

1 **SECTION 229.** 77.54 (25) of the statutes, as affected by 2007 Wisconsin Act 20,
2 is amended to read:

3 77.54 (25) The ~~gross receipts~~ sales price from the sale of and the storage of
4 printed material which is designed to advertise and promote the sale of merchandise,
5 or to advertise the services of individual business firms, which printed material is
6 purchased and stored for the purpose of subsequently transporting it outside the
7 state by the purchaser for use thereafter solely outside the state. This subsection
8 does not apply to catalogs and the envelopes in which the catalogs are mailed.

9 **SECTION 230.** 77.54 (25m) of the statutes, as created by 2007 Wisconsin Act 20,
10 is amended to read:

11 77.54 (25m) The ~~gross receipts~~ sales price from the sale of and the storage, use,
12 or other consumption of catalogs, and the envelopes in which the catalogs are mailed,
13 that are designed to advertise and promote the sale of merchandise or to advertise
14 the services of individual business firms.

15 **SECTION 231.** 77.54 (26) of the statutes is amended to read:

16 77.54 (26) The ~~gross receipts~~ sales price from the sales of and the storage, use,
17 or other consumption of tangible personal property and items and property under s.
18 77.52 (1) (b) and (c) which becomes a component part of an industrial waste
19 treatment facility that is exempt under s. 70.11 (21) or that would be exempt under
20 s. 70.11 (21) if the property were taxable under ch. 70, or tangible personal property
21 and items and property under s. 77.52 (1) (b) and (c) which becomes a component part
22 of a waste treatment facility of this state or any agency thereof, or any political
23 subdivision of the state or agency thereof as provided in s. 40.02 (28). The exemption
24 includes replacement parts therefor, and also applies to chemicals and supplies used
25 or consumed in operating a waste treatment facility and to purchases of tangible

1 personal property and items and property under s. 77.52 (1) (b) and (c) made by
2 construction contractors who transfer such property to their customers in fulfillment
3 of a real property construction activity. This exemption does not apply to tangible
4 personal property and items and property under s. 77.52 (1) (b) and (c) installed in
5 fulfillment of a written construction contract entered into, or a formal written bid
6 made, prior to July 31, 1975.

7 **SECTION 232.** 77.54 (26m) of the statutes is amended to read:

8 77.54 (26m) The ~~gross receipts~~ sales price from the sale of and the storage, use
9 or other consumption of waste reduction or recycling machinery and equipment,
10 including parts therefor, exclusively and directly used for waste reduction or
11 recycling activities which reduce the amount of solid waste generated, reuse solid
12 waste, recycle solid waste, compost solid waste or recover energy from solid waste.
13 The exemption applies even though an economically useful end product results from
14 the use of the machinery and equipment. For the purposes of this subsection, "solid
15 waste" means garbage, refuse, sludge or other materials or articles, whether these
16 materials or articles are discarded or purchased, including solid, semisolid, liquid or
17 contained gaseous materials or articles resulting from industrial, commercial,
18 mining or agricultural operations or from domestic use or from public service
19 activities.

20 **SECTION 233.** 77.54 (27) of the statutes is amended to read:

21 77.54 (27) The ~~gross receipts~~ sales price from the sale of semen used for
22 artificial insemination of livestock.

23 **SECTION 234.** 77.54 (28) of the statutes is amended to read:

24 77.54 (28) The ~~gross receipts~~ sales price from the sale of and the storage, use
25 or other consumption to or by the ultimate consumer of ~~apparatus or equipment for~~

1 ~~the injection of insulin or the treatment of diabetes and~~ supplies used to determine
2 blood sugar level.

3 **SECTION 235.** 77.54 (29) of the statutes is amended to read:

4 77.54 (29) The ~~gross receipts~~ sales price from the sales of and the storage, use
5 or other consumption of equipment used in the production of maple syrup.

6 **SECTION 236.** 77.54 (30) (a) (intro.) of the statutes is amended to read:

7 77.54 (30) (a) (intro.) The ~~gross receipts~~ sales price from the sale of:

8 **SECTION 237.** 77.54 (30) (c) of the statutes is amended to read:

9 77.54 (30) (c) If fuel or electricity is sold partly for a use exempt under this
10 subsection and partly for a use which is not exempt under this subsection, no tax
11 shall be collected on that percentage of the ~~gross receipts~~ sales price equal to the
12 percentage of the fuel or electricity which is used for an exempt use, as specified in
13 an exemption certificate provided by the purchaser to the seller.

14 **SECTION 238.** 77.54 (31) of the statutes is amended to read:

15 77.54 (31) The ~~gross receipts~~ sales price from the sale of and the storage, use
16 or other consumption in this state, but not the lease or rental, of used mobile homes,
17 as defined in s. 101.91 (10), and used manufactured homes, as defined in s. 101.91
18 (12).

19 **SECTION 239.** 77.54 (32) of the statutes is amended to read:

20 77.54 (32) The ~~gross receipts~~ sales price from charges, including charges for a
21 search, imposed by an authority, as defined in s. 19.32 (1), for copies of a public record
22 that a person may examine and use under s. 16.61 (12) or for copies of a record under
23 s. 19.35 (1).

24 **SECTION 240.** 77.54 (33) of the statutes is amended to read:

1 77.54 (33) The ~~gross receipts~~ sales price from sales of and the storage, use or
2 other consumption of ~~medicines~~ drugs used on farm livestock, not including
3 workstock.

4 **SECTION 241.** 77.54 (35) of the statutes is amended to read:

5 77.54 (35) The ~~gross receipts~~ sales price from the sales of tangible personal
6 property, items or property under s. 77.52 (1) (b) or (c), digital audiovisual works,
7 tickets or admissions by any baseball team affiliated with the Wisconsin Department
8 of American Legion baseball.

9 **SECTION 242.** 77.54 (36) of the statutes is amended to read:

10 77.54 (36) The ~~gross receipts~~ sales price from the rental for a continuous period
11 of one month or more of a mobile home, as defined in s. 101.91 (10), or a manufactured
12 home, as defined in s. 101.91 (2), that is used as a residence. In this subsection, "one
13 month" means a calendar month or 30 days, whichever is less, counting the first day
14 of the rental and not counting the last day of the rental.

15 **SECTION 243.** 77.54 (37) of the statutes is amended to read:

16 77.54 (37) The ~~gross receipts~~ sales price from revenues collected under s.
17 256.35 (3) and the surcharge established by rule by the public service commission
18 under s. 256.35 (3m) (f) for customers of wireless providers, as defined in s. 256.35
19 (3m) (a) 6.

20 **SECTION 244.** 77.54 (38) of the statutes is amended to read:

21 77.54 (38) The ~~gross receipts~~ sales price from the sale of and the storage, use
22 or other consumption of snowmobile trail groomers and attachments for them that
23 are purchased, stored, used or consumed by a snowmobile club that meets at least
24 3 times a year, that has at least 10 members, that promotes snowmobiling and that

1 participates in the department of natural resources' snowmobile program under s.
2 350.12 (4) (b).

3 **SECTION 245.** 77.54 (39) of the statutes is amended to read:

4 77.54 (39) The ~~gross receipts~~ sales price from the sale of and the storage, use
5 or other consumption of off-highway, heavy mechanical equipment such as feller
6 bunchers, slashers, delimiters, chippers, hydraulic loaders, loaders,
7 skidder-forwarders, skidders, timber wagons and tractors used exclusively and
8 directly in the harvesting or processing of raw timber products in the field by a person
9 in the logging business. In this subsection, "heavy mechanical equipment" does not
10 include hand tools such as axes, chains, chain saws and wedges.

11 **SECTION 246.** 77.54 (40) of the statutes is repealed.

12 **SECTION 247.** 77.54 (41) of the statutes is amended to read:

13 77.54 (41) The ~~gross receipts~~ sales price from the sale of building materials,
14 supplies and equipment to; and the storage, use or other consumption of those kinds
15 of property by; owners, contractors, subcontractors or builders if that property is
16 acquired solely for or used solely in, the construction, renovation or development of
17 property that would be exempt under s. 70.11 (36).

18 **SECTION 248.** 77.54 (42) of the statutes is amended to read:

19 77.54 (42) The ~~gross receipts~~ sales price from the sale of and the storage, use
20 or other consumption of animal identification tags provided under s. 93.06 (1h) and
21 standard samples provided under s. 93.06 (1s).

22 **SECTION 249.** 77.54 (43) of the statutes is amended to read:

23 77.54 (43) The ~~gross receipts~~ sales price from the sale of and the storage, use
24 or other consumption of raw materials used for the processing, fabricating or

1 manufacturing of, or the attaching to or incorporating into, printed materials that
2 are transported and used solely outside this state.

3 **SECTION 250.** 77.54 (44) of the statutes is amended to read:

4 77.54 (44) The ~~gross receipts~~ sales price from the collection of low-income
5 assistance fees that are charged under s. 16.957 (4) (a) or (5) (a).

6 **SECTION 251.** 77.54 (45) of the statutes is amended to read:

7 77.54 (45) The ~~gross receipts~~ sales price from the sale of and the use or other
8 consumption of a onetime license or similar right to purchase admission to
9 professional football games at a football stadium, as defined in s. 229.821 (6), that
10 is granted by a municipality; a local professional football stadium district; or a
11 professional football team or related party, as defined in s. 229.821 (12); if the person
12 who buys the license or right is entitled, at the time the license or right is transferred
13 to the person, to purchase admission to at least 3 professional football games in this
14 state during one football season.

15 **SECTION 252.** 77.54 (46) of the statutes is amended to read:

16 77.54 (46) The ~~gross receipts~~ sales price from the sale of and the storage, use,
17 or other consumption of the U.S. flag or the state flag. This subsection does not apply
18 to a representation of the U.S. flag or the state flag.

19 **SECTION 253.** 77.54 (46m) of the statutes is amended to read:

20 77.54 (46m) The ~~gross receipts~~ sales price from the sale of and the storage, use,
21 or other consumption of telecommunications services, if the telecommunications
22 services are obtained by using the rights to purchase telecommunications services,
23 including purchasing reauthorization numbers, by paying in advance and by using
24 an access number and authorization code; and if the tax imposed under s. 77.52 or
25 77.53 was previously paid on the sale or purchase of such rights.

