



3 RMR

WFO please change stays corridors

LFB:.....Rushmer - Incentive payments for all-terrain vehicle and snowmobile trails open to the public

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 40

LPS:  
please fix request sheet as shown

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 152, line 25: after that line insert:

3 "(cv) Recreation aids — all-terrain  
4 vehicle landowner incentive pro-  
5 gram SEG C -0- -0-".

6 2. Page 153, line 6: after that line insert:

7 "(cz) Recreation aids — snowmobile  
8 landowner incentive program SEG C -0- -0-".

9 3. Page 314, line 12: after that line insert:

1           **SECTION 274m.** 20.370 (1) (ms) of the statutes is amended to read:

2           20.370 (1) (ms) *General program operations — state all-terrain vehicle projects.*

3           The amounts in the schedule from moneys received from all-terrain vehicle fees  
4           under s. 23.33 (2) (c) to (e) ~~and (2j)~~ for state all-terrain vehicle projects.”.

5           **4.** Page 317, line 3: after that line insert:

6           **SECTION 282fd.** 20.370 (5) (cr) of the statutes is amended to read:

7           20.370 (5) (cr) *Recreation aids — county snowmobile trail and area aids.* As  
8           a continuing appropriation, the amounts in the schedule from the snowmobile  
9           account in the conservation fund to provide state aid to counties for snowmobile trails  
10          and areas consistent with the requirements of ss. 23.09 (26) and 350.12 (4) (b) and  
11          to make incentive payments to landowners under s. 350.12 (3k).

12          **SECTION 282fe.** 20.370 (5) (cr) of the statutes, as affected by 2007 Wisconsin  
13          Act .... (this act) is amended to read:

14          20.370 (5) (cr) *Recreation aids — county snowmobile trail and area aids.* As  
15          a continuing appropriation, the amounts in the schedule from the snowmobile  
16          account in the conservation fund to provide state aid to counties for snowmobile trails  
17          and areas consistent with the requirements of ss. 23.09 (26) and 350.12 (4) (b) and  
18          to make incentive payments to landowners under s. 350.12 (3k).

19          **SECTION 282k.** 20.370 (5) (cu) of the statutes is amended to read:

20          20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.* As a  
21          continuing appropriation, the amounts in the schedule from moneys received from  
22          all-terrain vehicle fees under s. 23.33 (2) (c) to (e) and (2j) to provide aid to towns,  
23          villages, cities, counties, and federal agencies for nonstate all-terrain vehicle  
24          projects and to make incentive payments to landowners under s. 23.33 (5r).

1           **SECTION 282km.** 20.370 (5) (cu) of the statutes, as affected by 2007 Wisconsin  
2 Act .... (this act), is amended to read:

3           20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.* As a  
4 continuing appropriation, the amounts in the schedule from moneys received from  
5 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) and (2j) to provide aid to towns,  
6 villages, cities, counties, and federal agencies for nonstate all-terrain vehicle  
7 projects and to make incentive payments to landowners under s. 23.33 (5r).

8           **SECTION 282L.** 20.370 (5) (cv) of the statutes is created to read:

9           20.370 (5) (cv) *Recreation aids — all-terrain vehicle landowner incentive*  
10 *program.* All moneys received as fees under s. 23.33 (2j) to be used for incentive  
11 payments to landowners for public all-terrain vehicle corridors under s. 23.33 (5r). ))

12           **SECTION 282p.** 20.370 (5) (cz) of the statutes is created to read:

13           20.370 (5) (cz) *Recreation aids — snowmobile landowner incentive program.*  
14 As a continuing appropriation, from the snowmobile account in the conservation  
15 fund, an amount equal to the amount calculated under s. 350.12 (3k) (h) for incentive  
16 payments to landowners for public snowmobile vehicle corridors as specified under  
17 s. 350.12 (3k).” ✓

18           **5.** Page 433, line 16: after that line insert:

19           **“SECTION 664m.** 23.33 (2j) (c) of the statutes is amended to read:

20           23.33 (2j) (c) The fee for a nonresident trail pass issued for an all-terrain  
21 vehicle that is exempt from registration under sub. (2) (b) 2. is ~~\$17.25~~ \$34.25. A  
22 nonresident trail pass issued for such an all-terrain vehicle may be issued only by  
23 the department and persons appointed by the department and expires on June 30  
24 of each year.”

1           **6.** Page 434, line 5: after that line insert:

2           “**SECTION 665g.** 23.33 (5m) (title) of the statutes is amended to read:

3           23.33 (5m) (title) ~~GRANT~~ SAFETY PROGRAM.

4           **SECTION 665r.** 23.33 (5r) of the statutes is created to read:

5           23.33 (5r) LANDOWNER INCENTIVE PROGRAM. (a) In this subsection “public  
6 all-terrain vehicle corridor” has the meaning given in s. 23.33 (2j) (a).

7           (b) The department shall establish a program to make incentive payments to  
8 private landowners who permit public all-terrain vehicle corridors on their lands  
9 and who apply for the payments.

10           (c) An application is not considered complete until the forester or another  
11 employee of each county in which the public all-terrain vehicle corridor is located  
12 measures the length of the corridor in that county for the purpose of calculating the  
13 payment.

