the manner prescribed by the department, except that the  
13 department may not require that the person provide such information to the  
14 department more than once every 180 days.

15 **\*-0728/6.270\* SECTION 2420.** 77.585 of the statutes is created to read:

16 **77.585 Return adjustments.** (1) (a) In this subsection, "bad debt" means the  
17 portion of the sales price or purchase price that the seller has reported as taxable  
18 under this subchapter and that the seller may claim as a deduction under section 166  
19 of the Internal Revenue Code. "Bad debt" does not include financing charges or  
20 interest, sales or use taxes imposed on the sales price or purchase price, uncollectible  
21 amounts on property, specified digital goods, or additional digital goods that remain  
22 in the seller's possession until the full sales price or purchase price is paid, expenses  
23 incurred in attempting to collect any debt, debts sold or assigned to 3rd parties for  
24 collection, and repossessed property.

1 (b) A seller may claim as a deduction on a return under s. 77.58 the amount of  
2 any bad debt that the seller writes off as uncollectible in the seller's books and records  
3 and that is eligible to be deducted as a bad debt for federal income tax purposes,  
4 regardless of whether the seller is required to file a federal income tax return. A  
5 seller who claims a deduction under this paragraph shall claim the deduction on the  
6 return under s. 77.58 that is submitted for the period in which the seller writes off  
7 the amount of the deduction as uncollectible in the seller's books and records and in  
8 which such amount is eligible to be deducted as bad debt for federal income tax  
9 purposes. If the seller subsequently collects in whole or in part any bad debt for  
10 which a deduction is claimed under this paragraph, the seller shall include the  
11 amount collected in the return filed for the period in which the amount is collected  
12 and shall pay the tax with the return.

13 (c) For purposes of computing a bad debt deduction or reporting a payment  
14 received on a previously claimed bad debt, any payment made on a debt or on an  
15 account is applied first to the price of the property, specified digital goods, additional  
16 digital goods, or service sold, and the proportionate share of the sales tax on that  
17 property, specified digital goods, additional digital goods, or service, and then to  
18 interest, service charges, and other charges related to the sale.

19 (d) A seller may obtain a refund of the tax collected on any bad debt amount  
20 deducted under par. (b) that exceeds the amount of the seller's taxable sales as  
21 provided under s. 77.59 (4), except that the period for making a claim as determined  
22 under s. 77.59 (4) begins on the date on which the return on which the bad debt could  
23 be claimed would have been required to be submitted to the department under s.  
24 77.58.

1 (e) If a seller is using a certified service provider, the certified service provider  
2 may claim a bad debt deduction under this subsection on the seller's behalf if the  
3 seller has not claimed and will not claim the same deduction. A certified service  
4 provider who receives a bad debt deduction under this subsection shall credit that  
5 deduction to the seller and a certified service provider who receives a refund under  
6 this subsection shall submit that refund to the seller.

7 (f) If a bad debt relates to the retail sales of tangible personal property, specified  
8 digital goods, additional digital goods, or taxable services that occurred in this state  
9 and in one or more other states, as determined under s. 77.522, the total amount of  
10 such bad debt shall be apportioned among the states in which the underlying sales  
11 occurred in a manner prescribed by the department to arrive at the amount of the  
12 deduction under par. (b).

13 (2) If a lessor of tangible personal property, specified digital goods, or additional  
14 digital goods has reimbursed the vendor for the sales tax on the sale of the property  
15 or goods by the vendor to the lessor, the tax due from the lessor on the rental receipts  
16 may be offset by a credit equal to the tax otherwise due on the rental receipts from  
17 the property or goods for the reporting period. The credit shall expire when the  
18 cumulative rental receipts equal the sales price upon which the vendor paid sales  
19 taxes to this state.

20 (3) If a purchaser of tangible personal property, specified digital goods, or  
21 additional digital goods has reimbursed the vendor of the property or goods for the  
22 sales tax on the sale and subsequently, before making any use of the property or  
23 goods other than retention, demonstration, or display while holding it for sale or  
24 rental, makes a taxable sale of the property or goods, the tax due on the taxable sale  
25 may be offset by the tax reimbursed.

1           (4) A seller may claim a deduction on any part of the sales price or purchase  
2 price that the seller refunds in cash or credit as a result of returned property,  
3 specified digital goods, or additional digital goods or adjustments in the sales price  
4 or purchase price after the sale has been completed, if the seller has included the  
5 refunded price in a prior return made by the seller and has paid the tax on such price,  
6 and if the seller has returned to the purchaser in cash or in credit all tax previously  
7 paid by the purchaser on the amount of the refund at the time of the purchase. A  
8 deduction under this subsection shall be claimed on the return for the period in which  
9 the refund is paid.

10          (5) No reduction in the amount of tax payable by the retailer is allowable in the  
11 event property, specified digital goods, or additional digital goods sold on credit are  
12 repossessed except where the entire consideration paid by the purchaser is refunded  
13 to the purchaser or where a credit for a worthless account is allowable under sub. (1).

14          (6) A purchaser who is subject to the use tax on the storage, use, or other  
15 consumption of fuel may claim a deduction from the purchase price that is subject  
16 to the use tax for fuel taxes refunded by this state or the United States to the  
17 purchaser that is included in the purchase price of the fuel.

18          (7) For sales tax purposes, if a retailer establishes to the department's  
19 satisfaction that the sales tax has been added to the total amount of the sales price  
20 and has not been absorbed by the retailer, the total amount of the sales price shall  
21 be the amount received exclusive of the sales tax imposed.

22          (8) A sale or purchase involving transfer of ownership of property, specified  
23 digital goods, or additional digital goods is completed at the time when possession  
24 is transferred by the seller or the seller's agent to the purchaser or the purchaser's  
25 agent, except that for purposes of sub. (1) a common carrier or the U.S. postal service

1 shall be considered the agent of the seller, regardless of any f.o.b. point and  
2 regardless of the method by which freight or postage is paid.

3 \***-0728/6.271**\* SECTION 2421. 77.59 (2m) of the statutes is created to read:

4 77.59 (2m) The department may audit, or may authorize others to audit, sellers  
5 and certified service providers who are registered with the department pursuant to  
6 the agreement, as defined in s. 77.65 (2) (a).

7 \***-0728/6.272**\* SECTION 2422. 77.59 (5m) of the statutes is amended to read:

8 77.59 (5m) A seller who receives a refund under sub. (4) (a) or (b) of taxes that  
9 the seller has collected from buyers, who collects amounts as taxes erroneously from  
10 buyers, but who does not remit such amounts to the state, or who is entitled to a  
11 refund under sub. (4) (a) or (b) that is offset under sub. (5), shall submit the taxes and  
12 related interest to the buyers from whom the taxes were collected, or to the  
13 department if the seller cannot locate the buyers, within 90 days after the date of the  
14 refund, after the date of the offset, or after discovering that the seller has collected  
15 taxes erroneously from the buyers. If the seller does not submit the taxes and related  
16 interest to the department or the buyers within that period, the seller shall submit  
17 to the department any part of a refund or taxes that the seller does not submit to a  
18 buyer or to the department along with a penalty of 25% of the amount not submitted  
19 or, in the case of fraud, a penalty equal to the amount not submitted. A person who  
20 collects amounts as taxes erroneously from buyers for a real property construction  
21 activity or nontaxable service may reduce the taxes and interest that he or she is  
22 required to submit to the buyer or to the department under this subsection for that  
23 activity or service by the amount of tax and interest subsequently due and paid on  
24 the sale of or the storage, use, or other consumption of tangible personal property,

1 specified digital goods, or additional digital goods that is are used by the person in  
2 that activity or service and transferred to the buyer.

3 **\*-0891/1.3\* SECTION 2423.** 77.59 (7) of the statutes is amended to read:

4 77.59 (7) If the department believes that the collection of any tax imposed by  
5 this subchapter will be jeopardized by delay, it shall notify the person determined to  
6 owe the tax of its intention to proceed under s. 71.91 (5) for collection of the amount  
7 determined to be owing, including penalties and interest. Such notice shall be by  
8 certified or registered mail or by personal service and the warrant of the department  
9 shall not issue if the person, within 10 days after such notice furnishes a bond in such  
10 amount not exceeding double the amount determined to be owing and with such  
11 sureties as the department approves, conditioned upon the payment of so much of  
12 the taxes, interest, and penalties as shall finally be determined to be due. Nothing  
13 in this subsection shall affect the review of determinations of tax as provided in this  
14 subchapter and any amounts collected under this subsection shall be deposited with  
15 the ~~secretary of administration~~ department and disbursed after final determination  
16 of the taxes as are amounts deposited under ss. 71.89 (1) and 71.90 (2).

17 **\*-0728/6.273\* SECTION 2424.** 77.59 (9) of the statutes is amended to read:

18 77.59 (9) If any person fails to file a return, the department shall make an  
19 estimate of the amount of the ~~gross receipts~~ sales price of the ~~person~~ person's sales,  
20 or, as the case may be, of the amount of the total sales purchase price of tangible  
21 personal property, specified digital goods, additional digital goods, or taxable service  
22 sold or purchased by the person, the sale by or the storage, use, or other consumption  
23 of which in this state is subject to sales or use tax. The estimate shall be made for  
24 the period in respect to which the person failed to make a return and shall be based  
25 upon any information which is in the department's possession or may come into its

1 possession. Upon the basis of this estimate the department shall compute and  
2 determine the amount required to be paid to the state, adding to the sum thus arrived  
3 at a penalty equal to 25% thereof. One or more such determinations may be made  
4 for one or for more than one period. When a business is discontinued a determination  
5 may be made at any time thereafter, within the periods specified in sub. (3), as to  
6 liability arising out of that business.

7 **\*-0728/6.274\* SECTION 2425.** 77.59 (9n) of the statutes is created to read:

8 77.59 (9n) (a) Notwithstanding s. 73.03 (47), no seller or certified service  
9 provider is liable for tax, interest, or penalties imposed on a transaction under this  
10 subchapter in the circumstances covered under sections 306, 328, and 502 of the  
11 agreement, as defined in s. 77.65 (2) (a).

