

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 390**

November 9, 1999 – Offered by Representatives M. LEHMAN and WOOD.

1     **AN ACT** *to amend* 77.51 (20); and *to create* 77.52 (2m) (c) of the statutes;  
2           **relating to:** the definition of tangible personal property that is subject to a  
3           sales tax or a use tax.

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

4           **SECTION 1.** 77.51 (20) of the statutes is amended to read:

5           77.51 (20) “Tangible personal property” means all tangible personal property  
6           of every kind and description and includes electricity, natural gas, steam and water  
7           and also leased property affixed to realty if the lessor has the right to remove the  
8           property upon breach or termination of the lease agreement, unless the lessor of the  
9           property is also the lessor of the realty to which the property is affixed. “Tangible  
10          personal property” also includes coins and stamps of the United States sold or traded  
11          as collectors’ items above their face value; tangible forms of books, booklets,  
12          pamphlets, flyers, labels, tags, tickets, newspapers, periodicals, shoppers guides,

1 controlled circulation publications, videotapes, video game cartridges, audiotapes,  
2 phonographic records, compact discs, laser discs, digital video discs, digital versatile  
3 discs, photographic prints and negatives, photocopies, printed or embossed  
4 advertising specialties, works of art and finished art; and computer programs except  
5 custom computer programs.

6 **SECTION 2.** 77.52 (2m) (c) of the statutes is created to read:

7 77.52 **(2m)** (c) No part of the charge for a service that is not subject to tax under  
8 sub. (2) may be deemed a sale or rental of tangible personal property if the tangible  
9 personal property transferred by the service provider is incidental to the selling,  
10 performing or furnishing of the service.

11 (END)