

## 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

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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.

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

1           **SECTION 1.** 20.395 (5) (er) of the statutes is created to read:

2           20.395 (5) (er) *Payments to Donate Life Wisconsin.* All moneys received under  
3 s. 341.14 (6r) (b) 11., for payments to Donate Life Wisconsin under s. 85.109 (1).

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

5           **85.109 Organ and tissue donation. (1)** The department shall enter into an  
6 agreement with Donate Life Wisconsin to make payments from the appropriation  
7 under s. 20.395 (5) (er) to Donate Life Wisconsin, to be used to fund its efforts to  
8 encourage organ and tissue donation by providing educational programs, promoting  
9 or advancing research and patient services, and, at its discretion, distributing  
10 portions of these payments to any other organ and tissue procurement and donation  
11 organization in this state that is exempt from taxation under section 501 (a) of the  
12 Internal Revenue Code, to be used for these same purposes.

13           **(2)** The agreement under this section shall require that Donate Life Wisconsin  
14 provide, without fee and as a condition of receiving payments specified under this  
15 section, any license or other approval required for use of any logo, trademark, trade

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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

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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 \$27,600 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).

9 **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.

14 **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.

21 **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

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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.

5 **SECTION 7. Fiscal changes.**

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.

11 **SECTION 9. Effective date.**

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

14 (END)