

2005 Assembly Bill 646

Date of enactment: **April 19, 2006**

Date of publication*: **May 3, 2006**

2005 WISCONSIN ACT 366

AN ACT *to repeal* 77.54 (34); and *to amend* 77.54 (3) (a), 77.54 (3m) (intro.), 77.54 (30) (a) 3. and 77.54 (30) (a) 5. of the statutes; **relating to:** a sales tax and use tax exemption on tangible personal property used in the business of farming.

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

SECTION 1. 77.54 (3) (a) of the statutes is amended to read:

77.54 (3) (a) The gross receipts from the sales of and the storage, use, or other consumption of tractors and machines, including accessories, attachments, and parts ~~therefor, lubricants, nonpowered equipment, and other tangible personal property that are~~ used exclusively and directly, ~~or are consumed or lose their identities,~~ in the business of farming, including dairy farming, agriculture, horticulture, floriculture, silviculture, and custom farming services, but excluding automobiles, trucks, and other motor vehicles for highway use; excluding personal property that is attached to, fastened to, connected to, or built into real property or that becomes an addition to, component of, or capital improvement of real property; and excluding tangible personal property used or consumed in the erection of buildings or in the alteration, repair, or improvement of real property, regardless of any contribution that that personal property makes to the production process in that building or real property and

regardless of the extent to which that personal property functions as a machine, except as provided in par. (c).

SECTION 1d. 77.54 (3m) (intro.) of the statutes is amended to read:

77.54 (3m) (intro.) The gross receipts from the sale of and the storage, use or other consumption of the following items if they are used exclusively by the purchaser or user in the business of farming; including dairy farming, agriculture, horticulture, floriculture, silviculture, and custom farming services:

SECTION 1m. 77.54 (30) (a) 3. of the statutes is amended to read:

77.54 (30) (a) 3. Electricity sold for use in farming, including but not limited to agriculture, dairy farming, floriculture, silviculture, and horticulture.

SECTION 1n. 77.54 (30) (a) 5. of the statutes is amended to read:

77.54 (30) (a) 5. Fuel sold for use in farming, including but not limited to agriculture, dairy farming, floriculture, silviculture, and horticulture.

SECTION 2. 77.54 (34) of the statutes is repealed.

SECTION 3. Effective date.

(1) This act takes effect on July 1, 2007.

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].