

2003 DRAFTING REQUEST

Bill

Received: 02/21/2003

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Steve Wieckert (608) 266-3070

By/Representing: Scott

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters:

Subject: Tax (indiv) - deduct/subtract

Extra Copies: DAK, RR

Submit via email: YES

Requester's email: Rep.Wieckert@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Individual income tax subtract modification for organ donation

Instructions:

See Attached. Redraft 2001 LRB -3302/1

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 02/21/2003	wjackson 02/24/2003				req by Scott in Wieckert's office	State Tax
/1			pgreensl 02/24/2003		lemery 02/24/2003		State Tax
/2	mshovers	wjackson	rschluet		amentkow	sbasford	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	05/02/2003	05/05/2003	05/05/2003	_____	05/05/2003	07/25/2003	
				_____		sbasford	
				_____		07/25/2003	

FE Sent For: 02/26/2003, 05/13/2003.

<END>

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/?	mshovers 02/21/2003	wjackson 02/24/2003		_____			State Tax
/1			pgreensl 02/24/2003	_____	lemery 02/24/2003		State Tax
/2	mshovers	wjackson	rschluet	_____	amentkow		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	05/02/2003	05/05/2003	05/05/2003	_____	05/05/2003		

FE Sent For: 02/26/2003.

(1/1")  
05-13-2003  
(1/2")

<END>

Requested  
by Scott

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/?	mshovers 02/21/2003	wjackson 02/24/2003		_____			State Tax
/1		1/2 Wlj 3/5	pgreensl 02/24/2003	_____	lemery 02/24/2003		

*Handwritten signature and date: 5-5-3*

02/24/2003 03:47:53 PM

Page 2

FE Sent For: :

→ 02-26-2003  
(1/1")

<END>

See  
attached →

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Drafter: mshovers

May Contact:

Addl. Drafters:

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Extra Copies: DAK, RR

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1/1	mshovers	1 WJ 2/24	By Jsy	Jsy			
1/1	ME S	2/21/03	pg	RS/B			

FE Sent For:

<END>

**Shovers, Marc**

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**From:** Becher, Scott

**Sent:** Thursday, February 20, 2003 8:50 PM

**To:** Shovers, Marc

**Subject:** Redraft LRB 3302

Marc-

Can you re-draft LRB 3302 from last session. Its our organ donation \$10,000 deduction bill.

Thanks for your help in advance.

Sincerely,

Scott Becher  
Rep. Wieckert

02/21/2003





# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## RESEARCH APPENDIX -

**PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Added To File: 02-21-2003 (Per MES)



The drafting file for 2001 LRB -3302 has been transferred to the drafting file for 2003 LRB -2108

This cover sheet, the final request sheet, and the final version of the 2001 draft were copied on yellow paper, and returned to the original 2001 drafting file.

For research purposes, because the attached 2001 draft was incorporated into a new 2003 draft, this cover sheet and the complete drafting file was transferred, as a separate appendix, to the 2003 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.



The drafting file for 2003 LRB has been copied/added to the drafting file for 2003 LRB

For research purposes, because the attached 2003 draft was incorporated into another 2003 draft, the attached drafting file was copied on yellow paper (darkened/auto centered/reduced to 90%), and added, as a appendix, to the new 2003 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

This cover sheet was copied on yellow paper and added to rear of the original 2003 drafting file. The drafting file was then returned, intact, to its folder and filed.

RMR

2003 2001 BILL

D-note

Reg

1 AN ACT to amend 146.345 (2); and to create 71.05 (10) (i) of the statutes;  
2 relating to: creating an individual income tax subtract modification for certain  
3 individuals who donate a human organ.

**Analysis by the Legislative Reference Bureau**

Under current law, it is illegal for any person to knowingly and for valuable consideration acquire, receive, or otherwise transfer any human organ for use in human organ transplantation.

This bill changes current law by creating an individual income tax subtract modification for an individual who donates one or more of his or her human organs. Under the bill, an individual may subtract from federal adjusted gross income \$10,000 if he or she, while living, donates one of his or her organs to another human being for human organ transplantation. The subtract modification may ~~only~~ be claimed <sup>only</sup> once and may not be claimed by a nonresident or part-year resident of this state. If an individual who is otherwise eligible to claim the subtract modification under the bill dies during the human organ transplantation, the individual's estate may claim the subtract modification.

