

Wisconsin Department of Revenue

SALES AND USE TAX REPORT

1-01

June 2001

I. MARINETTE COUNTY ADOPTS COUNTY TAX

Beginning October 1, 2001, the 0.5% county tax will be in effect in Marinette County.

Following is a list of the 55 counties that have adopted the county tax, and the effective date of each county's tax.

County	Effective Date	County	Effective Date
Adams	1/1/94	Marinette	10/1/01
Ashland	4/1/88	Marquette	4/1/89
Barron	4/1/86	Milwaukee*	4/1/91
Bayfield	4/1/91	Monroe	4/1/90
Buffalo	4/1/87	Oconto	7/1/94
Burnett	4/1/89	Oneida	4/1/87
Chippewa	4/1/91	Ozaukee*	4/1/91
Columbia	4/1/89	Pepin	4/1/91
Crawford	4/1/91	Pierce	4/1/88
Dane	4/1/91	Polk	4/1/88
Dodge	4/1/94	Portage	4/1/89
Door	4/1/88	Price	1/1/93
Douglas	4/1/91	Richland	4/1/89
Dunn	4/1/86	Rusk	4/1/87
Eau Claire	1/1/99	St. Croix	4/1/87
Forest	4/1/95	Sauk	4/1/92
Green Lake	7/1/99	Sawyer	4/1/87
Iowa	4/1/87	Shawano	4/1/90
Iron	4/1/91	Taylor	7/1/99
Jackson	4/1/87	Trempealeau	10/1/95
Jefferson	4/1/91	Vernon	1/1/97
Juneau	4/1/92	Vilas	4/1/88
Kenosha	4/1/91	Walworth	4/1/87
La Crosse	4/1/90	Washburn	4/1/91
Lafayette	4/1/01	Washington*	1/1/99
Langlade	4/1/88	Waupaca	4/1/89
Lincoln	4/1/87	Waushara	4/1/90
Marathon	4/1/87		

* County also has a 0.1% baseball stadium tax

Important: Sellers who are not located in any of the 55 counties that have adopted the county tax may still be subject to the county tax if they deliver property into any of these counties with their own vehicles or are in some other way "engaged in business" in any of the 55 counties.

Information about what sales and purchases are subject to county sales or use tax and transitional provisions that apply to Marinette County sellers can be found in Wisconsin Publication 201, *Wisconsin Sales and Use Tax Information*.

Counties that have **not** adopted the county tax are:

Counties Without County Tax

Brown**	Green	Rock
Calumet	Kewaunee	Sheboygan
Clark	Manitowoc	Waukesha*
Florence	Menominee	Winnebago
Fond du Lac	Outagamie	Wood
Grant	Racine*	

* County has a 0.1% baseball stadium tax

** County has a 0.5% football stadium tax

Important Note for Seasonal Sellers

If you make sales of tangible personal property or taxable services in Marinette County which are subject to the county tax and you are a seasonal filer (a person doing business for only a portion of the year), the sales and use tax returns previously sent to you may need to be replaced, effective for reporting periods beginning on or after October 1, 2001.

Review Schedule CT on the back of the sales and use tax returns previously sent to you for periods on or after October 1, 2001. If Marinette County is not listed on Schedule CT, you should contact the department for new returns that include Marinette County. Write or call Wisconsin Department of Revenue, P.O. Box 8902, Madison, WI 53708-8902 (telephone (608) 266-2776).

II. LANDSCAPING PUBLICATION REVISED

Wisconsin Publication 210, *Sales and Use Tax Treatment of Landscaping*, has been revised to reflect the recent Wisconsin Tax Appeals Commission decision in the case of *John Taylor Golf, Inc. d/b/a/ The Bog vs. Wisconsin Department of Revenue*. The revised Publication 210 with a revision date of "4/01" replaces Publication 210 with a revision date of "12/99."

The following substantive revisions have been made:

1. The installation of rocks, stones, boulders, bricks, wood timbers, wood ties, and other non-plant material as

retaining walls, regardless of whether decorative or ornamental, is **not** a landscaping service.