1 **SECTION 254.** 77.54 (47) (intro.) of the statutes is amended to read:

2 77.54 (47) (intro.) The ~~gross receipts~~ sales price from the sale of and the storage,
3 use, or other consumption of all of the following:

4 **SECTION 255.** 77.54 (47) (b) 1. of the statutes is amended to read:

5 77.54 (47) (b) 1. The shooting facility is required to pay the tax imposed under
6 s. 77.52 on its ~~gross receipts~~ the sales price from charges for shooting at the facility.

7 **SECTION 256.** 77.54 (47) (b) 2. of the statutes is amended to read:

8 77.54 (47) (b) 2. The shooting facility is a nonprofit organization that charges
9 for shooting at the facility, but is not required to pay the tax imposed under s. 77.52
10 on its ~~gross receipts~~ sales price from such charges because the charges are for
11 occasional sales, as provided under sub. (7m), or because the charges satisfy the
12 exemption under s. 77.52 (2) (a) 2. b.

13 **SECTION 257.** 77.54 (48) (a) of the statutes is renumbered 77.585 (9) (a) and
14 amended to read:

15 77.585 (9) (a) Subject to 2005 Wisconsin Act 479, section 17, ~~the gross receipts~~
16 ~~from the sale of and the storage, use, or other consumption~~ a purchaser may claim
17 as a deduction that portion of its purchase price of Internet equipment used in the
18 broadband market for which the tax was imposed under this subchapter, if the
19 purchaser certifies to the department of commerce, in the manner prescribed by the
20 department of commerce, that the purchaser will, within 24 months after July 1,
21 2007, make an investment that is reasonably calculated to increase broadband
22 Internet availability in this state. The purchaser shall claim the deduction in the
23 same reporting period as the purchaser paid the tax imposed under this subchapter.

24 **SECTION 258.** 77.54 (48) (b) of the statutes is renumbered 77.585 (9) (b).

25 **SECTION 259.** 77.54 (49) of the statutes is amended to read:

1 77.54 (49) The ~~gross receipts~~ sales price from the sale of and the storage, use,
2 or other consumption of taxable services and tangible personal property, items or
3 property under s. 77.52 (1) (b) or (c), or digital audiovisual works, that is physically
4 transferred to the purchaser as a necessary part of services that are subject to the
5 taxes imposed under s. 77.52 (2) (a) 7., 10., 11., and 20., if the seller and the purchaser
6 of such services and property ~~or item~~ ^{or work} are members of the same affiliated group under
7 section 1504 of the Internal Revenue Code and are eligible to file a single
8 consolidated return for federal income tax purposes. For purposes of this subsection,
9 if a seller purchases a taxable service, item or property under s. 77.52 (1) (b) or (c),
10 digital audiovisual works, or tangible personal property, as described in the this
11 subsection, that is subsequently sold to a member of the seller's affiliated group and
12 the sale is exempt under this subsection from the taxes imposed under this
13 subchapter, the original purchase of the taxable service, item or property under s.
14 77.52 (1) (b) or (c), digital audiovisual works, or tangible personal property by the
15 seller is not considered a sale for resale or exempt under this subsection.

16 **SECTION 260.** 77.54 (50) of the statutes is created to read:

17 77.54 (50) The sales price from the sale of and the storage, use, or other
18 consumption of digital audiovisual works that are transferred electronically to the
19 purchaser, if the sale of and the storage, use, or other consumption of such works sold
20 in a tangible form are exempt from taxation under this subchapter.

21 **SECTION 261.** 77.54 (51) of the statutes is created to read:

22 77.54 (51) The sales price from the sales of and the storage, use, or other
23 consumption of products sold in a transaction that would be a bundled transaction,
24 except that it contains taxable and nontaxable products as described in s. 77.51 (1f)

1 (d), and except that the first person combining the products shall pay the tax imposed
2 under this subchapter on the person's purchase price of the taxable items.

3 **SECTION 262.** 77.54 (52) of the statutes is created to read:

4 77.54 (52) The sales price from the sales of and the storage, use, or other
5 consumption of products sold in a transaction that would be a bundled transaction,
6 except that the transaction meets the conditions described in s. 77.51 (1f) (e).

7 **SECTION 263.** 77.54 (54) of the statutes is amended to read:

8 77.54 (54) The ~~gross receipts~~ sales price from the sale of and the storage, use,
9 or other consumption of tangible personal property, items and property under s.
10 77.52 (1) (b) and (c), digital audiovisual works, and taxable services that are sold by
11 a home exchange service that receives moneys from the appropriation account under
12 s. 20.485 (1) (g) and is operated by the department of veterans affairs.

13 **SECTION 264.** 77.54 (56) of the statutes, as created by 2007 Wisconsin Act 20,
14 is amended to read:

15 77.54 (56) (a) The ~~gross receipts~~ sales price from the sale of and the storage,
16 use, or other consumption of a product whose power source is wind energy, direct
17 radiant energy received from the sun, or gas generated from anaerobic digestion of
18 animal manure and other agricultural waste, if the product produces at least 200
19 watts of alternating current or 600 British thermal units per day, except that the
20 exemption under this subsection does not apply to an uninterruptible power source
21 that is designed primarily for computers.

22 (b) Except for the sale of electricity or energy that is exempt from taxation
23 under sub. (30), the ~~gross receipts~~ sales price from the sale of and the storage, use,
24 or other consumption of electricity or energy produced by a product described under
25 par. (a).

1 **SECTION 265.** 77.55 (1) (intro.) of the statutes is amended to read:

2 77.55 (1) (intro.) There are is exempted from the computation of the amount
3 of the sales tax the ~~gross receipts~~ sales price from the sale of any tangible personal
4 property, ~~items or property~~ ^{or work} under s. 77.52 (1) (b) ~~or (c)~~ ^{or (d)} or services to:

5 **SECTION 266.** 77.55 (2) of the statutes is amended to read:

6 77.55 (2) There are is exempted from the computation of the amount of the sales
7 tax the ~~gross receipts~~ sales price from sales of tangible personal property, and items
8 and property ^{and work} under s. 77.52 (1) (b) and (c) ^{and (d)}, to a common or contract carrier, shipped
9 by the seller via the purchasing carrier under a bill of lading whether the freight is
10 paid in advance, or the shipment is made freight charges collect, to a point outside
11 this state and the property ~~or item~~ ^{or work} is actually transported to the out-of-state
12 destination for use by the carrier in the conduct of its business as a carrier.

13 **SECTION 267.** 77.55 (2m) of the statutes is amended to read:

14 77.55 (2m) There are is exempted from the computation of the amount of sales
15 tax the ~~gross receipts~~ sales price from sales of railroad crossties to a common or
16 contract carrier, shipped wholly or in part by way of the purchasing carrier under a
17 bill of lading, whether the freight is paid in advance or the shipment is made freight
18 charges collect, to a point outside this state if the property is transported to the
19 out-of-state destination for use by the carrier in the conduct of its business as a
20 carrier. Interruption of the shipment for storage, drying, processing or creosoting of
21 the railroad crossties in this state does not invalidate the exemption under this
22 subsection.

23 **SECTION 268.** 77.55 (3) of the statutes is amended to read:

24 77.55 (3) There are is exempted from the computation of the amount of the sales
25 tax the ~~gross receipts~~ sales price from sales of tangible personal property, and items

1 and property under s. 77.52 (1) (b) and (c) purchased for use solely outside this state
 2 and delivered to a forwarding agent, export packer, or other person engaged in the
 3 business of preparing goods for export or arranging for their exportation, and
 4 actually delivered to a port outside the continental limits of the United States prior
 5 to making any use thereof.

6 **SECTION 269.** 77.56 (1) of the statutes is amended to read:

7 77.56 (1) The storage, use or other consumption in this state of property,
 8 including items and property under s. 77.52 (1) (b) and (c) and digital audiovisual
 9 works, the ~~gross receipts~~ sales price from the sale of which are is reported to the
 10 department in the measure of the sales tax, is exempted from the use tax.

11 **SECTION 270.** 77.57 of the statutes is amended to read:

12 **77.57 Liability of purchaser.** If a purchaser certifies in writing to a seller
 13 that the property, items or property under s. 77.52 (1) (b) or (c), or digital audiovisual
 14 works purchased will be used in a manner or for a purpose entitling the seller to
 15 regard the ~~gross receipts~~ sales price from the sale as exempted by this subchapter
 16 from the computation of the amount of the sales tax and uses the property, items or
 17 property under s. 77.52 (1) (b) or (c), or digital audiovisual works in some other
 18 manner or for some other purpose, the purchaser is liable for payment of the sales
 19 tax. The tax shall be measured by the sales price of the property, items or property
 20 under s. 77.52 (1) (b) or (c), or digital audiovisual works to the purchaser, ~~but if the~~
 21 ~~taxable use first occurs more than 6 months after the sale to the purchaser, the~~
 22 ~~purchaser may use as the measure of the tax either that sales price or the fair market~~
 23 ~~value of the property at the time the taxable use first occurs.~~

24 **SECTION 271.** 77.58 (3) (a) of the statutes is amended to read:

1 77.58 (3) (a) For purposes of the sales tax a return shall be filed by every seller.
2 For purposes of the use tax a return shall be filed by every retailer engaged in
3 business in this state and by every person purchasing tangible personal property,
4 items or property under s. 77.52 (1) (b) or (c), digital audiovisual works, or services,
5 the storage, use, or other consumption of which is subject to the use tax, who has not
6 paid the use tax due to a retailer required to collect the tax. If a qualified subchapter
7 S subsidiary is not regarded as a separate entity under ch. 71, the owner of that
8 subsidiary shall include the information for that subsidiary on the owner's return.
9 Returns shall be signed by the person required to file the return or by a duly
10 authorized agent but need not be verified by oath. If a single-owner entity is
11 disregarded as a separate entity under ch. 71, the owner shall include the
12 information from the entity on the owner's return.

13 **SECTION 272.** 77.58 (3) (b) of the statutes is amended to read:

14 ~~77.58 (3) (b) For purposes of the sales tax the return shall show the gross~~
15 ~~receipts of the seller during the preceding reporting period. For purposes of the use~~
16 ~~tax, in case of a return filed by a retailer, the return shall show the total sales price~~
17 ~~of the property or taxable services sold, the storage, use or consumption of which~~
18 ~~became subject to the use tax during the preceding reporting period. In case of a sales~~
19 ~~or use tax return filed by a purchaser, the return shall show the total sales price of~~
20 ~~the property and taxable services purchased, the storage, use or consumption of~~
21 ~~which became subject to the use tax during the preceding reporting period. The~~
22 return shall also show the amount of the taxes for the period covered by the return
23 and such other information as the department deems necessary for the proper
24 administration of this subchapter.