X This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.

**BILL**

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 71.05 (10) (i) of the statutes is created to read:

71.05 (10) (i) 1. Subject to the conditions in this paragraph, an individual may subtract \$10,000 from federal adjusted gross income if he or she, while living, donates one or more of his or her human organs, as defined in s. 146.345 (1) to another human being for human organ transplantation, as defined in s. 146.345 (1).

No change

A subtract modification that is claimed under this paragraph may be claimed in the taxable year in which the human organ transplantation occurs.

2. An individual may claim the subtract modification under subd. 1. only once.

3. If an individual who is otherwise eligible to claim the subtract modification under subd. 1. dies during a human organ transplantation, the individual's estate may claim the subtract modification on the individual's behalf.

4. The subtract modification under subd. 1. may not be claimed by a part-year resident or a nonresident of this state.

SECTION 2. 146.345 (2) of the statutes is amended to read:

146.345 (2) ~~No~~ Except as provided in s. 71.05 (10) (i), no person may knowingly and for valuable consideration acquire, receive, or otherwise transfer any human organ for use in human organ transplantation.

Please proof M/ Stats

SECTION 3. Initial applicability.

(1) The <sup>creation</sup>~~treatment~~ of section 71.05 (10) (i) of the statutes first applies to taxable years beginning on January 1 of the year in which this subsection takes effect, except that if this subsection takes effect after July 31, the <sup>creation</sup>~~treatment~~ of section 71.05 (10)

19

20

21

**BILL**

1 (i) of the statutes first applies to taxable years beginning on January 1 of the year  
2 following the year in which this subsection takes effect.

3 (END)


**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3302/1dn

MES:wlj:AA/

June 10, 2001

Representative Wieckert:

 It is my understanding that in some cases, such as a situation in which an individual is hospitalized ~~was~~ following an automobile accident, his or her organs are harvested immediately *after* the individual's death. As drafted, such an individual's estate would not be eligible to claim the subtract modification. I believe this reflects your intent, but I just want to make sure that the draft *does* reflect your intent on this point.

Under the definition of "human organ" in s. 146.345 (1)<sup>(a)</sup>, it is unclear to me whether a human ova would fit the definition. It appears that it may depend on whether the department of health and family services has specified an ova as an organ under s. 146.345 (1)<sup>(a)</sup>. You may want to discuss this issue with individuals in the medical profession or with DHFS. Please let me know if you would like the draft changed to be more precise on this issue or if you would like any other changes made to the draft.

Marc E. Shovers  
Senior Legislative Attorney  
Phone: (608) 266-0129  
E-mail: marc.shovers@legis.state.wi.us

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2108/1dn  
MES:wlj:pg

February 24, 2003

Representative Wieckert:

It is my understanding that in some cases, such as a situation in which an individual is hospitalized following an automobile accident, his or her organs are harvested immediately *after* the individual's death. As drafted, such an individual's estate would not be eligible to claim the subtract modification. I believe this reflects your intent, but I just want to make sure that the draft *does* reflect your intent on this point.

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Marc E. Shovers  
Senior Legislative Attorney  
Phone: (608) 266-0129  
E-mail: marc.shovers@legis.state.wi.us

**Barman, Mike**

---

**From:** Mentkowski, Annie

**Sent:** Tuesday, February 25, 2003 4:29 PM

**To:** Barman, Mike

**Subject:** Fiscal's for Wieckert

Hi Mike-

Scott from Rep. Wieckert's office just called. He is requesting Fiscal Estimates for LRB-1753 and LRB-2108. I told him you had left for the day, but I would pass the message on to you.



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
P. O. BOX 2037  
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561  
REFERENCE SECTION: (608) 266-0341  
FAX: (608) 266-5648

STEPHEN R. MILLER  
CHIEF

March 12, 2003

## MEMORANDUM

**To:** Representative Wieckert

**From:** Marc E. Shovers, Sr. Legislative Attorney, (608) 266-0129

**Subject:** Technical Memorandum to **2003 (un-introduced)** (LRB -2108/1)

---

We received the attached technical memorandum relating to your bill. This copy is for your information and your file. I believe that most of DOR's concerns could be addressed easily under DOR's rule-making authority, although you may wish to consider DOR's concern about heart transplants. If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.



