

Local Room Tax

(sec. 66.0615, Wis. Stats.)

2015 Wisconsin Act 55

Within the 2015-2017 budget (2015 Wisconsin Act 55), the state modified sec. 66.0615, Wis. Stats.

Summary of Changes

- "Tourism promotion and development" is replaced with "tourism promotion and tourism development"
- Effective with taxes collected and expenditures made on January 1, 2017:
 - » A municipality must forward to a tourism entity or commission, any room tax revenue exceeding the amount the municipality may retain. This room tax revenue must be spent on tourism promotion and tourism development. It cannot be spent directly by the municipality.
 - » A municipality that collected room tax on May 13, 1994 and retained more than 30% for purposes other than tourism promotion and development, may continue to retain the greater of either 30% of its current year room tax revenues, **or**:

For Fiscal Year	Room Tax Amount Retained in Fiscal Year
FY2017	FY2014
FY2018	FY2013
FY2019	FY2012
FY2020	FY2011
FY2021 and forward	FY2010

- A tourism entity's governing body must include at least one owner or operator of a lodging facility that collects room tax and is located within the municipality

Definitions

- **Tourism Entity** – a nonprofit organization that came into existence before January 1, 1992, spends at least 51% of its revenues on tourism promotion and tourism development, and provides destination marketing staff and services for the tourism industry in a municipality. **Exception:** If no such organization exists in a municipality on January 1, 2016, a municipality may contract with such an organization if one is created in the municipality.
- **Commission** – an entity created by one municipality (or by two or more municipalities in a zone) to coordinate tourism promotion and tourism development for the zone
- **Tourism Promotion and Tourism Development** – any of the items listed below that are significantly used by transient tourists and reasonably likely to generate paid overnight stays at more than one establishment where a tax may be imposed, that are owned by different persons and located within the municipality where a tax is in effect. **Note:** If the municipality has only one such establishment, it must be reasonably likely to generate paid overnight stays in that establishment.

Tourism promotion and tourism development includes:

- » Marketing projects, including: advertising media buys; creation and distribution of printed or electronic promotional tourist materials; or efforts to recruit conventions, sporting events, or motor coach groups
- » Transient tourist informational services
- » Tangible municipal development, including a convention center

New Reporting Requirements in 2017

Starting in 2017, every municipality that imposes room tax must file an annual report with the Wisconsin Department of Revenue (DOR). The form reporting 2016 activity is due May 1, 2017.

The following information from the previous year (2016) must be reported:

- Amount of room tax collected
- Room tax rate imposed
- Detailed accounting of:
 - » Amounts forwarded to a tourism entity or commission
 - » Expenditures of \$1,000 or more made by the tourism entity or commission
- For each tourism entity or commission that received room tax revenues in the previous year, a list of the commission's or tourism entity's governing body members, and the name of the business entity each member owns, operates, or is employed by (if any)
- For 2017 only, if a municipality collected room tax on May 13, 1994, the municipality must also attach:
 - » The room tax ordinance that was in effect on May 13, 1994
 - » A copy of the municipality's financial statement that was completed nearest to May 13, 1994 showing the percentage of room tax revenues the municipality retained for purposes other than tourism promotion and development

Common Questions

1. What is local room tax?

A municipality (town, village, or city) may impose room tax on the privilege of furnishing at retail (except sales for resale), rooms or lodging to transients by hotelkeepers, motel operators and other persons furnishing accommodations that are available to the public. The tax may not exceed 8%, unless exempt under sec. 66.0615(1m)(am), Wis. Stats.

2. How does a municipality submit its annual room tax report?

DOR will provide an electronic form with instructions including how to complete and submit the annual room tax report.

3. Will annual room tax reports be available to the public?

Yes. Annual room tax reports will be available on the DOR website.

4. What does a municipality do if it cannot provide the room tax ordinance in effect on May 13, 1994?

The municipality should still complete and submit the annual room tax report. The municipality should still attach the financial statement that was completed nearest in time to May 13, 1994, which shows the percentage of room tax revenues retained by the municipality for purposes other than tourism promotion and development.

5. The annual room tax report requires a municipality to detail expenditures made by a tourism commission or tourism entity of \$1,000 or more. How should "Payroll" expenditures be recorded in the annual room tax report?

On the DOR e-file form, a municipality will be allowed to report 'Payroll' as one expenditure.

6. What happens if a municipality does not file the required annual room tax report?

If a municipality does not file the required annual report, DOR may impose a penalty of up to \$3,000.

Certification Statement

As the Secretary of the Wisconsin Department of Revenue (DOR), I have reviewed this guidance document or proposed guidance document and I certify that it complies with secs. 227.10 and 227.11, Wis. Stats. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

DEPARTMENT OF REVENUE

A handwritten signature in black ink that reads "Peter W. Barca". The signature is written in a cursive style with a large initial "P" and "B".

Peter Barca

Secretary of Revenue