

2001 Jr2 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB1)

Received: 03/14/2002

Received By: **shoveme**

Wanted: As **time** permits

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing: **Rep. Schneider**

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

Drafter: **shoveme**

May Contact:

Addl. Drafters: **jkreye**

Subject: **Tax - individual income
Tax - sales**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Impose a temporary 10% surtax on individual income tax; increase sales and use tax rate by 1%

Instructions:

See Attached. Combine LRB b2543 and b2564

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	shoveme 03/14/2002	gilfokm 03/14/2002		_____			
/1			kfollet 03/14/2002	_____	lrb_docadmin 03/14/2002	lrb_docadmin 03/14/2002	

FE Sent For:

<END>

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Tax - sales

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1?	shoveme	3/14/02 KMP	15/1 3/14	self 3/14			
11 MES		3/14/02					

FE Sent For:

<END>

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Assembly Amendment (AA-ASA1-AB1)

Received: 03/13/2002

Received By: **shoveme**

Wanted: As time permits

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing: **Judy**

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

Drafter: **shoveme**

May Contact:

Addl. Drafters:

Subject: **Tax - individual income**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Impose a temporary 10% surtax on individual income tax liability

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	shoveme 03/13/2002	gilfokm 03/13/2002	kfollet 03/13/2002	_____	lrb_docadmin 03/13/2002	lrb_docadmin 03/13/2002	

FE Sent For:

<END>

2001 Jr2 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB1)

Received: 03/13/2002

Received By: jkreye

Wanted: Soon

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: judy

This file may be shown to any legislator: NO

Drafter: jkreye

May Contact:

Addl. Drafters:

Subject: Tax - sales

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given


Topic:

Increase sales tax and use tax rate by 1%

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkreye 03/13/2002	jdyer 03/13/2002		_____			
/1			pgreensl 03/14/2002	_____	lrb_docadmin 03/14/2002	lrb_docadmin 03/14/2002	

FE Sent For:

<END>

MES

Miller, Steve

From: Frydenlund, Judy
Sent: Wednesday, March 13, 2002 8:50 AM
To: Miller, Steve
Subject: Budget Amendments

Steve, I understand that individual budget amendments are being made directly through the LRB (via Schooff's office). Sorry I did not get these to you on Friday but we were told "everything" was going through Schooff. Anyway Marlin has 10 amendments as follows:

- 1) Assembly Bill 408—relating to covenants not to compete with an employer or principal after the termination of the employment or agency.
- 2) Assembly Bill 409—relating to discharge or discrimination against an employee for disclosing the employee's compensation.
- 3) Assembly Bill 531—relating to prohibiting certain computer postings that invite harassment or obscene, lewd, or profane communication, and providing a penalty.
- 4) Assembly Bill 568—relating to displaying the U.S. flag at the workplace.
- 5) Assembly 692—relating to return of security deposit to tenant.
- 6) Assembly Bill 750—relating to gifts given or offered by prescription drug manufacturers and distributors to encourage practitioners to prescribe certain drugs and providing a penalty.
- 7) ~~Increase~~ ^{impose} the surtax on income tax by 10%.
- 8) Increase the sales tax by 1%.
- 9) Amend 59.69, 60.61, and 62.23 to require notification to abutting landowners and those within a one mile radius thereof of potential zoning changes to accommodate a slaughterhouse.
- 10) All the recognition of active military and veterans who have denistry licensure in other states. Exempt them from the "practical" exam.

until ^{surtax} for taxable years beginning before 7/1/04

start w/ withholding in cross-c, beginning init app. 11/02 60 days after passage

1983-84 stats

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973 c. 243; 1975
418; 1979 c. 102
979 c. 221, 201;
, 538.

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J Inc. v. Idaho

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Revenue, 333 F

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corporation equal to 10% of the corporation's income or franchise tax payable to this state. In this section, "income or franchise tax payable" of corporations means the tax as computed at the rates under s. 71.09 (2h) and (2n) without reduction for any payments or credits, including the fuel and electricity credit under s. 71.043, farmland preservation credit and declaration of estimated tax payments. Any declarations of estimated tax payments that would have been due under s. 71.22 before July 1, 1982, solely because of this surtax shall be prorated equally among, and paid with, any payments that are due on or after July 1, 1982, for the 1982 taxable year. Any penalty for underpayment of declaration of estimated taxes computed under s. 71.22 shall be computed on the basis that the surtax for the 1982 taxable year was required to be included only with instalment payments due on or after July 1, 1982. The surtax is part of the tax for purposes of determining any underpayment or declaring estimated taxes under s. 71.22.

History: 1981 c. 317; 1983 a. 27, 212.