12 (b) A purchaser is not liable for the tax, interest, or penalties imposed on a  
13 transaction under this subchapter in the circumstances covered by section 331 of the  
14 agreement, as defined in s. 77.65 (2) (a).

15 **\*-0728/6.275\* SECTION 2426.** 77.59 (9p) (b) of the statutes is created to read:

16 77.59 (9p) (b) If a customer purchases a service that is not subject to 4 USC 116  
17 to 126, as amended by P.L. 106-252, or tangible personal property, specified digital  
18 goods, or additional digital goods, and if the customer believes that the amount of the  
19 tax assessed for the sale of the service, property, or goods under this subchapter is  
20 erroneous, the customer may request that the seller correct the alleged error by  
21 sending a written notice to the seller. The notice shall include a description of the  
22 alleged error and any other information that the seller reasonably requires to process  
23 the request. Within 60 days from the date that a seller receives a request under this  
24 paragraph, the seller shall review its records to determine the validity of the  
25 customer's claim. If the review indicates that there is no error as alleged, the seller

1 shall explain the findings of the review in writing to the customer. If the review  
2 indicates that there is an error as alleged, the seller shall correct the error and shall  
3 refund the amount of any tax collected erroneously, along with the related interest,  
4 as a result of the error from the customer, consistent with s. 77.59 (4). A customer  
5 may take no other action against the seller, or commence any action against the  
6 seller, to correct an alleged error in the amount of the tax assessed under this  
7 subchapter on a service that is not subject to 4 USC 116 to 126, as amended by P.L.  
8 106-252, or tangible personal property, specified digital goods, or additional digital  
9 goods unless the customer has exhausted his or her remedies under this paragraph.

10 **\*-0728/6.276\* SECTION 2427.** 77.59 (9r) of the statutes is created to read:

11 **77.59 (9r)** With regard to a purchaser's request for a refund under this section,  
12 a seller is presumed to have reasonable business practices if the seller uses a certified  
13 service provider, a certified automated system, as defined in s. 77.524 (1) (am), or a  
14 proprietary system certified by the department to collect the taxes imposed under  
15 this subchapter and if the seller has remitted to the department all taxes collected  
16 under this subchapter, less any deductions, credits, or allowances.

17 **\*-0728/6.277\* SECTION 2428.** 77.60 (13) of the statutes is created to read:

18 **77.60 (13)** A person who uses any of the following documents in a manner that  
19 is prohibited by or inconsistent with this subchapter, or provides incorrect  
20 information to a seller or certified service provider related to the use of such  
21 documents or regarding an exemption to the taxes imposed under this subchapter,  
22 shall pay a penalty of \$250 for each invoice or bill of sale related to the prohibited or  
23 inconsistent use or incorrect information:

24 (a) An exemption certificate described under ss. 77.52 (13) and 77.53 (10).

25 (b) A direct pay permit under s. 77.52 (17m).

1 (c) A direct mail form, as defined in s. 77.522 (1) (a) 1.

2 **\*-0728/6.278\* SECTION 2429.** 77.61 (1) (b) of the statutes is amended to read:

3 77.61 (1) (b) In the case of ~~a motor vehicle~~ motor vehicles, boats, snowmobiles,  
4 mobile homes not exceeding 45 feet in length, trailers, semitrailers, all-terrain  
5 vehicles, or aircraft purchased from a licensed ~~Wisconsin motor vehicle dealer~~  
6 retailer, the registrant shall present proof that the tax has been paid to such ~~dealer~~  
7 retailer.

8 **\*-0728/6.279\* SECTION 2430.** 77.61 (1) (c) of the statutes is amended to read:

9 77.61 (1) (c) In the case of motor vehicles, boats, snowmobiles, mobile homes  
10 not exceeding 45 feet in length, trailers, semitrailers, all-terrain vehicles or aircraft  
11 registered or titled, or required to be registered or titled, in this state purchased from  
12 persons who are not ~~Wisconsin boat, trailer or semitrailer dealers, licensed~~  
13 ~~Wisconsin aircraft, motor vehicle or mobile home dealers or registered Wisconsin~~  
14 ~~snowmobile or all-terrain vehicle dealers~~ retailers, the purchaser shall file a sales  
15 tax return and pay the tax prior to registering or titling the motor vehicle, boat,  
16 snowmobile, mobile home not exceeding 45 feet in length, trailer, semitrailer,  
17 all-terrain vehicle or aircraft in this state.

18 **\*-0728/6.280\* SECTION 2431.** 77.61 (2) of the statutes is renumbered 77.61 (2)

19 (intro.) and amended to read:

20 77.61 (2) (intro.) In order to protect the revenue of the state:

21 (a) Except as provided in par. (b), the department may require any person who  
22 is or will be liable to it for the tax imposed by this subchapter to place with it, before  
23 or after a permit is issued, the security, not in excess of \$15,000, that the department  
24 determines. In determining the amount of security to require under this subsection,  
25 the department may consider the person's payment of other taxes administered by

1 the department and any other relevant facts. If any taxpayer fails or refuses to place  
2 that security, the department may refuse or revoke the permit. If any taxpayer is  
3 delinquent in the payment of the taxes imposed by this subchapter, the department  
4 may, upon 10 days' notice, recover the taxes, interest, costs and penalties from the  
5 security placed with the department by the taxpayer in the following order: costs,  
6 penalties, delinquent interest, delinquent tax. No interest may be paid or allowed  
7 by the state to any person for the deposit of security. Any security deposited under  
8 this subsection shall be returned to the taxpayer if the taxpayer has, for 24  
9 consecutive months, complied with all the requirements of this subchapter.

10 **\*-0728/6.281\* SECTION 2432.** 77.61 (2) (b) of the statutes is created to read:

11 77.61 (2) (b) A certified service provider who has contracted with a seller, and  
12 filed an application, to collect and remit sales and use taxes imposed under this  
13 subchapter on behalf of the seller shall submit a surety bond to the department to  
14 guarantee the payment of sales and use taxes, including any penalty and interest on  
15 such payment. The department shall approve the form and contents of a bond  
16 submitted under this paragraph and shall determine the amount of such bond. The  
17 surety bond shall be submitted to the department within 60 days after the date on  
18 which the department notifies the certified service provider that the certified service  
19 provider is registered to collect sales and use taxes imposed under this subchapter.  
20 If the department determines, with regards to any one certified service provider, that  
21 no bond is necessary to protect the tax revenues of this state, the secretary of revenue  
22 or the secretary's designee may waive the requirements under this paragraph with  
23 regard to that certified service provider. Any bond submitted under this paragraph  
24 shall remain in force until the secretary of revenue or the secretary's designee  
25 releases the liability under the bond.

1       \*-0728/6.282\* SECTION 2433. 77.61 (3) of the statutes is repealed.

2       \*-0728/6.283\* SECTION 2434. 77.61 (3m) of the statutes is created to read:

3       77.61 (3m) A retailer shall use a straight mathematical computation to  
4       determine the amount of the tax that the retailer may collect from the retailer's  
5       customers. The retailer shall calculate the tax amount by combining the applicable  
6       tax rates under this subchapter and subch. V and multiplying the combined tax rate  
7       by the sales price or purchase price of each item or invoice, as appropriate. The  
8       retailer shall calculate the tax amount to the 3rd decimal place, disregard tax  
9       amounts of less than 0.5 cent, and consider tax amounts of at least 0.5 cent but less  
10      than 1 cent to be an additional cent. The use of a straight mathematical computation,  
11      as provided in this subsection, shall not relieve the retailer from liability for payment  
12      of the full amount of the tax levied under this subchapter.

13      \*-0728/6.284\* SECTION 2435. 77.61 (4) (a) of the statutes is amended to read:

14      77.61 (4) (a) Every seller and retailer and every person storing, using or  
15      otherwise consuming in this state tangible personal property, specified digital goods,  
16      additional digital goods, or taxable services purchased from a retailer shall keep such  
17      records, receipts, invoices, and other pertinent papers and records, including  
18      machine-readable records, in such form as the department requires. The  
19      department may, after giving notice, require any person to keep whatever records are  
20      needed for the department to compute the sales or use taxes the person should pay.  
21      Thereafter, the department shall add to any taxes assessed on the basis of  
22      information not contained in the records required a penalty of 25% of the amount of  
23      the tax so assessed in addition to all other penalties under this chapter.

24      \*-0728/6.285\* SECTION 2436. 77.61 (4) (c) of the statutes is amended to read:

SECTION 2436

1           77.61 (4) (c) For reporting the sales tax and collecting and reporting the use tax  
 2 imposed on the retailer under s. 77.53 (3) and the accounting connected with it,  
 3 retailers, not including certified service providers, may deduct 0.5% of those taxes  
 4 payable or \$10 for that reporting period required under s. 77.58 (1), whichever is  
 5 greater, but not more than the amount of the sales taxes or use taxes that is payable  
 6 under ss. 77.52 (1) and 77.53 (3) for that reporting period required under s. 77.58 (1),  
 7 as administration expenses if the payment of the taxes is not delinquent. For  
 8 purposes of calculating the retailer's discount under this paragraph, the taxes on  
 9 retail sales reported by retailers under subch. V, including taxes collected and  
 10 remitted as required under s. 77.785, shall be included if the payment of those taxes  
 11 is not delinquent.

12           \***-1261/5.706\*** \***-1267/P1.221\*** SECTION 2437. 77.61 (5) (b) 11. of the statutes  
 13 is amended to read:

14           77.61 (5) (b) 11. The department of workforce development children and  
 15 families or a county child support agency under s. 59.53 (5) in response to a request  
 16 under s. 49.22 (2m).

17           \***-0728/6.286\*** SECTION 2438. 77.61 (5m) of the statutes is created to read:

18           77.61 (5m) (a) In this subsection, "personally identifiable information" means  
 19 any information that identifies a person.

20           (b) A certified service provider may use personally identifiable information as  
 21 necessary only for the administration of its system to perform a seller's sales and use  
 22 tax functions and shall provide consumers clear and conspicuous notice of its practice  
 23 regarding such information, including what information it collects, how it collects  
 24 the information, how it uses the information, how long, if at all, it retains the

1 information, and under what circumstances it discloses the information to states  
2 participating in the agreement, as defined in 77.65 (2) (a).