14           (d) Incentive payments under the program shall be calculated as follows:

15           1. For a public all-terrain vehicle corridor that was open <sup>for</sup> for 60 days or more <sup>to the public</sup>  
16 <sup>but less than 270 days</sup> during the winter in the previous fiscal year, the incentive payment shall be \$25 per  
17 mile.

18           2. For a public all-terrain vehicle corridor that was open <sup>to the public</sup> for 270 days or more  
19 in the previous fiscal year but for less than the entire previous fiscal year, the  
20 incentive payment shall be \$75 per mile. <sup>to the public</sup>

21           3. For a public all-terrain vehicle corridor that was open <sup>to the public</sup> for the entire previous  
22 fiscal year, the incentive payment shall be \$100 per mile.

23           (e) If a private landowner enters into an agreement with a county to allow a  
24 public all-terrain vehicle corridor on the landowner’s land for a period of at least 5

1 years, the landowner shall receive a supplemental payment, in addition to the  
2 payment as calculated under par. (c), that equals 10 percent of the payment  
3 calculated under par. (c) for each full or partial fiscal year that is included in the  
4 5-year period.

5 (f) If the total amount of incentive payments made in a given fiscal year would  
6 exceed the amount available for the payments, the department shall establish a  
7 system to prorate the payments.

8 (g) During fiscal year 2007–08, the department may expend up to \$100,000  
9 from the appropriation under s. 20.370 (5) (cu) for incentive payments under this  
10 program.”.

11 **7.** Page 479, line 18: after that line insert:

12 “**SECTION 743s.** 39.12 (5) of the statutes is amended to read:

13 39.12 (5) Any corporation established under this section shall be organized so  
14 that contributions to it will be deductible from adjusted gross income under section  
15 170 of the internal revenue code and so that the corporation will be exempt from  
16 taxation under section 501 of the internal revenue code and ss. 71.26 (1) (a) and 71.45  
17 (1) (a).”.

18 **8.** Page 875, line 2: after that line insert:

19 “**SECTION 1959c.** 71.05 (6) (b) 44. of the statutes is created to read:

20 71.05 (6) (b) 44. For taxable years beginning after December 31, 2006, the  
21 amount of any incentive payment received by an individual under s. 23.33 (5r) ~~or~~  
22 ~~350.12 (3k)~~ in the taxable year to which the claim relates.”.

23 **9.** Page 923, line 2: after that line insert:

24 “**SECTION 2021e.** 71.26 (1) (g) of the statutes is created to read:

1           71.26 (1) (g) For taxable years beginning after December 31, 2006, the amount  
2 of any incentive payment received by an individual under s. 23.33 (5r) or 350.12 (3k)  
3 in the taxable year to which the claim relates.”

4           **10.** Page 1008, line 17: after that line insert:

5           “**SECTION 2086k.** 71.43 (1) of the statutes is amended to read:

6           71.43 (1) INCOME TAX. For the purpose of raising revenue for the state and the  
7 counties, cities, villages and towns, there shall be assessed, levied, collected and paid  
8 a tax as provided under this chapter on all Wisconsin net incomes of corporations that  
9 are not subject to the franchise tax under sub. (2) and that own property within this  
10 state; that derive income from sources within this state or from activities that are  
11 attributable to this state; or whose business within this state during the taxable year,  
12 except as provided under s. 71.23 (3), consists exclusively of foreign commerce,  
13 interstate commerce, or both, or that buy or sell lottery prizes if the winning tickets  
14 were originally bought in this state; except as exempted under ss. 71.26 (1) and 71.45  
15 (1) (a). This section shall not be construed to prevent or affect the correction of errors  
16 or omissions in the assessments of income for former years under s. 71.74 (1) and (2).

17           **SECTION 2086L.** 71.43 (2) of the statutes is amended to read:

18           71.43 (2) FRANCHISE TAX ON CORPORATIONS. For the privilege of exercising its  
19 franchise, buying or selling lottery prizes if the winning tickets were originally  
20 bought in this state or doing business in this state in a corporate capacity, except as  
21 provided under s. 71.23 (3), every domestic or foreign corporation, except  
22 corporations specified in ss. 71.26 (1) and 71.45 (1) (a), shall annually pay a franchise  
23 tax according to or measured by its entire Wisconsin net income of the preceding  
24 taxable year at the rates set forth in s. 71.46 (2). In addition, except as provided in

1 ss. 71.23 (3), 71.26 (1) and 71.45 (1) (a), a corporation that ceases doing business in  
2 this state shall pay a special franchise tax according to or measured by its entire  
3 Wisconsin net income for the taxable year during which the corporation ceases doing  
4 business in this state at the rate under s. 71.46 (2). Every corporation organized  
5 under the laws of this state shall be deemed to be residing within this state for the  
6 purposes of this franchise tax. All provisions of this chapter and ch. 73 relating to  
7 income taxation of corporations shall apply to franchise taxes imposed under this  
8 subsection, unless the context requires otherwise. The tax imposed by this  
9 subsection on insurance companies subject to taxation under this chapter shall be  
10 based on Wisconsin net income computed under s. 71.45, and no other provision of  
11 this chapter relating to computation of taxable income for other corporations shall  
12 apply to such insurance companies. All other provisions of this chapter shall apply  
13 to insurance companies subject to taxation under this chapter unless the context  
14 clearly requires otherwise.”