## MEMORANDUM

March 4, 2003

**TO:** Marc Shovers  
Legislative Reference Bureau

**FROM:** Dennis Collier  
Department of Revenue

**SUBJECT:** Technical Memorandum on LRB-2108/01: Individual Income Tax Subtract  
Modification for Organ Donation

Under proposed sec. 71.05 (10)(i)1, the subtract modification may be claimed by an individual who donates one or more of his or her human organs. This provision should clarify whether the subtraction applies to the donation of a portion of an organ, such as a portion of the liver.

Under this bill, it is not clear as to whether the subtraction may be claimed by an individual who indicates (usually on a driver's license) that he or she desires to donate organs upon death. If one of these individuals is seriously injured and kept alive on life support for the purpose of organ transplantation and dies during the process, it appears that his or her estate would be able to claim the exemption. If this is not the intent, this should be clarified.

In particular, "human organ" as defined in sec. 146.345 (1)(a), includes the human heart. A human heart is not transplantable prior to death, so the bill should clarify whether the subtraction will be allowed for heart transplants.

According to proposed sec. 71.05 (10)(i)3, if an individual eligible to claim the subtract modification dies during the human organ transplantation, the individual's estate may claim the exemption. However, an individual may be pronounced "brain dead" – dead in the clinical sense, but the heart is still beating and providing blood and oxygen to the rest of the body – and thus is still able, if the family wishes, to donate a human organ for transplantation. The organ transplantation procedure would result in death in terms of stoppage of the heart and breathing. It appears that under this bill the individual's estate would be eligible to claim the subtract modification; however, clarification of the definition of "death" would help in the administration of this provision.

If you have questions regarding this technical memorandum, please contact Karyn Kriz at 261-8984.

1) list the human organs that are eligible  
i.e. don't incl. heart

★ Weickert will give me a list

2) pay person must be living to receive  
the deduction - - Must be living  
at the time TP files return

3) Severability, iss 4e

4) Subtract mod. is only available,  
up to amts not reimbursed  
by insurance

## Shovers, Marc

---

**From:** Sweet, Richard  
**Sent:** Tuesday, April 29, 2003 5:08 PM  
**To:** Shovers, Marc  
**Subject:** FW: Organ Donor Question

Marc,

Here's some of the correspondence I had with the feds (which includes the USC cite), but I never did get an answer to the question. There aren't any cases listed in the USC Annotated either.

Dick

-----Original Message-----

**From:** Sweet, Richard  
**Sent:** Friday, March 14, 2003 3:27 PM  
**To:** 'Criminal.Division@usdoj.gov'  
**Subject:** RE: Organ Donor Question

I haven't heard back from DOJ on this e-mail message I sent a few weeks ago. Is there someone I could contact in person regarding this question? Thanks.

Dick Sweet  
Senior Staff Attorney  
Wisconsin Legislative Council  
(608)266-2982  
richard.sweet@legis.state.wi.us

-----Original Message-----

**From:** Sweet, Richard  
**Sent:** Thursday, February 20, 2003 1:12 PM  
**To:** 'Criminal.Division@usdoj.gov'  
**Subject:** FW: Organ Donor Question

I am attorney with the Wisconsin Legislative Council and had a question about a federal criminal law that prohibits transferring organs for transplantation "for valuable consideration" (42 USC 274e). A legislator in Wisconsin is considering giving a state income tax break to organ donors and the question came up of whether the donor would be in violation of the federal law.

I sent a message to HRSA, which is part of DHHS, and they suggested that I contact you (see below).

Is this a question you have fielded before or have an answer to?

Thanks for your help.

Dick Sweet  
Senior Staff Attorney  
Wisconsin Legislative Council  
(608)266-2982  
richard.sweet@legis.state.wi.us

-----Original Message-----

**From:** Laeng, Richard (HRSA) [mailto:RLaeng@hrsa.gov]  
**Sent:** Wednesday, February 19, 2003 12:26 PM  
**To:** 'Sweet, Richard'  
**Subject:** RE: Organ Donor Question

To Dick Sweet:

Thank you for your e-mail of February 18, 2003.

Since your inquiry concerned legal issues, I have asked Ms. Emily Marcus-Levine of the Department of Health and Human Services Office of General Counsel to prepare a reply which follows.