2. The construction of sand traps, except for the installation of sod revetments around all or part of the sand trap, is **not** a landscaping service.
3. The removing and clearing of sod, brush, and trees, even though in preparation of a real property improvement such as constructing a highway, parking lot, sidewalk, patio, underground swimming pool, basement, or foundation of a building, **are** landscaping services.

The changes in characterization of the services described above apply to all periods open to adjustment.

Sales Prior to May 1, 2001

Items 1 and 2

If you treated the services listed in Items 1 and 2 above as landscaping services and charged your customers Wisconsin sales or use tax based on your selling price of the items (materials and labor), you have two options:

1. Do nothing. The department will not adjust your sales and use tax liability for these items.
2. File a claim for refund for the amount of tax you charged to your customer. However, you would owe Wisconsin use tax based on your purchase price of the materials used in providing your service, unless an exemption applies (e.g., retaining wall timbers installed in construction of a professional sports stadium).

Caution: If tax was collected from buyers, the seller must return the tax and related interest refunded by the Department of Revenue to the buyers from whom the tax was collected. If a seller is unable to return the tax and interest to the buyer, the seller must return the tax and interest to the department.

If you treated the services listed in the above items as real property improvements and paid Wisconsin sales or use tax on your purchase of the items used in making the real property improvements, you do not have to do anything. You have treated the items in a manner consistent with the Commission's decision as reflected in Publication 210 (4/01).

Example 1 — In March of 1999, you installed a boulder retaining wall for \$1,500. You charged your customer Wisconsin sales and use tax ($\$1,500 \times 5\% = \75) on this installation. You did not pay Wisconsin sales or use tax on your purchase price of the materials (\$1,000) used in making this installation.

Since the Commission's decision, as reflected in Publication 210 (4/01), is that the installation of a boulder retaining wall is not subject to Wisconsin sales and use tax, you or your customer may file a claim for refund for the sales tax of \$75

which you charged your customer in error. You must return the tax refund and interest to your customer.

However, if a claim for refund of sales tax on your sale of the retaining wall to your customer is filed because the installation is a real property improvement, you would owe Wisconsin use tax ($\$1,000 \times 5\% = \50) on your purchase price of the boulders and other materials (\$1,000) used in the installation of the retaining wall.

Example 2 — In June of 1999, you installed a boulder retaining wall for \$500. You treated the installation as a real property improvement and, therefore, paid Wisconsin sales or use tax based on your purchase price of the materials (\$200) used in the installation of the retaining wall.

Since the Commission's decision, as reflected in Publication 210 (4/01), is that the installation of a boulder retaining wall is not subject to Wisconsin sales and use tax, you do not have to do anything. You have treated the item in a manner consistent with the Commission's decision as reflected in Publication 210 (4/01).

Item 3 (An assumption is made that no tangible personal property is transferred to the customer with the service.)

If you treated the services listed in Item 3 above as a real property improvement (position indicated in Publication 210 (12/99)), you have two options:

1. Do nothing. The department will not adjust your sales and use tax liability for these items.
2. Report sales tax on the selling price of the service, unless an exemption applies.

If you treated the services listed in Item 3 as landscaping services (position indicated in Publication 210 (4/01)) and charged your customers Wisconsin sales or use tax based on your selling price of the landscaping service (materials and labor), you do not have to do anything. You have treated the items in a manner consistent with the department's "revised" position as reflected in Publication 210 (4/01).

Example — In 2001, you are audited by the department for the year 1999. You did not charge Wisconsin sales tax on \$2,000 worth of services for removing trees and other plant materials from a construction site.

Although the department's "revised" position, as reflected in Publication 210 (4/01), is that removing trees and plants is a landscaping service subject to Wisconsin sales tax, the department will not assess you sales tax on the service (\$2,000).

Sales On or After May 1, 2001

For sales occurring on or after May 1, 2001, the proper amount of Wisconsin sales and use tax must be paid to the department based on the positions reflected in Publication 210 (4/01).