15 **11.** Page 1009, line 9: after that line insert:

16 “**SECTION 2087e.** 71.45 (1) of the statutes is renumbered 71.45 (1) (intro.) and  
17 amended to read:

18 71.45 (1) EXEMPT AND EXCLUDABLE INCOME. (intro.) There shall be exempt from  
19 taxation under this subchapter income as follows:

20 (a) Income of insurers exempt from federal income taxation pursuant to section  
21 501 (c) (15) of the internal revenue code, town mutuals organized under or subject  
22 to ch. 612, foreign insurers, and domestic insurers engaged exclusively in life  
23 insurance business, domestic insurers insuring against financial loss by reason of  
24 nonpayment of principal, interest and other sums agreed to be paid under the terms

1 of any note or bond or other evidence of indebtedness secured by a mortgage, deed  
2 of trust or other instrument constituting a lien or charge on real estate and  
3 corporations organized under ch. 185, but not including income of cooperative  
4 sickness care associations organized under s. 185.981, or of a service insurance  
5 corporation organized under ch. 613, that is derived from a health maintenance  
6 organization as defined in s. 609.01 (2) or a limited service health organization as  
7 defined in s. 609.01 (3), or operating under subch. I of ch. 616 which are bona fide  
8 cooperatives operated without pecuniary profit to any shareholder or member, or  
9 operated on a cooperative plan pursuant to which they determine and distribute  
10 their proceeds in substantial compliance with s. 185.45. This subsection paragraph  
11 does not apply to income that is realized from the sale of or purchase and subsequent  
12 sale or redemption of lottery prizes if the winning tickets were originally bought in  
13 this state.

14 **SECTION 2087g.** 71.45 (1) (b) of the statutes is created to read:

15 71.45 (1) (b) For taxable years beginning after December 31, 2006, the amount  
16 of any incentive payment received by an individual under s. 23.33 (5r) or 350.12 (3k)  
17 in the taxable year to which the claim relates.”.

18 **12.** Page 1274, line 9: after that line insert:

19 “**SECTION 2922u.** 185.81 of the statutes is amended to read:

20 **185.81 Admission of foreign cooperatives.** A foreign cooperative is entitled  
21 to all rights, exemptions and privileges of a cooperative organized under this chapter,  
22 if it is authorized to do business in this state under ch. 180. Such foreign cooperative  
23 may qualify under ch. 180 whether or not formed for profit and whether or not formed  
24 with stock. Any such foreign cooperative claiming to be subject to s. 71.26 (1) (a) or

1 71.45 (1) (a) may be required to furnish the department of revenue with such facts  
2 as said department shall deem necessary to establish the foreign cooperative's rights  
3 thereunder.”.

4 **13.** Page 1454, line 3: after that line insert:

5 “**SECTION 3438g.** 350.12 (3j) (b) of the statutes is amended to read:

6 350.12 (3j) (b) The fee for a trail use sticker issued for a snowmobile that is  
7 exempt from registration under sub. (2) (b) or (bn) is ~~\$17.25~~ \$34.25. A trail use  
8 sticker issued for such a snowmobile may be issued only by the department and  
9 persons appointed by the department and expires on June 30 of each year.

10 **SECTION 3438j.** 350.12 (3k) of the statutes is created to read:

11 350.12 (3k) LANDOWNER INCENTIVE PROGRAM. (a) In this paragraph “public  
12 snowmobile corridor” has the meaning given in s. 350.12 (3j) (a) 1.

13 (b) The department shall establish a program to make incentive payments to  
14 private landowners who allow public snowmobile corridors on their lands and who  
15 apply for these payments.

16 (c) An application is not considered complete until the forester or another  
17 employee of each county in which the public snowmobile corridor is located measures  
18 the length of the corridor in that county for the purpose of calculating the payment.

19 (d) Incentive payments under the program shall be calculated as follows:

20 1. For a public snowmobile corridor that was open for 60 days or more during  
21 the winter in the previous fiscal year, the incentive payment shall be \$25 per mile.

22 2. For a public snowmobile corridor that was open for 270 days or more in the  
23 previous fiscal year but for less than the entire previous fiscal year, the incentive  
24 payment shall be \$75 per mile.

1           3. For a public snowmobile corridor that was open for the entire previous fiscal  
2 year, the incentive payment shall be \$100 per mile.

3           (e) If a private landowner enters into an agreement with a county to allow a  
4 public snowmobile corridor on the landowner's land for a period of at least 5 years,  
5 the landowner shall receive a supplemental payment, in addition to the payment as  
6 calculated under par. (c), that equals 10 percent of the payment calculated under par.  
7 (c) for each full or partial fiscal year that is included in the 5-year period.

8           (f) If the total amount of incentive payments made in a given fiscal year would  
9 exceed the amount available, the department shall establish a system to prorate the  
10 payments.

11           (g) In addition to the expenditures authorized under s. 350.12 (4) (b), during  
12 fiscal year 2007-08, the department may expend up to \$100,000 from the  
13 appropriation under s. 20.370 (5) (cr) for incentive payments under this program.

14           (h) For fiscal year 2008-09, and for each fiscal year thereafter, the department  
15 shall calculate an amount equal to the number of trail use stickers issued under sub.  
16 (3j) in the previous fiscal year multiplied by \$17 and shall credit this amount to the  
17 appropriation account under s. 20.370 (5) (cz).".