We understand that a Wisconsin legislator is considering a bill to offer a state income tax break to persons who donate an organ for use in transplantation. You asked for our advice as to whether claiming such a state income tax break would be prohibited under the Federal law that prohibits a person from acquiring, receiving, or otherwise transferring an organ for valuable consideration for use in human transplantation.

As you know, this provision was included in section 301 of the National Organ Transplant Act of 1984, as amended, (NOTA), which is codified at 42 U.S.C. § 274e. Although the phrase "valuable consideration" is not defined in this provision, Congress did specify that "[t]he term 'valuable consideration' does not include the reasonable payments associated with the removal, transportation, implantation, processing, preservation, quality control, and storage of a human organ or the expenses of travel, housing, and lost wages incurred by the donor of a human organ in connection with the donation of the organ." 42 U.S.C. § 274e(c)(2). Because section 301 of NOTA is a criminal provision, the Department of Justice is ultimately responsible for interpreting and enforcing it. Thus, if you wish to obtain a definitive view as to whether the proposed state income tax benefits would be deemed valuable consideration within the meaning of section 301, we suggest that you contact the Criminal Division of the Department of Justice.

As you know, an almost identical prohibition to that contained in section 301 of NOTA has been incorporated into Wisconsin law. See WI St. § 146.345. Thus, the same concerns that you expressed concerning the Federal prohibition may apply with equal force with respect to the State of Wisconsin's prohibition.

I hope that this response has answered your question.

Richard A. Laeng  
Program Analyst  
Division of Transplantation  
OSP/HRSA  
Phone: 301 443-5410

-----Original Message-----

From: Sweet, Richard [mailto:Richard.Sweet@legis.state.wi.us]  
Sent: Tuesday, February 18, 2003 2:16 PM  
To: Laeng, Richard (HRSA)  
Subject: Organ donor question

I work as an attorney with the Wisconsin Legislative Council, a nonpartisan legislative service agency. A question came up about federal organ donor law and I was wondering if you can steer me in the right direction. A Wisconsin legislator is considering a bill to offer a state income tax break to persons who donate an organ. The question is whether claiming the state

income tax break would be prohibited under the federal law that prohibits a person from acquiring, receiving, or otherwise transferring an organ for valuable consideration for use in human transplantation.

Thanks for your help.

Dick Sweet  
Senior Staff Attorney  
Wisconsin Legislative Council  
(608)266-2982  
richard.sweet@legis.state.wi.us

**Shovers, Marc**

**From:** Levine, Emily Marcus [ELevine@psc.gov]  
**Sent:** Thursday, May 01, 2003 2:42 PM  
**To:** 'marc.shovers@legis.state.wi.us'  
**Subject:** Organ Donor Bill

*eyelets from pancreas ?*

Ladd Wiley suggested that I call you to discuss Representative Wieckert's proposed legislation to encourage individuals in Wisconsin to make living organ donations. I was hoping to discuss this issue with you and Joyce Somsak, who is the Acting Director of the Division of Transplantation, a component within the Department. Earlier today, Joyce and I spoke with Representative Wieckert and Scott Becher concerning this proposed legislation, as well as other bills that have been introduced in other states to encourage or increase the numbers of organ donations.

*any part thereof*

We were hoping that you might be available to speak to us tomorrow sometime between 11:00 and 2:00 EST. Please let me know if any time in that window works for you and the number where I can reach you.

If you have any questions, please feel free to call me at 301-443-6659. Thank you.

Emily Marcus Levine  
Senior Attorney  
Office of the General Counsel  
Public Health Division  
U.S. Department of Health and Human Services

*use "deceased donor" if it's a cadaveric donor*

This e-mail message is intended for the exclusive use of the recipient(s) named above. It may contain information that is protected, privileged, or confidential, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you think you have received this e-mail message in error, please notify the sender immediately.

*Dick  
6-29-82 Rep. Wieckert will supply a def. of "human organ"*

*lost wages incurred by donor that aren't reimbursed  
wd be OK & wdnt be valuable consideration*

# Memo

To: Senator  Representative  Wieckert

(The Draft's Requestor)

Per your request ... the attached is a fiscal estimate was prepared for your un-introduced 2003 draft.

LRB Number: LRB - 2108

Version: "/ 1 "

Fiscal Estimate Prepared By: (agency abbr.) DOR

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requestor Via E-Mail: 03 / 10 / 2003

\* \* \* \* \*

To: LRB – Legal Section PA's

Subject: *Fiscal Estimate Received For A Un-Introduced Draft*

> **If re-drafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version this fiscal estimate was based on), and before mark-up of the draft on the updated version.