3 (c) A certified service provider may collect, use, and retain personally  
4 identifiable information only to verify exemption claims, to investigate fraud, and to  
5 ensure its system's reliability.

6 (d) A certified service provider shall provide sufficient technical, physical, and  
7 administrative safeguards to protect personally identifiable information from  
8 unauthorized access and disclosure.

9 (e) For purposes of this subchapter, the state shall provide to consumers public  
10 notice of the state's practices related to collecting, using, and retaining personally  
11 identifiable information.

12 (f) The state shall not retain personally identifiable information obtained for  
13 purposes of administering this subchapter unless the state is otherwise required to  
14 retain the information by law or as provided under the agreement, as defined in s.  
15 77.65 (2) (a).

16 (g) For purposes of this subchapter, the state shall provide an individual  
17 reasonable access to that individual's personally identifiable information and the  
18 right to correct any inaccurately recorded information.

19 (h) If any person, other than another state that is a signatory to the agreement,  
20 as defined in s. 77.65 (2) (a), or a person authorized under state law to access the  
21 information, requests access to an individual's personally identifiable information,  
22 the state shall make a reasonable and timely effort to notify the individual of the  
23 request.

24 **\*-0719/2.1\* SECTION 2439.** 77.61 (11) of the statutes is amended to read:

## SECTION 2439

1           77.61 (11) Any city, village or town clerk or other official whose duty it is to issue  
2           licenses or permits to engage in a business involving the sale at retail of tangible  
3           personal property subject to tax under this subchapter, or the furnishing of services  
4           so subject to tax, shall, before issuing such license or permit, require proof that the  
5           person to whom such license or permit is to be issued is the holder of a seller's permit  
6           as required by or is registered to collect, report, and remit use tax under this  
7           subchapter or has been informed by an employee of the department that the  
8           department will issue a seller's permit to that person or register that person to  
9           collect, report, and remit use tax.

10           \*-0728/6.287\* SECTION 2440. 77.61 (11) of the statutes, as affected by 2007  
11           Wisconsin Act .... (this act), is amended to read:

12           77.61 (11) Any city, village or town clerk or other official whose duty it is to issue  
13           licenses or permits to engage in a business involving the sale at retail of tangible  
14           personal property, specified digital goods, or additional digital goods subject to tax  
15           under this subchapter, or the furnishing of services so subject to tax, shall, before  
16           issuing such license or permit, require proof that the person to whom such license  
17           or permit is to be issued is the holder of a seller's permit or is registered to collect,  
18           report, and remit use tax under this subchapter or has been informed by an employee  
19           of the department that the department will issue a seller's permit to that person or  
20           register that person to collect, report, and remit use tax.

\*\*\*\*NOTE: This is reconciled s. 77.61 (11). This SECTION has been affected by drafts  
with the following LRB numbers: 0719 and 0728.

21           \*-0728/6.288\* SECTION 2441. 77.61 (16) of the statutes is created to read:

1           77.61 (16) Any person who remits taxes and files returns under this subchapter  
2           may designate an agent, as defined in s. 77.524 (1) (ag), to remit such taxes and file  
3           such returns with the department in a manner prescribed by the department.

4           \***-0728/6.289\*** SECTION 2442. 77.63 of the statutes is repealed and recreated  
5           to read:

6           **77.63 Collection compensation.** The following persons may retain a portion  
7           of sales and use taxes collected on retail sales under this subchapter and subch. V  
8           in an amount determined by the department and by contracts that the department  
9           enters into jointly with other states as a member state of the streamlined sales tax  
10          governing board pursuant to the agreement, as defined in s. 77.65 (2) (a):

11          (1) A certified service provider.

12          (2) A seller that uses a certified automated system, as defined in s. 77.524 (1)  
13          (am).

14          (3) A seller that sells tangible personal property, specified digital goods,  
15          additional digital goods, or taxable services in at least 5 states that are signatories  
16          to the agreement, as defined in s. 77.65 (2) (a); that has total annual sales revenue  
17          of at least \$500,000,000; that has a proprietary system that calculates the amount  
18          of tax owed to each taxing jurisdiction in which the seller sells tangible personal  
19          property, specified digital goods, additional digital goods, or taxable services; and  
20          that has entered into a performance agreement with the states that are signatories  
21          to the agreement, as defined in s. 77.65 (2) (a). For purposes of this subsection,  
22          “seller” includes an affiliated group of sellers using the same proprietary system to  
23          calculate the amount of tax owed in each taxing jurisdiction in which the sellers sell  
24          tangible personal property, specified digital goods, additional digital goods, or  
25          taxable services.

1       \*-0728/6.290\* SECTION 2443. 77.65 (2) (c) of the statutes is repealed.

2       \*-0728/6.291\* SECTION 2444. 77.65 (2) (e) of the statutes is amended to read:

3       77.65 (2) (e) "Seller" means any person who sells, leases, or rents tangible  
4       personal property, specified digital goods, additional digital goods, or services.

5       \*-0728/6.292\* SECTION 2445. 77.65 (2) (f) of the statutes is amended to read:

6       77.65 (2) (f) "State" means any state of the United States and, the District of  
7       Columbia, and the Commonwealth of Puerto Rico.

8       \*-0728/6.293\* SECTION 2446. 77.65 (4) (fm) of the statutes is created to read:

9       77.65 (4) (fm) Provide that a seller who registers with the central electronic  
10       registration system under par. (f) may cancel the registration at any time, as  
11       provided under uniform procedures adopted by the governing board of the states that  
12       are signatories to the agreement, but is required to remit any Wisconsin taxes  
13       collected pursuant to the agreement to the department.

14       \*-0728/6.294\* SECTION 2447. 77.66 of the statutes is amended to read:

15       **77.66 Certification for collection of sales and use tax.** The secretary of  
16       revenue shall determine and periodically certify to the secretary of administration  
17       the names of persons, and affiliates, as defined in s. 16.70 (1b), of persons, who make  
18       sales of tangible personal property, specified digital goods, additional digital goods,  
19       and taxable services that are subject to the taxes imposed under this subchapter but  
20       who are not registered to collect and remit such taxes to the department or, if  
21       registered, do not collect and remit such taxes.

22       \*-0728/6.295\* SECTION 2448. 77.67 of the statutes is created to read:

23       **77.67 Amnesty for new registrants. (1)** A seller is not liable for uncollected  
24       and unpaid taxes, including penalties and interest, imposed under this subchapter

1 and subch. V on sales made to purchasers in this state before the seller registers  
2 under par. (a), if all of the following apply:

3 (a) The seller registers with the department, in a manner that the department  
4 prescribes, to collect and remit the taxes imposed under this subchapter and subch.  
5 V on sales to purchasers in this state in accordance with the agreement, as defined  
6 in s. 77.65 (2) (a).

7 (b) The seller registers under par. (a) no later than 365 days after the effective  
8 date of this state's participation in the agreement under s. 77.65 (2) (a), as  
9 determined by the department.

10 (c) The seller was not registered to collect and remit the taxes imposed under  
11 this subchapter and subch. V during the 365 consecutive days immediately before  
12 the effective date of this state's participation in the agreement under s. 77.65 (2) (a),  
13 as determined by the department.

14 (d) The seller has not received a notice of the commencement of an audit from  
15 the department or, if the seller has received a notice of the commencement of an audit  
16 from the department, the audit has not been resolved by any means, including any  
17 related administrative and judicial processes, at the time that the seller registers  
18 under par. (a).

19 (e) The seller has not committed or been involved in a fraud or an intentional  
20 misrepresentation of a material fact.

21 (f) The seller collects and remits the taxes imposed under this subchapter and  
22 subch. V on sales to purchasers in this state for at least 3 consecutive years after the  
23 date on which the seller's collection obligation begins

24 (2) Subsection (1) does not apply to taxes imposed under this subchapter and  
25 subch. V that are due from the seller for purchases made by the seller.

1       \*-0728/6.296\* SECTION 2449. 77.70 of the statutes is amended to read:

2           **77.70 Adoption by county ordinance.** Any county desiring to impose county  
3 sales and use taxes under this subchapter may do so by the adoption of an ordinance,  
4 stating its purpose and referring to this subchapter. The county sales and use taxes  
5 may be imposed only for the purpose of directly reducing the property tax levy and  
6 only in their entirety as provided in this subchapter. That ordinance shall be  
7 effective on the first day of January, the first day of April, the first day of July or the  
8 first day of October. A certified copy of that ordinance shall be delivered to the  
9 secretary of revenue at least 120 days prior to its effective date. The repeal of any  
10 such ordinance shall be effective on December 31. A certified copy of a repeal  
11 ordinance shall be delivered to the secretary of revenue at least ~~60~~ 120 days before  
12 the effective date of the repeal.

13       \*-0728/6.297\* SECTION 2450. 77.705 of the statutes is amended to read:

14           **77.705 Adoption by resolution; baseball park district.** A local  
15 professional baseball park district created under subch. III of ch. 229, by resolution  
16 under s. 229.68 (15), may impose a sales tax and a use tax under this subchapter at  
17 a rate of no more than 0.1% of the ~~gross receipts or sales price~~ or purchase price.  
18 Those taxes may be imposed only in their entirety. The resolution shall be effective  
19 on the first day of the first month January 1, April 1, July 1, or October 1 that begins  
20 at least ~~30~~ 120 days after the adoption of the resolution. Any moneys transferred  
21 from the appropriation account under s. 20.566 (1) (gd) to the appropriation account  
22 under s. 20.835 (4) (gb) shall be used exclusively to retire the district's debt.

23       \*-0728/6.298\* SECTION 2451. 77.706 of the statutes is amended to read:

24           **77.706 Adoption by resolution; football stadium district.** A local  
25 professional football stadium district created under subch. IV of ch. 229, by

1 resolution under s. 229.824 (15), may impose a sales tax and a use tax under this  
2 subchapter at a rate of 0.5% of the ~~gross receipts or sales price~~ or purchase price.  
3 Those taxes may be imposed only in their entirety. The imposition of the taxes under  
4 this section shall be effective on the first day of the first month January 1, April 1,  
5 July 1, or October 1 that begins at least ~~30~~ 120 days after the certification of the  
6 approval of the resolution by the electors in the district's jurisdiction under s. 229.824  
7 (15). Any moneys transferred from the appropriation account under s. 20.566 (1) (ge)  
8 to the appropriation account under s. 20.835 (4) (ge) shall be used exclusively to retire  
9 the district's debt.