18           **14.** Page 1497, line 21: after that line insert:

19           "SECTION 3660g. 616.10 of the statutes is amended to read:

20           **616.10 Exemption from taxation.** Every mutual designated a school benefit  
21 insurer under s. 616.03, every plan authorized under s. 616.06, and every corporation  
22 organized under s. 616.08 is declared to be a charitable and benevolent corporation,  
23 and its property, real, personal and mixed, and its income and property transferred  
24 to it, are exempt from taxation as provided in ss. 70.11, 71.26 (1) (a) and 71.45 (1) (a).".

1           **15.** Page 1663, line 14: after that line insert:

2           “(11q) EXEMPTION OF INCENTIVE PAYMENTS; ALL-TERRAIN VEHICLES. The treatment  
3 of sections 39.12 (5), 71.43 (1) and (2), 185.81, and 616.10 of the statutes and the  
4 renumbering and amendment of section 71.45 (1) of the statutes first apply to taxable  
5 years beginning on January 1, 2007.”

6           **16.** Page 1673, line 5: after that line insert:

7           “(3q) LANDOWNER INCENTIVE PROGRAM. The treatment of sections 20.370 (1) (ms),  
8 ~~(5) (cr) (by SECTION 282e)~~, (cu) (by SECTION 282m), <sup>and</sup> (cv), <sup>and</sup> ~~(cz)~~, 23.33 (2j) (c) ~~and~~  
9 350.12 ~~(3j) (b)~~ of the statutes takes effect on July 1, 2008.”

10

(END)



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRBb0503/3<sup>4</sup>  
MGG&MES:cs:jf

RMR

1  
Stays

LFB:.....Rushmer - Incentive payments for all-terrain vehicle corridors  
open to the public

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 40

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 152, line 25: after that line insert:

3 "(cv) Recreation aids — all-terrain

4 vehicle landowner incentive pro-

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SEG C

-0-

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6 2. Page 314, line 12: after that line insert:

7 "SECTION 274m. 20.370 (1) (ms) of the statutes is amended to read:

8 20.370 (1) (ms) *General program operations — state all-terrain vehicle projects.*

9 The amounts in the schedule from moneys received from all-terrain vehicle fees

10 under s. 23.33 (2) (c) to (e) and ~~(2j)~~ for state all-terrain vehicle projects."

1           **3.** Page 317, line 3: after that line insert:

2           “**SECTION 282k.** 20.370 (5) (cu) of the statutes is amended to read:

3           20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.* As a  
4 continuing appropriation, the amounts in the schedule from moneys received from  
5 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) and (2j) to provide aid to towns,  
6 villages, cities, counties, and federal agencies for nonstate all-terrain vehicle  
7 projects and to make incentive payments to landowners under s. 23.33 (5r).

8           **SECTION 282km.** 20.370 (5) (cu) of the statutes, as affected by 2007 Wisconsin  
9 Act ..... (this act), is amended to read:

10           20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.* As a  
11 continuing appropriation, the amounts in the schedule from moneys received from  
12 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) ~~and (2j)~~ to provide aid to towns,  
13 villages, cities, counties, and federal agencies for nonstate all-terrain vehicle  
14 projects ~~and to make incentive payments to landowners under s. 23.33 (5r).~~

15           **SECTION 282L.** 20.370 (5) (cv) of the statutes is created to read:

16           20.370 (5) (cv) *Recreation aids — all-terrain vehicle landowner incentive*  
17 *program.* All moneys received as fees under s. 23.33 (2j) to be used for incentive  
18 payments to landowners for public all-terrain vehicle corridors under s. 23.33 (5r).”.

19           **4.** Page 433, line 16: after that line insert:

20           “**SECTION 664m.** 23.33 (2j) (c) of the statutes is amended to read:

21           23.33 (2j) (c) The fee for a nonresident trail pass issued for an all-terrain  
22 vehicle that is exempt from registration under sub. (2) (b) 2. is ~~\$17.25~~ \$34.25. A  
23 nonresident trail pass issued for such an all-terrain vehicle may be issued only by

1 the department and persons appointed by the department and expires on June 30  
2 of each year.”.

3 **5.** Page 434, line 5: after that line insert:

4 “**SECTION 665g.** 23.33 (5m) (title) of the statutes is amended to read:

5 23.33 (5m) (title) ~~GRANT~~ SAFETY PROGRAM.

6 **SECTION 665r.** 23.33 (5r) of the statutes is created to read:

7 23.33 (5r) LANDOWNER INCENTIVE PROGRAM. (a) In this subsection “public  
8 all-terrain vehicle corridor” has the meaning given in s. 23.33 (2j) (a).

9 (b) The department shall establish a program to make incentive payments to  
10 private landowners who permit public all-terrain vehicle corridors on their lands  
11 and who apply for the payments.

12 (c) An application is not considered complete until the forester or another  
13 employee of each county in which the public all-terrain vehicle corridor is located  
14 measures the length of the corridor in that county for the purpose of calculating the  
15 payment.