25 **SECTION 273.** 77.58 (6) of the statutes is amended to read:

1 77.58 (6) For the purposes of the sales tax ~~gross receipts~~, the sales price from
2 rentals or leases of tangible personal property, items or property under s. 77.52 (1)
3 (b) or (c), or digital audiovisual works shall be reported and the tax paid in accordance
4 with such rules as the department prescribes.

5 **SECTION 274.** 77.58 (6m) of the statutes is created to read:

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

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

13 **SECTION 275.** 77.58 (9a) of the statutes is created to read:

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

20 **SECTION 276.** 77.585 of the statutes is created to read:

21 **77.585 Return adjustments. (1)** (a) In this subsection, "bad debt" means the
22 portion of the sales price or purchase price that the seller has reported as taxable
23 under this subchapter and that the seller may claim as a deduction under section 166
24 of the Internal Revenue Code. "Bad debt" does not include financing charges or
25 interest, sales or use taxes imposed on the sales price or purchase price, uncollectible

1 amounts on property, items or property under s. 77.52 (1) (b) or (c), or digital
2 audiovisual works that remain in the seller's possession until the full sales price or
3 purchase price is paid, expenses incurred in attempting to collect any debt, debts sold
4 or assigned to 3rd parties for collection, and repossessed property or items.

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

17 (c) For purposes of computing a bad debt deduction or reporting a payment
18 received on a previously claimed bad debt, any payment made on a debt or on an
19 account is applied first to the price of the property, items or property under s. 77.52
20 (1) (b) or (c), digital audiovisual works, or service sold, and the proportionate share
21 of the sales tax on that property, items or property under s. 77.52 (1) (b) or (c), digital
22 audiovisual works, or service, and then to interest, service charges, and other charges
23 related to the sale.

24 (d) A seller may obtain a refund of the tax collected on any bad debt amount
25 deducted under par. (b) that exceeds the amount of the seller's taxable sales as

1 provided under s. 77.59 (4), except that the period for making a claim as determined
2 under s. 77.59 (4) begins on the date on which the return on which the bad debt could
3 be claimed would have been required to be submitted to the department under s.
4 77.58.

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

11 (f) If a bad debt relates to the retail sales of tangible personal property, items
12 or property under s. 77.52 (1) (b) or (c), digital audiovisual works, or taxable services
13 that occurred in this state and in one or more other states, as determined under s.
14 77.522, the total amount of such bad debt shall be apportioned among the states in
15 which the underlying sales occurred in a manner prescribed by the department to
16 arrive at the amount of the deduction under par. (b).

17 (2) If a lessor of tangible personal property or items, property under s. 77.52
18 (1) (b) or (c), or digital audiovisual works has reimbursed the vendor for the sales tax
19 on the sale of the property, items, or works by the vendor to the lessor, the tax due
20 from the lessor on the rental receipts may be offset by a credit equal to the tax
21 otherwise due on the rental receipts from the property, items, or works for the
22 reporting period. The credit shall expire when the cumulative rental receipts equal
23 the sales price upon which the vendor paid sales taxes to this state.

24 (3) If a purchaser of tangible personal property, items or property under s.
25 77.52 (1) (b) or (c), or digital audiovisual works has reimbursed the vendor of the

1 property, items, or works for the sales tax on the sale and subsequently, before
2 making any use of the property, items, or works other than retention, demonstration,
3 or display while holding it for sale or rental, makes a taxable sale of the property,
4 items, or works the tax due on the taxable sale may be offset by the tax reimbursed.

5 (4) A seller may claim a deduction on any part of the sales price or purchase
6 price that the seller refunds in cash or credit as a result of returned property, items
7 or property under s. 77.52 (1) (b) or (c), or digital audiovisual works or adjustments
8 in the sales price or purchase price after the sale has been completed, if the seller has
9 included the refunded price in a prior return made by the seller and has paid the tax
10 on such price, and if the seller has returned to the purchaser in cash or in credit all
11 tax previously paid by the purchaser on the amount of the refund at the time of the
12 purchase. A deduction under this subsection shall be claimed on the return for the
13 period in which the refund is paid.

14 (5) No reduction in the amount of tax payable by the retailer is allowable in the
15 event property, items or property under s. 77.52 (1) (b) or (c), or digital audiovisual
16 works sold on credit are repossessed except where the entire consideration paid by
17 the purchaser is refunded to the purchaser or where a credit for a worthless account
18 is allowable under sub. (1).

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

23 (7) For sales tax purposes, if a retailer establishes to the department's
24 satisfaction that the sales tax has been added to the total amount of the sales price

1 and has not been absorbed by the retailer, the total amount of the sales price shall
2 be the amount received exclusive of the sales tax imposed.

3 (8) A sale or purchase involving transfer of ownership of property or items or
4 property ^{(, or motor} under s. 77.52 (1) (b) ^g or ^{(, or (d)} (c) is completed at the time when possession is
5 transferred by the seller or the seller's agent to the purchaser or the purchaser's
6 agent, except that for purposes of sub. (1) a common carrier or the U.S. postal service
7 shall be considered the agent of the seller, regardless of any f.o.b. point and
8 regardless of the method by which freight or postage is paid.

9 **SECTION 277.** 77.59 (2m) of the statutes is created to read:

10 77.59 (2m) The department may audit, or may authorize others to audit, sellers
11 and certified service providers who are registered with the department pursuant to
12 the agreement, as defined in s. 77.65 (2) (a).

13 **SECTION 278.** 77.59 (5m) of the statutes is amended to read:

14 77.59 (5m) A seller who receives a refund under sub. (4) (a) or (b) of taxes that
15 the seller has collected from buyers, who collects amounts as taxes erroneously from
16 buyers, but who does not remit such amounts to the state, or who is entitled to a
17 refund under sub. (4) (a) or (b) that is offset under sub. (5), shall submit the taxes and
18 related interest to the buyers from whom the taxes were collected, or to the
19 department if the seller cannot locate the buyers, within 90 days after the date of the
20 refund, after the date of the offset, or after discovering that the seller has collected
21 taxes erroneously from the buyers. If the seller does not submit the taxes and related
22 interest to the department or the buyers within that period, the seller shall submit
23 to the department any part of a refund or taxes that the seller does not submit to a
24 buyer or to the department along with a penalty of 25% of the amount not submitted
25 or, in the case of fraud, a penalty equal to the amount not submitted. A person who

1 collects amounts as taxes erroneously from buyers for a real property construction
2 activity or nontaxable service may reduce the taxes and interest that he or she is
3 required to submit to the buyer or to the department under this subsection for that
4 activity or service by the amount of tax and interest subsequently due and paid on
5 the sale of or the storage, use, or other consumption of tangible personal property,
6 items or property under s. 77.52 (1) (b) or (c), or digital audiovisual works that is are
7 used by the person in that activity or service and transferred to the buyer.

8 **SECTION 279.** 77.59 (9) of the statutes is amended to read:

9 77.59 (9) If any person fails to file a return, the department shall make an
10 estimate of the amount of the ~~gross receipts~~ sales price of the ~~person~~ person's sales,
11 or, as the case may be, of the amount of the total sales purchase price of tangible
12 personal property, items or property under s. 77.52 (1) (b) or (c), digital audiovisual
13 works, or taxable service sold or purchased by the person, the sale by or the storage,
14 use, or other consumption of which in this state is subject to sales or use tax. The
15 estimate shall be made for the period in respect to which the person failed to make
16 a return and shall be based upon any information which is in the department's
17 possession or may come into its possession. Upon the basis of this estimate the
18 department shall compute and determine the amount required to be paid to the state,
19 adding to the sum thus arrived at a penalty equal to 25% thereof. One or more such
20 determinations may be made for one or for more than one period. When a business
21 is discontinued a determination may be made at any time thereafter, within the
22 periods specified in sub. (3), as to liability arising out of that business.

23 **SECTION 280.** 77.59 (9n) of the statutes is created to read:

24 77.59 (9n) (a) Notwithstanding s. 73.03 (47), and except as provided in par. (b),
25 no seller or certified service provider is liable for tax, interest, or penalties imposed

1 on a transaction under this subchapter if the seller or certified service provider
2 charged and collected the incorrect amount of the sales or use tax as a result of
3 relying on erroneous data provided in the databases under s. 73.03 (61) (e) and (f).

4 (b) Notwithstanding s. 73.03 (47), no seller or certified service provider is liable
5 for the tax, interest, or penalties imposed on a transaction under this subchapter if
6 the seller or certified service provider failed to collect the sales and use taxes due on
7 an item or transaction because the seller or certified service provider relied on the
8 certification under s. 73.03 (61) (b). This paragraph does not apply to the seller or
9 certified service provider who has incorrectly classified an item or transaction into
10 a specific product category, unless such classification ^{is} approved by the states that
11 are signatories to the agreement, as defined in s. 77.65 (2) (a). If the state determines
12 that it has incorrectly classified an item or transaction, sellers and certified service
13 providers that do not revise the classification of the item or transaction within 10
14 days after receiving notice from the department that an item or transaction was
15 incorrectly classified are liable for the tax, interest, or penalties imposed on the item
16 or transaction for the incorrect classification after the 10-day period.

17 (c) A purchaser is not liable for the tax, interest, or penalties imposed on a
18 transaction under this subchapter if the seller or certified service provider from
19 whom the purchaser made the purchase relied on erroneous data provided in the
20 databases under s. 73.03 (61) (e) and (f) or if the purchaser relied on erroneous data
21 provided in the databases under s. 73.03 (61) (e) and (f). With respect to reliance on
22 the database provided under s. 73.03 (61) (e), the relief provided under this
23 paragraph is limited to the erroneous classification in the database of terms defined
24 in this subchapter and specifically identified in the database as being "taxable,"

1 “exempt,” “included in sales price” or “excluded from sales price,” or “included in the
2 definition” or “excluded from the definition.”

