



2009 SENATE BILL 637

March 23, 2010 - Introduced by Senators HANSEN, SCHULTZ, LASSA and COGGS, cosponsored by Representatives ZIGMUNT, A. OTT, BERCEAU, RIPP and HRAYCHUCK. Referred to Committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.

1 **AN ACT** *to amend* 20.566 (1) (hp); and *to create* 20.250 (2) (i), 20.285 (1) (go),
2 36.25 (13), 39.17 and 71.10 (5k) of the statutes; **relating to:** creating an
3 individual income tax checkoff for childhood cancer research programs and
4 making an appropriation.

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 several other programs, including a veterans trust fund, military family trust fund, Second Harvest food banks, prostate cancer research, multiple sclerosis programs, a fire fighters memorial, and 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 childhood cancer research 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 childhood cancer research 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.

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The bill requires that, of the total amount of designations received, less the cost of administering the income tax check-off procedure, 50 percent is appropriated to the University of Wisconsin System and 50 percent is appropriated to the Medical College of Wisconsin. The university and the medical college must use the moneys for childhood cancer research projects and must report annually to the legislature and the governor on the research projects conducted in the previous fiscal year.

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.** 20.250 (2) (i) of the statutes is created to read:

2 20.250 (2) (i) *Childhood cancer research.* As a continuing appropriation, from
3 moneys received as amounts designated under s. 71.10 (5k) (b), 50 percent of the net
4 amounts certified under s. 71.10 (5k) (h) 3., for childhood cancer research under s.
5 39.17.

6 **SECTION 2.** 20.285 (1) (go) of the statutes is created to read:

7 20.285 (1) (go) *Childhood cancer research.* As a continuing appropriation, from
8 moneys received as amounts designated under s. 71.10 (5k) (b), 50 percent of the net
9 amounts certified under s. 71.10 (5k) (h) 3., for childhood cancer research conducted
10 by the University of Wisconsin Comprehensive Cancer Center under s. 36.25 (13).

11 **SECTION 3.** 20.566 (1) (hp) of the statutes, as affected by 2009 Wisconsin Act
12 28, is amended to read:

13 20.566 (1) (hp) *Administration of income tax checkoff voluntary payments.* The
14 amounts in the schedule for the payment of all administrative costs, including data
15 processing costs, incurred in administering ss. 71.10 (5), (5e), (5f), (5fm), (5g), (5h),
16 (5i), (5j), (5k), and (5m), and 71.30 (10). All moneys specified for deposit in this
17 appropriation under ss. 71.10 (5) (h) 5., (5e) (h) 4., (5f) (i), (5fm) (i), (5g) (i), (5h) (i),

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1 (5i) (i), (5j), (i), (5k) (i), and (5m) (i), and 71.30 (10) (i) and (11) (i) shall be credited to
2 this appropriation.

3 **SECTION 4.** 36.25 (13) of the statutes is created to read:

4 **36.25 (13) CHILDHOOD CANCER RESEARCH PROGRAM.** The University of Wisconsin
5 Comprehensive Cancer Center shall use the moneys appropriated under s. 20.285
6 (1) (go) for childhood cancer research projects. These moneys may not be used to
7 supplant funds available for childhood cancer research from other sources. Annually
8 by January 1, the board shall report to the appropriate standing committees of the
9 legislature under s. 13.172 (3) and to the governor on the childhood cancer research
10 projects each has conducted under this subsection in the previous fiscal year.

11 **SECTION 5.** 39.17 of the statutes is created to read:

12 **39.17 Childhood cancer research program.** The Medical College of
13 Wisconsin, Inc., shall use the moneys appropriated under s. 20.250 (2) (i) for
14 childhood cancer research projects. These moneys may not be used to supplant funds
15 available for childhood cancer research from other sources. Annually by January 1,
16 the Medical College of Wisconsin, Inc., shall report to the appropriate standing
17 committees of the legislature under s. 13.172 (3) and to the governor on the childhood
18 cancer research projects it has conducted under this section in the previous fiscal
19 year.