16 (d) Incentive payments under the program shall be calculated as follows:

17 1. For a public all-terrain vehicle corridor that was open to the public for 60  
18 days or more but for less than <sup>180</sup>~~270~~ days in the previous fiscal year, the incentive  
19 payment shall be \$25 per mile. *270 days in the*

20 2. For a public all-terrain vehicle corridor that was open to the public for <sup>180</sup>~~270~~  
21 days or more *in the previous fiscal year* but for less than the ~~entire~~ previous fiscal  
22 year, the incentive payment shall be \$75 per mile. *or more in*

23 3. For a public all-terrain vehicle corridor that was open to the public for the  
24 ~~entire~~ previous fiscal year, the incentive payment shall be \$100 per mile. *270 days*

1 (e) If a private landowner enters into an agreement with a county to allow a  
2 public all-terrain vehicle corridor on the landowner's land for a period of at least 5  
3 years, the landowner shall receive a supplemental payment, in addition to the  
4 payment as calculated under par. (c), that equals 10 percent of the payment  
5 calculated under par. (c) for each full or partial fiscal year that is included in the  
6 5-year period.

7 (f) If the total amount of incentive payments made in a given fiscal year would  
8 exceed the amount available for the payments, the department shall establish a  
9 system to prorate the payments.

10 (g) During fiscal year 2007-08, the department may expend up to \$100,000  
11 from the appropriation under s. 20.370 (5) (cu) for incentive payments under this  
12 program.”.

13 **6.** Page 479, line 18: after that line insert:

14 “**SECTION 743s.** 39.12 (5) of the statutes is amended to read:

15 39.12 (5) Any corporation established under this section shall be organized so  
16 that contributions to it will be deductible from adjusted gross income under section  
17 170 of the internal revenue code and so that the corporation will be exempt from  
18 taxation under section 501 of the internal revenue code and ss. 71.26 (1) (a) and 71.45  
19 (1) (a).”.

20 **7.** Page 875, line 2: after that line insert:

21 “**SECTION 1959c.** 71.05 (6) (b) 44. of the statutes is created to read:

22 71.05 (6) (b) 44. For taxable years beginning after December 31, 2006, the  
23 amount of any incentive payment received by an individual under s. 23.33 (5r) in the  
24 taxable year to which the claim relates.”.

1           **8.** Page 923, line 2: after that line insert:

2           “**SECTION 2021e.** 71.26 (1) (g) of the statutes is created to read:

3           71.26 (1) (g) For taxable years beginning after December 31, 2006, the amount  
4 of any incentive payment received by an individual under s. 23.33 (5r) in the taxable  
5 year to which the claim relates.”.

6           **9.** Page 1008, line 17: after that line insert:

7           “**SECTION 2086k.** 71.43 (1) of the statutes is amended to read:

8           71.43 (1) INCOME TAX. For the purpose of raising revenue for the state and the  
9 counties, cities, villages and towns, there shall be assessed, levied, collected and paid  
10 a tax as provided under this chapter on all Wisconsin net incomes of corporations that  
11 are not subject to the franchise tax under sub. (2) and that own property within this  
12 state; that derive income from sources within this state or from activities that are  
13 attributable to this state; or whose business within this state during the taxable year,  
14 except as provided under s. 71.23 (3), consists exclusively of foreign commerce,  
15 interstate commerce, or both, or that buy or sell lottery prizes if the winning tickets  
16 were originally bought in this state; except as exempted under ss. 71.26 (1) and 71.45  
17 (1) (a). This section shall not be construed to prevent or affect the correction of errors  
18 or omissions in the assessments of income for former years under s. 71.74 (1) and (2).

19           **SECTION 2086L.** 71.43 (2) of the statutes is amended to read:

20           71.43 (2) FRANCHISE TAX ON CORPORATIONS. For the privilege of exercising its  
21 franchise, buying or selling lottery prizes if the winning tickets were originally  
22 bought in this state or doing business in this state in a corporate capacity, except as  
23 provided under s. 71.23 (3), every domestic or foreign corporation, except  
24 corporations specified in ss. 71.26 (1) and 71.45 (1) (a), shall annually pay a franchise

1 tax according to or measured by its entire Wisconsin net income of the preceding  
2 taxable year at the rates set forth in s. 71.46 (2). In addition, except as provided in  
3 ss. 71.23 (3), 71.26 (1) and 71.45 (1) (a), a corporation that ceases doing business in  
4 this state shall pay a special franchise tax according to or measured by its entire  
5 Wisconsin net income for the taxable year during which the corporation ceases doing  
6 business in this state at the rate under s. 71.46 (2). Every corporation organized  
7 under the laws of this state shall be deemed to be residing within this state for the  
8 purposes of this franchise tax. All provisions of this chapter and ch. 73 relating to  
9 income taxation of corporations shall apply to franchise taxes imposed under this  
10 subsection, unless the context requires otherwise. The tax imposed by this  
11 subsection on insurance companies subject to taxation under this chapter shall be  
12 based on Wisconsin net income computed under s. 71.45, and no other provision of  
13 this chapter relating to computation of taxable income for other corporations shall  
14 apply to such insurance companies. All other provisions of this chapter shall apply  
15 to insurance companies subject to taxation under this chapter unless the context  
16 clearly requires otherwise.”

