

State of Wisconsin



2007 Assembly Bill 442

Date of enactment: **March 17, 2008**

Date of publication*: **March 31, 2008**

2007 WISCONSIN ACT 107

AN ACT *to amend* 341.14 (6r) (fm) 7.; and *to create* 20.435 (5) (g), 25.40 (1) (a) 24., 250.17, 341.14 (6r) (b) 11. and 341.14 (6r) (f) 58. of the statutes; **relating to:** special distinguishing registration plates associated with Donate Life Wisconsin, the promotion of organ and tissue donation in this state, granting rule-making authority, and making appropriations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.435 (5) (g) of the statutes is created to read:

20.435 (5) (g) *Payments to Donate Life Wisconsin.* All moneys received under s. 341.14 (6r) (b) 11., for payments to Donate Life Wisconsin under s. 250.17 (1).

SECTION 1m. 25.40 (1) (a) 24. of the statutes is created to read:

25.40 (1) (a) 24. Moneys received under s. 341.14 (6r) (b) 11. that are deposited into the general fund and credited to the appropriation account under s. 20.435 (5) (g).

SECTION 2. 250.17 of the statutes is created to read:

250.17 Organ and tissue donation. (1) The department shall enter into an agreement with Donate Life Wisconsin to make payments from the appropriation under s. 20.435 (5) (g) to Donate Life Wisconsin, to be used to fund its efforts to encourage organ and tissue donation by providing educational programs, promoting or advancing research and patient services, and, at its discretion, distributing portions of these payments to any other organ and tissue procurement and donation organization in this state that is exempt from taxation under section

501 (a) of the Internal Revenue Code, to be used for these same purposes.

(2) The agreement under this section shall require that Donate Life Wisconsin provide, without fee and as a condition of receiving payments specified under this section, any license or other approval required for use of any logo, trademark, trade name, word, or symbol to be used on or in association with special group registration plates under s. 341.14 (6r) (f) 58.

(3) The agreement under this section shall require that Donate Life Wisconsin annually submit to the attorney general and the presiding officer of each house of the legislature an audited financial statement of its use of the payments under this section, prepared in accordance with generally accepted accounting principles. The agreement under this section shall also require that Donate Life Wisconsin enter into a contract with any organ and tissue donor organization to which it distributes funds under sub. (1) requiring that organization to prepare and submit audited financial statements of that organization's use of funds received under sub. (1).

(4) The department shall discontinue payments to Donate Life Wisconsin under this section if

* Section 991.11, WISCONSIN STATUTES 2005-06 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

Donate Life Wisconsin dissolves or is no longer exempt from taxation under section 501 (a) of the Internal Revenue Code and the department shall designate a new recipient for payments under this section. The new recipient must be a nonprofit organization that promotes organ and tissue donation and must comply with any requirement specified in this section for Donate Life Wisconsin. Notwithstanding any other provision of this section, the department shall not make any payments under this section until Donate Life Wisconsin is properly formed and operational and is exempt from taxation under section 501 (a) of the Internal Revenue Code.

SECTION 3. 341.14 (6r) (b) 11. of the statutes is created to read:

341.14 (6r) (b) 11. An additional fee of \$25 that is in addition to the fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on an annual basis for the special group specified under par. (f) 58. An additional fee of \$50 that is in addition to the fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on the biennial basis for the special group specified under par. (f) 58. if the plate is issued or renewed during the first year of the biennial registration period or \$25 for the issuance or renewal if the plate is issued or renewed during the 2nd year of the biennial registration period. To the extent permitted under ch. 71, the fee under this subdivision is deductible as a charitable contribution for purposes of the taxes under ch. 71. All moneys received under this subdivision, in excess of \$43,200 for the initial costs of production of the special group plate under par. (f) 58., shall be credited to the appropriation account under s. 20.435 (5) (g).

SECTION 4. 341.14 (6r) (f) 58. of the statutes is created to read:

341.14 (6r) (f) 58. Persons interested in obtaining a plate supporting the efforts of Donate Life Wisconsin to promote the donation of organs and tissue, to promote organ and tissue transplant research, and to advance

patient services involving organ and tissue transplants in this state.

SECTION 5. 341.14 (6r) (fm) 7. of the statutes is amended to read:

341.14 (6r) (fm) 7. After October 1, 1998, additional authorized special groups may only be special groups designated by the department under this paragraph. The authorized special groups enumerated in par. (f) shall be limited solely to those special groups specified under par. (f) on October 1, 1998. This subdivision does not apply to the special groups specified under par. (f) 3m., 6m., 9g., 9m., 12g., 12m., 19m., 49d., 49h., 49s., 54., 55., ~~55m., 56., and 57., and 58.~~

SECTION 6. Nonstatutory provisions.

(1) Notwithstanding section 16.42 (1) (e) of the statutes, if this subsection takes effect in fiscal year 2008–09, in submitting information under section 16.42 of the statutes for purposes of the 2009–11 biennial budget bill, the department of transportation shall submit a dollar amount for the appropriation under section 20.395 (5) (cq) of the statutes that is \$43,200 less than the total amount appropriated under section 20.395 (5) (cq) of the statutes for the 2008–09 fiscal year, before submitting any information relating to any increase or decrease in the dollar amount for that appropriation for the 2009–11 fiscal biennium.

SECTION 7. Fiscal changes.

(1) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of transportation under section 20.395 (5) (cq) of the statutes, as affected by the acts of 2007, the dollar amount is increased by \$43,200 for the fiscal year in which this subsection takes effect to increase funding for special distinguishing registration plates associated with Donate Life Wisconsin.

SECTION 9. Effective date.

(1) This act takes effect on the first day of the 6th month beginning after publication.