10 **\*-0728/6.299\* SECTION 2452.** 77.707 (1) of the statutes is amended to read:

11 77.707 (1) Retailers and the department of revenue may not collect a tax under  
12 s. 77.705 for any local professional baseball park district created under subch. III of  
13 ch. 229 after the last day of the calendar quarter during that is at least 120 days from  
14 the date on which the local professional baseball park district board makes a  
15 certification to the department of revenue under s. 229.685 (2), except that the  
16 department of revenue may collect from retailers taxes that accrued before the day  
17 after the last day of that calendar quarter and fees, interest and penalties that relate  
18 to those taxes.

19 **\*-0728/6.300\* SECTION 2453.** 77.707 (2) of the statutes is amended to read:

20 77.707 (2) Retailers and the department of revenue may not collect a tax under  
21 s. 77.706 for any local professional football stadium district created under subch. IV  
22 of ch. 229 after the last day of the calendar quarter during that is at least 120 days  
23 from the date on which the local professional football stadium district board makes  
24 all of the certifications to the department of revenue under s. 229.825 (3), except that  
25 the department of revenue may collect from retailers taxes that accrued before the

1 day after the last day of that calendar quarter and fees, interest and penalties that  
2 relate to those taxes.

3 **\*-0728/6.301\* SECTION 2454.** 77.71 (1) of the statutes is amended to read:

4 77.71 (1) For the privilege of selling, licensing, leasing or renting tangible  
5 personal property, and the property and items specified under s. 77.52 (1) (b) to (d),  
6 and for the privilege of selling, licensing, performing or furnishing services a sales  
7 tax is imposed upon retailers at the rate of 0.5% in the case of a county tax or at the  
8 rate under s. 77.705 or 77.706 in the case of a special district tax of the gross receipts  
9 sales price from the sale, licensing, lease or rental of tangible personal property,  
10 except property taxed under sub. (4), sold, licensed, leased or rented at retail in the  
11 county or special district or from selling, licensing, performing or furnishing services  
12 described under s. 77.52 (2) in the county or special district.

13 **\*-0728/6.302\* SECTION 2455.** 77.71 (2) of the statutes is amended to read:

14 77.71 (2) An excise tax is imposed at the rate of 0.5% in the case of a county tax  
15 or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the sales  
16 purchase price upon every person storing, using or otherwise consuming in the  
17 county or special district tangible personal property, property and items specified  
18 under s. 77.52 (1) (b) to (d), or services if the property, item, or service is subject to  
19 the state use tax under s. 77.53, except that a receipt indicating that the tax under  
20 sub. (1), (3) or (4) has been paid relieves the buyer of liability for the tax under this  
21 subsection and except that if the buyer has paid a similar local tax in another state  
22 on a purchase of the same property, item, or services that tax shall be credited against  
23 the tax under this subsection and except that for motor vehicles that are used for a  
24 purpose in addition to retention, demonstration or display while held for sale in the

1 regular course of business by a dealer the tax under this subsection is imposed not  
2 on the sales purchase price but on the amount under s. 77.53 (1m).

3 **\*-0728/6.303\* SECTION 2456.** 77.71 (3) of the statutes is amended to read:

4 77.71 (3) An excise tax is imposed upon a contractor engaged in construction  
5 activities within the county or special district, at the rate of 0.5% in the case of a  
6 county tax or at the rate under s. 77.705 or 77.706 in the case of a special district tax  
7 of the sales purchase price of tangible personal property that is used in constructing,  
8 altering, repairing or improving real property and that becomes a component part  
9 of real property in that county or special district, except that if the contractor has  
10 paid the sales tax of a county in the case of a county tax or of a special district in the  
11 case of a special district tax in this state on that property, or has paid a similar local  
12 sales tax in another state on a purchase of the same property, that tax shall be  
13 credited against the tax under this subsection.

14 **\*-0728/6.304\* SECTION 2457.** 77.71 (4) of the statutes is amended to read:

15 77.71 (4) An excise tax is imposed at the rate of 0.5% in the case of a county tax  
16 or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the sales  
17 purchase price upon every person storing, using or otherwise consuming a motor  
18 vehicle, boat, snowmobile, mobile home not exceeding 45 feet in length, trailer,  
19 semitrailer, ~~all-terrain vehicle~~ or aircraft, if that property must be registered or  
20 titled with this state and if that property is to be customarily kept in a county that  
21 has in effect an ordinance under s. 77.70 or in a special district that has in effect a  
22 resolution under s. 77.705 or 77.706, except that if the buyer has paid a similar local  
23 sales tax in another state on a purchase of the same property that tax shall be  
24 credited against the tax under this subsection.

25 **\*-0728/6.305\* SECTION 2458.** 77.72 (title) of the statutes is repealed.

1       \***-0728/6.306\*** SECTION 2459. 77.72 (1) of the statutes is renumbered 77.72 and  
2       amended to read:

3       **77.72 General rule for property.** For the purposes of this subchapter, all  
4       retail sales of tangible personal property are completed at the time when, and the  
5       place where, the seller or the seller's agent transfers possession to the buyer or the  
6       buyer's agent. In this subsection, a common carrier or the U.S. postal service is the  
7       agent of the seller, regardless of any f.o.b. point and regardless of the method by  
8       which freight or postage is paid. Rentals and leases of property, except property  
9       under sub. (2), have a situs at the location of that property, and property and items  
10      specified under s. 77.52 (1) (b) to (d), and taxable services occur as provided in s.  
11      77.522.

12      \***-0728/6.307\*** SECTION 2460. 77.72 (2) and (3) of the statutes are repealed.

13      \***-0728/6.308\*** SECTION 2461. 77.73 (2) of the statutes is amended to read:

14      **77.73 (2)** Counties and special districts do not have jurisdiction to impose the  
15      tax under s. 77.71 (2) in regard to specified digital goods, additional digital goods, and  
16      tangible personal property, except snowmobiles, trailers, semitrailers, and  
17      all-terrain vehicles, purchased in a sale that is consummated in another county or  
18      special district in this state that does not have in effect an ordinance or resolution  
19      imposing the taxes under this subchapter and later brought by the buyer into the  
20      county or special district that has imposed a tax under s. 77.71 (2).

21      \***-0728/6.309\*** SECTION 2462. 77.73 (3) of the statutes is created to read:

22      **77.73 (3)** Counties and special districts have jurisdiction to impose the taxes  
23      under this subchapter on retailers who file an application under s. 77.52 (7) or who  
24      register under s. 77.53 (9) or (9m), regardless of whether such retailers are engaged  
25      in business in the county or special district, as provided in s. 77.51 (13g). A retailer

1 who files an application under s. 77.52 (7) or who registers under s. 77.53 (9) or (9m)  
2 shall collect, report, and remit to the department the taxes imposed under this  
3 subchapter for all counties and special districts that have an ordinance or resolution  
4 imposing the taxes under this subchapter.

5 **\*-0728/6.310\* SECTION 2463.** 77.75 of the statutes is amended to read:

6 **77.75 Reports.** Every person subject to county or special district sales and use  
7 taxes shall, for each reporting period, record that person's sales made in the county  
8 or special district that has imposed those taxes separately from sales made  
9 elsewhere in this state and file a report of the measure of the county or special district  
10 sales and use taxes and the tax due thereon separately as prescribed by the  
11 department of revenue.

12 **\*-0728/6.311\* SECTION 2464.** 77.77 (1) of the statutes is renumbered 77.77 (1)

13 (a) and amended to read:

14 **77.77 (1) (a)** The gross receipts sales price from services subject to the tax under  
15 s. 77.52 (2) are not or the lease, rental, or license of tangible personal property, and  
16 property and items specified under s. 77.52 (1) (b) to (d), is subject to the taxes under  
17 this subchapter, and the incremental amount of tax caused by a rate increase  
18 applicable to those services, leases, rentals, or licenses is not due, if those services  
19 are billed to the customer and paid for before beginning with the first billing period  
20 starting on or after the effective date of the county ordinance, special district  
21 resolution, or rate increase, regardless of whether the service is furnished or the  
22 property or item is leased, rented, or licensed to the customer before or after that  
23 date.

24 **\*-0728/6.312\* SECTION 2465.** 77.77 (1) (b) of the statutes is created to read:

1           77.77 (1) (b) The sales price from services subject to the tax under s. 77.52 (2)  
2           or the lease, rental, or license of tangible personal property, and property and items  
3           specified under s. 77.52 (1) (b) to (d), is not subject to the taxes under this subchapter,  
4           and a decrease in the tax rate imposed under this subchapter on those services first  
5           applies, beginning with bills rendered on or after the effective date of the repeal or  
6           sunset of a county ordinance or special district resolution imposing the tax or other  
7           rate decrease, regardless of whether the service is furnished or the property is leased,  
8           rented, or licensed to the customer before or after that date.

9           \*-0728/6.313\* SECTION 2466. 77.77 (2) of the statutes is repealed.

10          \*-0728/6.314\* SECTION 2467. 77.785 (1) of the statutes is amended to read:

11           77.785 (1) All retailers shall collect and report the taxes under this subchapter  
12           on the ~~gross receipts~~ sales price from leases and rentals of property, specified digital  
13           goods, and additional digital goods under s. 77.71 (4).

14          \*-0728/6.315\* SECTION 2468. 77.785 (2) of the statutes is amended to read:

15           77.785 (2) Prior to registration or titling, a retailer of a boat, ~~all-terrain vehicle,~~  
16           ~~trailer and semi-trailer dealers and licensed aircraft, motor vehicle, or mobile home~~  
17           ~~and snowmobile dealers~~ shall collect the taxes under this subchapter on sales of  
18           items under s. 77.71 (4). The ~~dealer~~ retailer shall remit those taxes to the  
19           department of revenue along with payments of the taxes under subch. III.