17 **10.** Page 1009, line 9: after that line insert:

18 “**SECTION 2087e.** 71.45 (1) of the statutes is renumbered 71.45 (1) (intro.) and  
19 amended to read:

20 71.45 (1) EXEMPT AND EXCLUDABLE INCOME. (intro.) There shall be exempt from  
21 taxation under this subchapter income as follows:

22 (a) Income of insurers exempt from federal income taxation pursuant to section  
23 501 (c) (15) of the internal revenue code, town mutuals organized under or subject  
24 to ch. 612, foreign insurers, and domestic insurers engaged exclusively in life

1 insurance business, domestic insurers insuring against financial loss by reason of  
2 nonpayment of principal, interest and other sums agreed to be paid under the terms  
3 of any note or bond or other evidence of indebtedness secured by a mortgage, deed  
4 of trust or other instrument constituting a lien or charge on real estate and  
5 corporations organized under ch. 185, but not including income of cooperative  
6 sickness care associations organized under s. 185.981, or of a service insurance  
7 corporation organized under ch. 613, that is derived from a health maintenance  
8 organization as defined in s. 609.01 (2) or a limited service health organization as  
9 defined in s. 609.01 (3), or operating under subch. I of ch. 616 which are bona fide  
10 cooperatives operated without pecuniary profit to any shareholder or member, or  
11 operated on a cooperative plan pursuant to which they determine and distribute  
12 their proceeds in substantial compliance with s. 185.45. This subsection paragraph  
13 does not apply to income that is realized from the sale of or purchase and subsequent  
14 sale or redemption of lottery prizes if the winning tickets were originally bought in  
15 this state.

16 **SECTION 2087g.** 71.45 (1) (b) of the statutes is created to read:

17 71.45 (1) (b) For taxable years beginning after December 31, 2006, the amount  
18 of any incentive payment received by an individual under s. 23.33 (5r) in the taxable  
19 year to which the claim relates.”.

20 **11.** Page 1274, line 9: after that line insert:

21 “**SECTION 2922u.** 185.81 of the statutes is amended to read:

22 **185.81 Admission of foreign cooperatives.** A foreign cooperative is entitled  
23 to all rights, exemptions and privileges of a cooperative organized under this chapter,  
24 if it is authorized to do business in this state under ch. 180. Such foreign cooperative

1 may qualify under ch. 180 whether or not formed for profit and whether or not formed  
2 with stock. Any such foreign cooperative claiming to be subject to s. 71.26 (1) (a) or  
3 71.45 (1) (a) may be required to furnish the department of revenue with such facts  
4 as said department shall deem necessary to establish the foreign cooperative's rights  
5 thereunder."

6 **12.** Page 1497, line 21: after that line insert:

7 "SECTION 3660g. 616.10 of the statutes is amended to read:

8 **616.10 Exemption from taxation.** Every mutual designated a school benefit  
9 insurer under s. 616.03, every plan authorized under s. 616.06, and every corporation  
10 organized under s. 616.08 is declared to be a charitable and benevolent corporation,  
11 and its property, real, personal and mixed, and its income and property transferred  
12 to it, are exempt from taxation as provided in ss. 70.11, 71.26 (1) (a) and 71.45 (1) (a)."

13 **13.** Page 1663, line 14: after that line insert:

14 "(11q) EXEMPTION OF INCENTIVE PAYMENTS; ALL-TERRAIN VEHICLES. The treatment  
15 of sections 39.12 (5), 71.43 (1) and (2), 185.81, and 616.10 of the statutes and the  
16 renumbering and amendment of section 71.45 (1) of the statutes first apply to taxable  
17 years beginning on January 1, 2007."

18 **14.** Page 1673, line 5: after that line insert:

19 "(3q) LANDOWNER INCENTIVE PROGRAM. The treatment of sections 20.370 (1) (ms),  
20 (cu) (by SECTION 282m), and (cv), and 23.33 (2j) (c) of the statutes takes effect on July  
21 1, 2008."

22 (END)



LFB:.....Rushmer - Incentive payments for all-terrain vehicle corridors  
open to the public

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 40

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 152, line 25: after that line insert:

3 "(cv) Recreation aids — all-terrain

4 vehicle landowner incentive pro-

5 gram

SEG C

-0-

-0-".

6 2. Page 314, line 12: after that line insert:

7 "SECTION 274m. 20.370 (1) (ms) of the statutes is amended to read:

8 20.370 (1) (ms) *General program operations — state all-terrain vehicle projects.*

9 The amounts in the schedule from moneys received from all-terrain vehicle fees

10 under s. 23.33 (2) (c) to (e) and ~~(2j)~~ for state all-terrain vehicle projects."

1           **3.** Page 317, line 3: after that line insert:

2           “**SECTION 282k.** 20.370 (5) (cu) of the statutes is amended to read:

3           20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.* As a  
4 continuing appropriation, the amounts in the schedule from moneys received from  
5 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) and (2j) to provide aid to towns,  
6 villages, cities, counties, and federal agencies for nonstate all-terrain vehicle  
7 projects and to make incentive payments to landowners under s. 23.33 (5r).

8           **SECTION 282km.** 20.370 (5) (cu) of the statutes, as affected by 2007 Wisconsin  
9 Act ..... (this act), is amended to read:

10           20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.* As a  
11 continuing appropriation, the amounts in the schedule from moneys received from  
12 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) ~~and (2j)~~ to provide aid to towns,  
13 villages, cities, counties, and federal agencies for nonstate all-terrain vehicle  
14 projects ~~and to make incentive payments to landowners under s. 23.33 (5r).~~

15           **SECTION 282L.** 20.370 (5) (cv) of the statutes is created to read:

16           20.370 (5) (cv) *Recreation aids — all-terrain vehicle landowner incentive*  
17 *program.* All moneys received as fees under s. 23.33 (2j) to be used for incentive  
18 payments to landowners for public all-terrain vehicle corridors under s. 23.33 (5r).”.