71.014 Individual surtax. For taxable year 1983, there is imposed and there shall be assessed, collected and paid, in addition to and in the same manner as all other income taxes imposed under this chapter, including those provisions relating to refunds and overpayments, a surtax to be paid by every individual subject to tax under s. 71.01 (1) equal to 10% of that individual's income tax payable to this state. In this section, "income tax payable" means the tax computed at the rates and brackets under s. 71.09 (1b) as adjusted under s. 71.09 (2) plus any tax payable under s. 71.60. Any declarations of estimated tax payments that would have been due under s. 71.21 before July 1, 1983, solely because of this surtax shall be prorated equally among, and paid with, any payments that are due on or after July 1, 1983, for the 1983 taxable year. Any penalty for underpayment of declaration of estimated taxes computed under s. 71.21 shall be computed on the basis that the surtax for the 1983 taxable year was required to be included only with instalment payments due on or after July 1, 1983. The surtax is part of the tax for purposes of determining any underpayment or declaring estimated taxes under s. 71.21.

History: 1983 a. 27, 212.

71.015 Menominee Indian tribe; distribution of assets. No distribution of assets from the United States to the members of the Menominee Indian tribe as defined in s. 49.085 or their lawful distributees, or to any corporation, or organization, created by the tribe or at its

INCOME AND FRANCHISE TAXES 71.02

direction pursuant to section 8, P.L. 83-399, as amended, and no issuance of stocks, bonds, certificates of indebtedness, voting trust certificates or other securities by any such corporation or organization, or voting trust, to such members of the tribe or their lawful distributees shall be subject to income taxes under this chapter; provided, that so much of any cash distribution made under said P.L. 83-399 as consists of a share of any interest earned on funds deposited in the treasury of the United States pursuant to the supplemental appropriation act, 1952, (65 Stat. 736, 754) shall not by virtue of this section be exempt from the individual income tax of this state in the hands of the recipients for the year in which paid. For the purpose of ascertaining the gain or loss resulting from the sale or other disposition of such assets and stocks, bonds, certificates of indebtedness and other securities under this chapter, the fair market value of such property, on termination date as defined in s. 70.057 (1), 1967 stats., shall be the basis for determining the amount of such gain or loss.

History: 1983 a. 192 s. 304.

71.02 Definitions. (1) DEFINITIONS APPLICABLE TO CORPORATIONS. As used in this chapter:

(a) "Net income" means, for corporations, "gross income" less allowable deductions, except as follows:

1. For taxable years 1972, 1973, 1974 and 1975 for a corporation or common law trust which qualifies as a regulated investment company or real estate investment trust under the internal revenue code as amended to December 31, 1972, "net income" means the federal regulated investment company taxable income or the federal real estate investment trust taxable income of the corporation or trust as determined under the internal revenue code as amended to December 31, 1972.

2. For taxable year 1976, for a corporation or common law trust which qualifies as a regulated investment company or real estate investment trust under the internal revenue code as amended to December 31, 1975, "net income" means the federal regulated investment company taxable income or the federal real estate investment trust taxable income of the corporation or trust as determined under the internal revenue code as amended to December 31, 1975.

3. For taxable year 1977, for a corporation or common law trust which qualifies as a regulated investment company or real estate investment trust under the internal revenue code as amended to December 31, 1976, or such code as subsequently amended or changed by the U.S. congress and effective for the taxable year for

JK

Miller, Steve

From: Frydenlund, Judy
Sent: Wednesday, March 13, 2002 8:50 AM
To: Miller, Steve
Subject: Budget Amendments

Steve, I understand that individual budget amendments are being made directly through the LRB (via Schooff's office). Sorry I did not get these to you on Friday but we were told "everything" was going through Schooff. Anyway Marlin has 10 amendments as follows:

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- 3) Assembly Bill 531--relating to prohibiting certain computer postings that invite harassment or obscene, lewd, or profane communication, and providing a penalty.
- 4) Assembly Bill 568--relating to displaying the U.S. flag at the workplace.
- 5) Assembly 692--relating to return of security deposit to tenant.
- 6) Assembly Bill 750--relating to gifts given or offered by prescription drug manufacturers and distributors to encourage practitioners to prescribe certain drugs and providing a penalty.
- 7) Increase the surtax on income tax by 10%.
- 8) Increase the sales tax by 1%.
- 9) Amend 59.69, 60.61, and 62.23 to require notification to abutting landowners and those within a one mile radius thereof of potential zoning changes to accommodate a slaughterhouse.
- 10) All the recognition of active military and veterans who have denistry licensure in other states. Exempt them from the "practical" exam.