20          \*-0393/3.4\* SECTION 2469. 77.89 (2) (b) of the statutes is amended to read:

21           77.89 (2) (b) The municipal treasurer shall pay all amounts received under s.  
22           77.84 (2) (b) and (bm) to the county treasurer, as provided under ss. 74.25 and 74.30.  
23           The county treasurer shall, by June 30 of each year, pay all amounts received under  
24           this paragraph to the department. All amounts received by the department shall be

1 credited to the conservation fund and shall be reserved for land acquisition and,  
2 resource management activities, and grants under s. 77.895.

3 \*-0393/3.5\* SECTION 2470. 77.895 of the statutes is created to read:

4 **77.895 Grants for land acquisitions for outdoor activities. (1)**

5 DEFINITIONS. In this section:

6 (a) "Board" means the managed forest land board.

7 (b) "Land" means land in fee simple, conservation easements, and other  
8 easements in land.

9 (c) "Local governmental unit" means a city, village, town, or county.

10 (d) "Nonprofit conservation organization" has the meaning given in s. 23.0955

11 (1).

12 (2) PROGRAM. The department shall establish a program to award grants to  
13 nonprofit conservation organizations, to local governmental units, and to itself to  
14 acquire land to be used for hunting, fishing, hiking, sightseeing, and cross-country  
15 skiing. The board shall administer the program and award the grants under the  
16 program.

17 (3) REQUIREMENTS. The department, in consultation with the board, shall  
18 promulgate rules establishing requirements for awarding grants under this section.  
19 The rules promulgated under this subsection shall include all of the following:

20 (a) A requirement that the board give higher priority to counties over other  
21 grant applicants in awarding grants under this section.

22 (b) A requirement that, in awarding grants to counties under this section, the  
23 board give higher priority to counties that have higher numbers of acres that are  
24 designated as closed under s. 77.83.

1 (c) A requirement that, in awarding grants to towns under this section, the  
2 board give higher priority to towns that have higher numbers of acres that are  
3 designated as closed under s. 77.83.

4 (d) A requirement that no grant may be awarded under this section without it  
5 being approved by the board of each county in which the land to be acquired is  
6 located.

7 (e) Requirements concerning the use of sound forestry practices on land  
8 acquired under this section.

9 (4) USE OF LAND. Land acquired under this section may be used for purposes  
10 in addition to those specified in sub. (2) if the additional uses are compatible with the  
11 purposes specified in sub. (2).

12 \*-1410/3.12\* SECTION 2471. 77.92 (4) of the statutes is amended to read:

13 77.92 (4) "Net business income," with respect to a partnership, means taxable  
14 income as calculated under section 703 of the Internal Revenue Code; plus the items  
15 of income and gain under section 702 of the Internal Revenue Code, including taxable  
16 state and municipal bond interest and excluding nontaxable interest income or  
17 dividend income from federal government obligations; minus the items of loss and  
18 deduction under section 702 of the Internal Revenue Code, except items that are not  
19 deductible under s. 71.21; plus guaranteed payments to partners under section 707  
20 (c) of the Internal Revenue Code; plus the credits claimed under s. 71.07 (2dd), (2de),  
21 (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (3g), (3s), (3n), (3p), (3t), (3w), (5b), (5e),  
22 (5f), (5g), and (5h), (5i), and (5j); and plus or minus, as appropriate, transitional  
23 adjustments, depreciation differences, and basis differences under s. 71.05 (13), (15),  
24 (16), (17), and (19); but excluding income, gain, loss, and deductions from farming.  
25 "Net business income," with respect to a natural person, estate, or trust, means profit

1 from a trade or business for federal income tax purposes and includes net income  
2 derived as an employee as defined in section 3121 (d) (3) of the Internal Revenue  
3 Code.

\*\*\*\*NOTE: This is reconciled s. 77.92 (4). This SECTION has been affected by drafts  
with the following LRB numbers: 1410/2, 1502/1, 1822/1, and 0724/1.

4 **\*-0728/6.316\* SECTION 2472.** 77.98 of the statutes is amended to read:

5 **77.98 Imposition.** A local exposition district under subch. II of ch. 229 may  
6 impose a tax on the retail sale, except sales for resale, within the district's  
7 jurisdiction under s. 229.43 of products that are subject to a tax under s. 77.54 (20)  
8 (e) 1. to 3. and not candy, as defined in s. 77.51 (1fm), prepared food, as defined in s.  
9 77.51 (10m), and soft drinks, as defined in s. 77.51 (17w), unless exempt from the  
10 sales tax under s. 77.54 (1), (4), (7) (a), (7m), (9), (9a) or ~~(20) (e) 5., (20n) (b) and (c),~~  
11 and (20r).

12 **\*-0728/6.317\* SECTION 2473.** 77.981 of the statutes is amended to read:

13 **77.981 Rate.** The tax under s. 77.98 is imposed on the sale of taxable products  
14 at the rate of 0.25% of the ~~gross receipts~~ sales price, except that the district, by a vote  
15 of a majority of the authorized members of its board of directors, may impose the tax  
16 at the rate of 0.5% of the ~~gross receipts~~ sales price. A majority of the authorized  
17 members of the district's board may vote that, if the balance in a special debt service  
18 reserve fund of the district is less than the requirement under s. 229.50 (5), the tax  
19 rate under this subchapter is 0.5%. The 0.5% rate shall be effective on the next  
20 January 1, April 1, July 1 or October 1, and this tax is irrevocable if any bonds issued  
21 by the district and secured by the special debt service reserve fund are outstanding.

22 **\*-0728/6.318\* SECTION 2474.** 77.982 (2) of the statutes is amended to read:

1           77.982 (2) Sections 77.51 (4) (a), (b) 1., 2. and 4., (e) 1. to 3. and (d) (12m), (14)  
2           (a) to (f), (j) and (k) and, (14g), (15a), and (15b), 77.52 (3), (6), (4), (13), (14), (18), and  
3           (19), 77.522, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m), (5),  
4           (8), (9), and (12) to (14) (15), and 77.62, as they apply to the taxes under subch. III,  
5           apply to the tax under this subchapter. Sections ~~77.72 (1) and~~ Section 77.73, as they  
6           apply it applies to the taxes under subch. V, apply applies to the tax under this  
7           subchapter.

8           \*-0728/6.319\* SECTION 2475. 77.99 of the statutes is amended to read:

9           **77.99 Imposition.** A local exposition district under subch. II of ch. 229 may  
10          impose a tax at the rate of 3% of the gross receipts sales price on the rental, but not  
11          for rental and not for rental as a service or repair replacement vehicle, within the  
12          district's jurisdiction under s. 229.43, of Type 1 automobiles, as defined in s. 340.01  
13          (4) (a), by establishments primarily engaged in short-term rental of passenger cars  
14          without drivers, for a period of 30 days or less, unless the sale is exempt from the sales  
15          tax under s. 77.54 (1), (4), (7) (a), (7m), (9) or (9a). If the state makes a payment under  
16          s. 229.50 (7) to a district's special debt service reserve fund, a majority of the district's  
17          authorized board of directors may vote to increase the tax rate under this subchapter  
18          to 4%.

19          \*-0728/6.320\* SECTION 2476. 77.991 (2) of the statutes is amended to read:

20          77.991 (2) Sections 77.51 (4) (a), (b) 1., 2. and 4., (e) 1. to 3. and (d) and (12m),  
21          (14) (a) to (f), (j) and (k), (14g), (15a), and (15b), 77.52 (3), (4), (6), (13), (14) and, (18),  
22          and (19), 77.522, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m),  
23          (5), (8), (9), and (12) to (14) (15), and 77.62, as they apply to the taxes under subch.  
24          III, apply to the tax under this subchapter. Sections ~~77.72 (1) and (2) (a) and~~ Section  
25          77.73, as they apply it applies to the taxes under subch. V, apply applies to the tax

1 under this subchapter. The renter shall collect the tax under this subchapter from  
2 the person to whom the passenger car is rented.

3 **\*-0728/6.321\* SECTION 2477.** 77.994 (1) (intro.) of the statutes is amended to  
4 read:

5 77.994 (1) (intro.) Except as provided in sub. (2), a municipality or a county all  
6 of which is included in a premier resort area under s. 66.1113 may, by ordinance,  
7 impose a tax at a rate of 0.5% of the ~~gross receipts~~ sales price from the sale, license,  
8 lease, or rental in the municipality or county of goods or services that are taxable  
9 under subch. III made by businesses that are classified in the standard industrial  
10 classification manual, 1987 edition, published by the U.S. office of management and  
11 budget, under the following industry numbers:

12 **\*-0728/6.322\* SECTION 2478.** 77.9941 (4) of the statutes is amended to read:

13 77.9941 (4) Sections 77.72 (1), ~~(2) (a) and (3) (a)~~, 77.73, 77.74, 77.75, 77.76 (1),  
14 (2), and (4), 77.77 (1) and (2), 77.785 (1), and 77.79, as they apply to the taxes under  
15 subch. V, apply to the tax under this subchapter.

16 **\*-0728/6.323\* SECTION 2479.** 77.995 (2) of the statutes is repealed and  
17 recreated to read:

18 77.995 (2) There is imposed a fee at the rate of 5% of the sales price on the  
19 rental, but not for rerental and not for rental as a service or repair replacement  
20 vehicle of Type 1 automobiles, as defined in s. 340.01 (4) (a); of mobile homes, as  
21 defined in s. 340.01 (29); of motor homes, as defined in s. 340.01 (33m); and of  
22 camping trailers, as defined in s. 340.01 (6m) by establishments primarily engaged  
23 in short-term rental of vehicles without drivers, for a period of 30 days or less, unless  
24 the sale is exempt from the sales tax under s. 77.54 (1), (4), (7) (a), (7m) or (9a). There  
25 is also imposed a fee at the rate of 5% of the sales price on the rental of limousines.

