

CR 90-105

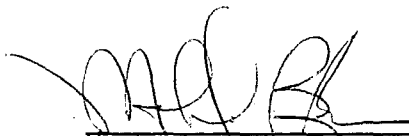
CERTIFICATE

STATE OF WISCONSIN     )  
  ) SS  
DEPARTMENT OF REVENUE )

I, Mark D. Bugher, Secretary of the Department of Revenue and custodian of the official records certify that the annexed rule, relating to telecommunication and CATV services was duly approved and adopted by this department on December 4, 1990.

I further certify that this copy has been compared by me with the original on file in this department and that it is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand at 125 South Webster Street in the city of Madison, this 4th day of December, 1990.

  
\_\_\_\_\_  
Mark D. Bugher  
Secretary of Revenue

MDB:VLG:1c  
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4:00 PM  
Revisor of Statutes  
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ORDER OF THE DEPARTMENT OF REVENUE  
RENUMBERING RULES

The Wisconsin Department of Revenue adopts an order to renumber Tax 11.66(3)(d) and (e), relating to telecommunication and CATV service.

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Analysis by the Department of Revenue

Statutory Authority: s. 227.11(2)(a), Stats.

Statute Interpreted: s. 77.51(13)(p) and (14)(m), Stats.

SECTION 1. Tax 11.66(3)(d) is renumbered Tax 11.66(4)(f), as a result of the Wisconsin Supreme Court decision in the case of GTE Sprint Communications Corporation, n.k.a. U.S. Sprint Communications Company vs. Wisconsin Bell, Inc., and the State of Wisconsin, (No. 89-0272, May 15, 1990), which held that the retail sales tax imposed on access services is unconstitutional. Because of this decision, access services must be considered nontaxable for Wisconsin sales and use tax purposes. Accordingly, par. (e) is also renumbered.

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SECTION 1. Tax 11.66(3)(d) and (3)(e) are renumbered Tax 11.66(4)(f) and (3)(d).

Note to Revisor: Delete d) in the final note at the end of s. Tax 11.66 and renumber e) and f) of that note d) and e).


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The rule contained in this order shall take effect on the first day of the month following publication as provided in s. 227.22(2)(intro.), Stats.

Final Regulatory Flexibility Analysis

The rule order does not have a significant economic impact on a substantial number of small businesses.

Date: December 4, 1990

DEPARTMENT OF REVENUE  
By:   
Mark D. Bugher  
Secretary of Revenue

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1989 Session

LRB or Bill No./Adm. Rule No.

Tax 11

Amendment No. if Applicable

**FISCAL ESTIMATE**

ORIGINAL  
 CORRECTED

UPDATED  
 SUPPLEMENTAL

DOA-2048 (R 10/88)

**Subject**

Rules Relating to Sales and Use Tax Treatment of Telecommunications Access Charges

**Fiscal Effect**

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget  Yes  No

- Increase Existing Appropriation     Increase Existing Revenues
- Decrease Existing Appropriation     Decrease Existing Revenues
- Create New Appropriation

Decrease Costs

Local:  No local government costs

- 1.  Increase Costs  
 Permissive     Mandatory
- 2.  Decrease Costs  
 Permissive     Mandatory

- 3.  Increase Revenues  
 Permissive     Mandatory
- 4.  Decrease Revenues  
 Permissive     Mandatory

5. Types of Local Governmental Units Affected:
- Towns     Villages     Cities
  - Counties     Others \_\_\_\_\_

**Fund Sources Affected**

- GPR     FED     PRO     PRS     SEG     SEG-S

**Affected Ch. 20 Appropriations**

**Assumptions Used in Arriving at Fiscal Estimate**

The proposed rule reflects a recent Wisconsin Supreme Court decision that the sales tax on charges for access services for interexchange carriers was unconstitutional and thus has no fiscal effect. (The fiscal effect of the court decision was a \$15 million annual reduction in revenues.)

