

**ASSEMBLY BILL 442 (LRB -2122)**

An Act to amend 341.14 (6r) (fm) 7.; and to create 20.395 (5) (er), 85.109, 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. (FE)

**2007**

07-03. A. Introduced by Representatives **Ballweg, Berceau, Davis, Grigsby, Mursau, A. Ott, Staskunas and Ziegelbauer**; cosponsored by Senators **Taylor, Cowles, Erpenbach, Olsen, Plale, Schultz and Wirch**.

07-03. A. Read first time and referred to committee on Transportation ..... 225

07-18. A. Fiscal estimate received.

08-16. A. Public hearing held.

09-11. A. Assembly amendment 1 offered by Representative **Ballweg (LRB a0697)** ..... 272

09-13. A. Executive action taken.

10-04. A. Report Assembly Amendment 1 adoption recommended by committee on Transportation, Ayes 11, Noes 0 ..... 294

10-04. A. Report passage as amended recommended by committee on Transportation, Ayes 11, Noes 0 ..... 294

10-04. A. Referred to committee on Rules ..... 294

11-01. A. Placed on calendar 11-6-2007 by committee on Rules.

11-06. A. Read a second time ..... 349

11-06. A. Referred to joint committee on Finance ..... 349

11-06. A. Withdrawn from joint committee on Finance and taken up ..... 349

11-06. A. Assembly amendment 1 **adopted** ..... 349

11-06. A. Ordered to a third reading ..... 349

11-06. A. Rules suspended ..... 349

11-06. A. Read a third time and **passed**, Ayes 95, Noes 1 ..... 349

11-06. A. Ordered immediately **messaged** ..... 350

11-07. S. Received from Assembly ..... 416

11-09. S. Read first time and referred to committee on Transportation and Tourism ..... 429

**2008**

01-23. S. Public hearing held.

01-23. S. Executive action taken.

01-23. S. Report concurrence recommended by committee on Transportation and Tourism, Ayes 7, Noes 0 ..... 528

01-23. S. Available for scheduling.

01-24. S. Senator Hansen added as a cosponsor ..... 536

03-05. S. Placed on calendar 3-6-2008 by committee on Senate Organization.

03-06. S. Senator Robson added as a cosponsor.

03-06. S. Read a second time.

03-06. S. Ordered to a third reading.

03-06. S. Rules suspended.

03-06. S. Read a third time and **concurred in**, Ayes 31, Noes 1.

03-06. S. Ordered immediately **messaged**.

03-06. A. Received from Senate concurred in.

**2007  
ENROLLED BILL**

07en A B-442

**ADOPTED DOCUMENTS:**

Orig     Engr         SubAmdt     

07 2122/1

Amendments to above (if none, write "NONE"): AA1 — a 0697/1

Corrections - show date (if none, write "NONE"): None

Topic Rel

3-7-08

Date

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## 2007 ASSEMBLY BILL 442

July 3, 2007 - Introduced by Representatives BALLWEG, BERCEAU, DAVIS, GRIGSBY, MURSAU, A. OTT, STASKUNAS and ZIEGELBAUER, cosponsored by Senators TAYLOR, COWLES, ERPENBACH, OLSEN, PLALE, SCHULTZ and WIRCH. Referred to Committee on Transportation.

1 **AN ACT to amend** 341.14 (6r) (fm) 7.; and **to create** 20.395 (5) (er), 85.109, 341.14  
2 (6r) (b) 11. and 341.14 (6r) (f) 58. of the statutes; **relating to:** special  
3 distinguishing registration plates associated with Donate Life Wisconsin, the  
4 promotion of organ and tissue donation in this state, granting rule-making  
5 authority, and making appropriations.

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### *Analysis by the Legislative Reference Bureau*

Under current law, any group or organization may apply to the Department of Transportation (DOT) for designation as an authorized special group. If the application is approved, members of the authorized special group may obtain special distinguishing license plates for certain vehicles, including automobiles and motor homes that are owned or leased by special group members. A fee, in addition to the regular registration fee for the particular kind of vehicle, is assessed for the issuance or reissuance of most special plates.

Before October 2, 1998, authorized special groups whose members may obtain special distinguishing license plates were specifically enumerated in state law. Current law provides that specific enumeration in state law of authorized special groups is limited to those special groups enumerated before October 2, 1998. Members of six special groups enumerated in state law pay an additional annual fee as a tax-deductible contribution.

This bill establishes an authorized special group specifically enumerated in state law for persons interested in obtaining special distinguishing registration

ASSEMBLY BILL 442

plates supporting the efforts of Donate Life Wisconsin (DLW) and the promotion of organ and tissue donation. In addition to the regular vehicle registration fee, special group members are required to pay a \$15 fee for issuance or reissuance of the special plates and an additional \$25 annual fee that provides funds to DLW. The bill requires that the additional annual fee be paid to DLW. The bill requires DOT to enter into an agreement with DLW with respect to the funds received by DLW, and the agreement must grant DOT authority, without fee to DOT, to use any applicable trademark of DLW with respect to the special plates. The bill also requires DLW annually to submit an audited financial statement of its use of these funds, and requires DOT to discontinue funding if DLW dissolves or loses its tax-exempt status under federal law.