3 SECTION 281. 77.59 (9p) (b) of the statutes is created to read:

4 77.59 (9p) (b) If a customer purchases a service that is not subject to 4 USC 116
5 to 126, as amended by P.L. 106-252, tangible personal property, or items ^{or property}
6 under s. 77.52 (1) (b) ^{or (c) or (d)} and if the customer believes that the amount of the tax
7 assessed for the sale of the service, property, ^{or items} _(or work) under this subchapter is
8 erroneous, the customer may request that the seller correct the alleged error by
9 sending a written notice to the seller. The notice shall include a description of the
10 alleged error and any other information that the seller reasonably requires to process
11 the request. Within 60 days from the date that a seller receives a request under this
12 paragraph, the seller shall review its records to determine the validity of the
13 customer’s claim. If the review indicates that there is no error as alleged, the seller
14 shall explain the findings of the review in writing to the customer. If the review
15 indicates that there is an error as alleged, the seller shall correct the error and shall
16 refund the amount of any tax collected erroneously, along with the related interest,
17 as a result of the error from the customer, consistent with s. 77.59 (4). A customer
18 may take no other action against the seller, or commence any action against the
19 seller, to correct an alleged error in the amount of the tax assessed under this
20 subchapter on a service that is not subject to 4 USC 116 to 126, as amended by P.L.
21 106-252, tangible personal property, or items ^{or work} _(or work) ^{or property} _(or work) under s. 77.52 (1) (b) ^{or (c)} _(or work) ^{or (d)}
22 unless the customer has exhausted his or her remedies under this paragraph.

23 SECTION 282. 77.59 (9r) of the statutes is created to read:

24 77.59 (9r) With regard to a purchaser’s request for a refund under this section,
25 a seller is presumed to have reasonable business practices if the seller uses a certified

1 service provider, a certified automated system, as defined in s. 77.524 (1) (am), or a
2 proprietary system certified by the department to collect the taxes imposed under
3 this subchapter and if the seller has remitted to the department all taxes collected
4 under this subchapter, less any deductions, credits, or allowances.

5 **SECTION 283.** 77.60 (13) of the statutes is created to read:

6 77.60 (13) A person who uses any of the following documents in a manner that
7 is prohibited by or inconsistent with this subchapter, or provides incorrect
8 information to a seller or certified service provider related to the use of such
9 documents or regarding an exemption to the taxes imposed under this subchapter,
10 shall pay a penalty of \$250 for each invoice or bill of sale related to the prohibited or
11 inconsistent use or incorrect information:

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

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

14 (c) An exemption certificate claiming direct mail.

15 **SECTION 284.** 77.61 (1) (b) of the statutes is amended to read:

16 77.61 (1) (b) In the case of ~~a motor vehicle~~ motor vehicles, boats, snowmobiles,
17 recreational vehicles, as defined in s. 340.01 (48r), trailers, semitrailers, all-terrain
18 vehicles, or aircraft purchased from a ~~licensed Wisconsin motor vehicle dealer~~
19 retailer, the registrant shall present proof that the tax has been paid to such ~~dealer~~
20 retailer.

21 **SECTION 285.** 77.61 (1) (c) of the statutes is amended to read:

22 77.61 (1) (c) In the case of motor vehicles, boats, snowmobiles, recreational
23 vehicles, as defined in s. 340.01 (48r), trailers, semitrailers, all-terrain vehicles, or
24 aircraft registered or titled, or required to be registered or titled, in this state
25 purchased from persons who are not ~~Wisconsin boat, trailer, or semitrailer dealers,~~

1 ~~licensed Wisconsin aircraft, motor vehicle, or recreational vehicle, as defined in s.~~
2 ~~340.01 (48r), dealers or registered Wisconsin snowmobile or all-terrain vehicle~~
3 ~~dealers retailers, the purchaser shall file a sales tax return and pay the tax prior to~~
4 ~~registering or titling the motor vehicle, boat, snowmobile, recreational vehicle, as~~
5 ~~defined in s. 340.01 (48r), semitrailer, all-terrain vehicle, or aircraft in this state.~~

6 **SECTION 286.** 77.61 (2) of the statutes is renumbered 77.61 (2) (intro.) and
7 amended to read:

8 77.61 (2) (intro.) In order to protect the revenue of the state:

9 (a) Except as provided in par. (b), the department may require any person who
10 is or will be liable to it for the tax imposed by this subchapter to place with it, before
11 or after a permit is issued, the security, not in excess of \$15,000, that the department
12 determines. In determining the amount of security to require under this subsection,
13 the department may consider the person's payment of other taxes administered by
14 the department and any other relevant facts. If any taxpayer fails or refuses to place
15 that security, the department may refuse or revoke the permit. If any taxpayer is
16 delinquent in the payment of the taxes imposed by this subchapter, the department
17 may, upon 10 days' notice, recover the taxes, interest, costs and penalties from the
18 security placed with the department by the taxpayer in the following order: costs,
19 penalties, delinquent interest, delinquent tax. No interest may be paid or allowed
20 by the state to any person for the deposit of security. Any security deposited under
21 this subsection shall be returned to the taxpayer if the taxpayer has, for 24
22 consecutive months, complied with all the requirements of this subchapter.

23 **SECTION 287.** 77.61 (2) (b) of the statutes is created to read:

24 77.61 (2) (b) A certified service provider who has contracted with a seller, and
25 filed an application, to collect and remit sales and use taxes imposed under this

1 subchapter on behalf of the seller shall submit a surety bond to the department to
2 guarantee the payment of sales and use taxes, including any penalty and interest on
3 such payment. The department shall approve the form and contents of a bond
4 submitted under this paragraph and shall determine the amount of such bond. The
5 surety bond shall be submitted to the department within 60 days after the date on
6 which the department notifies the certified service provider that the certified service
7 provider is registered to collect sales and use taxes imposed under this subchapter.
8 If the department determines, with regards to any one certified service provider, that
9 no bond is necessary to protect the tax revenues of this state, the secretary of revenue
10 or the secretary's designee may waive the requirements under this paragraph with
11 regard to that certified service provider. Any bond submitted under this paragraph
12 shall remain in force until the secretary of revenue or the secretary's designee
13 releases the liability under the bond.

14 **SECTION 288.** 77.61 (3) of the statutes is repealed.

15 **SECTION 289.** 77.61 (3m) of the statutes is created to read:

16 77.61 (3m) A retailer shall use a straight mathematical computation to
17 determine the amount of the tax that the retailer may collect from the retailer's
18 customers. The retailer shall calculate the tax amount by combining the applicable
19 tax rates under this subchapter and subch. V and multiplying the combined tax rate
20 by the sales price or purchase price of each item or invoice, as appropriate. The
21 retailer shall calculate the tax amount to the 3rd decimal place, disregard tax
22 amounts of less than 0.5 cent, and consider tax amounts of at least 0.5 cent but less
23 than 1 cent to be an additional cent. The use of a straight mathematical computation,
24 as provided in this subsection, shall not relieve the retailer from liability for payment
25 of the full amount of the tax levied under this subchapter.

1 **SECTION 290.** 77.61 (4) (a) of the statutes is amended to read:

2 77.61 (4) (a) Every seller and retailer and every person storing, using or
3 otherwise consuming in this state tangible personal property, items or property
4 under s. 77.52 (1) (b) or (c), digital audiovisual works, or taxable services purchased
5 from a retailer shall keep such records, receipts, invoices, and other pertinent papers
6 and records, including machine-readable records, in such form as the department
7 requires. The department may, after giving notice, require any person to keep
8 whatever records are needed for the department to compute the sales or use taxes
9 the person should pay. Thereafter, the department shall add to any taxes assessed
10 on the basis of information not contained in the records required a penalty of 25% of
11 the amount of the tax so assessed in addition to all other penalties under this chapter.

12 **SECTION 291.** 77.61 (4) (c) of the statutes is amended to read:

13 77.61 (4) (c) For reporting the sales tax and collecting and reporting the use tax
14 imposed on the retailer under s. 77.53 (3) and the accounting connected with it,
15 retailers, not including certified service providers that receive compensation under
16 s. 73.03 (61) (h), may deduct 0.5% of those taxes payable or \$10 for that reporting
17 period required under s. 77.58 (1), whichever is greater, but not more than the
18 amount of the sales taxes or use taxes that is payable under ss. 77.52 (1) and 77.53
19 (3) for that reporting period required under s. 77.58 (1), as administration expenses
20 if the payment of the taxes is not delinquent. For purposes of calculating the
21 retailer's discount under this paragraph, the taxes on retail sales reported by
22 retailers under subch. V, including taxes collected and remitted as required under
23 s. 77.785, shall be included if the payment of those taxes is not delinquent.

24 **SECTION 292.** 77.61 (5m) of the statutes is created to read:

1 77.61 (5m) (a) In this subsection, “personally identifiable information” means
2 any information that identifies a person.

3 (b) A certified service provider may use personally identifiable information as
4 necessary only for the administration of its system to perform a seller’s sales and use
5 tax functions and shall provide consumers clear and conspicuous notice of its practice
6 regarding such information, including what information it collects, how it collects
7 the information, how it uses the information, how long, if at all, it retains the
8 information, and under what circumstances it discloses the information to states
9 participating in the agreement, as defined in 77.65 (2) (a).

10 (c) A certified service provider may collect, use, and retain personally
11 identifiable information only to verify exemption claims, to document the correct
12 assignment of taxing jurisdictions, to investigate fraud, and to ensure its system’s
13 reliability.

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

17 (e) For purposes of this subchapter, the state shall provide to consumers public
18 notice of the state’s practices related to collecting, using, and retaining personally
19 identifiable information.

20 (f) The state shall not retain personally identifiable information obtained for
21 purposes of administering this subchapter unless the state is otherwise required to
22 retain the information by law or as provided under the agreement, as defined in s.
23 77.65 (2) (a).

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

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

9 **SECTION 293.** 77.61 (11) of the statutes is amended to read:

10 77.61 (11) Any city, village or town clerk or other official whose duty it is to issue
11 licenses or permits to engage in a business involving the sale at retail of tangible
12 personal property, items or property under s. 77.52 (1) (b) or (c), or digital audiovisual
13 works subject to tax under this subchapter, or the furnishing of services so subject
14 to tax, shall, before issuing such license or permit, require proof that the person to
15 whom such license or permit is to be issued is the holder of a seller's permit as
16 required by or is registered to collect, report, and remit use tax under this subchapter
17 or has been informed by an employee of the department that the department will
18 issue a seller's permit to that person or register that person to collect, report, and
19 remit use tax.

20 **SECTION 294.** 77.61 (16) of the statutes is created to read:

21 77.61 (16) Any person who remits taxes and files returns under this subchapter
22 may designate an agent, as defined in s. 77.524 (1) (ag), to remit such taxes and file
23 such returns with the department in a manner prescribed by the department.