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

b2677/1
LRBb25641
MES:kmg:1/1
↑
AMNR

ASSEMBLY AMENDMENT,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1

D-NOTE

1 At the locations indicated, amend the substitute amendment as follows:
2 ✓ 1. Page 66, line 15: after that line insert:
3 "SECTION 170nm. 71.06 (4) of the statutes is created to read:
4 71.06 (4) INDIVIDUAL SURTAX, 2002 TO 2004. (a) In this subsection, "income tax
5 payable" means the income tax computed at the rates and brackets under subs. (1p)
6 and (2) (g) and (h), as adjusted under sub. (2e), plus any tax that is payable under
7 s. 71.08.
8 (b) For taxable years beginning after December 31, 2001, and before January
9 1, 2005, there is imposed and there shall be assessed, levied, collected, and paid, in
10 addition to and in the same manner as all other income taxes imposed under s. 71.02
11 or 71.08, including those provisions relating to refunds, overpayments, interest, and

1 penalties, a surtax to be paid by every individual who is subject to the tax imposed
2 under s. 71.02 equal to 10% of that individual's income tax payable.

3 (c) Any declarations of estimated tax payments that would have been due under
4 s. 71.09 before July 1, 2002, solely because of this surtax shall be prorated equally
5 among, and paid with, any payments that are due after June 30, 2002. Any penalty
6 for underpayment of declaration of estimated taxes computed under s. 71.09 shall
7 be computed on the basis that the surtax for the taxable year beginning after
8 December 31, 2001, and before January 1, 2003, was required to be included only
9 with installment payments due after June 30, 2002. The surtax is part of the tax for
10 purposes of determining any underpayment or declaring estimated taxes under s.
11 71.09.”

INS
2-11

12 **2.** Page 362, line 24: after that line insert:

13 “(4zo) WITHHOLDING, INDIVIDUAL SURTAX. With regard to the department of
14 revenue's responsibility to adjust the withholding tables under section 71.64 (9) (b)
15 of the statutes, the tables shall be adjusted to reflect the surtax imposed under
16 section 71.06 (4) of the statutes such that withholding that occurs on and after the
17 first day of the 3rd month beginning after the effective date of this subsection
18 accounts for the surtax.”

INS
2-18

19 (END)

D-note



State of Wisconsin
2001 - 2002 LEGISLATURE

January 2002 Special Session

LRBb2543/1

JK:jld:pg

ASSEMBLY AMENDMENT,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1

INS 2-11; p. 1 of 2

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

2 1. Page 139, line 16: after that line insert:

3 "SECTION 233d. 77.52 (1) of the statutes is amended to read:

4 77.52 (1) For the privilege of selling, leasing or renting tangible personal
5 property, including accessories, components, attachments, parts, supplies and
6 materials, at retail a tax is imposed upon all retailers at the rate of 5% 6% of the gross
7 receipts from the sale, lease or rental of tangible personal property, including
8 accessories, components, attachments, parts, supplies and materials, sold, leased or
9 rented at retail in this state.

10 SECTION 233e. 77.52 (2) (intro.) of the statutes is amended to read:

11 77.52 (2) (intro.) For the privilege of selling, performing or furnishing the
12 services described under par. (a) at retail in this state to consumers or users, a tax

FNS
2-11
P. 201/2

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is imposed upon all persons selling, performing or furnishing the services at the rate of 5% 6% of the gross receipts from the sale, performance or furnishing of the services.

SECTION 233f. 77.53 (1) of the statutes is amended to read:

77.53 (1) Except as provided in sub. (1m), an excise tax is levied and imposed on the use or consumption in this state of taxable services under s. 77.52 purchased from any retailer, at the rate of 5% 6% of the sales price of those services; on the storage, use or other consumption in this state of tangible personal property purchased from any retailer, at the rate of 5% 6% of the sales price of that property; and on the storage, use or other consumption of tangible personal property manufactured, processed or otherwise altered, in or outside this state, by the person who stores, uses or consumes it, from material purchased from any retailer, at the rate of 5% 6% of the sales price of that material."

2. Page 448, line 3: after that line insert:

^{4x0}
"~~(1)~~ INCREASE IN SALES AND USE TAX RATES. The treatment of sections 77.52 (1) and (2) (intro.) and 77.53 (1) of the statutes takes effect on the first day of the 2nd month beginning after publication."

FNS
2-18

JK

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

62677/1
LRB 2564/1dn
MES:kmg:kj
↑
RMNR

March 13, 2002

Representative Schneider:

part of
This amendment is based on the individual surtax from the 1983 statutes and I believe that it reflects your intent. To ensure that it does in fact accomplish your intent, I suggest that you have the amendment reviewed by the department of revenue before you introduce it.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb2677/1dn
MES:kmg:kjf

March 14, 2002

Representative Schneider:

Part of this amendment is based on the individual surtax from the 1983 statutes and I believe that it reflects your intent. To ensure that it does in fact accomplish your intent, I suggest that you have the amendment reviewed by the department of revenue before you introduce it.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us