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**Long-Range Fiscal Implications**

Agency/Prepared by: (Name & Phone No.)  
Wisconsin Department of Revenue

Authorized Signature/Telephone No. 266-2700

*[Handwritten Signature]*

Date  
*5/25/90*

**FISCAL ESTIMATE WORKSHEET**

1989 Session

Detailed Estimate of Annual Fiscal Effect

ORIGINAL     UPDATED  
 CORRECTED     SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.

Amendment No.

DOA-2047(R 10/88)

Tax 11

Subject

Rules Relating to Sales and Use Tax Treatment of Telecommunications Access Charges

**I. One-time Costs or Revenue Fluctuations for State and/or Local Government (do not include in annualized fiscal effect):**

II. Annualized Costs:		Annualized Fiscal impact on State funds from:	
Note: Treat fiscal costs like a "checkbook": increased costs reduce available funds (-); decreased costs increase available funds (+).		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
Salaries and Fringes		\$ -	\$ +
Staff Support Costs		-	+
Other State Costs		-	+
Local Assistance		-	+
Aids to Individuals or Organizations		-	+
<b>TOTAL State Costs by Category</b>		\$ -	\$ +
<b>B. State Costs by Source of Funds</b>			
GPR		\$ -	\$ -
FED		-	+
PRO/PRS		-	+
SEG/SEG-S		-	-
<b>C. FTE Position Changes</b>		Increased Pos. + ( )	Decreased Pos. - ( )
<b>III. State Revenues-</b>			
Complete this only when proposal will increase or decrease state revenues, such as taxes, license fees, etc.		Decreased Rev.	Increased Rev.
GPR Taxes		\$ -	\$ +
GPR Earned		-	+
FED		-	+
PRO/PRS		-	+
SEG/SEG-S		-	+
<b>TOTAL State Revenues</b>		\$ -	\$ +

**Net Annualized Fiscal Impact on State & Local Funds**

State	Annual Increases	Annual Decreases	Local	Annual Increases	Annual Decreases
Total Costs	\$ -	\$ +	Total Costs	\$ -	\$ +
Total Revenues	+	-	Total Revenues	+	-

**NET Impact on State Funds**    \$    (+)    or    None    or    (-)

**NET Impact on Local Funds**    \$    (+)    or    None    or    (-)



State of Wisconsin ● DEPARTMENT OF REVENUE

125 SOUTH WEBSTER STREET ● P.O. BOX 8933 ● MADISON, WISCONSIN 53708 ● 608-266-6466 ● FAX 608-266-5718

Tommy G. Thompson  
Governor

Mark D. Bugar  
Secretary of Revenue

December 4, 1990

Gary L. Poulson  
Assistant Revisor  
2nd Floor  
119 Martin Luther King, Jr. Blvd.  
Madison, Wisconsin 53703

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Revisor of Statutes  
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Re: Clearinghouse Rule 90-105

Dear Mr. Poulson:

Enclosed are a certified copy and an extra copy of an Order of the Department of Revenue promulgating rules relating to telecommunication and CATV services.

These materials are filed with you pursuant to s. 227.20(1), Stats.

Sincerely,

Mark D. Bugar  
Secretary of Revenue

MDB:VLG:lc  
CKLEG/425

Enclosure

cc: Douglas J. LaFollette, Secretary of State  
Prentice Hall, Inc.  
Commerce Clearinghouse, Inc.



State of Wisconsin ● DEPARTMENT OF REVENUE

125 SOUTH WEBSTER STREET ● P.O. BOX 8933 ● MADISON, WISCONSIN 53708 ● 608-266-6466 ● FAX 608-266-5718

*Tommy G. Thompson*  
Governor

*Mark D. Bugher*  
Secretary of Revenue

December 4, 1990

Douglas LaFollette  
Secretary of State  
30 West Mifflin Street, 10th Floor  
Madison, Wisconsin 53703

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DEC 6 1990

Revisor of Statutes  
Bureau

Dear Secretary LaFollette:

Enclosed are a Certificate and an Order of the Department of Revenue adopting Clearinghouse Rule 90-105.

These materials are filed with you pursuant to s. 227.20, Stats.

Sincerely,

Mark D. Bugher  
Secretary of Revenue

MDB:VLG:1c  
CKLEG/424

Enclosure

cc: Revisor of Statutes