24 **SECTION 295.** 77.61 (17) of the statutes is created to read:

1 77.61 (17) With regard to services subject to the tax under s. 77.52 (2) or the
2 lease, rental, or license of tangible personal property, property and items specified
3 under s. 77.52 (1) (b) and (c), and digital audiovisual works, an increase in the tax
4 rate applies to the first billing period beginning on or after the rate increase's
5 effective date and a decrease in the tax rate applies to bills that are rendered on or
6 after the rate decrease's effective date.

7 **SECTION 296.** 77.61 (18) of the statutes is created to read:

8 77.61 (18) The department shall notify sellers with respect to any change in
9 the rate of the taxes imposed under this subchapter at least 30 days prior to the
10 change's effective date and any such change shall take effect on January 1, April 1,
11 July 1, or October 1.

12 **SECTION 297.** 77.63 of the statutes is repealed and recreated to read:

13 **77.63 Collection compensation.** The following persons may retain a portion
14 of sales and use taxes collected on retail sales under this subchapter and subch. V
15 in an amount determined by the department and by contracts that the department
16 enters into jointly with other states as a member state of the streamlined sales tax
17 governing board pursuant to the agreement, as defined in s. 77.65 (2) (a):

18 (1) A certified service provider.

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

21 (3) A seller that sells tangible personal property, items or property under s.
22 77.52 (1) (b) or (c), digital audiovisual works, or taxable services in at least 5 states
23 that are signatories to the agreement, as defined in s. 77.65 (2) (a); that has total
24 annual sales revenue of at least \$500,000,000; that has a proprietary system that
25 calculates the amount of tax owed to each taxing jurisdiction in which the seller sells

1 tangible personal property, items or property under s. 77.52 (1) (b) or (c), digital
2 audiovisual works, or taxable services; and that has entered into a performance
3 agreement with the states that are signatories to the agreement, as defined in s.
4 77.65 (2) (a). For purposes of this subsection, “seller” includes an affiliated group of
5 sellers using the same proprietary system to calculate the amount of tax owed in each
6 taxing jurisdiction in which the sellers sell tangible personal property, items or
7 property under s. 77.52 (1) (b) or (c), digital audiovisual works, or taxable services.

8 **SECTION 298.** 77.65 (2) (a) of the statutes is amended to read:

9 77.65 (2) (a) “Agreement” means the streamlined sales and use tax agreement,
10 including amendments to the agreement.

11 **SECTION 299.** 77.65 (2) (c) of the statutes is repealed.

12 **SECTION 300.** 77.65 (2) (e) of the statutes is amended to read:

13 77.65 (2) (e) “Seller” means any person who sells, licenses, leases, or rents
14 tangible personal property, items or property under s. 77.52 (1) (b) or (c), digital
15 audiovisual works, or services.

16 **SECTION 301.** 77.65 (2) (f) of the statutes is amended to read:

17 77.65 (2) (f) “State” means any state of the United States ~~and,~~ the District of
18 Columbia, and the Commonwealth of Puerto Rico.

19 **SECTION 302.** 77.65 (4) (fm) of the statutes is created to read:

20 77.65 (4) (fm) Provide that a seller who registers with the central electronic
21 registration system under par. (f) may cancel the registration at any time, as
22 provided under uniform procedures adopted by the governing board of the states that
23 are signatories to the agreement, but is required to remit any Wisconsin taxes
24 collected pursuant to the agreement to the department.

25 **SECTION 303.** 77.66 of the statutes is amended to read:

1 **77.66 Certification for collection of sales and use tax.** The secretary of
2 revenue shall determine and periodically certify to the secretary of administration
3 the names of persons, and affiliates, as defined in s. 16.70 (1b), of persons, who make
4 sales of tangible personal property, items or property under s. 77.52 (1) (b) and (c),
5 digital audiovisual works, and taxable services that are subject to the taxes imposed
6 under this subchapter but who are not registered to collect and remit such taxes to
7 the department or, if registered, do not collect and remit such taxes.

8 **SECTION 304.** 77.67 of the statutes is created to read:

9 **77.67 Amnesty for new registrants. (1)** A seller is not liable for uncollected
10 and unpaid taxes, including penalties and interest, imposed under this subchapter
11 and subch. V on sales made to purchasers in this state before the seller registers
12 under par. (a), if all of the following apply:

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

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

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

24 (d) The seller has not received a notice of the commencement of an audit from
25 the department or, if the seller has received a notice of the commencement of an audit

1 from the department, the audit has been fully resolved, including any related
2 administrative and judicial processes, at the time that the seller registers under par.

3 (a).

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

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

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

11 **SECTION 305.** 77.70 of the statutes is amended to read:

12 **77.70 Adoption by county ordinance.** Any county desiring to impose county
13 sales and use taxes under this subchapter may do so by the adoption of an ordinance,
14 stating its purpose and referring to this subchapter. The county sales and use taxes
15 may be imposed only for the purpose of directly reducing the property tax levy and
16 only in their entirety as provided in this subchapter. That ordinance shall be
17 effective on the first day of January, the first day of April, the first day of July or the
18 first day of October. A certified copy of that ordinance shall be delivered to the
19 secretary of revenue at least 120 days prior to its effective date. The repeal of any
20 such ordinance shall be effective on December 31. A certified copy of a repeal
21 ordinance shall be delivered to the secretary of revenue at least ~~60~~ 120 days before
22 the effective date of the repeal.

23 **SECTION 306.** 77.705 of the statutes is amended to read:

24 **77.705 Adoption by resolution; baseball park district.** A local
25 professional baseball park district created under subch. III of ch. 229, by resolution

1 under s. 229.68 (15), may impose a sales tax and a use tax under this subchapter at
2 a rate of no more than 0.1% of the ~~gross receipts or~~ sales price or purchase price.
3 Those taxes may be imposed only in their entirety. The resolution shall be effective
4 on the first day of the first month January 1, April 1, July 1, or October 1 that begins
5 at least ~~30~~ 120 days after the adoption of the resolution. Any moneys transferred
6 from the appropriation account under s. 20.566 (1) (gd) to the appropriation account
7 under s. 20.835 (4) (gb) shall be used exclusively to retire the district's debt.

8 **SECTION 307.** 77.706 of the statutes is amended to read:

9 **77.706 Adoption by resolution; football stadium district.** A local
10 professional football stadium district created under subch. IV of ch. 229, by
11 resolution under s. 229.824 (15), may impose a sales tax and a use tax under this
12 subchapter at a rate of 0.5% of the ~~gross receipts or~~ sales price or purchase price.
13 Those taxes may be imposed only in their entirety. The imposition of the taxes under
14 this section shall be effective on the first day of the first month January 1, April 1,
15 July 1, or October 1 that begins at least ~~30~~ 120 days after the certification of the
16 approval of the resolution by the electors in the district's jurisdiction under s. 229.824
17 (15). Any moneys transferred from the appropriation account under s. 20.566 (1) (ge)
18 to the appropriation account under s. 20.835 (4) (ge) shall be used exclusively to retire
19 the district's debt.

20 **SECTION 308.** 77.707 (1) of the statutes is amended to read:

21 **77.707 (1)** Retailers and the department of revenue may not collect a tax under
22 s. 77.705 for any local professional baseball park district created under subch. III of
23 ch. 229 after the last day of the calendar quarter during that is at least 120 days from
24 the date on which the local professional baseball park district board makes a
25 certification to the department of revenue under s. 229.685 (2), except that the

1 department of revenue may collect from retailers taxes that accrued before the day
2 after the last day of that calendar quarter and fees, interest and penalties that relate
3 to those taxes.

4 **SECTION 309.** 77.707 (2) of the statutes is amended to read:

5 77.707 (2) Retailers and the department of revenue may not collect a tax under
6 s. 77.706 for any local professional football stadium district created under subch. IV
7 of ch. 229 after the last day of the calendar quarter during that is at least 120 days
8 from the date on which the local professional football stadium district board makes
9 all of the certifications to the department of revenue under s. 229.825 (3), except that
10 the department of revenue may collect from retailers taxes that accrued before the
11 day after the last day of that calendar quarter and fees, interest and penalties that
12 relate to those taxes.

13 **SECTION 310.** 77.71 (1) of the statutes is amended to read:

14 77.71 (1) For the privilege of selling, licensing, leasing or renting tangible
15 personal property, the property and items specified under s. 77.52 (1) (b) and (c), and
16 digital audiovisual works, and for the privilege of selling, licensing, performing or
17 furnishing services a sales tax is imposed upon retailers at the rate of 0.5% in the case
18 of a county tax or at the rate under s. 77.705 or 77.706 in the case of a special district
19 tax of the ~~gross receipts~~ sales price from the sale, license, lease or rental of tangible
20 personal property, the property and items specified under s. 77.52 (1) (b) and (c), and
21 digital audiovisual works, except property taxed under sub. (4), sold, licensed, leased
22 or rented at retail in the county or special district or from selling, licensing,
23 performing or furnishing services described under s. 77.52 (2) in the county or special
24 district.

25 **SECTION 311.** 77.71 (2) of the statutes is amended to read:

1 77.71 (2) An excise tax is imposed at the rate of 0.5% in the case of a county tax
2 or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the sales
3 purchase price upon every person storing, using or otherwise consuming in the
4 county or special district tangible personal property, property and items specified
5 under s. 77.52 (1) (b) and (c), digital audiovisual works, or services if the property,
6 item, work, or service is subject to the state use tax under s. 77.53, except that a
7 receipt indicating that the tax under sub. (1), (3) or (4) has been paid relieves the
8 buyer of liability for the tax under this subsection and except that if the buyer has
9 paid a similar local tax in another state on a purchase of the same property, item,
10 work, or services that tax shall be credited against the tax under this subsection and
11 except that for motor vehicles that are used for a purpose in addition to retention,
12 demonstration or display while held for sale in the regular course of business by a
13 dealer the tax under this subsection is imposed not on the sales purchase price but
14 on the amount under s. 77.53 (1m).

15 **SECTION 312.** 77.71 (3) of the statutes is amended to read:

16 77.71 (3) An excise tax is imposed upon a contractor engaged in construction
17 activities within the county or special district, at the rate of 0.5% in the case of a
18 county tax or at the rate under s. 77.705 or 77.706 in the case of a special district tax
19 of the sales purchase price of tangible personal property or digital audiovisual works
20 that is used in constructing, altering, repairing or improving real property and that
21 ~~becomes~~ became a component part of real property in that county or special district,
22 except that if the contractor has paid the sales tax of a county in the case of a county
23 tax or of a special district in the case of a special district tax in this state on that
24 property or work, or has paid a similar local sales tax in another state on a purchase

1 of the same property or work, that tax shall be credited against the tax under this
2 subsection.

