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## SENATE SUBSTITUTE AMENDMENT 1, TO 1997 SENATE BILL 67

March 19, 1998 - Offered by Senator Breske.

1	$AN\ ACT$ to amend 77.21 (1), 77.51 (4) (c) 6., 77.52 (2) (a) 1. and 77.54 (30) (d); and
2	to create 707.46 (3) of the statutes; relating to: exempting the sales of
3	flex-time time-share property from the sales tax and imposing the real estate
4	transfer fee on all sales of time-share property.

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

**SECTION 1.** 77.21 (1) of the statutes is amended to read:

77.21 (1) "Conveyance" includes deeds and other instruments for the passage of ownership interests in real estate, including contracts and assignments of a vendee's interest therein, including instruments that are evidence of a sale of time-share property, as defined in s. 707.02 (32), and including leases for at least 99 years but excluding leases for less than 99 years, easements and wills.

**SECTION 2.** 77.51 (4) (c) 6. of the statutes is amended to read:

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77.51 (4) (c) 6. Charges associated with time-share property that is taxable under s. 77.52 (2) (a)  $1 \cdot \text{or } 2$ .

**Section 3.** 77.52 (2) (a) 1. of the statutes is amended to read:

77.52 (2) (a) 1. The furnishing of rooms or lodging to transients by hotelkeepers. motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations, not including the furnishing of rooms or lodging through the sale of a time-share property, as defined in s. 707.02 (32), if the use of the rooms or lodging is not fixed at the time of sale as to the starting day or the lodging unit. In this subdivision, "transient" means any person residing for a continuous period of less than one month in a hotel, motel or other furnished accommodations available to the public. In this subdivision, "hotel" or "motel" means a building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, tourist homes, tourist houses or courts, lodging houses, rooming houses, summer camps, apartment hotels. resort lodges and cabins and any other building or group of buildings in which accommodations are available to the public, except accommodations, including mobile homes as defined in s. 66.058 (1) (d), rented for a continuous period of more than one month and accommodations furnished by any hospitals, sanatoriums, or nursing homes, or by corporations or associations organized and operated exclusively for religious, charitable or educational purposes provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual.

**Section 4.** 77.54 (30) (d) of the statutes is amended to read:

77.54 (30) (d) In this subsection "residential use" means use in a structure or	
portion of a structure which is a person's permanent residence, but does not include	
use in transient accommodations, as specified in s. 77.52 (2) (a) 1. <del>5; time-share</del>	
property, as defined in s. 707.02 (32); motor homes,; or travel trailers or other	
recreational vehicles.	
<b>Section 5.</b> 707.46 (3) of the statutes is created to read:	
707.46 (3) RECORDING. A contract for the purchase of a time share and any other	
instrument that is evidence of a purchase of a time share is valid only if it is recorded.	
SECTION 6. Initial applicability; revenue.	
(1) The treatment of sections 77.21 (1), 77.51 (4) (c) 6., 77.52 (2) (a) 1., 77.54 (30)	
(d) and 707.46 (3) of the statutes first applies to sales that occur on the first day of	
the 2nd month beginning after publication.	

(END)