



2005 SENATE BILL 167

April 12, 2005 - Introduced by Senators DARLING, ROESSLER, BROWN, STEPP, KANAVAS, KAPANKE, CARPENTER, HANSEN, PLALE, WIRCH, BRESKE, RISSER and LAZICH, cosponsored by Representatives M. WILLIAMS, KRAWCZYK, JENSEN, PARISI, JESKEWITZ, UNDERHEIM, ALBERS, ZEPNICK, SHILLING, MUSSER, HINES, SHERIDAN, KREIBICH, LEMAHIEU, OWENS, OTT, WASSERMAN, GUNDERSON, PETROWSKI, VRAKAS and BALLWEG. Referred to Health, Children, Families, Aging and Long Term Care.

1 **AN ACT** *to amend* 20.566 (1) (hp); and *to create* 71.10 (5g) of the statutes;
2 **relating to:** creating an individual income tax checkoff for multiple sclerosis
3 programs.

Analysis by the Legislative Reference Bureau

Under current law, an individual income tax check-off procedure exists that allows an individual who files a return to designate any amount of additional payment or any amount of a refund due for the endangered resources program. Similar checkoffs exist to provide payments to a breast cancer research program and to provide a donation to a professional football stadium district. This bill creates a similar income tax checkoff for designations to fund multiple sclerosis programs.

Under the bill, an individual who has an income tax liability, is due a refund, or is required to file a return may designate any amount of additional payment, or any amount of a refund due, to fund health-related programs for people with multiple sclerosis on his or her income tax return. If an individual's designation exceeds the amount of his or her refund, he or she must include a check with his or her tax return for the difference between the amount of the designation and the amount of the refund. If an individual who makes a contribution has a tax liability or has no tax liability and is due no refund, he or she must include a check for the amount of the designation with his or her tax return.

The bill requires that an amount equal to the total amount of designations received, less the total cost of administering the income tax check-off procedure, be sent to the National Multiple Sclerosis Society (NMSS). NMSS would then disburse

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all of the money it receives from the checkoff to entities in Wisconsin that pledge to use the funds for health-related programs for people with multiple sclerosis in Wisconsin. Annually, NMSS will report to the legislature and the governor on what entities have received the proceeds of the checkoff and what programs were supported with such funds.

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:

1 **SECTION 1.** 20.566 (1) (hp) of the statutes is amended to read:

2 20.566 (1) (hp) *Administration of endangered resources; professional football*
3 *district; breast cancer research; multiple sclerosis programs voluntary payments.*

4 The amounts in the schedule for the payment of all administrative costs, including
5 data processing costs, incurred in administering ss. 71.10 (5), (5e), ~~and (5f)~~, and (5g)
6 and 71.30 (10). All moneys specified for deposit in this appropriation under ss. 71.10
7 (5) (h) 5., (5e) (h) 4., ~~and (5f) (i)~~, and (5g) (i) and 71.30 (10) (i) shall be credited to this
8 appropriation.

9 **SECTION 2.** 71.10 (5g) of the statutes is created to read:

10 71.10 (**5g**) MULTIPLE SCLEROSIS PROGRAMS CHECKOFF. (a) *Definitions.* In this
11 subsection:

12 1. “Department” means the department of revenue.

13 2. “Society” means the National Multiple Sclerosis Society.

14 (b) *Voluntary payments.* 1. ‘Designation on return.’ Every individual filing an
15 income tax return who has a tax liability or is entitled to a tax refund may designate
16 on the return any amount of additional payment or any amount of a refund due that
17 individual for programs for people with multiple sclerosis.

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1 2. 'Designation added to tax owed.' If the individual owes any tax, the
2 individual shall remit in full the tax due and the amount designated on the return
3 for programs for people with multiple sclerosis when the individual files a tax return.

4 3. 'Designation deducted from refund.' Except as provided in par. (d), if the
5 individual is owed a refund for that year after crediting under ss. 71.75 (9) and 71.80
6 (3) and (3m), the department shall deduct the amount designated on the return for
7 programs for people with multiple sclerosis from the amount of the refund.