3 **SECTION 313.** 77.71 (4) of the statutes is amended to read:

4 77.71 (4) An excise tax is imposed at the rate of 0.5 percent in the case of a
5 county tax or at the rate under s. 77.705 or 77.706 in the case of a special district tax
6 of the sales purchase price upon every person storing, using or otherwise consuming
7 a motor vehicle, boat, ~~snowmobile~~, recreational vehicle, as defined in s. 340.01 (48r),
8 trailer, ~~semitrailer~~, ~~all-terrain vehicle~~ or aircraft, if that property must be registered
9 or titled with this state and if that property is to be customarily kept in a county that
10 has in effect an ordinance under s. 77.70 or in a special district that has in effect a
11 resolution under s. 77.705 or 77.706, except that if the buyer 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 **SECTION 314.** 77.72 (title) of the statutes is repealed.

15 **SECTION 315.** 77.72 (1) of the statutes is renumbered 77.72 and amended to
16 read:

17 **77.72 General rule for property.** For the purposes of this subchapter, all
18 retail sales of tangible personal property are ~~completed at the time when, and the~~
19 ~~place where, the seller or the seller's agent transfers possession to the buyer or the~~
20 ~~buyer's agent. In this subsection, a common carrier or the U.S. postal service is the~~
21 ~~agent of the seller, regardless of any f.o.b. point and regardless of the method by~~
22 ~~which freight or postage is paid. Rentals and leases of property, except property~~
23 ~~under sub. (2), have a situs at the location of that property, property and items~~
24 specified under s. 77.52 (1) (b) and (c), digital audiovisual works, and taxable services
25 occur as provided in s. 77.522.

1 **SECTION 316.** 77.72 (2) and (3) of the statutes are repealed.

2 **SECTION 317.** 77.73 (2) of the statutes is amended to read:

3 77.73 (2) Counties and special districts do not have jurisdiction to impose the
4 tax under s. 77.71 (2) in regard to items and property under s. 77.52 (1) (b) and (c),
5 digital audiovisual works, and tangible personal property, except snowmobiles,
6 trailers, semitrailers, and all-terrain vehicles, purchased in a sale that is
7 consummated in another county or special district in this state that does not have
8 in effect an ordinance or resolution imposing the taxes under this subchapter and
9 later brought by the buyer into the county or special district that has imposed a tax
10 under s. 77.71 (2).

11 **SECTION 318.** 77.73 (3) of the statutes is created to read:

12 77.73 (3) Counties and special districts have jurisdiction to impose the taxes
13 under this subchapter on retailers who file an application under s. 77.52 (7) or who
14 register under s. 77.53 (9) or (9m), regardless of whether such retailers are engaged
15 in business in the county or special district, as provided in s. 77.51 (13g). A retailer
16 who files an application under s. 77.52 (7) or who registers under s. 77.53 (9) or (9m)
17 shall collect, report, and remit to the department the taxes imposed under this
18 subchapter for all counties and special districts that have an ordinance or resolution
19 imposing the taxes under this subchapter.

20 **SECTION 319.** 77.75 of the statutes is amended to read:

21 **77.75 Reports.** Every person subject to county or special district sales and use
22 taxes shall, for each reporting period, record that person's sales made in the county
23 or special district that has imposed those taxes separately from sales made
24 elsewhere in this state and file a report of the measure of the county or special district

1 ~~sales and use taxes and the tax due thereon separately as prescribed by the~~
2 ~~department of revenue.~~

3 **SECTION 320.** 77.77 (1) of the statutes is renumbered 77.77 (1) (a) and amended
4 to read:

5 77.77 (1) (a) The ~~gross receipts~~ sales price from services subject to the tax under
6 s. 77.52 (2) ~~are not or the lease, rental, or license of tangible personal property,~~
7 ~~property and items specified under s. 77.52 (1) (b) and (c), and digital audiovisual~~
8 ~~works, is~~ subject to the taxes under this subchapter, and the incremental amount of
9 tax caused by a rate increase applicable to those services, leases, rentals, or licenses
10 ~~is not due, if those services are billed to the customer and paid for before beginning~~
11 ~~with the first billing period starting on or after~~ the effective date of the county
12 ordinance, special district resolution, or rate increase, regardless of whether the
13 service is furnished or the property or item is leased, rented, or licensed to the
14 customer before or after that date.

15 **SECTION 321.** 77.77 (1) (b) of the statutes is created to read:

16 77.77 (1) (b) The sales price from services subject to the tax under s. 77.52 (2)
17 or the lease, rental, or license of tangible personal property, property and items
18 specified under s. 77.52 (1) (b) and (c), and digital audiovisual works, is not subject
19 to the taxes under this subchapter, and a decrease in the tax rate imposed under this
20 subchapter on those services first applies, beginning with bills rendered on or after
21 the effective date of the repeal or sunset of a county ordinance or special district
22 resolution imposing the tax or other rate decrease, regardless of whether the service
23 is furnished or the property, item, or work is leased, rented, or licensed to the
24 customer before or after that date.

25 **SECTION 322.** 77.77 (2) of the statutes is repealed.

and works

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SECTION 323. 77.785 (1) of the statutes is amended to read:

77.785 (1) All retailers shall collect and report the taxes under this subchapter on the gross receipts sales price from leases and rentals of property or items and property under s. 77.52 (1) (b) and (c) under s. 77.71 (4). *and (d)*

SECTION 324. 77.785 (2) of the statutes is amended to read:

77.785 (2) Prior to registration or titling, a retailer of a boat, all-terrain vehicle, trailer and semi-trailer dealers and licensed aircraft, motor vehicle, manufactured home, as defined in s. 101.91 (2), or recreational vehicle, as defined in s. 340.01 (48r), and snowmobile dealers shall collect the taxes under this subchapter on sales of items under s. 77.71 (4). The ~~dealer~~ retailer shall remit those taxes to the department of revenue along with payments of the taxes under subch. III.

SECTION 325. 77.98 of the statutes is amended to read:

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

SECTION 326. 77.981 of the statutes is amended to read:

77.981 Rate. The tax under s. 77.98 is imposed on the sale of taxable products at the rate of 0.25% of the gross receipts sales price, except that the district, by a vote of a majority of the authorized members of its board of directors, may impose the tax at the rate of 0.5% of the gross receipts sales price. A majority of the authorized members of the district's board may vote that, if the balance in a special debt service

1 reserve fund of the district is less than the requirement under s. 229.50 (5), the tax
2 rate under this subchapter is 0.5%. The 0.5% rate shall be effective on the next
3 January 1, April 1, July 1 or October 1, and this tax is irrevocable if any bonds issued
4 by the district and secured by the special debt service reserve fund are outstanding.

5 **SECTION 327.** 77.982 (2) of the statutes is repealed and recreated to read:

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

11 **SECTION 328.** 77.99 of the statutes is amended to read:

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

24 **SECTION 329.** 77.991 (2) of the statutes is repealed and recreated to read:

1 77.991 (2) Sections 77.51 (12m), (14), (14g), (15a), and (15b), 77.52 (1b), (3), (4),
2 (13), (14), (18), and (19), 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2),
3 (3m), (5), (8), (9), and (12) to (15), and 77.62, as they apply to the taxes under subch.
4 III, apply to the tax under this subchapter. Section 77.73, as it applies to the taxes
5 under subch. V, applies to the tax under this subchapter. The renter shall collect the
6 tax under this subchapter from the person to whom the passenger car is rented.

7 **SECTION 330.** 77.994 (1) (intro.) of the statutes is amended to read:

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

15 **SECTION 331.** 77.9941 (4) of the statutes is amended to read:

16 77.9941 (4) Sections 77.72 (1), ~~(2) (a) and (3) (a)~~, 77.73, 77.74, 77.75, 77.76 (1),
17 (2), and (4), 77.77 (1) ~~and (2)~~, 77.785 (1), and 77.79, as they apply to the taxes under
18 subch. V, apply to the tax under this subchapter.

19 **SECTION 332.** 77.995 (2) of the statutes is amended to read:

20 77.995 (2) There is imposed a fee at the rate of 5 percent of the ~~gross receipts~~
21 sales price on the rental, but not for rental and not for rental as a service or repair
22 replacement vehicle of Type 1 automobiles, as defined in s. 340.01 (4) (a); of
23 recreational vehicles, as defined in s. 340.01 (48r); of motor homes, as defined in s.
24 340.01 (33m); and of camping trailers, as defined in s. 340.01 (6m) by establishments
25 primarily engaged in short-term rental of vehicles without drivers, for a period of 30

1 days or less, unless the sale is exempt from the sales tax under s. 77.54 (1), (4), (7)
2 (a), (7m) or (9a). There is also imposed a fee at the rate of 5 percent of the gross
3 receipts sales price on the rental of limousines.

4 **SECTION 333.** 77.9951 (2) of the statutes is repealed and recreated to read:

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

10 **SECTION 334.** 77.996 (6) of the statutes is amended to read:

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

16 **SECTION 335.** 77.9972 (2) of the statutes is repealed and recreated to read:

17 77.9972 (2) Sections 77.51 (12m), (14), (14g), (15a), and (15b), 77.52 (1b), (3),
18 (4), (13), (14), (18), and (19), 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61
19 (2), (3m), (5), (8), (9), and (12) to (15), and 77.62, as they apply to the taxes under
20 subch. III, apply to the fee under this subchapter. Section 77.73, as it applies to the
21 taxes under subch. V, applies to the fee under this subchapter. The renter shall
22 collect the fee under this subchapter from the person to whom the passenger car is
23 rented.

24 **SECTION 336.** 86.195 (3) (b) 3. of the statutes is amended to read:

1 86.195 (3) (b) 3. Fifty percent of the ~~gross receipts sales price, as defined in s.~~
2 77.51 (15b), of the business are ~~is~~ from ~~meal, food, the sale of food product and~~
3 ~~beverage sales and food ingredients, as defined in s. 77.51 (3t), that are taxable under~~
4 ~~s. 77.54 (20) (e) subch. III of ch. 77;~~ and

5 **SECTION 337.** 218.0171 (2) (cq) of the statutes is amended to read:

6 218.0171 (2) (cq) Upon payment of a refund to a consumer under par. (b) 2. b.,
7 the manufacturer shall provide to the consumer a written statement that specifies
8 the trade-in amount previously applied under s. 77.51 (4) (b) ~~3. or 3m. or (15) (b) 4.~~
9 ~~or 4m. (12m) (b) 5. or 6. or (15b) (b) 5. or 6.~~ toward the sales price of the motor vehicle
10 having the nonconformity and the date on which the manufacturer provided the
11 refund.