20 **SECTION 6.** 71.10 (5k) of the statutes is created to read:

21 **71.10 (5k) CHILDHOOD CANCER RESEARCH CHECKOFF.** (a) *Definitions.* In this
22 subsection:

23 1. "Childhood cancer research programs" means the programs under ss. 36.25
24 (13) and 39.17 that provide moneys for childhood cancer research and the payment
25 of administrative expenses related to the administration of this subsection.

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

2 (b) *Voluntary payments.* 1. ‘Designation on return.’ Every individual filing an
3 income tax return who has a tax liability or is entitled to a tax refund may designate
4 on the return any amount of additional payment or any amount of a refund due that
5 individual for the childhood cancer research programs.

6 2. ‘Designation added to tax owed.’ If the individual owes any tax, the
7 individual shall remit in full the tax due and the amount designated on the return
8 for the childhood cancer research programs when the individual files a tax return.

9 3. ‘Designation deducted from refund.’ Except as provided in par. (d), if the
10 individual is owed a refund for that year after crediting under ss. 71.75 (9) and 71.80
11 (3) and (3m), the department shall deduct the amount designated on the return for
12 the childhood cancer research programs from the amount of the refund.

13 (c) *Errors; failure to remit correct amount.* If an individual who owes taxes fails
14 to remit an amount equal to or in excess of the total of the actual tax due, after error
15 corrections, and the amount designated on the return for the childhood cancer
16 research programs:

17 1. The department shall reduce the designation for the childhood cancer
18 research programs to reflect the amount remitted in excess of the actual tax due,
19 after error corrections, if the individual remitted an amount in excess of the actual
20 tax due, after error corrections, but less than the total of the actual tax due, after
21 error corrections, and the amount originally designated on the return for the
22 childhood cancer research programs.

23 2. The designation for the childhood cancer research programs is void if the
24 individual remitted an amount equal to or less than the actual tax due, after error
25 corrections.

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1 (d) *Errors; insufficient refund.* If an individual is owed a refund that does not
2 equal or exceed the amount designated on the return for the childhood cancer
3 research programs, after crediting under ss. 71.75 (9) and 71.80 (3) and (3m) and
4 after error corrections, the department shall reduce the designation for the childhood
5 cancer research programs to reflect the actual amount of the refund that the
6 individual is otherwise owed, after crediting under ss. 71.75 (9) and 71.80 (3) and
7 (3m) and after error corrections.

8 (e) *Conditions.* If an individual places any conditions on a designation for the
9 childhood cancer research programs, the designation is void.

10 (f) *Void designation.* If a designation for the childhood cancer research
11 programs is void, the department shall disregard the designation and determine
12 amounts due, owed, refunded, and received without regard to the void designation.

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

15 (h) *Certification of amounts.* Annually, on or before September 15, the
16 secretary of revenue shall certify to the Board of Regents of the University of
17 Wisconsin System, the Medical College of Wisconsin, Inc., the department of
18 administration, and the state treasurer all of the following:

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

22 2. The total amount received from all designations for the childhood cancer
23 research programs made by taxpayers during the previous fiscal year.

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

4 (i) *Appropriations.* From the moneys received from designations for the
5 childhood cancer research programs, an amount equal to the sum of administrative
6 expenses, including data processing costs, certified under par. (h) 1. shall be
7 deposited in the general fund and credited to the appropriation account under s.
8 20.566 (1) (hp), and, of the net amount remaining that is certified under par. (h) 3.,
9 an amount equal to 50 percent shall be credited to the appropriation account under
10 s. 20.250 (2) (i) and an amount equal to 50 percent shall be credited to the
11 appropriation account under s. 20.285 (1) (go).

12 (j) *Amounts subject to refund.* Amounts designated for the childhood cancer
13 research programs under this subsection are not subject to refund to the taxpayer
14 unless the taxpayer submits information to the satisfaction of the department,
15 within 18 months after the date on which the taxes are due or the date on which the
16 return is filed, whichever is later, that the amount designated is clearly in error. Any
17 refund granted by the department under this paragraph shall be deducted from the
18 moneys received under this subsection in the fiscal year for which the refund is
19 certified.

SECTION 7. Initial applicability.

20 (1) The treatment of section 71.10 (5k) of the statutes first applies to taxable
21 years beginning on January 1 of the year in which this subsection takes effect, except
22 that if this subsection takes effect after July 31 the treatment of section 71.10 (5k)
23

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

3 (END)