

2005 SENATE BILL 331

1 **AN ACT** *to amend* 78.015 (1), 78.12 (4) (a) 4. and 78.12 (4) (b) 2.; *to create* 25.40
2 (3) of the statutes; and *to affect* 2005 Wisconsin Act 25, section 9408 (1x) of the
3 statutes; **relating to:** eliminating the annual adjustment of the motor vehicle
4 fuel tax rate and the use of moneys in the transportation fund.

Analysis by the Legislative Reference Bureau

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

5 **SECTION 1.** 25.40 (3) of the statutes is created to read:
6 25.40 (3) (a) Except as provided in s. 85.52 (3) (cm), beginning on July 1, 2007,
7 no moneys deposited in the transportation fund that are not appropriated may be
8 transferred from the transportation fund to any other fund or appropriation account
9 in any other fund.
10 (b) Beginning on July 1, 2007, no moneys may be appropriated from the
11 transportation fund except for purposes related to the planning, design,

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1 construction, reconstruction, expansion, rehabilitation, maintenance, or operation
2 of highway, airport, harbor, ferry, railroad, bicycle, or pedestrian facilities or service,
3 or any costs attendant to such planning, design, construction, reconstruction,
4 expansion, rehabilitation, maintenance, or operation; the acquisition of
5 transportation facilities or property necessary to construct or enlarge transportation
6 facilities, or costs attendant to such acquisition or to disposal of any acquired facility
7 or property; costs associated with utility facilities within the rights-of-way of
8 transportation facilities or with radio communications facilities and equipment
9 owned or leased by, and services provided by, the department of transportation and
10 used for law enforcement; aids or assistance to cities, villages, towns, or counties for
11 transportation purposes; the expenditure of federal transportation aid received by
12 the state for any purpose for which the aid is provided or the provision of matching
13 or supplemental funds associated with such aid, or the expenditure of funds derived
14 from gifts or grants received by the department of transportation for any purpose for
15 which the gift or grant is provided; state enforcement of traffic laws; transportation
16 safety programs; the administration of laws related to motor vehicles, driver
17 licensing, or aeronautics; the payment of principal and interest on bonds issued for
18 highway, railroad, or harbor improvements or other transportation facilities; the
19 general costs of administration of the department of transportation; the costs of
20 administration of the taxes and fees that are deposited in the transportation fund;
21 terminal tax distribution payments under s. 76.24 (2) (a); tourism promotion under
22 s. 20.380 (1) (w); transfers to the conservation fund for motor fuel tax collections on
23 the use of fuel by snowmobiles, all-terrain vehicles, and motorboats; any refunds of
24 transportation fund taxes and fees authorized by law; or any other program

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1 administered by the department of transportation on the effective date of this
2 subsection [revisor inserts date].

3 **SECTION 1m.** 78.015 (1) of the statutes is amended to read:

4 78.015 (1) Before April 1 the department shall recompute and publish the rate
5 for the tax imposed under s. 78.01 (1). The new rate per gallon shall be calculated
6 by multiplying the rate in effect at the time of the calculation by the amount obtained
7 under sub. (2). After the calculation of the rate that takes effect on April 1, 2006, the
8 department shall make no further calculation under this subsection and sub. (2).

9 **SECTION 2.** 78.12 (4) (a) 4. of the statutes is amended to read:

10 78.12 (4) (a) 4. Multiply the number of gallons under subd. 3. by the rate
11 published under s. 78.015 as increased under s. 78.017.

12 **SECTION 3.** 78.12 (4) (b) 2. of the statutes is amended to read:

13 78.12 (4) (b) 2. Multiply the number of gallons under subd. 1. by the rate
14 published under s. 78.015 as increased under s. 78.017.

15 **SECTION 3m.** 2005 Wisconsin Act 25, section 9408 (1x) of the statutes is
16 amended to read:

17 [2005 Wisconsin Act 25] Section 9408 (1x) PETROLEUM INSPECTION FEE. The
18 treatment of section 168.12 (1) of the statutes takes effect on ~~May~~ April 1, 2006.

19 (END)