12 **SECTION 338.** 229.68 (15) of the statutes is amended to read:

13 229.68 (15) Impose, by the adoption of a resolution, the taxes under subch. V
14 of ch. 77. A district may not levy any taxes that are not expressly authorized under
15 subch. V of ch. 77 and that do not receive the affirmative vote of a supermajority of
16 the district board. If a district adopts a resolution which imposes taxes, it shall
17 deliver a certified copy of the resolution to the secretary of revenue at least ~~30~~ 120
18 days before its effective date.

19 **SECTION 339.** 229.824 (15) of the statutes is amended to read:

20 229.824 (15) Impose, by the adoption of a resolution, the taxes under subch. V
21 of ch. 77, except that the taxes imposed by the resolution may not take effect until
22 the resolution is approved by a majority of the electors in the district's jurisdiction
23 voting on the resolution at a referendum, to be held at the first spring primary or
24 September primary following by at least 45 days the date of adoption of the
25 resolution. Two questions shall appear on the ballot. The first question shall be:

1 “Shall a sales tax and a use tax be imposed at the rate of 0.5% in County for
2 purposes related to football stadium facilities in the Professional Football
3 Stadium District?” The 2nd question shall be: “Shall excess revenues from the 0.5%
4 sales tax and use tax be permitted to be used for property tax relief purposes in
5 County?” Approval of the first question constitutes approval of the resolution of the
6 district board. Approval of the 2nd question is not effective unless the first question
7 is approved. The clerk of the district shall publish the notices required under s. 10.06
8 (4) (c), (f) and (i) for any referendum held under this subsection. Notwithstanding
9 s. 10.06 (4) (c), the type A notice under s. 10.01 (2) (a) relating to the referendum is
10 valid even if given and published late as long as it is given and published prior to the
11 election as early as practicable. A district may not levy any taxes that are not
12 expressly authorized under subch. V of ch. 77. The district may not levy any taxes
13 until the professional football team and the governing body of the municipality in
14 which the football stadium facilities are located agree on how to fund the
15 maintenance of the football stadium facilities. The district may not levy any taxes
16 until the professional football team and the governing body of the municipality in
17 which the football stadium facilities are located agree on how to distribute the
18 proceeds, if any, from the sale of naming rights related to the football stadium
19 facilities. If a district board adopts a resolution that imposes taxes and the resolution
20 is approved by the electors, the district shall deliver a certified copy of the resolution
21 to the secretary of revenue at least ~~30~~ 120 days before its effective date. If a district
22 board adopts a resolution that imposes taxes and the resolution is not approved by
23 the electors, the district is dissolved.

24 **SECTION 9443. Effective dates; Revenue.**

1 (1) MAIN STREET EQUITY ACT. The repeal of sections 46.513, 77.51 (4), 77.51 (14)
2 (d), 77.51 (14) (i), 77.51 (14) (k), 77.51 (14) (L), 77.51 (14r), 77.51 (15), 77.52 (2) (a)
3 5. b., 77.52 (3m), 77.52 (3n), 77.52 (6), 77.52 (14) (a) 2., 77.523 (title), 77.53 (4), 77.54
4 (14g), 77.54 (14s), 77.54 (20), 77.54 (20m), 77.54 (22), 77.54 (40), 77.61 (3), 77.65 (2)
5 (c), 77.72 (title), 77.72 (2) and (3) and 77.77 (2) of the statutes; the renumbering of
6 sections 77.524 (1) (a) and 77.54 (48) (b) of the statutes; the renumbering and
7 amendment of sections 77.51 (1), 77.51 (21m) (by SECTION 120), 77.51 (6m), 77.51 (14)
8 (g), 77.52 (1), 77.523, 77.524 (1) (b), 77.53 (9m), 77.53 (11), 77.54 (48) (a), 77.61 (2),
9 77.72 (1) and 77.77 (1) of the statutes; the consolidation, renumbering, and
10 amendment of section 77.52 (14) (a) (intro.) and 1. and (b) of the statutes; the
11 amendment of sections 66.0615 (1m) (f) 2., 70.111 (23), 71.07 (5e) (b), 71.07 (5e) (c)
12 1., 71.07 (5e) (c) 3., 71.28 (5e) (b), 71.28 (5e) (c) 1., 71.28 (5e) (c) 3., 71.47 (5e) (b), 71.47
13 (5e) (c) 1., 71.47 (5e) (c) 3., 73.03 (50) (d), 76.07 (4g) (b) 8., 77.51 (5), 77.51 (9) (a), 77.51
14 (9) (am), 77.51 (10), 77.51 (12) (b), 77.51 (13) (a), 77.51 (13) (b), 77.51 (13) (c), 77.51
15 (13) (d), 77.51 (13) (e), 77.51 (13) (f), 77.51 (13) (k), 77.51 (13) (m), 77.51 (13) (n), 77.51
16 (13) (o), 77.51 (13g) (intro.), 77.51 (13g) (a), 77.51 (13g) (b), 77.51 (13r), 77.51 (14)
17 (intro.), 77.51 (14) (a), 77.51 (14) (b), 77.51 (14) (c), 77.51 (14) (h), 77.51 (14) (j), 77.51
18 (14g) (a), 77.51 (14g) (b), 77.51 (14g) (bm), 77.51 (14g) (c), 77.51 (14g) (cm), 77.51 (14g)
19 (d), 77.51 (14g) (e), 77.51 (14g) (em), 77.51 (14g) (f), 77.51 (14g) (g), 77.51 (14g) (h),
20 77.51 (17) (intro.), 77.51 (18), 77.51 (20), 77.51 (21), 77.51 (22) (a), 77.51 (22) (b), 77.52
21 (2) (intro.), 77.52 (2) (a) 5. a. (by SECTION 137), 77.52 (2) (a) 5m., 77.52 (2) (a) 10., 77.52
22 (2) (a) 11., 77.52 (2m) (a), 77.52 (2m) (b), 77.52 (4), 77.52 (7), 77.52 (12), 77.52 (13),
23 77.52 (15), 77.52 (16), 77.52 (17m) (b) 6., 77.52 (19), 77.525, 77.53 (1), 77.53 (2), 77.53
24 (3), 77.53 (9), 77.53 (10), 77.53 (12), 77.53 (14), 77.53 (15), 77.53 (16), 77.53 (17), 77.53
25 (17m), 77.53 (17r) (a), 77.53 (18), 77.54 (1), 77.54 (2), 77.54 (2m), 77.54 (3) (a), 77.54

1 (3m) (intro.), 77.54 (4), 77.54 (5) (intro.), 77.54 (6) (intro.), 77.54 (7m), 77.54 (8), 77.54
2 (9), 77.54 (9a) (intro.), 77.54 (10), 77.54 (11), 77.54 (12), 77.54 (13), 77.54 (14) (intro.),
3 77.54 (14) (a), 77.54 (14) (b), 77.54 (14) (f) (intro.), 77.54 (15), 77.54 (16), 77.54 (17),
4 77.54 (18), 77.54 (21), 77.54 (23m), 77.54 (25), 77.54 (25m), 77.54 (26), 77.54 (26m),
5 77.54 (27), 77.54 (28), 77.54 (29), 77.54 (30) (a) (intro.), 77.54 (30) (c), 77.54 (31), 77.54
6 (32), 77.54 (33), 77.54 (35), 77.54 (36), 77.54 (37), 77.54 (38), 77.54 (39), 77.54 (41),
7 77.54 (42), 77.54 (43), 77.54 (44), 77.54 (45), 77.54 (46), 77.54 (46m), 77.54 (47)
8 (intro.), 77.54 (47) (b) 1., 77.54 (47) (b) 2., 77.54 (49), 77.54 (54), 77.54 (56), 77.55 (1)
9 (intro.), 77.55 (2), 77.55 (2m), 77.55 (3), 77.56 (1), 77.57, 77.58 (3) (a), 77.58 (3) (b),
10 77.58 (6), 77.59 (5m), 77.59 (9), 77.61 (1) (b), 77.61 (1) (c), 77.61 (4) (a), 77.61 (4) (c),
11 77.61 (11), 77.65 (2) (a), 77.65 (2) (e), 77.65 (2) (f), 77.66, 77.70, 77.705, 77.706, 77.707
12 (1), 77.707 (2), 77.71 (1), 77.71 (2), 77.71 (3), 77.71 (4), 77.73 (2), 77.75, 77.785 (1),
13 77.785 (2), 77.98, 77.981, 77.99, 77.994 (1) (intro.), 77.9941 (4), 77.995 (2), 77.996 (6),
14 86.195 (3) (b) 3., 218.0171 (2) (cq), 229.68 (15) and 229.824 (15) of the statutes; the
15 repeal and recreation of sections 77.51 (7), 77.51 (12) (a), 77.51 (17m), 77.52 (1b),
16 77.52 (2n), 77.53 (1b), 77.63, 77.982 (2), 77.991 (2), 77.9951 (2) and 77.9972 (2) of the
17 statutes; and the creation of sections 20.566 (1) (ho), 73.03 (28e), 73.03 (50b), 73.03
18 (61), 77.51 (1b), 77.51 (1ba), 77.51 (1f), 77.51 (1fm), 77.51 (1n), 77.51 (1p), 77.51 (1pd),
19 77.51 (1r), 77.51 (2k), 77.51 (2m), 77.51 (3c), 77.51 (3n), 77.51 (3p), 77.51 (3pd), 77.51
20 (3pe), 77.51 (3pf), 77.51 (3pj), 77.51 (3pm), 77.51 (3pn), 77.51 (3po), 77.51 (3rm), 77.51
21 (3t), 77.51 (5d), 77.51 (5n), 77.51 (5r), 77.51 (7g), 77.51 (7k), 77.51 (7m), 77.51 (8m),
22 77.51 (9p), 77.51 (9s), 77.51 (10d), 77.51 (10f), 77.51 (10m), 77.51 (10n), 77.51 (10r),
23 77.51 (10s), 77.51 (11d), 77.51 (11m), 77.51 (12m), 77.51 (12p), 77.51 (13g) (c), 77.51
24 (13rm), 77.51 (13rn), 77.51 (15a), 77.51 (15b), 77.51 (17w), 77.51 (21n), 77.51 (21p),
25 77.51 (21q), 77.51 (22) (bm), 77.51 (24), 77.51 (25), 77.51 (26), 77.52 (1) (b), 77.52 (1)

1 (c), 77.52 (1) (d), 77.52 (2) (a) 5. am., 77.52 (2) (a) 5. c., 77.52 (2) (a) 13m., 77.52 (7b),
2 77.52 (14) (am), 77.52 (14) (bm), 77.52 (20), 77.52 (21), 77.52 (22), 77.52 (23), 77.522,
3 77.524 (1) (ag), 77.53 (9m) (b), 77.53 (9m) (c), 77.53 (11) (b), 77.54 (20n), 77.54 (20r),
4 77.54 (22b), 77.54 (50), 77.54 (51), 77.54 (52), 77.58 (6m), 77.58 (9a), 77.585, 77.59
5 (2m), 77.59 (9n), 77.59 (9p) (b), 77.59 (9r), 77.60 (13), 77.61 (2) (b), 77.61 (3m), 77.61
6 (5m), 77.61 (16), 77.61 (17), 77.61 (18), 77.65 (4) (fm), 77.67, 77.73 (3) and 77.77 (1)
7 (b) of the statutes take effect on January 1, 2010.