> **If introduced** ... and the version of the attached fiscal estimate is for a **previous version** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version this fiscal estimate was based on), and before mark-up of the draft on the updated version. Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.

> **If introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the drafts introduction number below and give to Mike (or Lynn) to process.

THIS DRAFT WAS INTRODUCED AS: 2003

**Barman, Mike**

---

**From:** Barman, Mike  
**Sent:** Monday, March 10, 2003 12:59 PM  
**To:** Rep.Wieckert  
**Subject:** LRB-2108/1 (FE by DOR - attached - for your review)



FE-Wieckert.pdf

FE-Wieckert.pdf



## Fiscal Estimate - 2003 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>03-2108/1</b>	<b>Introduction Number</b>
<b>Subject</b>	
Individual income tax subtract modification for organ donation	
<b>Fiscal Effect</b>	
<b>State:</b> <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input checked="" type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs	
<b>Local:</b> <input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs      3. <input type="checkbox"/> Increase Revenue                      5. Types of Local Government Units Affected <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities 2. <input type="checkbox"/> Decrease Costs      4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</b>
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	
<b>Agency/Prepared By</b>	<b>Authorized Signature</b>
DOR/ Karyn Kriz (608) 261-8984	Dennis Collier (608) 266-5773
	<b>Date</b>
	3/10/2003

**Fiscal Estimate Narratives**

**DOR 3/10/2003**

LRB Number	<b>03-2108/1</b>	Introduction Number	Estimate Type	<b>Original</b>
<b>Subject</b>				
Individual income tax subtract modification for organ donation				

**Assumptions Used in Arriving at Fiscal Estimate**

Under this bill, an individual who, while living, donates one or more of his or her human organs to another human being for human organ transplantation may subtract \$10,000 from federal adjusted gross income in the year in which the transplant occurs. The subtract modification is not available to nonresidents and part-time residents of Wisconsin and may be claimed only once. If an individual eligible to claim the subtract modification dies during the human organ transplantation, the individual's estate may claim the exemption.

According to the United Network for Organ Sharing, there were 213 living organ donors in Wisconsin in 2002. Assuming this number remains constant, all 213 donors file income tax returns, and assuming an effective marginal tax rate of 5.5%, this bill would decrease state income tax revenues by about \$115,000 (213 x \$10,000 x 5.5%).

**Long-Range Fiscal Implications**

## Fiscal Estimate Worksheet - 2003 Session

Detailed Estimate of Annual Fiscal Effect

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> 03-2108/1		<b>Introduction Number</b>	
<b>Subject</b>			
Individual income tax subtract modification for organ donation			
<b>I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):</b>			
<b>II. Annualized Costs:</b>		<b>Annualized Fiscal Impact on funds from:</b>	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
	State Operations - Salaries and Fringes	\$	
	(FTE Position Changes)		
	State Operations - Other Costs		
	Local Assistance		
	Aids to Individuals or Organizations		
	<b>TOTAL State Costs by Category</b>	<b>\$</b>	<b>\$</b>
<b>B. State Costs by Source of Funds</b>			
	GPR		
	FED		
	PRO/PRS		
	SEG/SEG-S		
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>			
		Increased Rev	Decreased Rev
	GPR Taxes	\$	\$-115,000
	GPR Earned		
	FED		
	PRO/PRS		
	SEG/SEG-S		
	<b>TOTAL State Revenues</b>	<b>\$</b>	<b>\$-115,000</b>
<b>NET ANNUALIZED FISCAL IMPACT</b>			
		<u>State</u>	<u>Local</u>
	NET CHANGE IN COSTS	\$	\$
	NET CHANGE IN REVENUE	\$-115,000	\$
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	<b>Date</b>
DOR/ Karyn Kriz (608) 261-8984		Dennis Collier (608) 266-5773	3/10/2003

RMR

WANTED:  
TUES.

2003 BILL

The subtract modification may be claimed only for travel expenses, lodging expenses, and lost wages that are incurred by the claimant and related to his or her organ donation. The bill defines "human organ" to mean liver, pancreas, kidney, intestines, lung, and bone marrow.