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. ~~20.395 (5) (e)~~ of the statutes is created to read:

~~20.395 (5) (e)~~ Payments to Donate Life Wisconsin. All moneys received under s. 341.14 (6r) (b) 11., for payments to Donate Life Wisconsin under s. ~~85.109 (1)~~.

SECTION 2. ~~85.109~~ of the statutes is created to read:

~~85.109~~ Organ and tissue donation. (1) The department shall enter into an agreement with Donate Life Wisconsin to make payments from the appropriation under s. ~~20.395 (5) (e)~~ 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

INSERT AAI-3

INSERT AAI-2

INS. AAI-1

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INS. AAI-5

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**ASSEMBLY BILL 442**

1 name, word, or symbol to be used on or in association with special group registration  
2 plates under s. 341.14 (6r) (f) 58.

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

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

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

22 341.14 (6r) (b) 11. An additional fee of \$25 that is in addition to the fee under  
23 subd. 2. shall be charged for the issuance or renewal of a plate issued on an annual  
24 basis for the special group specified under par. (f) 58. An additional fee of \$50 that  
25 is in addition to the fee under subd. 2. shall be charged for the issuance or renewal

ASSEMBLY BILL 442

SECTION 3

1 of a plate issued on the biennial basis for the special group specified under par. (f) 58.  
 2 if the plate is issued or renewed during the first year of the biennial registration  
 3 period or \$25 for the issuance or renewal if the plate is issued or renewed during the  
 4 2nd year of the biennial registration period. To the extent permitted under ch. 71,  
 5 the fee under this subdivision is deductible as a charitable contribution for purposes  
 6 of the taxes under ch. 71. All moneys received under this subdivision, in excess of  
 7 ~~\$27,500~~ for the initial costs of production of the special group plate under par. (f) 58.,  
 8 shall be credited to the appropriation account under s. ~~20.395 (5) (er)~~.

INS. AA1-6

INSERT AA1-7

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

10 341.14 (6r) (f) 58. Persons interested in obtaining a plate supporting the efforts  
 11 of Donate Life Wisconsin to promote the donation of organs and tissue, to promote  
 12 organ and tissue transplant research, and to advance patient services involving  
 13 organ and tissue transplants in this state.

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

15 341.14 (6r) (fm) 7. After October 1, 1998, additional authorized special groups  
 16 may only be special groups designated by the department under this paragraph. The  
 17 authorized special groups enumerated in par. (f) shall be limited solely to those  
 18 special groups specified under par. (f) on October 1, 1998. This subdivision does not  
 19 apply to the special groups specified under par. (f) 3m., 6m., 9g., 9m., 12g., 12m.,  
 20 19m., 49d., 49h., 49s., 54., 55., ~~55m.~~, 56., and 57., and 58.

SECTION 6. Nonstatutory provisions.

22 (1) Notwithstanding section 16.42 (1) (e) of the statutes, if this subsection takes  
 23 effect in fiscal year 2008-09, in submitting information under section 16.42 of the  
 24 statutes for purposes of the 2009-11 biennial budget bill, the department of  
 25 transportation shall submit a dollar amount for the appropriation under section

**ASSEMBLY BILL 442**

1 20.395 (5) (cq) of the statutes that is ~~\$27,600~~ less than the total amount appropriated  
2 under section 20.395 (5) (cq) of the statutes for the 2008-09 fiscal year, before  
3 submitting any information relating to any increase or decrease in the dollar amount  
4 for that appropriation for the 2009-11 fiscal biennium.

**SECTION 7. Fiscal changes.**

5  
6 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation  
7 to the department of transportation under section 20.395 (5) (cq) of the statutes, as  
8 affected by the acts of 2007, the dollar amount is increased by ~~\$27,600~~ for the fiscal  
9 year in which this subsection takes effect to increase funding for special  
10 distinguishing registration plates associated with Donate Life Wisconsin.

**SECTION 9. Effective date.**

11  
12 (1) This act takes effect on the first day of the 6th month beginning after  
13 publication.

14 (END)

INS. AA1-8

**ASSEMBLY AMENDMENT 1,  
TO 2007 ASSEMBLY BILL 442**

September 11, 2007 - Offered by Representative BALLWEG.

AA1-1

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 1: on lines 1 and 7, delete "20.395 (5) (er)" and substitute "20.435  
3 (5) (g)".

AA1-2

4 **2.** Page 2, line 2: delete "20.395 (5) (er)" and substitute "20.435 (5) (g)".

AA1-3

5 **3.** Page 2, line 3: on lines 3 and 4, delete "85.109" and substitute "250.17".

AA1-4

6 **4.** Page 2, line 3: after that line insert:

7 "SECTION 1m. 25.40 (1) (a) 24. of the statutes is created to read:  
8 25.40 (1) (a) 24. Moneys received under s. 341.14 (6r) (b) 11. that are deposited  
9 into the general fund and credited to the appropriation account under s. 20.435 (5)  
10 (g)".

AA1-5

11 **5.** Page 2, line 5: delete "85.109" and substitute "250.17".

12 **6.** Page 4, line 7: delete "\$27,600" and substitute "\$43,200".

AA1-6