8 (2) MAIN STREET EQUITY. The amendment of sections 77.51 (21m) (by SECTION
9 119) and 77.52 (2) (a) 5. a. (by SECTION 136) of the statutes takes effect on December
10 31, 2009.

11

(END)

Insert 24 - 23

1 77.51 (10r) "Prewritten computer software" means computer software,
2 including prewritten upgrades, that is not designed and developed by the author or
3 other creator to the specifications of a specific purchaser. The combining of two or
4 more "prewritten computer software" programs or prewritten portions of computer
5 software does not cause the combination to be other than prewritten computer
6 software. "Prewritten computer software" includes software designed and developed
7 by the author or other creator to the specifications of a specific purchaser if it is sold
8 to a person other than the specific purchaser. For purposes of this subsection, if a
9 person modifies or enhances computer software of which the person is not the author
10 or creator, the person is the author or creator only of the person's modifications or
11 enhancements. "Prewritten computer software" or a prewritten portion of computer
12 software that is modified or enhanced to any degree, with regard to a modification
13 or enhancement that is designed and developed to the specifications of a specific
14 purchaser, remains prewritten computer software, except that if there is a
15 reasonable, separately stated charge or an invoice or other statement of the price
16 given to the purchaser for the modification or enhancement, the modification or
17 enhancement is not prewritten computer software.

Changes Needed to LRB 0377/P5

I reviewed the changes that Joe Kreye made to LRB 0377-P4 and the majority of those changes were made in draft LRB 0377-P5, with the couple of exceptions identified below.

- 77.51(15b)(b)5 – On page 40, line 5 – insert “under s. 77.52(1)(d)” after “work” to be consistent with what was done in sec. 77.51(12m)(b)5
- 77.52(22) – On page 59, line 16 - remove the last “or” and replace it with a “,” to be consistent with how this same type of change was made in other places in this bill
- 77.51(10r) – On page 24, line 16 insert a “ “ (quotation) before “prewritten”, on line 17 insert a “ “ (quotation) after the first “software”, on line 25, insert a “ “ (quotation) before “prewritten”, and after “software”, and on page 25, line 1, insert a “ “ (quotation) before “prewritten” and after “software”.

In addition to the above changes, the changes below relate to places where references need to be added/changed due to adding the imposition of tax on “digital audio visual works” in sec. 77.52(1)(d) in LRB 377-P4:

- Per discussion with Joe Kreye on January 22, 2009, there is an inconsistency in how references to “digital audiovisual works” are made throughout the bill. In some places the bill specifically refers to and uses the term “digital audiovisual works” (see sec. 77.51(1fd) for an example of this type of reference) while in other places in the bill there is just a reference to “...items, property, or works under s. 77.52(1)(b), (c) or (d)...” (see sec. 77.51(7)(a) for an example of this type of reference). The references should be consistent one way or the other throughout the bill. My preference would be to use the phrase “...items, property, or works under s. 77.52(1)(b), (c) or (d)...”

If you have any questions regarding this, please feel free to contact me (Craig Johnson) at (608) 634-6794.

Changes Needed to LRB 0377/P6

I reviewed the changes made to LRB 0377-P5 and most of the changes previously identified were made. However, the changes were not made consistently throughout the draft. Therefore, most of the changes below relate to consistency issues that were found, although a few other changes are being suggested as well.

- ✓ 73.03(61)(c), page 6, line 6 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- ✓ 73.03(61)(c), page 6, line 15 - after "property" insert "or items, property or works under s. 77.52(1) (b), (c), or (d),"
- ✓ 77.51(1fd), page 8, line 2 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- ✓ 77.51(1f) - Page 9, line 23 - The word "and" is missing between "service" and "items" and on line 24 the words "property" and "items" should be reversed so they are consistent with line 23 and the sections in which tax is imposed on them in the statutes (i.e., "items" are taxed under 77.52(1)(b) and "property" is taxed under 77.52(1)(c))
- ✓ 77.51(1f)(e), page 9, lines 12, 13, 18 and 20 - between the first "property" and "items" on each line remove the "," and insert "or" so that is consistent throughout the bill
- ✓ 77.51(2m), page 11, lines 2 and 4 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- ✓ 77.51(5), page 15, line 5 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- ✓ 77.51(9)(a), page 18, lines 19, 24 and 25 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- ✓ 77.51(9)(am), page 19, line 7 - after "property" insert "or items, property or works under s. 77.52(1) (b), (c), or (d),"
- ✓ 77.51(9)(am), page 19, line 10 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- ✓ 77.51(11d), page 25, lines 13 and 14 - on line 13 between "property" and "items" change the "," to "and" on line 14 change "or" to "and"
- ✓ 77.51(12m)(a), page 26, lines 10-11 - between the last "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- ✓ 77.52(12m)(b)2, page 27, line 13 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- ✓ 77.51(13)(a), page 29, line 20 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- ✓ 77.51(13)(m), page 31, line 12 - between "property" and "items" insert "or" so that is consistent throughout the bill
- ✓ 77.51(13g)(b), page 32, line 15 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- ✓ 77.51(13g)(c), page 32, line 18 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- ✓ 77.51(13r), page 32, line 23 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- ✓ 77.51(14)(intro), page 33, lines 11 - 12 and 13 - 14 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill (2 places)

- 77.51(14b), page 33, lines 23 - 24 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.51(15a)(b)2, page 38, line 1 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.51(15b)(a), page 38, line 11 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.51(15b)(b)2, page 39, line 12 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.51(22)(a), page 45, line 20 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.51(22)(b), page 46, line 9 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.51(22)(bm), page 46, lines 14 and 17 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill (2 places)
- 77.52(12), page 54, lines 6 and 10 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill (2 places)
- 77.52(13), page 54, line 16 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.52(13), page 55, line 2 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.52(14)(a), page 55, line 13 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.52(15), page 56, line 20 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.52(16), page 57, lines 8 and 13 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill (2 places)
- 77.52(19), page 57, line 24 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.522(1)(a)1. - Page 59, line 12 - change "goods" to "audiovisual works". Although "digital goods" is a phrase used in the SSUTA, it is not defined and therefore, it would seem appropriate to use the term "digital audiovisual works" since that term is defined in the SSUTA as well as the Wisconsin Statutes.
- 77.53(1) - Page 68, line 23 - insert the word "the" between "of" and "works"
- 77.53(2), page 69, line 12 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.53(3), page 69, line 23 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.53(9), page 70, line 8 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.53(9m)(a), page 70, line 22 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.53(10), page 71, lines 14 and 19 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill (2 places)
- 77.53(10), page 72, line 2 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.53(11)(a), page 72, lines 9 and 15 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill (2 places)
- 77.52(12), page 73, lines 17 and 20 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill (2 places)

- 77.53(14), page 73, line 23 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.53(15), page 74, line 2 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.53(16), page 74, lines 13 and 23 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill (2 places)
- 77.54(1), page 76, line 8 - between "property" and "items" remove the "," and insert "and" so that is consistent with the rest of the sentence
- 77.54(4), page 78, line 2 - insert "works" between "and" and "under"
- 77.54(7m), page 78, lines 14 and 23 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill (2 places)
- 77.54(9a)(intro), page 79, line 15 - between "property" and "items" remove the "," and insert "and" so that is consistent with the rest of the sentence
- 77.54(35), page 87, line 20 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.54(49), page 91, line 22 - between "service" and "item" remove the "," and insert "or" so that is consistent throughout the bill
- 77.54(49), page 92, line 1 - between "service" and "item" remove the "," and insert "or" so that is consistent throughout the bill
- 77.54(54), page 92, line 21 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.55(1)(intro), page 93, line 17 - between "property" and "items" remove the "," and insert "and" so that is consistent throughout the bill
- 77.58(3)(a), page 95, lines 17 - 18 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.58(6), page 96, line 17 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.585(1)(c), page 98, lines 9 and 11 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill (2 places)
- 77.585(1)(f), page 99, line 1 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.59(9), page 102, line 4 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.61(4)(a), page 107, line 20 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.63(3) - Page 111, lines 9 - 20 - the phrase "...tangible personal property, items or property under s. 77.52 (1) (b) or (c), digital audiovisual works,..." should be changed to "...tangible personal property, or items, or property, or works under s. 77.52 (1) (b), or (c), or (d) digital audiovisual works..." in 3 places in this section to be consistent with the rest of the document.
- 77.65(2)(e), page 112, line 2 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.66, page 112, line 17 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.71(2), page 116, line 18 - between "property" and "items" remove the "," and insert "or" so that is consistent throughout the bill
- 77.71(3), page 117, lines 8 - 9 - replace the phrase "or work under s. 77.52(1)(d)" with "or items, property or works under s. 77.52(1) (b), (c), or (d)"

- 77.72, page 118, line 12 – reverse “property” and “items” and between “property” on line 7 and “items” on line 12, remove the “,” and insert “or” so that is consistent with the rest of the bill

If you have any questions regarding this, please feel free to contact me (Craig Johnson) at (608) 634-6794.