## SECTION 2480

1       \***-0728/6.324\*** SECTION 2480. 77.9951 (2) of the statutes is amended to read:

2           77.9951 (2) Sections 77.51 (4) (a), (b) 1., 2. and 4., (e) 1. to 3. and (d) and (12m),  
3       (14) (a) to (f), (j) and (k), (14g), (15a), and (15b), 77.52 (3), (4), (6), (13), (14) and, (18),  
4       and (19), 77.522, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m),  
5       (5), (8), (9), and (12) to (14) (15), and 77.62, as they apply to the taxes under subch.  
6       III, apply to the fee under this subchapter. The renter shall collect the fee under this  
7       subchapter from the person to whom the vehicle is rented.

8       \***-0728/6.325\*** SECTION 2481. 77.996 (6) of the statutes is amended to read:

9           77.996 (6) "Gross receipts" has the meaning given in s. 77.51 (4) (a), (b) 1. and  
10       5., (e) 1. to 4., and (d) means the sales price, as defined in s. 77.51 (15b), of tangible  
11       personal property and taxable services sold by a dry cleaning facility. "Gross  
12       receipts" does not include the license fee imposed under s. 77.9961 (1m) that is passed  
13       on to customers.

14       \***-1331/1.1\*** SECTION 2482. 77.9961 (1m) of the statutes is amended to read:

15           77.9961 (1m) Every person operating a dry cleaning facility shall pay to the  
16       department a fee for each dry cleaning facility that the person operates. The fee shall  
17       be paid in installments, as provided in sub. (2), and each installment is equal to ~~1.8%~~  
18       2.8 percent of the gross receipts from the previous 3 months from dry cleaning  
19       apparel and household fabrics, but not from formal wear the facility rents to the  
20       general public.

21       \***-0728/6.326\*** SECTION 2483. 77.9972 (2) of the statutes is amended to read:

22           77.9972 (2) Sections 77.51 (4) (a), (b) 1., 2., and 4., (e) 1. to 3. and (d) and (12m),  
23       (14) (a) to (f), (j), and (k), (14g), (15a), and (15b), 77.52 (3), (4), (6), (13), (14), and (18),  
24       and (19), 77.522, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m),  
25       (5), (8), (9), and (12) to (14) (15), and 77.62, as they apply to the taxes under subch.

1 III, apply to the fee under this subchapter. Sections 77.72 (1) and (2) (a) and Section  
2 77.73, as they apply it applies to the taxes under subch. V, apply applies to the fee  
3 under this subchapter. The renter shall collect the fee under this subchapter from  
4 the person to whom the passenger car is rented.

5 \*-1530/7.3\* SECTION 2484. Subchapter XIV of chapter 77 [precedes 77.998] of  
6 the statutes is created to read:

## 7 CHAPTER 77

### 8 SUBCHAPTER XIV

#### 9 OIL COMPANY ASSESSMENT

10 **77.998 Definitions.** In this subchapter:

11 (1) "Biodiesel fuel" means biodiesel fuel, as defined in s. 168.14 (2m) (a), that  
12 is not blended with any petroleum product.

13 (2) "Department" means the department of revenue.

14 (3) "Motor vehicle fuel" has the meaning given in s. 78.005 (13).

15 (4) "Related party" means a person whose relationship with the supplier is  
16 described under section 267 (b) of the Internal Revenue Code.

17 (5) "Supplier" has the meaning given in s. 78.005 (14).

18 (6) "Terminal operator" has the meaning given in s. 78.005 (16).

19 **77.9981 Imposition.** (1) For the privilege of doing business in this state, there  
20 is imposed an assessment on each supplier at the rate of 2.5 percent of the supplier's  
21 gross receipts in each calendar quarter that are derived from the first sale in this  
22 state of motor vehicle fuel received by the supplier for sale in this state, for sale for  
23 export to this state, or for export to this state.

24 (2) Any person, including a terminal operator, who is not a licensee under s.  
25 78.09 and who either used any motor vehicle fuel in this state or has possession of

1 any motor vehicle fuel, other than that contained in a motor vehicle's fuel tank, for  
2 which the assessment under this subchapter has not been paid or for which no  
3 supplier has incurred liability for paying the assessment, shall file a report, in the  
4 manner described by the department, and pay the assessment based on the purchase  
5 price of the motor vehicle fuel.

6 **77.9982 Administration.** (1) The department shall administer the  
7 assessment under this subchapter and may take any action, conduct any proceeding,  
8 and impose interest and penalties.

9 (2) The assessments imposed under this subchapter for each calendar quarter  
10 are due and payable on the last day of the month next succeeding the calendar  
11 quarter for which the assessments are imposed, as provided by the department by  
12 rule.

13 (3) For purposes of determining the amount of the assessment imposed under  
14 this subchapter, income derived from the first sale in this state of biodiesel fuel or  
15 ~~or~~ of ethanol blended with gasoline to create gasoline consisting of at least 85 percent  
16 ethanol is not included in the supplier's gross receipts. For purposes of determining  
17 the amount of the assessment imposed under this subchapter, with regard to a  
18 transfer of motor vehicle fuel from a supplier to a related party, the point of first sale  
19 in this state is the date of such transfer, and the gross receipts are calculated on a  
20 monthly basis using an index determined by rule by the department. For purposes  
21 of this subchapter, there is only one point of first sale in this state with regard to the  
22 sale of the same motor vehicle fuel.

23 (4) No supplier who is subject to the assessment imposed under this subchapter  
24 shall take any action to increase or influence the selling price of motor vehicle fuel  
25 in order to recover the amount of the assessment. A supplier who takes any action

1 to increase or influence the selling price of motor vehicle fuel to recover the amount  
2 of the assessment is subject to a penalty equal to the amount of the gain the supplier  
3 received from any increase in the selling price that is implemented in order to recover  
4 the assessment amount or imprisonment of not more than 6 months, or both.

5 (5) At the secretary of revenue's request, the attorney general may represent  
6 this state, or assist a district attorney, in prosecuting any case arising under this  
7 subchapter.

8 (6) In addition to any other audits the department conducts to administer and  
9 enforce this subchapter, the department may audit any supplier who is subject to the  
10 assessment imposed under this subchapter to determine whether the supplier has  
11 taken any action to increase or influence the selling price of motor vehicle fuel in  
12 order to recover the amount of the assessment. Annually, the department shall  
13 submit a report to the governor and the legislature, as provided under s. 13.172 (2),  
14 that contains information on all audits conducted under this subsection in the  
15 previous year.

16 (7) (a) Sections 71.74 (1) to (3), (5), (7), and (9) to (15), 71.75 (1), (2), (6), (7), and  
17 (9), 71.77 (1) and (4) to (8), 71.78 (1) to (4) and (5) to (8), 71.80 (1) (a) and (b), (4) to  
18 (6), (8) to (12), (14), (17), and (18), 71.82 (1) and (2) (a) and (b), 71.83 (1) (a) 1. and 2.  
19 and (b) 1., 2., and 6., (2) (a) 1. to 3. and (b) 1. to 3., and (3), 71.87, 71.88, 71.89, 71.90,  
20 71.91 (1) (a), (2), (3), and (4) to (7), 71.92, and 71.93 as they apply to the taxes under  
21 ch. 71 apply to the assessment under this subchapter.

22 (b) Section 78.01 (2) (a) and (b), and (2m) (a) and (b), as it applies to the tax  
23 imposed under s. 78.01 (1), applies to the assessment imposed under this subchapter.

24 (8) The department shall deposit all revenue collected under this subchapter  
25 into the transportation fund.

1           **\*-1466/2.6\* SECTION 2485.** 79.01 (1) of the statutes is amended to read:

2           79.01 (1) There is established an account in the general fund entitled the  
3           “Expenditure Restraint Program Account.” There shall be appropriated to that  
4           account \$25,000,000 in 1991, in 1992, and in 1993; \$42,000,000 in 1994; \$48,000,000  
5           in each year beginning in 1995 and ending in 1999; \$57,000,000 in the year 2000 and  
6           in the year 2001; \$57,570,000 in 2002; and \$58,145,700 in 2003 and in each year  
7           thereafter, ending in 2008.

8           **\*-1181/9.22\* SECTION 2486.** 79.01 (2d) of the statutes is amended to read:

9           79.01 (2d) There is established an account in the general fund entitled the  
10          “County and Municipal Aid Account.”

11          **\*-1466/2.7\* SECTION 2487.** 79.01 (5) of the statutes is created to read:

12          79.01 (5) There is established an account in the general fund entitled the  
13          “County Levy Restraint Payment Account.” There shall be appropriated to that  
14          account \$15,000,000 in 2009 and in each year thereafter.

15          **\*-1466/2.8\* SECTION 2488.** 79.01 (5b) of the statutes is created to read:

16          79.01 (5b) There is established an account in the general fund entitled the  
17          “Municipal Levy Restraint Payment Account.” There shall be appropriated to that  
18          account \$58,145,700 in 2009 and in each year thereafter.

19          **\*-1466/2.9\* SECTION 2489.** 79.01 (6) of the statutes is created to read:

20          79.01 (6) There is established an account in the general fund entitled the  
21          “County Levy Restraint Bonus Payment Account.” There shall be appropriated to  
22          that account \$10,000,000 in 2009 and in each year thereafter.

23          **\*-1466/2.10\* SECTION 2490.** 79.01 (6b) of the statutes is created to read:

1           79.01 (6b) There is established an account in the general fund entitled the  
2           “Municipal Levy Restraint Bonus Payment Account.” There shall be appropriated  
3           to that account \$5,000,000 in 2009 and in each year thereafter.

4           \*-1466/2.11\* SECTION 2491. 79.015 of the statutes is amended to read:

5           **79.015 Statement of estimated payments.** The department of revenue, on  
6           or before September 15 of each year, shall provide to each municipality and county  
7           a statement of estimated payments to be made in the next calendar year to the  
8           municipality or county under ss. 79.03, 79.035, 79.04, 79.05, 79.051, 79.052, 79.058,  
9           and 79.06.

10          \*-1466/2.12\* SECTION 2492. 79.02 (2) (b) of the statutes is amended to read:

11          79.02 (2) (b) Subject to ss. 59.605 (4) and 70.995 (14) (b), payments in July shall  
12          equal 15% of the municipality’s or county’s estimated payments under ss. 79.03,  
13          79.035, 79.04, 79.058, and 79.06 and 100% of the municipality’s or county’s estimated  
14          payments under s. ss. 79.05, 79.051, and 79.052.

