



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0821/P1
JK:cjs

DOA:.....Martin, BB0056 - Sales tax exemption prairie & wetland
counseling services

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

GENERAL TAXATION

Prairie and wetland counseling services

Under current law, the sale of landscaping and lawn maintenance services is subject to the sales tax. This bill excludes from taxable landscaping services the planning and counseling services for the restoration, reclamation, or revitalization of prairie, savanna, or wetlands if such services are provided for a separate and optional fee distinct from other services.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 77.51 (11d) of the statutes is amended to read:

77.51 (11d) For purposes of subs. (1ag), (1f), (3pf), (7j), ~~and (9p), and (17g)~~ and ss. 77.52 (20) and (21), 77.522, 77.54 (9g), (51), (52), and (60), and 77.59 (5r), “product” includes tangible personal property, and items, property, and goods under s. 77.52 (1) (b), (c), and (d), and services.

SECTION 2. 77.51 (17g) of the statutes is created to read:

77.51 (17g) “Separate and optional fee” means a fee charged to receive a distinct and identifiable product if either of the following applies:

(a) The fee is in addition to fees that the seller charges for other distinct and identifiable products sold to the same buyer, the fee is separately set forth on the invoice given by the seller to the buyer, and the seller does not require the buyer to pay the fee if the buyer chooses not to receive the additional distinct and identifiable product for which the fee applies.

(b) The seller charges a single amount for multiple distinct and identifiable products and offers the buyer the option of paying a lower amount if the buyer chooses not to receive one or more of the distinct and identifiable products. For purposes of this paragraph, the separate and optional fee is the single amount the seller charges for the multiple distinct and identifiable products less the reduced amount the seller charges to the buyer because the buyer chooses not to receive one or more of the products.

SECTION 3. 77.52 (2) (a) 20. of the statutes is amended to read:

77.52 (2) (a) 20. The sale of landscaping and lawn maintenance services including landscape planning and counseling, lawn and garden services such as planting, mowing, spraying and fertilizing, and shrub and tree services. For purposes of this subdivision, landscaping and lawn maintenance services do not

include planning and counseling services for the restoration, reclamation, or revitalization of prairie, savanna, or wetlands to improve biodiversity, the quality of land, soils, or water, or other ecosystem functions if the planning and counseling services are provided for a separate and optional fee from any other services.

SECTION 4. 77.52 (2m) (a) of the statutes is amended to read:

77.52 (2m) (a) With respect to the services subject to tax under sub. (2), no part of the charge for the service may be deemed a sale or rental of tangible personal property or items, property, or goods under sub. (1) (b), (c), or (d) if the property, items, or goods transferred by the service provider are incidental to the selling, performing or furnishing of the service, except as provided in par. par. (b) and (c).

SECTION 5. 77.52 (2m) (c) of the statutes is created to read:

77.52 (2m) (c) With respect to services subject to tax under sub. (2) (a) 7., 10., 11., and 20. that are provided for a separate and optional fee from the planning and counseling services described under sub. (2) (a) 20., all tangible personal property or items, property, or goods under sub. (1) (b), (c), or (d) physically transferred, or transferred electronically, to the customer in conjunction with the provision of the services subject to tax under sub. (2) (a) 7., 10., 11., and 20. is a sale of tangible personal property or items, property, or goods separate from the selling, performing, or furnishing of the services.

SECTION 9437. Effective dates; Revenue.

(1) PRAIRIE AND WETLAND COUNSELING SERVICES. The treatment of ss. 77.51 (11d) and (17g) and 77.52 (2) (a) 20. and (2m) (a) and (c) takes effect on the first day of the 3rd month beginning after publication.

(END)