19           **4.** Page 433, line 16: after that line insert:

20           “**SECTION 664m.** 23.33 (2j) (c) of the statutes is amended to read:

21           23.33 (2j) (c) The fee for a nonresident trail pass issued for an all-terrain  
22 vehicle that is exempt from registration under sub. (2) (b) 2. is ~~\$17.25~~ \$34.25. A  
23 nonresident trail pass issued for such an all-terrain vehicle may be issued only by

1 the department and persons appointed by the department and expires on June 30  
2 of each year.”.

3 **5.** Page 434, line 5: after that line insert:

4 “**SECTION 665g.** 23.33 (5m) (title) of the statutes is amended to read:

5 23.33 (5m) (title) ~~GRANT~~ SAFETY PROGRAM.

6 **SECTION 665r.** 23.33 (5r) of the statutes is created to read:

7 23.33 (5r) LANDOWNER INCENTIVE PROGRAM. (a) In this subsection “public  
8 all-terrain vehicle corridor” has the meaning given in s. 23.33 (2j) (a).

9 (b) The department shall establish a program to make incentive payments to  
10 private landowners who permit public all-terrain vehicle corridors on their lands  
11 and who apply for the payments.

12 (c) An application is not considered complete until the forester or another  
13 employee of each county in which the public all-terrain vehicle corridor is located  
14 measures the length of the corridor in that county for the purpose of calculating the  
15 payment.

16 (d) Incentive payments under the program shall be calculated as follows:

17 1. For a public all-terrain vehicle corridor that was open to the public for 60  
18 days or more but for less than 180 days in the previous fiscal year, the incentive  
19 payment shall be \$25 per mile.

20 2. For a public all-terrain vehicle corridor that was open to the public for 180  
21 days or more but for less than 270 days in the previous fiscal year, the incentive  
22 payment shall be \$75 per mile.

23 3. For a public all-terrain vehicle corridor that was open to the public for 270  
24 days or more in the previous fiscal year, the incentive payment shall be \$100 per mile.

1 (e) If a private landowner enters into an agreement with a county to allow a  
2 public all-terrain vehicle corridor on the landowner's land for a period of at least 5  
3 years, the landowner shall receive a supplemental payment, in addition to the  
4 payment as calculated under par. (c), that equals 10 percent of the payment  
5 calculated under par. (c) for each full or partial fiscal year that is included in the  
6 5-year period.

7 (f) If the total amount of incentive payments made in a given fiscal year would  
8 exceed the amount available for the payments, the department shall establish a  
9 system to prorate the payments.

10 (g) During fiscal year 2007-08, the department may expend up to \$100,000  
11 from the appropriation under s. 20.370 (5) (cu) for incentive payments under this  
12 program.”.

13 **6.** Page 479, line 18: after that line insert:

14 “**SECTION 743s.** 39.12 (5) of the statutes is amended to read:

15 39.12 (5) Any corporation established under this section shall be organized so  
16 that contributions to it will be deductible from adjusted gross income under section  
17 170 of the internal revenue code and so that the corporation will be exempt from  
18 taxation under section 501 of the internal revenue code and ss. 71.26 (1) (a) and 71.45  
19 (1) (a).”.

20 **7.** Page 875, line 2: after that line insert:

21 “**SECTION 1959c.** 71.05 (6) (b) 44. of the statutes is created to read:

22 71.05 (6) (b) 44. For taxable years beginning after December 31, 2006, the  
23 amount of any incentive payment received by an individual under s. 23.33 (5r) in the  
24 taxable year to which the claim relates.”.

1           **8.** Page 923, line 2: after that line insert:

2           “**SECTION 2021e.** 71.26 (1) (g) of the statutes is created to read:

3           71.26 (1) (g) For taxable years beginning after December 31, 2006, the amount  
4           of any incentive payment received by an individual under s. 23.33 (5r) in the taxable  
5           year to which the claim relates.”

6           **9.** Page 1008, line 17: after that line insert:

7           “**SECTION 2086k.** 71.43 (1) of the statutes is amended to read:

8           71.43 (1) INCOME TAX. For the purpose of raising revenue for the state and the  
9           counties, cities, villages and towns, there shall be assessed, levied, collected and paid  
10          a tax as provided under this chapter on all Wisconsin net incomes of corporations that  
11          are not subject to the franchise tax under sub. (2) and that own property within this  
12          state; that derive income from sources within this state or from activities that are  
13          attributable to this state; or whose business within this state during the taxable year,  
14          except as provided under s. 71.23 (3), consists exclusively of foreign commerce,  
15          interstate commerce, or both, or that buy or sell lottery prizes if the winning tickets  
16          were originally bought in this state; except as exempted under ss. 71.26 (1) and 71.45  
17          (1) (a). This section shall not be construed to prevent or affect the correction of errors  
18          or omissions in the assessments of income for former years under s. 71.74 (1) and (2).

