STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis ☒ Original ☐ Updated ☐ Corrected	2. Date January 25, 2022

3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)

Chapter Tax 11 – Marketplace Provisions

4. Subject

The rule (1) moves a section to an appropriate existing rule and (2) reflects the marketplace provisions in 2019 Wisconsin Act 10.

5. Fund Sources Affected ☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S	6. Chapter 20, Stats. Appropriations Affected

7. Fiscal Effect of Implementing the Rule

☒ No Fiscal Effect   ☐ Increase Existing Revenues   ☐ Increase Costs   ☐

☐ Indeterminate   ☐ Decrease Existing Revenues   Decrease Costs

☐ Could Absorb Within Agency's Budget

8. The Rule Will Impact the Following (Check All That Apply)

☐ State's Economy   ☐ Specific Businesses/Sectors

☐ Local Government Units   ☐ Public Utility Rate Payers

☐ Small Businesses **(if checked, complete Attachment A)**

9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).

$ 0

10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be $10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?

☐ Yes   ☒ No

11. Policy Problem Addressed by the Rule

2019 Wisconsin Act 10 made changes to Wisconsin's sales and use tax laws. The department has created this proposed rule order to reflect these statutory changes as well as provide needed clarification and correction. The proposed rule order makes no policy or other changes.

12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.

A comment period was identified for economic impact and the public was notified. The comment period lasted from December 6, 2021, through December 20, 2021. No specific businesses were contacted.

13. Identify the Local Governmental Units that Participated in the Development of this EIA.

No local government units participated in the development of this EIA.

14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

No impact is anticipated.

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

2019 Wisconsin Act 10 created new requirements for marketplace providers regarding sales tax collections, which led to an increase in sales tax collections compared to prior law. If the rules are not changed, they will be incorrect in that they will not reflect current law or current department policy.

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

---

16. Long Range Implications of Implementing the Rule

No long range implications are anticipated.

---

17. Compare With Approaches Being Used by Federal Government

There are no similar approaches being used by Federal Government.

---

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Minnesota, Iowa, Illinois, and Michigan have similar marketplace provider laws and regulations as Wisconsin. In addition, the majority of states that impose a sales and use tax have similar marketplace laws and regulations as Wisconsin. The Streamlined Sales Tax Governing Board maintains a Marketplace Facilitator State Guidance web page to track marketplace laws and regulations in all states.

---

19. Contact Name	20. Contact Phone Number
Jen Olson	608-266-8253

This document can be made available in alternate formats to individuals with disabilities upon request

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

---

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

---

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

---

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?
☐ Less Stringent Compliance or Reporting Requirements
☐ Less Stringent Schedules or Deadlines for Compliance or Reporting
☐ Consolidation or Simplification of Reporting Requirements
☐ Establishment of performance standards in lieu of Design or Operational Standards
☐ Exemption of Small Businesses from some or all requirements
☐ Other, describe:

---

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

---

5. Describe the Rule's Enforcement Provisions

---

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)
☐ Yes   ☐ No

FISCAL ESTIMATE FORM

2021 Session

LRB # SS 042-20	
INTRODUCTION #	
Admin. Rule # to be assigned	

☒ ORIGINAL ☐ UPDATED

☐ CORRECTED ☐ SUPPLEMENTAL

Subject

The Wisconsin Department of Revenue proposes an order to: **renumber** Tax 11.55 (3) to 11.30 (1) (b), 11.30 (1) (b) to 11.30 (1) (c) 2., and 11.55 (4) to 11.30 (1) (c) 1., **repeal and recreate** Tax 11.55 (1) and (2) and 11.88 (6), **relating to** sales and use tax provisions.

Fiscal Effect

State: ☒ No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

☐ Increase Existing Appropriation ☐ Increase Existing Revenues

☐ Decrease Existing Appropriation ☐ Decrease Existing Revenues

☐ Create New Appropriation

☐ Increase Costs - May be Possible to Absorb Within Agency's Budget ☐ Yes ☐ No

☐ Decrease Costs

Local: ☒ No Local Government Costs

1. ☐ Increase Costs		3. ☐ Increase Revenues		5. Types of Local Governmental Units Affected:	
☐ Permissive ☐ Mandatory		☐ Permissive ☐ Mandatory		☐ Towns ☐ Villages ☐ Cities	
2. ☐ Decrease Costs		4. ☐ Decrease Revenues		☐ Counties ☐ Others ____	
☐ Permissive ☐ Mandatory		☐ Permissive ☐ Mandatory		☐ School Districts ☐ WTCS Districts	

Fund Sources Affected	**Affected Ch. 20 Appropriations**
☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S	

Assumptions Used in Arriving at Fiscal Estimate:

The rule (1) moves a section to an appropriate existing rule and (2) reflects the marketplace provisions in 2019 Wisconsin Act 10.

2019 Wisconsin Act 10 created new requirements for marketplace sellers regarding sales tax collections, which led to an increase in sales tax collections compared to prior law.

The fiscal effect of the statutory changes is already reflected in prior general fund condition statements and state general fund tax revenue estimates.

This rule order makes changes to reflect current law and current department policy. It makes no policy or other changes, therefore, there is no state or local fiscal effect.

Long-Range Fiscal Implications:

Agency/Prepared by:	Authorized Signature/Telephone No.	Authorized Signature/Telephone No.
Wisconsin Department of Revenue	Wisconsin Department of Revenue	Wisconsin Department of Revenue
Bob Schmidt	Bob Schmidt	Bob Schmidt
(608) 266-5773	(608) 266-5773	(608) 266-5773

FISCAL ESTIMATE WORKSHEET

☒ ORIGINAL   ☐ UPDATED

☐ CORRECTED   ☐ SUPPLEMENTAL

Detailed Estimate of Annual Fiscal Effect

2021 Session

LRB # SS 42-20

INTRODUCTION

Admin. Rule #
to be assigned

Subject: See above

I. One-Time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:

	Annualized Fiscal impact on State funds from:	
A. State Costs by Category	**Increased Costs**	**Decreased Costs**
State Operations - Salaries and Fringe	$	$ -
(FTE Position Changes)	(FTE)	(- FTE)
State Operations-Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs by Category	$	$ -
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	$	$ -
FED		-
PRO/PRS		-
SEG/SEG-S	$	-

III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes	$	$
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
TOTAL State Revenues	$	$ -

NET ANNUALIZED FISCAL IMPACT

	STATE	**LOCAL**
NET CHANGE IN COSTS	$ 0	$ 0
NET CHANGE IN REVENUES	$ 0	$ 0

Agency/Prepared by: Wisconsin Department of Revenue Bob Schmidt (608) 266-5773	**Authorized Signature/Telephone No.** Wisconsin Department of Revenue Bob Schmidt (608) 266-5773	**Date** 03-03-2021