8 (c) *Errors; failure to remit correct amount.* If an individual who owes taxes fails
9 to remit an amount equal to or in excess of the total of the actual tax due, after error
10 corrections, and the amount designated on the return for programs for people with
11 multiple sclerosis:

12 1. The department shall reduce the designation for programs for people with
13 multiple sclerosis to reflect the amount remitted in excess of the actual tax due, after
14 error corrections, if the individual remitted an amount in excess of the actual tax due,
15 after error corrections, but less than the total of the actual tax due, after error
16 corrections, and the amount originally designated on the return for programs for
17 people with multiple sclerosis.

18 2. The designation for programs for people with multiple sclerosis is void if the
19 individual remitted an amount equal to or less than the actual tax due, after error
20 corrections.

21 (d) *Errors; insufficient refund.* If an individual is owed a refund that does not
22 equal or exceed the amount designated on the return for programs for people with
23 multiple sclerosis, after crediting under ss. 71.75 (9) and 71.80 (3) and (3m) and after
24 error corrections, the department shall reduce the designation for programs for
25 people with multiple sclerosis to reflect the actual amount of the refund that the

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1 individual is otherwise owed, after crediting under ss. 71.75 (9) and 71.80 (3) and
2 (3m) and after error corrections.

3 (e) *Conditions.* If an individual places any conditions on a designation for
4 programs for people with multiple sclerosis, the designation is void.

5 (f) *Void designation.* If a designation for programs for people with multiple
6 sclerosis is void, the department shall disregard the designation and determine
7 amounts due, owed, refunded, and received without regard to the void designation.

8 (g) *Tax return.* The secretary of revenue shall provide a place for the
9 designations under this subsection on the individual income tax return.

10 (h) *Certification of amounts.* Annually, on or before September 15, the
11 secretary of revenue shall certify to the society, the department of administration,
12 and the state treasurer all of the following:

13 1. The total amount of the administrative costs, including data processing
14 costs, incurred by the department in administering this subsection during the
15 previous fiscal year.

16 2. The total amount received from all designations for programs for people with
17 multiple sclerosis made by taxpayers during the previous fiscal year.

18 3. The net amount remaining after the administrative costs, including data
19 processing costs, under subd. 1. are subtracted from the total received under subd.
20 2.

21 (i) *Appropriations, disbursement of funds to the society.* From the moneys
22 received from designations for programs for people with multiple sclerosis, an
23 amount equal to the sum of administrative expenses, including data processing
24 costs, certified under par. (h) 1. shall be deposited in the general fund and credited
25 to the appropriation account under s. 20.566 (1) (hp), and the net amount remaining

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1 that is certified under par. (h) 3. shall be forwarded to the society, for disbursement
2 under par. (k).

3 (j) *Amounts subject to refund.* Amounts designated for programs for people
4 with multiple sclerosis under this subsection are not subject to refund to the taxpayer
5 unless the taxpayer submits information to the satisfaction of the department,
6 within 18 months after the date on which the taxes are due or the date on which the
7 return is filed, whichever is later, that the amount designated is clearly in error. Any
8 refund granted by the department under this paragraph shall be deducted from the
9 moneys received under this subsection in the fiscal year for which the refund is
10 certified.

11 (k) *Disbursements by the society.* The society shall disburse all of the funds that
12 it receives under par. (i) to entities located in Wisconsin that operate health-related
13 programs for people with multiple sclerosis, and the entities that receive the funds
14 shall pledge to the society that they will use the money they receive solely for
15 health-related programs for people with multiple sclerosis in Wisconsin.

16 (L) *Report to legislature, governor.* Not later than the first day of the 12th
17 month beginning after the effective date of this paragraph [revisor inserts date],
18 and annually thereafter, the society shall prepare a report detailing the entities to
19 which the society distributed funds under par. (k), the amount of money each entity
20 received, and the health-related multiple sclerosis programs on which the money
21 was spent. The report shall be distributed to the appropriate standing committees
22 of the legislature in the manner provided under s. 13.172 (3) and to the governor.

SECTION 3. Initial applicability.

23
24 (1) This act first applies to taxable years beginning on January 1 of the year
25 in which this subsection takes effect, except that if this subsection takes effect after

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SECTION 3

1 July 31 this act first applies to taxable years beginning on January 1 of the year
2 following the year in which this subsection takes effect.

3 (END)