15          \*-1181/9.23\* SECTION 2493. 79.035 (1) of the statutes is amended to read:

16          79.035 (1) In 2004 and subsequent years, each county and municipality shall  
17          receive a payment from the county and municipal aid account in an amount  
18          determined under sub. (2).

19          \*-1468/2.1\* SECTION 2494. 79.043 (5) of the statutes is amended to read:

20          79.043 (5) Except as provided under s. 79.02 (3) (e), for the distribution  
21          distributions beginning in 2005 and subsequent years ending in 2007, each county  
22          and municipality shall receive a payment under this section and s. 79.035 that is  
23          equal to the amount of the payment determined for the county or municipality under  
24          this section and s. 79.035 in 2004.

25          \*-1468/2.2\* SECTION 2495. 79.043 (6) of the statutes is created to read:

1 79.043 (6) (a) Except as provided under s. 79.02 (3) (e), in 2008, the total  
2 amount to be distributed to counties and municipalities under this section and s.  
3 79.035 is the total amount distributed to counties and municipalities under this  
4 section and s. 79.035 in 2007, plus \$15,000,000. For purposes of this paragraph, each  
5 county and municipality shall receive an increased payment under this section and  
6 s. 79.035 so that the payment to each county and municipality is proportionate to its  
7 share of all payments under this section and s. 79.035 in 2007.

8 (b) Except as provided under s. 79.02 (3) (e), in 2009 and subsequent years, each  
9 county and municipality shall receive a payment under this section and s. 79.035  
10 that is equal to the amount of the payment determined for the county or municipality  
11 under this section and s. 79.035 in 2008.

12 \*-1466/2.13\* SECTION 2496. 79.05 (7) of the statutes is created to read:

13 79.05 (7) Beginning in 2009, no municipality may receive a payment under this  
14 section.

15 \*-1466/2.14\* SECTION 2497. 79.051 of the statutes is created to read:

16 **79.051 Municipal levy restraint program. (1) DEFINITIONS.** In this section:

17 (a) "Debt service" includes debt service on debt issued or reissued to fund or  
18 refund outstanding municipal obligations, interest on outstanding municipal  
19 obligations, and related issuance costs and redemption premiums.

20 (b) "Inflation factor" means a percentage equal to the average annual  
21 percentage change in the U.S. consumer price index for all urban consumers, U.S.  
22 city average, as determined by the U.S. department of labor, for the 12 months  
23 ending on June 30 of the year before the statement under s. 79.015.

24 (c) "Maximum allowable levy" means the municipal tax levy for the year before  
25 the statement under s. 79.015, as adjusted under sub. (5), multiplied by the sum of

1 one plus 85 percent of the inflation factor and 85 percent of the valuation factor,  
2 rounded to the nearest 0.01 percent.

3 (d) "Municipal tax levy" means the amounts reported as the total taxes levied  
4 for each town, village, or city on the statement of taxes filed with the department of  
5 revenue under s. 73.10, not including the incremental levy for municipal tax  
6 incremental financing districts and the incremental levy for county environmental  
7 tax financing districts.

8 (e) "Municipal tax rate" means the municipal tax levy divided by the taxable  
9 value.

10 (f) "Taxable value" means the equalized assessed value of all property located  
11 in the municipality, as determined under s. 70.57, excluding the value of any tax  
12 increments under s. 66.1105.

13 (g) "Valuation factor" means a percentage equal to 60 percent of the percentage  
14 change in the municipality's equalized value under s. 70.57 due to new construction  
15 less improvements removed between the year before the statement under s. 79.015  
16 and the previous year, but not less than zero nor greater than 2.

17 **(2) ELIGIBILITY.** A municipality is eligible to receive a payment under sub. (4)  
18 if it fulfills all of the following requirements:

19 (a) The municipality's municipal tax rate for the year before the statement  
20 under s. 79.015 is greater than 5 mills.

21 (b) The municipality's municipal tax levy for the year of the statement under  
22 s. 79.015 is no greater than the municipality's maximum allowable levy.

23 **(3) CONSUMER PRICE INDEX.** Annually, on August 1, the department of revenue  
24 shall certify to the joint committee on finance the appropriate percentage change in  
25 the consumer price index that is to be used to determine the inflation factor.

1 (4) PAYMENTS. (a) Beginning in 2009, each municipality that is eligible under  
2 sub. (2) shall receive a payment calculated by the department of revenue as follows:

3 1. Subtract 5 mills from the municipality's municipal tax rate.

4 2. Multiply the amount determined under subd. 1. by the municipality's  
5 taxable value.

6 3. Divide the amount determined under subd. 2. by the total of the amounts  
7 under subd. 2. for all municipalities that are eligible for a payment under sub. (2).

8 4. Multiply the amount determined under subd. 3. by \$58,145,700.

9 (b) Each municipality that is eligible under sub. (2) shall receive an additional  
10 payment calculated by the department of revenue as follows:

11 1. Subtract the municipal tax levy, as determined under par. (a) 1., from the  
12 municipality's maximum allowable levy.

13 2. Divide the amount determined under subd. 1. by the total of the amounts  
14 under subd. 1. for all municipalities that are eligible for a payment under sub. (2).

15 3. Multiply the amount determined under subd. 2. by \$10,000,000.

16 (5) ADJUSTMENTS. For purposes of determining eligibility for and the amount  
17 of the payments under this section:

18 (a) If a municipality transfers to another governmental unit responsibility for  
19 providing any service that the municipality provided in the preceding year, its  
20 municipal tax levy for the preceding year shall be decreased to reflect the amount  
21 that the municipality levied to provide that service, as determined by the department  
22 of revenue.

23 (b) If a municipality increases the services that it provides by adding  
24 responsibility for providing a service transferred to it from another governmental

1 unit in any year, its municipal tax levy for the preceding year shall be increased to  
2 reflect the cost of that service, as determined by the department of revenue.

3 (c) If in any year a municipality's distribution under s. 79.043 (5) is less than  
4 the municipality's distribution under s. 79.043 (5) in the previous year, the  
5 municipality's maximum allowable levy shall be increased to reflect the reduction in  
6 the distribution.

7 (d) The maximum allowable levy otherwise applicable under this section does  
8 not apply to amounts levied by a municipality for the payment of any general  
9 obligation debt service, including debt service on debt issued or reissued to fund or  
10 refund outstanding obligations of the municipality, interest on outstanding  
11 obligations of the political subdivision, or the payment of related issuance costs or  
12 redemption premiums, secured by the full faith and credit of the municipality.

13 \*-1466/2.15\* SECTION 2498. 79.052 of the statutes is created to read:

14 **79.052 County levy restraint program. (1) DEFINITIONS.** In this section:

15 (a) "County tax levy" means the sum for all municipalities in the county of the  
16 amounts reported as total county taxes levied on the statement of taxes filed with the  
17 department of revenue under s. 73.10, not including any taxes levied under s.  
18 115.817 (9).

19 (b) "County tax rate" means the county tax levy divided by the equalized  
20 assessed value of all property located in the county, as determined under s. 70.57,  
21 excluding the value of any tax increments under s. 66.1105.

22 (bm) "Debt service" includes debt service on debt issued or reissued to fund or  
23 refund outstanding county obligations, interest on outstanding county obligations,  
24 and related issuance costs and redemption premiums.

1 (c) "Inflation factor" means a percentage equal to the average annual  
2 percentage change in the U.S. consumer price index for all urban consumers, U.S.  
3 city average, as determined by the U.S. department of labor, for the 12 months  
4 ending on June 30 of the year before the statement under s. 79.015.

5 (d) "Maximum allowable levy" means the county tax levy for the year before the  
6 statement under s. 79.015, as adjusted under sub. (5), multiplied by the sum of one  
7 plus 85 percent of the inflation factor and 85 percent of the valuation factor, rounded  
8 to the nearest 0.01 percent.

9 (e) "Valuation factor" means a percentage equal to 60 percent of the percentage  
10 change in the county's equalized value under s. 70.57 due to new construction less  
11 improvements removed between the year before the statement under s. 79.015 and  
12 the previous year, but not less than zero nor greater than 2.

13 (2) ELIGIBILITY. A county is eligible to receive a payment under sub. (4) if the  
14 county's county tax levy for the year of the statement under s. 79.015 is no greater  
15 than the county's maximum allowable levy.

16 (3) CONSUMER PRICE INDEX. Annually, on August 1, the department of revenue  
17 shall certify to the joint committee on finance the appropriate percentage change in  
18 the consumer price index that is to be used to determine the inflation factor.

19 (4) PAYMENTS. (a) Beginning in 2009, each county that is eligible under sub.  
20 (2) shall receive a payment calculated by the department of revenue as follows:

- 21 1. Determine the county tax levy for the county.
- 22 2. Divide the amount determined under subd. 1. by the total of the amounts  
23 under subd. 1. for all counties that are eligible for a payment under sub. (2).
- 24 3. Multiply the amount determined under subd. 2. by \$25,000,000.

1 (b) Beginning in 2009, each county that is eligible under sub. (2) shall receive  
2 an additional payment calculated by the department of revenue as follows:

3 1. Subtract the county tax levy, as determined under par. (a) 1., from the  
4 county's maximum allowable levy.

5 2. Divide the amount determined under subd. 1. by the total of the amounts  
6 under subd. 1. for all counties that are eligible for a payment under sub. (2).

7 3. Multiply the amount determined under subd. 2. by \$10,000,000.

8 (5) ADJUSTMENTS. For purposes of determining eligibility for and the amount  
9 of the payments under this section:

10 (a) If a county transfers to another governmental unit responsibility for  
11 providing any service that the county provided in the preceding year, its county tax  
12 levy for the preceding year shall be decreased to reflect the amount that the county  
13 levied to provide that service, as determined by the department of revenue.

14 (b) If a county increases the services that it provides by adding responsibility  
15 for providing a service transferred to it from another governmental unit in any year,  
16 its county tax levy for the preceding year shall be increased to reflect the cost of that  
17 service, as determined by the department of revenue.