REGEN

1 AN ACT to amend 146.345 (2); and to create 71.05 (10) (i) of the statutes;  
2 relating to: creating an individual income tax subtract modification for certain  
3 individuals who donate a human organ.

certain expenses incurred by

Analysis by the Legislative Reference Bureau

Under current law, it is illegal for any person to knowingly and for valuable consideration acquire, receive, or otherwise transfer any human organ for use in human organ transplantation.

This bill changes current law by creating an individual income tax subtract modification for an individual who donates one or more of his or her human organs. Under the bill, an individual may subtract from federal adjusted gross income \$10,000 if he or she, while living, donates one of his or her organs to another human being for human organ transplantation. The subtract modification may be claimed only once and may not be claimed by a nonresident or part-year resident of this state.

If an individual who is otherwise eligible to claim the subtract modification under the bill dies during the human organ transplantation, the individual's estate may claim the subtract modification.

This bill will be referred to the Joint Survey Committee on Tax Exemptions for a detailed analysis, which will be printed as an appendix to this bill.

ap to

**BILL**

*this paragraph, "human organ" means all or part of a liver, pancreas, kidney, intestine, lung, or bone marrow*

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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

*for travel and housing expenses related to his or her organ donation,*

1 SECTION 1. 71.05 (10) (i) of the statutes is created to read:

2 71.05 (10) (i) 1. Subject to the conditions in this paragraph, an individual may  
3 subtract <sup>upto</sup> \$10,000 from federal adjusted gross income if he or she, while living,  
4 donates one or more of his or her human organs, as defined in s. 146.345 (1) to  
5 another human being for human organ transplantation, as defined in s. 146.345 (1) <sup>except</sup> that in,

6 A subtract modification that is claimed under this paragraph may be claimed in the  
7 taxable year in which the human organ transplantation occurs.

8 2. An individual may claim the subtract modification under subd. 1. only once.

9 ~~3. If an individual who is otherwise eligible to claim the subtract modification  
10 under subd. 1. dies during a human organ transplantation, the individual's estate  
11 may claim the subtract modification on the individual's behalf.~~

12 ~~4. The subtract modification under subd. 1. may not be claimed by a part-year  
13 resident or a nonresident of this state.~~

14 ~~SECTION 2. 146.345 (2) of the statutes is amended to read:  
15 146.345 (2) ~~No~~ Except as provided in s. 71.05 (10) (i), no person may knowingly  
16 and for valuable consideration acquire, receive, or otherwise transfer any human  
17 organ for use in human organ transplantation.~~

**SECTION 3. Initial applicability.**

19 (1) The creation of section 71.05 (10) (i) of the statutes first applies to taxable  
20 years beginning on January 1 of the year in which this subsection takes effect, except  
21 that if this subsection takes effect after July 31, the creation of section 71.05 (10) (i)

*and the <sup>subtract modification</sup> may be claimed only for the following, unreimbursed expenses that are related to the claimant's organ donation:*  
a. Thavel expenses # b. Lodging expenses # c. Lost wages

**BILL**

1 of the statutes first applies to taxable years beginning on January 1 of the year  
2 following the year in which this subsection takes effect.

3 (END)

# Memo

To: Senator  Representative  Wieckert

(The Draft's Requester)

**Per your request: ... the attached fiscal estimate was prepared for your unIntroduced 2003 draft.**

LRB Number: LRB - 2108

Version: " / 2 "

Fiscal Estimate Prepared By: (agency abbr.) DOR

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requester Via E-Mail: 5 / 27 / 2003

\* \* \* \* \*

To: LRB - Legal Section PA's

Subject: *Fiscal Estimate Received For An Unintroduced Draft*

- > **If redrafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version.
- > **If introduced** ... and the version of the attached fiscal estimate is for a **previous version** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version. Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.
- > **If introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the draft's introduction number below and give to Mike (or Lynn) to process.

THIS DRAFT WAS INTRODUCED AS: 2003 AB-477

## Emery, Lynn

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**From:** Emery, Lynn  
**Sent:** Tuesday, May 27, 2003 9:57 AM  
**To:** Rep. Wieckert  
**Cc:** Becher, Scott  
**Subject:** LRB-2108/2 (FE by DOR - attached - for your review)



03-2108feDOR.pdf

Lynn Emery  
Program Assistant  
Legislative Reference Bureau  
608-266-3561  
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