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.

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.

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
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) (er) of the statutes is created to read:

20.395 (5) (er) 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) (er) 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 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
$27,600 for the initial costs of production of the special group plate under par. (f) 58.,
shall be credited to the appropriation account under s. 20.395 (5) (er).

**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 $27,600 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 $27,600 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.

(END)