1   AN ACT *to amend* 20.566 (1) (hp); and *to create* 20.370 (1) (et), 23.175 (5t) and 71.10

2   (5j) of the statutes; **relating to:** creating an individual income tax checkoff for

3   non–motorized trails, creating the non–motorized trails program, and making

4   appropriations.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the Joint Legislative Council's Special Committee on State Trails Policy.

5   SECTION 1. 20.370 (1) (et) of the statutes is created to read:

6   20.370 **(1)** (et) *Non–motorized trails.* As a continuing appropriation, from moneys

7   received as amounts designated under s. 71.10 (5j) (i), the net amounts certified under s. 71.10

8   (5j) (h) 3., to provide funds for the non–motorized trails program under s. 23.175 (5t).

9   SECTION 2. 20.566 (1) (hp) of the statutes is amended to read:

10   20.566 **(1)** (hp) *Administration of endangered resources; professional football district;*

11   *breast cancer research; fire fighters memorial; veterans trust fund; multiple sclerosis*

12   *programs; prostate cancer research; non–motorized trails voluntary payments.* The amounts

13   in the schedule for the payment of all administrative costs, including data processing costs,

14   incurred in administering ss. 71.10 (5), (5e), (5f), (5fm), (5g), (5h), (5j), and (5m), and 71.30

15   (10). All moneys specified for deposit in this appropriation under ss. 71.10 (5) (h) 5., (5e) (h)

16   4., (5f) (i), (5fm) (i), (5g) (i), (5j) (i), (5h) (i), and (5m) (i), and 71.30 (10) (i) and (11) (i) shall

17   be credited to this appropriation.

18   SECTION 3. 23.175 (5t) of the statutes is created to read:

1   23.175 **(5t)** Non−motorized trail program. (a) The department shall use the moneys

2   appropriated under s. 20.370 (1) (et) for a non−motorized trail program. The department may

3   use the funds appropriated in this subsection for any of the following:

4   1. The acquisition of state land for non−motorized trail use.

5   2. The planning, establishment, development, construction, improvement, or

6   maintenance of non−motorized trails on state land.

7   3. The establishment of grants for political subdivisions or non−profit organizations for

8   the acquisition of lands to be used for public non−motorized trails.

9   4. The establishment of grants for political subdivisions and non−profit organizations

10   for the planning, establishment, development, construction, improvement, or maintenance of

11   non−motorized trails that are available for public use.

> **NOTE:** This provision creates a non−motorized trail program, to be
> administered by the department of natural resources, and funded from
> the individual income tax checkoff for non−motorized trails.

12   **SECTION 4.** 71.10 (5j) of the statutes is created to read:

13   71.10 **(5j)** NON−MOTORIZED TRAILS PROGRAM. (a) *Definitions.* In this subsection:

14   1. "Department" means the department of revenue.

15   2. "Non−motorized trails program" means the program under s. 23.175 (5t) that

16   provides money for non−motorized trails and the payment of administrative expenses related

17   to the administration of this subsection.

18   (b) *Voluntary payments.* 1. 'Designation on return.' Every individual filing an income

19   tax return who has a tax liability or is entitled to a tax refund may designate on the return any

20   amount of additional payment or any amount of a refund due that individual for the

21   non−motorized trails program.

1 2. 'Designation added to tax owed.' If the individual owes any tax, the individual shall

2 remit in full the tax due and the amount designated on the return for the non−motorized trails

3 program when the individual files a tax return.

4 3. 'Designation deducted from refund.' Except as provided in par. (d), if the individual

5 is owed a refund for that year after crediting under ss. 71.75 (9) and 71.80 (3) and (3m), the

6 department shall deduct the amount designated on the return for the non−motorized trails

7 program from the amount of the refund.

8 (c) *Errors; failure to remit correct amount.* If an individual who owes taxes fails to remit

9 an amount equal to or in excess of the total of the actual tax due, after error corrections, and

10 the amount designated on the return for the non−motorized trails program:

11 1. The department shall reduce the designation for the non−motorized trails program

12 to reflect the amount remitted in excess of the actual tax due, after error corrections, if the

13 individual remitted an amount in excess of the actual tax due, after error corrections, but less

14 than the total of the actual tax due, after error corrections, and the amount originally designated

15 on the return for the non−motorized trails program.

16 2. The designation for the non−motorized trails program is void if the individual

17 remitted an amount equal to or less than the actual tax due, after error corrections.

18 (d) *Errors; insufficient refund.* If an individual is owed a refund that does not equal or

19 exceed the amount designated on the return for the non−motorized trails program, after

20 crediting under ss. 71.75 (9) and 71.80 (3) and (3m) and after error corrections, the department

21 shall reduce the designation for the non−motorized trails program to reflect the actual amount

22 of the refund that the individual is otherwise owed, after crediting under ss. 71.75 (9) and 71.80

23 (3) and (3m) and after error corrections.

1   (e) *Conditions.* If an individual places any conditions on a designation for the

2   non−motorized trails program, the designation is void.

3   (f) *Void designation.* If a designation for the non−motorized trails program is void, the

4   department shall disregard the designation and determine amounts due, owed, refunded, and

5   received without regard to the void designation.

6   (g) *Tax return.* The secretary of revenue shall provide a place for the designations under

7   this subsection on the individual income tax return.

8   (h) *Certification of amounts.* Annually, on or before September 15, the secretary of

9   revenue shall certify to the department of natural resources, the department of administration,

10   and the state treasurer all of the following:

11   1. The total amount of the administrative costs, including data processing costs,

12   incurred by the department in administering this subsection during the previous fiscal year.

13   2. The total amount received from all designations for the non−motorized trails program

14   made by taxpayers during the previous fiscal year.

15   3. The net amount remaining after the administrative costs, including data processing

16   costs, under subd. 1. are subtracted from the total received under subd. 2.

17   (i) *Appropriations, disbursement of funds to the fund.* From the moneys received from

18   designations for the non−motorized trails program, an amount equal to the sum of

19   administrative expenses, including data processing costs, certified under par. (h) 1. shall be

20   deposited in the general fund and credited to the appropriation account under s. 20.566 (1)

21   (hp), and the net amount remaining that is certified under par. (h) 3. shall be credited to the

22   appropriation account under s. 20.370 (1) (et), for the use specified under s. 23.179 (5t).

23   (j) *Amounts subject to refund.* Amounts designated for the non−motorized trails

24   program under this subsection are not subject to refund to the taxpayer unless the taxpayer

1 submits information to the satisfaction of the department, within 18 months after the date on

2 which the taxes are due or the date on which the return is filed, whichever is later, that the

3 amount designated is clearly in error. Any refund granted by the department under this

4 paragraph shall be deducted from the moneys received under this subsection in the fiscal year

5 for which the refund is certified.

6 **SECTION 5. Initial applicability.**

7 (1) This act first applies to taxable years beginning on January 1 of the year in which

8 this subsection takes effect, except that if this subsection takes effect after July 31 this act first

9 applies to taxable years beginning on January 1 of the year following the year in which this

10 subsection takes effect.

11 **(END)**