18 (c) If in any year a county's distribution under s. 79.043 (5) is less than the  
19 county's distribution under s. 79.043 (5) in the previous year, the county's maximum  
20 allowable levy shall be increased to reflect the reduction in the distribution.

21 (d) The maximum allowable levy otherwise applicable under this section does  
22 not apply to amounts levied by a county for the payment of any general obligation  
23 debt service, including debt service on debt issued or reissued to fund or refund  
24 outstanding obligations of the county, interest on outstanding obligations of the

1 county, or the payment of related issuance costs or redemption premiums, secured  
2 by the full faith and credit of the county.

3 **\*-1009/7.4\* SECTION 2499.** 79.10 (1m) (b) of the statutes is amended to read:

4 79.10 (1m) (b) Counties and municipalities shall submit to the department of  
5 revenue all data related to the lottery and gaming credit and the first dollar credit  
6 as requested by the department of revenue.

7 **\*-1009/7.5\* SECTION 2500.** 79.10 (2) of the statutes is renumbered 79.10 (2) (a)  
8 and amended to read:

9 79.10 (2) (a) NOTICE TO MUNICIPALITIES. On or before December 1 of the year  
10 preceding the distribution under sub. (7m) (a), the department of revenue shall  
11 notify the clerk of each town, village and city of the estimated fair market value, as  
12 determined under sub. (11) (c), to be used to calculate the lottery and gaming credit  
13 under sub. (5) and of the amount to be distributed to it under sub. (7m) (a) on the  
14 following 4th Monday in July. The anticipated receipt of such distribution shall not  
15 be taken into consideration in determining the tax rate of the municipality but shall  
16 be applied as tax credits.

17 **\*-1009/7.6\* SECTION 2501.** 79.10 (2) (b) of the statutes is created to read:

18 79.10 (2) (b) On or before December 1 of the year preceding the distribution  
19 under sub. (7m) (c), the department of revenue shall notify the clerk of each town,  
20 village, and city of the estimated fair market value, as determined under sub. (11)  
21 (d), used to calculate the first dollar credit under sub. (5m) and of the amount to be  
22 distributed to it under sub. (7m) (c) on the following 4th Monday in July. The  
23 anticipated receipt of such distribution shall not be taken into consideration in  
24 determining the tax rate of the municipality but shall be applied as tax credits.

25 **\*-1009/7.7\* SECTION 2502.** 79.10 (4) of the statutes is amended to read:

1           79.10 (4) SCHOOL LEVY TAX CREDIT. The Except as provided in sub. (5m), the  
2 amount appropriated under s. 20.835 (3) (b) shall be distributed to municipalities in  
3 proportion to their share of the sum of average school tax levies for all municipalities.

4           \***-1009/7.8\*** SECTION 2503. 79.10 (5) of the statutes is amended to read:

5           79.10 (5) LOTTERY AND GAMING CREDIT. Each municipality shall receive, from the  
6 appropriation under s. 20.835 (3) (q), an amount determined by multiplying the  
7 school tax rate by the estimated fair market value, not exceeding the value  
8 determined under sub. (11) (c), of every principal dwelling that is located in the  
9 municipality and for which a claim for the credit under sub. (9) (bm) is made by the  
10 owner of the principal dwelling.

11           \***-1009/7.9\*** SECTION 2504. 79.10 (5m) of the statutes is created to read:

12           79.10 (5m) FIRST DOLLAR CREDIT. Each municipality shall receive, from the  
13 appropriation under s. 20.835 (3) (b), an amount determined by multiplying the  
14 school tax rate by the estimated fair market value, not exceeding the value  
15 determined under sub. (11) (d), of every parcel of real property with improvements  
16 that is located in the municipality.

17           \***-1009/7.10\*** SECTION 2505. 79.10 (6m) (a) of the statutes is amended to read:

18           79.10 (6m) (a) Except as provided in pars. (b) and (c), if the department of  
19 administration or the department of revenue determines by October 1 of the year of  
20 any distribution under subs. (4) and (5), and (5m) that there was an overpayment  
21 or underpayment made in that year's distribution by the department of  
22 administration to municipalities, as determined under subs. (4) and (5), and (5m),  
23 because of an error by the department of administration, the department of revenue  
24 or any municipality, the overpayment or underpayment shall be corrected as  
25 provided in this paragraph. Any overpayment shall be corrected by reducing the

1 subsequent year's distribution, as determined under subs. (4) ~~and, (5), and (5m)~~, by  
2 an amount equal to the amount of the overpayment. Any underpayment shall be  
3 corrected by increasing the subsequent year's distribution, as determined under  
4 subs. (4) ~~and, (5), and (5m)~~, by an amount equal to the amount of the underpayment.  
5 Corrections shall be made in the distributions to all municipalities affected by the  
6 error. Corrections shall be without interest.

7 **\*-1009/7.11\* SECTION 2506.** 79.10 (7m) (c) of the statutes is created to read:

8 79.10 (7m) (c) *First dollar credit.* 1. The amount determined under sub. (5m)  
9 shall be distributed from the appropriation under s. 20.835 (3) (b) by the department  
10 of administration on the 4th Monday in July.

11 2. The town, village, or city treasurer shall settle for the amounts distributed  
12 on the 4th Monday in July under this paragraph with the appropriate county  
13 treasurer not later than August 15. Failure to settle timely under this subdivision  
14 subjects the town, village, or city treasurer to the penalties under s. 74.31. On or  
15 before August 20, the county treasurer shall settle with each taxing jurisdiction,  
16 including towns, villages, and cities except 1st class cities, in the county.

17 **\*-1009/7.12\* SECTION 2507.** 79.10 (9) (bn) of the statutes is created to read:

18 79.10 (9) (bn) *First dollar credit.* Except as provided in ss. 79.175 and 79.18,  
19 and subject to s. 79.15, the first dollar credit shall be allocated to every parcel of real  
20 estate on which improvements are located in an amount determined by multiplying  
21 the amount determined by the department of revenue under sub. (11) (d), by the  
22 school tax rate.

23 **\*-1009/7.13\* SECTION 2508.** 79.10 (9) (c) 3. of the statutes is created to read:

24 79.10 (9) (c) 3. The credit under par. (bn) shall reduce the property taxes  
25 otherwise payable.

1       \*-1009/7.14\* SECTION 2509. 79.10 (11) (d) of the statutes is created to read:

2           79.10 (11) (d) Before December 1, the department of revenue shall calculate,  
3       to the nearest \$100, the estimated fair market value necessary to distribute the total  
4       amount available for distribution under s. 79.15.

5       \*-1009/7.15\* SECTION 2510. 79.14 of the statutes is amended to read:

6           **79.14 School levy tax credit.** The appropriation under s. 20.835 (3) (b), for  
7       the payments under s. 79.10 (4), is \$319,305,000 in 1994, 1995, and 1996;  
8       \$469,305,000 beginning in 1997 and ending in 2006; and \$593,050,000 in each year  
9       thereafter.

10       \*-1009/7.16\* SECTION 2511. 79.15 of the statutes is created to read:

11           **79.15 Improvements credit.** Beginning in 2009, the total amount paid each  
12       year to municipalities from the appropriation account under s. 20.835 (3) (b) for the  
13       payments under s. 79.10 (5m) is \$100,000,000.

14       \*-0444/P2.9\* SECTION 2512. 84.01 (13) of the statutes is amended to read:

15           **84.01 (13) ENGINEERING SERVICES.** The department may engage such  
16       engineering, consulting, surveying, or other specialized services as it deems  
17       advisable. Any engagement of services under this subsection is exempt from ss.  
18       16.70 to 16.75, 16.755 to 16.77, 16.78 to 16.82, and 16.85 to 16.87, and 16.875 to 16.89,  
19       but ss. 16.528, 16.752, 16.753, and 16.754, 16.771, and 16.871 apply to such  
20       engagement. Any engagement involving an expenditure of \$3,000 or more shall be  
21       by formal contract approved by the governor. The department shall conduct a  
22       uniform cost-benefit analysis, as defined in s. 16.70 (3g), of each proposed  
23       engagement under this subsection that involves an estimated expenditure of more  
24       than \$25,000 in accordance with standards prescribed by rule of the department. The  
25       department shall review periodically, and before any renewal, the continued

1 appropriateness of contracting pursuant to each engagement under this subsection  
2 that involves an estimated expenditure of more than \$25,000.

3 **\*-0424/1.1\* SECTION 2513.** 84.014 (5m) (a) of the statutes is renumbered  
4 84.014 (5m) (am).

5 **\*-0424/1.2\* SECTION 2514.** 84.014 (5m) (ag) of the statutes is created to read:  
6 84.014 (5m) (ag) In this subsection:

7 1. "I 94 north-south corridor" means the Mitchell interchange of I 43, I 94, and  
8 I 894 in Milwaukee County, I 94 from the Illinois-Wisconsin state line in Kenosha  
9 County proceeding northerly through the Mitchell interchange to Howard Avenue  
10 in Milwaukee County, I 43/894 from the Mitchell interchange proceeding westerly  
11 to 35th Street in Milwaukee County, the STH 119 Airport Spur Parkway between I  
12 94 and General Mitchell International Airport in Milwaukee County, and all  
13 freeways, roadways, shoulders, interchange ramps, frontage roads, and collector  
14 road systems adjacent or related to these routes or interchanges.

15 2. "Zoo interchange" means all freeways, including related interchange ramps,  
16 roadways, and shoulders, and all adjacent frontage roads and collector road systems,  
17 encompassing I 94, I 894, and USH 45 in Milwaukee County within the area  
18 bordered by I 894/USH 45 at the Union Pacific railroad underpass near Burnham  
19 Street in Milwaukee County to the south, I 94 at 76th Street to the east, I 94 at 116th  
20 Street to the west, and USH 45 at Center Street to the north.

21 **\*-0424/1.3\* SECTION 2515.** 84.014 (5m) (b) 1. of the statutes is repealed.

22 **\*-0424/1.4\* SECTION 2516.** 84.014 (5m) (b) 2. and 3. of the statutes are created  
23 to read:

24 84.014 (5m) (b) 2. Reconstruction of the Zoo interchange.

25 3. Reconstruction of the I 94 north-south corridor.