



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2948/1
JK:amn

2015 ASSEMBLY BILL 468

October 30, 2015 – Introduced by Representatives KAHL, A. OTT, MILROY, KOLSTE, SPREITZER, CONSIDINE, HINTZ, SUBECK, BERCEAU and WACHS, cosponsored by Senators ERPENBACH and RISSER. Referred to Committee on Ways and Means.

1 **AN ACT** *to repeal* 78.015 (5) and 78.017; *to amend* 78.01 (1), 78.015 (1), 78.12
2 (4) (a) 4. and 78.12 (4) (b) 2.; and *to create* 78.015 (5m) of the statutes; **relating**
3 **to:** an annual adjustment of the motor vehicle fuel tax rate.

Analysis by the Legislative Reference Bureau

This bill annually increases the rate of the motor vehicle fuel tax, beginning with the tax imposed on May 1, 2017, to reflect the annual average change in the United States consumer price index. The annual increase, however, only takes effect if it is approved by the Joint Committee on Finance by March 31 of each year or if the committee takes no action regarding the rate increase before April 1 of each year.

For further information see the **state** 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:

4 **SECTION 1.** 78.01 (1) of the statutes is amended to read:
5 78.01 (1) IMPOSITION OF TAX AND BY WHOM PAID. An excise tax at the rate
6 determined under ss. s. 78.015 and ~~78.017~~ is imposed on all motor vehicle fuel
7 received by a supplier for sale in this state, for sale for export to this state or for export

ASSEMBLY BILL 468**SECTION 1**

1 to this state except as otherwise provided in this chapter. The motor vehicle fuel tax
2 is to be computed and paid as provided in this chapter. Except as otherwise provided
3 in this chapter, a person who receives motor vehicle fuel under s. 78.07 shall collect
4 from the purchaser of the motor vehicle fuel that is received, and the purchaser shall
5 pay to the person who receives the motor vehicle fuel under s. 78.07, the tax imposed
6 by this section on each sale of motor vehicle fuel at the time of the sale, irrespective
7 of whether the sale is for cash or on credit. In each subsequent sale or distribution
8 of motor vehicle fuel on which the tax has been collected as provided in this
9 subsection, the tax collected shall be added to the selling price so that the tax is paid
10 ultimately by the user of the motor vehicle fuel.

11 **SECTION 2.** 78.015 (1) of the statutes is amended to read:

12 78.015 (1) ~~Before April 1~~ Subject to sub. (5m), no later than May 1 of each year
13 beginning in 2017, the department shall recompute and publish the rate for the tax
14 imposed under s. 78.01 (1). The new rate per gallon shall be calculated by
15 multiplying the rate in effect at the time of the calculation by the amount obtained
16 under sub. (2). ~~After the calculation of the rate that takes effect on April 1, 2006, the~~
17 ~~department shall make no further calculation under this subsection and sub. (2).~~

18 **SECTION 3.** 78.015 (5) of the statutes is repealed.

19 **SECTION 4.** 78.015 (5m) of the statutes is created to read:

20 78.015 (5m) No later than March 1 of each year, beginning in 2017, before
21 publishing the rate calculated under this section, the department shall submit the
22 recalculated rate to the joint committee on finance. If the joint committee on finance
23 schedules a meeting to review the proposed rate and approves the rate no later than
24 March 31, or takes no action before April 1, the rate calculated under this section is
25 effective on May 1 following the calculation.

