



State of Wisconsin
1997 - 1998 LEGISLATURE

LRBa1859/2
JS:kmg:hmh

**ASSEMBLY AMENDMENT 1,
TO 1997 ASSEMBLY BILL 578**

March 12, 1998 - Offered by Representative OURADA.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 2: after "lands" insert ", creating a similar refund for tobacco
3 product taxes and changing the tobacco products tax from an occupational tax to an
4 excise tax".

5 **2.** Page 1, line 8: after that line insert:

6 **"SECTION 1am.** 139.75 (4g), (4r) and (6m) of the statutes are created to read:

7 139.75 **(4g)** "Enrolled member" has the meaning given in s. 139.30 (4).

8 **(4r)** "Indian tribe" has the meaning given in s. 139.30 (5).

9 **(6m)** "Reservation" has the meaning given in s. 139.30 (9).

10 **SECTION 1b.** 139.76 (1) of the statutes is amended to read:

11 139.76 **(1)** An occupational excise tax is imposed upon the sale, offering or
12 exposing for sale, possession with intent to sell or removal for consumption or sale
13 or other disposition for any purpose of tobacco products by any person engaged as a

1 distributor of them at the rate of 20% of the manufacturer's established list price to
2 distributors without diminution by volume or other discounts on domestic products.
3 On products imported from another country the rate of tax is 20% of the amount
4 obtained by adding the manufacturer's list price to the federal tax, duties and
5 transportation costs to the United States. The tax attaches at the time the tobacco
6 products are received by the distributor in this state and shall be passed on to the
7 buyer in the retail sale.

8 **SECTION 1g.** 139.775 of the statutes is created to read:

9 **139.775 Administration; refunds. (1)** The department shall refund 50% of
10 the taxes collected under s. 139.76 (1) in respect to sales on reservations or trust
11 lands of an Indian tribe to the tribal council of the tribe having jurisdiction over the
12 reservation or trust land on which the sale is made if all of the conditions under s.
13 139.323 (1) to (5) are fulfilled.

14 **(2)** The department may enter into agreements with Indian tribes to provide
15 for the refunding of the tax imposed under s. 139.76 (1) on tobacco products sold on
16 reservations to enrolled members of the tribe residing on the tribal reservation.

17 **(3)** Every retailer of tobacco products shall keep records of purchases and sales
18 of tobacco products. Every retailer shall keep those records in the manner that the
19 department prescribes, shall ensure that they are accurate and complete and shall
20 preserve them on the premises where the tobacco products are sold in such a manner
21 as to ensure permanency and accessibility for inspection at reasonable hours by
22 authorized personnel of the department. The department may inspect the business
23 records of any retailer doing business on a reservation or on an Indian tribe's trust
24 lands. The provisions of ss. 71.78 (1) and (4) to (9) and 71.83 (2) (a) 3., as they apply
25 to information under ch. 71, apply to information under this subsection.”.