19          **SECTION 2086L.** 71.43 (2) of the statutes is amended to read:

20          71.43 (2) FRANCHISE TAX ON CORPORATIONS. For the privilege of exercising its  
21          franchise, buying or selling lottery prizes if the winning tickets were originally  
22          bought in this state or doing business in this state in a corporate capacity, except as  
23          provided under s. 71.23 (3), every domestic or foreign corporation, except  
24          corporations specified in ss. 71.26 (1) and 71.45 (1) (a), shall annually pay a franchise

1 tax according to or measured by its entire Wisconsin net income of the preceding  
2 taxable year at the rates set forth in s. 71.46 (2). In addition, except as provided in  
3 ss. 71.23 (3), 71.26 (1) and 71.45 (1) (a), a corporation that ceases doing business in  
4 this state shall pay a special franchise tax according to or measured by its entire  
5 Wisconsin net income for the taxable year during which the corporation ceases doing  
6 business in this state at the rate under s. 71.46 (2). Every corporation organized  
7 under the laws of this state shall be deemed to be residing within this state for the  
8 purposes of this franchise tax. All provisions of this chapter and ch. 73 relating to  
9 income taxation of corporations shall apply to franchise taxes imposed under this  
10 subsection, unless the context requires otherwise. The tax imposed by this  
11 subsection on insurance companies subject to taxation under this chapter shall be  
12 based on Wisconsin net income computed under s. 71.45, and no other provision of  
13 this chapter relating to computation of taxable income for other corporations shall  
14 apply to such insurance companies. All other provisions of this chapter shall apply  
15 to insurance companies subject to taxation under this chapter unless the context  
16 clearly requires otherwise.”

17 **10.** Page 1009, line 9: after that line insert:

18 “**SECTION 2087e.** 71.45 (1) of the statutes is renumbered 71.45 (1) (intro.) and  
19 amended to read:

20 71.45 (1) **EXEMPT AND EXCLUDABLE INCOME.** (intro.) There shall be exempt from  
21 taxation under this subchapter income as follows:

22 (a) Income of insurers exempt from federal income taxation pursuant to section  
23 501 (c) (15) of the internal revenue code, town mutuals organized under or subject  
24 to ch. 612, foreign insurers, and domestic insurers engaged exclusively in life

1 insurance business, domestic insurers insuring against financial loss by reason of  
2 nonpayment of principal, interest and other sums agreed to be paid under the terms  
3 of any note or bond or other evidence of indebtedness secured by a mortgage, deed  
4 of trust or other instrument constituting a lien or charge on real estate and  
5 corporations organized under ch. 185, but not including income of cooperative  
6 sickness care associations organized under s. 185.981, or of a service insurance  
7 corporation organized under ch. 613, that is derived from a health maintenance  
8 organization as defined in s. 609.01 (2) or a limited service health organization as  
9 defined in s. 609.01 (3), or operating under subch. I of ch. 616 which are bona fide  
10 cooperatives operated without pecuniary profit to any shareholder or member, or  
11 operated on a cooperative plan pursuant to which they determine and distribute  
12 their proceeds in substantial compliance with s. 185.45. This subsection paragraph  
13 does not apply to income that is realized from the sale of or purchase and subsequent  
14 sale or redemption of lottery prizes if the winning tickets were originally bought in  
15 this state.

16 **SECTION 2087g.** 71.45 (1) (b) of the statutes is created to read:

17 71.45 (1) (b) For taxable years beginning after December 31, 2006, the amount  
18 of any incentive payment received by an individual under s. 23.33 (5r) in the taxable  
19 year to which the claim relates.”.

20 **11.** Page 1274, line 9: after that line insert:

21 “**SECTION 2922u.** 185.81 of the statutes is amended to read:

22 **185.81 Admission of foreign cooperatives.** A foreign cooperative is entitled  
23 to all rights, exemptions and privileges of a cooperative organized under this chapter,  
24 if it is authorized to do business in this state under ch. 180. Such foreign cooperative

1 may qualify under ch. 180 whether or not formed for profit and whether or not formed  
2 with stock. Any such foreign cooperative claiming to be subject to s. 71.26 (1) (a) or  
3 71.45 (1) (a) may be required to furnish the department of revenue with such facts  
4 as said department shall deem necessary to establish the foreign cooperative's rights  
5 thereunder."

6 **12.** Page 1497, line 21: after that line insert:

7 "SECTION 3660g. 616.10 of the statutes is amended to read:

8 **616.10 Exemption from taxation.** Every mutual designated a school benefit  
9 insurer under s. 616.03, every plan authorized under s. 616.06, and every corporation  
10 organized under s. 616.08 is declared to be a charitable and benevolent corporation,  
11 and its property, real, personal and mixed, and its income and property transferred  
12 to it, are exempt from taxation as provided in ss. 70.11, 71.26 (1) (a) and 71.45 (1) (a)."

13 **13.** Page 1663, line 14: after that line insert:

14 "(11q) EXEMPTION OF INCENTIVE PAYMENTS; ALL-TERRAIN VEHICLES. The treatment  
15 of sections 39.12 (5), 71.43 (1) and (2), 185.81, and 616.10 of the statutes and the  
16 renumbering and amendment of section 71.45 (1) of the statutes first apply to taxable  
17 years beginning on January 1, 2007."

18 **14.** Page 1673, line 5: after that line insert:

19 "(3q) LANDOWNER INCENTIVE PROGRAM. The treatment of sections 20.370 (1) (ms),  
20 (cu) (by SECTION 282m), and (cv), and 23.33 (2j) (c) of the statutes takes effect on July  
21 1, 2008."

22 (END)